

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

Full recommendation:

In order to promote and support the empowerment of women in all spheres of life, it is recommended that the Government: Listen to the voice of women.

Assessment using Impact Iran human rights indicators¹

The legal framework of the Islamic Republic of Iran (“Iran”) does not protect the rights of women in all spheres of life. Article 3 of the Constitution of Iran stipulates that the State has a duty to work towards “the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and the intellectual spheres.”² Article 20 of the Constitution guarantees that all citizens of Iran, men and women, enjoy the equal protection of the law and of rights, “in conformity with the Islamic criteria.” Article 21 of the Constitution emphasises that “the government must ensure the rights of women in all respects, in conformity with Islamic criteria”.

According to Article 4 of the Constitution, the Guardian Council of Iran is entrusted with defining and determining the framework for what constitutes these so-called “Islamic criteria” or standards. Among the 12 non-elected members of the Guardian Council, only the six male clerics directly appointed by the Supreme Leader are responsible for such task. While the aforementioned constitutional provisions supposedly safeguard the rights of women and protect them from gender-based discrimination, such legal guarantees only exist as long as they are in conformity with “Islamic criteria.” The opportunity for interpretation allowed under the qualifications such as “in conformity with Islamic criteria” has often resulted in provisions that discriminate on various grounds, including gender.

The Iranian Islamic Penal Code (2013) is largely based on the Government’s interpretation of Islamic *Sharia* precepts and contains provisions that discriminatorily differentiate 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 (the Gregorian equivalent of eight years, nine months) and fifteen lunar years for boys (the Gregorian equivalent of fourteen years, seven months).³

¹ ESCR.2.2.S.1; ESCR.3.2.S.1; CCPR.2.1.S.1; CCPR.2.2.S.1; CCPR.3.1.S.1
ESCR.2.2.P.1; ESCR.2.2.P.2; CCPR.2.1.P.1; CCPR.2.1.P.2; CCPR.3.1.P.1
ESCR.2.2.O.2; CCPR.2.1.O.3

² Constitution of the Islamic Republic of Iran, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

³ Articles 140, 146 and 147, Islamic Penal Code, <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,⁴ the share of inheritance,⁵ and the right to divorce.⁶ Within a marital relationship, the Civil Code provides rights to the husband over those of the wife,⁷ 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 life⁸ and demand that she performs her “duties”.⁹

Women have a limited presence in domestic decision-making bodies in Iran. Women are completely prohibited from holding the position of Supreme Leader. Candidates for the presidency in Iran must be what the Constitution refers to as *Rajol-E- Siasi* (“political men”).¹⁰ Though many argue that the phrase as a whole could be understood as “political persons,” without a specification as to gender, the Guardian Council of the Constitution, a body of Islamic jurists responsible for vetting candidates for elections, has never approved a woman to stand in presidential elections or elections to the Assembly of Experts.¹¹ Additionally, no woman has ever served on the Guardian Council (the body mandated to bring parliamentary resolutions in line with *Sharia* and the Constitution and to oversee elections and vet candidates),¹² nor on the Expediency Council (the body which serves as the Supreme Leader's advisory arm, formulating "general policies for the state" and overseeing the implementation of those policies on the behalf of the Supreme Leader).¹³

There are no legal limits on the ability of women to vote or become a candidate for parliament or the City and Village Councils. However, the Guardian Council is known to arbitrarily disqualify women candidates from running for election. For example, in the run-up to the 2020 elections, the Guardian Council reportedly disqualified 60 percent of female candidates.

Election law designates the Guardian Council as the arbitrator of complaints related to the election process or candidate vetting, which itself is the body responsible for the impugned decisions.

⁴ Article 1041, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁵ Articles 861 to 948, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁶ Article 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁷ 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/>

⁸ 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/>

⁹ Article 1108, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹⁰ Article 115, Constitution of Iran.

¹¹ The council that should choose the Supreme Leader and its mandate is to monitor him.

¹² In addition, the Guardian Council is responsible for overseeing elections and vetting candidates.

¹³ The body, whose members are all appointed by the Supreme Leader, was initially established as an arbitration body between parliament and the Guardian Council.

There are currently no female ministers in the government's cabinet. No provincial governors are women. The Government recently appointed three women as "county governor" out of 430 positions across the country.¹⁴ The Government also appointed women to 13 out of 1,058 district governors, mostly in small provinces across the country. Women currently occupy only 5.8 percent (16 out of 290) of parliamentary seats in the new parliament, who were elected in February 2020.¹⁵ According to UN Women and the Inter-Parliamentary Union, Iran ranks 181 out of the 190 countries reviewed for women's participation in politics.¹⁶

In January 2021, the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran ("Special Rapporteur") stated that he was "alarmed at the continuing harassment, arrest and imprisonment of women's rights advocates, both women and men, including those campaigning against compulsory veiling laws" and reported cases of women's rights defenders being harassed, arbitrarily arrested, detained and prosecuted by Iranian authorities.¹⁷ Notably, the Special Rapporteur condemned the "sentencing of three women human rights defenders: Yasaman Aryani, Monireh Arabshahi and Mojgan Keshavarz."¹⁸

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 criminalising new forms of assault, harassment and violations of the rights of women and adopting preventive and support measures to stop violence against women."¹⁹ 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."²⁰ In November 2019, Iran rejected States' UPR recommendations asking for the criminalisation of domestic violence and marital rape.²¹

¹⁴ Executive rankings at the provincial level: 1) Governor, 2) County Governor, 3) District Governor, 4) Village President.

¹⁵ All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva (KMMK-G) Association for the Human Rights Of The Azerbaijani People In Iran (AHRAZ), Iran Human Rights Documentation Center (IHRDC), OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, Submission to the Human Rights Committee, 129th session, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

¹⁶ UN Women, <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2021/women-in-politics-2021-en.pdf?la=en&vs=1305>

¹⁷ 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>

¹⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf. See also Front Line Defenders, <https://www.frontlinedefenders.org/en/location/iran>

¹⁹ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

²⁰ 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. 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/ (in Farsi).

²¹ Recommendations 26.253, 26.254, Universal Periodic Review, Iran, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

The bill was approved by the Iranian Government in January 2021.²² 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 law²³ 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,²⁴ the Family Law,²⁵ and the Islamic Penal Code,²⁶ which contain provisions effectively discriminating against women and fail to protect them adequately from violence.²⁷

While the Government of Iran engaged in a number of measures that have positive if relatively limited effects for women's access to senior management positions in businesses,²⁸ structural discrimination deeply entrenched in the Iranian legal system ultimately translate to widespread discrimination against women, in all aspects of their lives.²⁹ There are a number of mechanisms where Iranian citizens can report violations of their rights in Iran, including the Parliaments Article 90 Commission,³⁰ or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.³¹ 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.

The current status of women in Iran, whether in law or practice, in addition to considering reports of the State's repression of women's rights defenders, indicate that the Government has not been listening to the voices of women.

Recommendation Status:

This recommendation has **NOT** been implemented.

²² New York Times, <https://www.nytimes.com/2021/01/05/world/middleeast/iran-sexual-violence-metoo-women.html>

²³ <https://shenasname.ir/laws/7023>

²⁴ <https://shenasname.ir/laws/6664>

²⁵ <https://shenasname.ir/subjects/family/1470>

²⁶ <https://shenasname.ir/subjects/salamat/1571-mojazat92>

²⁷ 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>

²⁸ www.mehrnews.com/xKVZf; and <http://dolat.ir/detail/327527>

²⁹ Minority Rights, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

³⁰ 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.

³¹ These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights".