

## Special Rapporteur on violence against women, its causes and consequences E/CN.4/2006/61/Add.3 para 75 (f)

### Full recommendation:

*In order to promote and support the empowerment of women in all spheres of life, it is recommended that the Government: Support research on the linkages between discrimination and violence against women and family and societal well-being.*

### Assessment using Impact Iran human rights indicators<sup>1</sup>

According to the Government of the Islamic Republic of Iran (“Iran”), State institutions conduct various research on women's rights issues regularly, yet they are generally not made publicly available.<sup>2</sup> There is no readily available information that may indicate that these or other State supported research initiatives have studied the linkages between discrimination and violence against women and family and societal well-being.

There is a serious lack of comprehensive and readily available official data on the prevalence of domestic violence in Iran.<sup>3</sup> The Census Bureau, a governmental agency responsible for data collection, does not permit international organizations to study the issue in the country.<sup>4</sup> Moreover, the last extensive and public study on domestic violence conducted in Iran dates back to 2004.<sup>5</sup> That assessment, developed throughout 32 volumes, was made available only to scholars and researchers at the Centre for Research in Tehran<sup>6</sup> until 2014, when all volumes reportedly disappeared from the Ministry of Interior and the Ministry of Health.<sup>7</sup> The study

<sup>1</sup> CCPR.3.1.S.1;  
CCPR.3.1.P.1; CCPR.3.1.P.3  
CCPR.3.1.O.4

<sup>2</sup> <http://women.gov.ir/fa/news/9096/>

<sup>3</sup> Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>; and Amnesty International, ‘You shall procreate’, March 2015, p. 31, <https://www.amnesty.org/download/Documents/MDE131112015ENGLISH.pdf>

<sup>4</sup> Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>

<sup>5</sup> The study was undertaken by the Women’s Centre for Presidential Advisory, the Interior Ministry and the Ministry of Higher Education of the Islamic Republic of Iran and published in 2004. The study was conducted based on questionnaires and only main cities were visited. A. Moradian, *Domestic Violence against Single and Married Women in Iranian Society*, The Chicago School of Professional Society, August 2009 <https://iranian.com/2009/09/10/domestic-violence-against-single-and-married-women-in-iranian-society/>. See also Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International

September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>; and ISNA <https://www.isna.ir/news/8307-07024/استان-28-علیه-زنان-بدر-28-اعلام>

<sup>6</sup> A. Moradian, *Domestic Violence against Single and Married Women in Iranian Society*, The Chicago School of Professional Society, August 2009 <https://iranian.com/2009/09/10/domestic-violence-against-single-and-married-women-in-iranian-society/>

<sup>7</sup> Young Journalists Club, <https://www.yjc.ir/fa/amp/news/5055566>; Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International, September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>

showed that about 66 per cent of women respondents replied that they had been subjected to domestic violence in the first year of their marriage.<sup>8</sup>

Despite the lack of comprehensive official data, cases of domestic violence are regularly reported and considered widespread in Iran.<sup>9 10</sup> In January 2021 the Special Rapporteur on the situation of human rights in Iran reported that “hotline and 358 social emergency units had been established across the country to respond to social issues” including domestic violence and that “8 per cent of calls to the hotline and 10 per cent of in-person social emergency unit visits concern violence against women”.<sup>11</sup> In July 2019, the head of the Medical Examiner’s Office of Tehran Province reportedly announced that more than 16,420 cases of domestic violence had been reported to the office, an increase since 2018.<sup>12</sup> In February 2019, Habibollah Massoudi Farbod, deputy of social affairs of the State’s Welfare Organization reportedly announced that during 2018, about 10,000 calls relating to violence against women were made to the public social welfare hotlines.<sup>13</sup> In April 2020, Mahmoud Aligoo, the head of the department of social harms of the State’s Welfare Organization announced a dramatic increase in the number of cases of domestic violence, as Iran was going through a governmental mandated lockdown to combat the spread of the virus COVID-19.<sup>14</sup> Yet despite these regular reports, cases of domestic violence are believed to be largely underreported.<sup>15</sup>

The Iranian legal framework actively discriminates against women and is permissive of violence against women. The Iranian Islamic Penal Code (2013) is largely based on the Government’s interpretation of Islamic *Sharia* precepts and contains provisions which directly discriminate between girls and boys under the criminal justice system. One of the most telling examples is the age of criminal responsibility, which is set at nine lunar years for girls (equivalent to eight years, nine months) and fifteen lunar years for boys (equivalent of fourteen years, seven months).<sup>16</sup>

<sup>8</sup> A. Moradian, *Domestic Violence against Single and Married Women in Iranian Society*, The Chicago School of Professional Society, August 2009 <https://iranian.com/2009/09/10/domestic-violence-against-single-and-married-women-in-iranian-society/>. See also ISNA <https://bit.ly/2OBLsM>

<sup>9</sup> Amnesty International, ‘Iran 2019’, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

<sup>10</sup> Human Rights Activists in Iran En-HRANA, 2019 report, <https://www.en-hrana.org/wp-content/uploads/2020/01/Hrana-Annual-Report-2019.pdf>

<sup>11</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2Fhrc%2F46%2F50&Language=E&DeviceType=Desktop>

<sup>12</sup> Human Rights Activists News Agency, 2019, <https://www.en-hrana.org/increase-in-domestic-violence-in-tehran-more-than-16-thousand-cases-were-filed>

