

**Concluding observation Committee on Economic, Social and Cultural Rights
E/C.12/IRN/CO/2 para 10**

Full recommendation:

The Committee recommends that the State party take steps to address the declining participation of women in the labour force. The Committee recommends that the State party amend the Civil Code and the Family Protection Law with the aim to remove the power of a spouse to prohibit the other spouse from entering employment. The Committee also recommends that the State party take steps to increase the number of women in decision-making and judicial bodies at all levels and in all areas.

Assessment using Impact Iran human rights indicators¹

A. The Committee recommends that the State party take steps to address the declining participation of women in the labour force

The Supreme Administrative Council reportedly decided to require the Government to allocate 30% of the managerial positions to women. Additionally, the Deputy-President for women and family affairs has drafted a document on the promotion of the status of women and the family through identifying the indicators of gender balance, and consultation with the civil society. The Government also established a National Task Force on the Empowerment of Female Heads of Households in the field of development of employment and entrepreneurship. The Government reportedly increased the quota of women in recruitment of government departments and launched the Women's Business Development and Acceleration Center which aims at “strengthening rural women's associations and cooperation” as well as “entrepreneurship development for women”.² There is no readily available information as to what extent these measures effectively translated in practice. In fact, recent statistics suggest otherwise: a recent World Bank study ranked Iran fourth lowest in its 2019 Women, Business and the Law index,³ and according to the Government’s statistics published in 2018, female economic participation

¹ ESCR.2.2.S.1

ESCR.2.2.P.1

ESCR.6.1.O.1 ESCR.3.P.1

² UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

³ World Bank, Women, Business and the Law 2019: A Decade of Reform, May 2019, p.9

stood at 15.9 per cent for women, compared to 64.1 per cent for men, one of the lowest rates in the world.⁴

While the Government engaged in limited steps to improve women's participation in the labour force, such efforts have been insufficient to address women's unemployment. Further, such efforts have not challenged the discriminatory legal framework of the State which limits women's access to work.

B. The Committee recommends that the State party amend the Civil Code and the Family Protection Law with the aim to remove the power of a spouse to prohibit the other spouse from entering employment.

Under Iranian law, a husband can prevent his spouse from pursuing an occupation which he believes to be against family values or harmful to his or her reputation.⁵ There is no law prohibiting an employer from seeking a husband's permission for a woman to work and employers have been reportedly requiring engaged or married women to provide a written statement of permission from their husbands in order to be hired.⁶

As of February 2021, the Islamic Republic of Iran has not engaged in steps to amend the Civil Code and the Family Protection Law with the aim to remove the power of a spouse to prohibit the other spouse from entering employment.

C. The Committee also recommends that the State party take steps to increase the number of women in decision-making and judicial bodies at all levels and in all areas.

Article 20 of the Constitution states that "All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, 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 or have a discriminatory impact on various grounds, including gender.

Women in Iran have a limited presence in decision-making bodies. Women are completely prohibited from holding the position of Supreme Leader. Candidates for the presidency in Iran

⁴ Statistical Centre of Iran, *Natayej-e-Amar giri-ye-nirou-ye-kaar, Paeiz-e-1396* [Results of the census on workforce, Autumn of 1396], <https://bit.ly/330NG8t>

⁵ Civil Code of the Islamic Republic of Iran, Art.1117 < <https://shenasname.ir/laws/6664> >

⁶ Human Rights Watch, 'It's A Men's Club': Discrimination against Women in Iran's Labour Market, May 2017 https://www.hrw.org/sites/default/files/report_pdf/iran0517_web_11.pdf

must be what the constitution refers to as *Rajol-E- Siasi* (“political men”).⁷ 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. Additionally, no woman has ever served on the Guardian Council (body mandated to bring parliamentary resolutions in line with *Shari’a* and the Constitution and to oversee elections and vet candidates), nor on the Expediency Council (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).

There are no legal limits laws 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 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.

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.⁸ The administration 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 elected in February 2020.⁹

Additionally, under Iranian law, women cannot be appointed as judges. This rule is based on an interpretation of *Shari’a* according to which judging is done only by men, and women cannot issue rulings.¹⁰ While women can hold the position of ‘legal advisors,’ a role which allows them to oversee case proceedings or sit on three-person Appeals Court panels, they cannot render final verdicts, which must be signed by a judge.¹¹ The government may assign a woman an honorary rank of judge, but in effect these continue to be positions such as “clerk”, “ and “legal advisor”. No woman is a judge in the Iranian courts, regardless of title. According to statements issued by Alireza Amini, Deputy of Human Resources of the Judiciary, there are about 1,000 women ‘judges’ in the Iranian judiciary, who hold positions in family courts, appeals courts and the

⁷ Art 115, Constitution of the Islamic Republic of Iran.

⁸ Executive rankings at the provincial level: 1) Governor, 2) County Governor, 3) District Governor, 4) Village President.

⁹ See more: 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

¹⁰ The law of conditions for the election of judges of the judiciary: <https://rc.majlis.ir/fa/law/show/90547>

¹¹ The law of conditions for the election of judges of the judiciary: <https://rc.majlis.ir/fa/law/show/90547>

Supreme Court. In 2019 the Government reported “more than 970 female judges” working in the judiciary. These ‘judge’ positions are advisory and have no decision-making power.^{12 13}

Although the Islamic Republic of Iran reported that the presence of women in decision-making positions and political participations increased although it remains particularly low in comparison to other countries.¹⁴ According to the UN Women and the Inter-Parliamentary Union, Iran ranks 181 out of the 190 reviewed countries for women in parliament and 166 for women in ministerial positions.¹⁵ The Government engaged in only limited efforts to improve women’s access to work, ultimately not challenging its discriminatory legal framework which remains in place.

Recommendation Status:

This recommendation has been **PARTIALLY** implemented.

¹² See, < <http://www.iribnews.ir/009NnJ> > and < <https://www.yjc.ir/00QghG> >

¹³ Women and the Family in the Statistics Mirror - President's Office

¹⁴ National Report, Islamic Republic of Iran, UPR 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

¹⁵ UN Women, <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2021/women-in-politics-2021-en.pdf?la=en&vs=1305>