<sup>13</sup> Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>

<sup>14</sup> Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>. See also IRNA, 2020, <https://bit.ly/38UoMfB>

<sup>15</sup> Center for Human Rights in Iran, 2018, <https://iranhumanrights.org/2018/11/iran-must-pass-legislation-to-protect-women-against-violence/>

<sup>16</sup> Articles 140, 146 and 147, Islamic Penal Code, 2013 <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

Additionally, a large number of provisions under the Iranian Civil Code are discriminatory towards women. These provisions notably include the legal age of marriage,<sup>17</sup> the share of inheritance,<sup>18</sup> and the right to divorce.<sup>19</sup> In the marital relationship, the Civil Code provides rights to the husband over those of the wife,<sup>20</sup> such as establishing that the position of the “head of the family” is the exclusive prerogative of the husband. Under Iranian law, the husband is entitled to control aspects of his wife’s life<sup>21</sup> and demand that she performs her “duties”.<sup>22</sup>

During its last Universal Periodic Review (“UPR”) in November 2019, the Government of Iran stated that the proposed Bill on Protection, Dignity and Security of Women against Violence would be “aimed at criminalizing new forms of assault, harassment and violations of the rights of women and adopting preventive and support measures to stop violence against women.”<sup>23</sup> In January 2020, the UN Secretary General expressed concerns about the slow progress of the bill, which has been under review since 2010 and that “critical articles were reportedly removed from the initial proposal of the Executive, including provisions protecting women from various forms of violence and criminalizing domestic violence.”<sup>24</sup> In November 2019, Iran rejected States’ UPR recommendations asking for the criminalization of domestic violence and marital rape.<sup>25</sup>

The bill was approved by the Iranian Government in January 2021.<sup>26</sup> However, before it becomes legally binding, the bill must be approved by the Parliament and the Guardian Council. As of early February 2021, the available draft of the law<sup>27</sup> suggests that the text may be insufficient to protect women in Iran from discriminations and violence. Even though the draft law may bring positive developments, it will remain limited by the Civil Code,<sup>28</sup> the Family Law,<sup>29</sup> and the Islamic Penal Code,<sup>30</sup> which contain provisions effectively discriminating against women and fail to protect them adequately from violence.<sup>31</sup>

<sup>17</sup> Article 1041, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>18</sup> Articles 861 to 948, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>19</sup> Article 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>20</sup> Articles 1102 to 1119, 1133 to 1142, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>21</sup> For instance, under Article 1117 of the Civil Code of the Islamic Republic of Iran “The husband can prevent his wife from occupations or technical work which is incompatible with the family interests or the dignity of himself or his wife.” <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>22</sup> Article 1108, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

<sup>23</sup> Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

<sup>24</sup> Report of the Secretary General, Situation of human rights in the Islamic Republic of Iran, 2020,

[https://www.ohchr.org/Documents/Countries/IR/Report\\_of\\_the\\_Secretary-General\\_on\\_the\\_situation\\_of\\_human\\_rights\\_in\\_the\\_Islamic\\_Republic\\_of\\_IranA4320.pdf](https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf). See also Radio Farda <https://en.radiofarda.com/a/new-watered-down-draft-law-on-violence-against-women-iniran/30173089.html> ; and ISNA [www.isna.ir/news/98071612729/](http://www.isna.ir/news/98071612729/) (in Farsi).

<sup>25</sup> Recommendations 26.253, 26.254, Universal Periodic Review, Iran, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

<sup>26</sup> New York Times, <https://www.nytimes.com/2021/01/05/world/middleeast/iran-sexual-violence-metoo-women.html>

<sup>27</sup> <https://shenasname.ir/laws/7023>

<sup>28</sup> <https://shenasname.ir/laws/6664>

<sup>29</sup> <https://shenasname.ir/subjects/family/1470>

<sup>30</sup> <https://shenasname.ir/subjects/salamat/1571-mojazat92>

<sup>31</sup> This information is up-to-date and accurate as of early February 2021. For more up to date information on the passage of this bill, please click the following link: <http://www.impactiran.org/vawbill>

Structural discriminations deeply entrenched in the Iranian legal system ultimately translate to widespread discrimination against women, in all aspects of their lives.<sup>32</sup> There are a number of mechanisms where Iranian citizens can report violations of their rights in Iran, including the Article 90 Commission of the Parliament,<sup>33</sup> or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.<sup>34</sup> Yet since gender discrimination is inherent to the Iranian legal framework, there is little opportunity for one's complaint in that matter to be adequately addressed and properly adjudicated in compliance with due process and international human rights standards. Moreover, there is no independent National Human Rights Institution to receive complaints from children, including girls, in Iran. With regards to illegal acts of violence against women under Iranian law, there is no readily available information that might suggest that complaints are adequately addressed, investigated and adjudicated.

Recommendation Status:

This recommendation has **NOT** been implemented.

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<sup>32</sup> See Minority Rights, [https://minorityrights.org/wp-content/uploads/2019/09/MRG\\_CFR\\_Iran\\_EN\\_Sept191.pdf](https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf)

<sup>33</sup> The Article 90 Commission was established to receive the citizens' complaints against government institutions and has the responsibility to review them and transmit cases for judicial procedure accordingly.

<sup>34</sup> These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights".