

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/34/65 para 90

Full recommendation:

The Special Rapporteur calls on the Government to ratify the Convention on the elimination of discrimination against women, to amend and repeal all laws which discriminate women and girls and to refrain from adopting laws and measures which would further undermine the empowerment of women and their participation into the labour force. She urges the Government to ensure women and girls' freedom of movement and guarantee their fundamental right to physical education, physical activity and sport. Laws and regulations that require women and girls to observe the Islamic dress code infringe their right to have, adopt and profess or not a religion or belief and do not take into account the various religious components of the Iranian society. These laws should be reviewed and the Government should respect the right of anyone to privacy and ensure that security forces refrain from acting as moral guardians of the citizens.

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur calls on the Government to ratify the Convention on the elimination of discrimination against women

The Islamic Republic of Iran has not ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The Government of Mohammad Khatami presented a bill to ratify the Convention, which was adopted by the Parliament in August 2004. However, the Guardian Council, the body responsible for the final approval of laws in Iran, deemed the bill inconsistent with Islamic principles and rejected it.²

B. The Special Rapporteur calls on the Government to amend and repeal all laws which discriminate women and girls

The Iranian legal framework contains several provisions directly discriminating against women and preventing women's equal and full enjoyment of civil, political, social and economic rights. Article 3 of the Constitution of the Islamic Republic of Iran stipulates to a duty of the State 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."³ Article 20 guarantees that all citizens of Iran, men and women, enjoy the equal protection of the law and of

¹ CCPR.2.3.S.1; CCPR.3.1.S.1; CCPR.3.1.S.4; CCPR.16.1.S.1; CCPR.23.2.S.1; CCPR.23.4.S.1; CCPR.23.3.S.1; CRC.8.1.S.1; ESCR.2.2.S.1; ESCR.6.1.S.1; ESCR.6.1.S.3; CCPR.3.1.P.3; CCPR.16.1.P.1; CCPR.23.2.P.1; CCPR.2.3.P.1; CCPR.23.3.P.1; ESCR.2.2.P.3; ESCR.6.1.P.1; CCPR.2.3.O.4; CCPR.3.1.O.4; CCPR.23.3.O.1; CRC.8.1.O.2; CCPR.2.1.O.1; ESCR.6.1.O.2

² < <https://www.radiozamaneh.com/278972> >

³ Constitution of the Islamic Republic of Iran, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

rights, “in conformity with the Islamic criteria.” Article 21 emphasizes 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 the Islamic Republic of Iran is entrusted with defining and determining the framework of what constitutes “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 provisions supposedly safeguard the human rights of women and protect them from discrimination, such legal guarantees only exist as long as they are in conformity with “Islamic criteria.” The opportunity for interpretation allowed under 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.

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 within the criminal justice system. One illustration of such discrimination 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).⁴ The Islamic Penal Code (2013) also penalizes women and girls over the age of nine who do not comply with the Islamic dress code in public, notably with wearing the compulsory *hijab*.^{5 6}

Additionally, many provisions of the Iranian Civil Code are discriminatory towards women. These provisions create discrimination within married and family life, notably, the legal age of marriage,⁷ the share of inheritance,⁸ and the right to divorce.⁹ In marriage, the Civil Code provides rights to the husband over those of the wife,¹⁰ notably, by 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 life¹¹ and demand that she performs her ‘duties’.¹² Additionally, the legal minimum age for marriage is 13 years old for girls and 15 years

⁴ Criminal responsibility, Articles 140, 146 and 147 of the Islamic Penal Code, 2013 <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁵ Islamic Penal Code, 2013, Article 638, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁶ See more: Minority Rights, Beyond the Veil: Discrimination against women in Iran, 2019, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

⁷ Article 1041, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁸ Articles 861 to 948, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁹ Article 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹⁰ 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/>

¹¹ 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/>

¹² Article 1108, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

old for boys;¹³ however, children who have reached puberty (9 lunar years for girls, 15 lunar years for boys) can marry with parental consent and court approval.¹⁴

The Iranian legal framework does not fully protect women from violence. For instance, the Islamic Republic of Iran does not have laws specifically criminalizing domestic violence. Article 630 of the Islamic Penal Code (2013) excludes husbands from criminal liability when they commit murder or assault and battery against their wife if the husband catches their wife committing a *zina* offence (adultery and fornication) with another man.¹⁵ Rape is not classified as a distinct crime under Iranian law but is considered a *zina* offence without consent.¹⁶ Marital rape is not recognized as a crime at all. The legal definition for ‘coerced *zina*’ is restricted to forced vaginal and anal penetration by a penis -therefore excludes other forms of penetration- and only when the perpetrator and the victim are unmarried, explicitly excluding marital rape.¹⁷ Beyond rape, no other form of sexual assault is specifically criminalized under the Islamic Penal Code.¹⁸ As a result, the Islamic Republic of Iran’s legislative framework is insufficient to combat domestic violence and marital rape.¹⁹ In 2017, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran found that Article 1108 of the Iranian Civil Code, which obliges wives to fulfil the sexual needs of their husbands at all times, “might even condone sexual abuse”.²⁰ There is a serious lack of comprehensive and readily available official data on the prevalence of domestic violence in the Islamic Republic of Iran,^{21 22} but cases of domestic

¹³ Article 1041 of the Civil Code as amended up until December 2000, NGO Impact Iran Coalition, Joint Submission to the Committee on the Rights of the Child, 2016,

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf

¹⁴ Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

¹⁵ Iran Human Rights Documentation Centre <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁶ Article 221 of the Islamic Penal Code (2013), Iran Human Rights Documentation Centre, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

¹⁷ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹⁸ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹⁹ See more: Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

²⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 2017, <https://www.refworld.org/docid/58bd7e2b4.html>

²¹ 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>

²² Amnesty International, ‘You shall procreate’ (p. 31), March 2015, <https://www.amnesty.org/download/Documents/MDE131112015ENGLISH.pdf>

violence are regularly reported and considered widespread in the Islamic Republic of Iran.^{23 24 25}
26 27 28

Complaints of violence against women are usually first brought to the police in the Islamic Republic of Iran. However, reports of cases of violence against women have shown that there is a general lack of accountability for perpetrators.^{29 30 31} Victims wishing to file a complaint for domestic violence must present two adult male witnesses to the assault, an evidentiary burden difficult, almost impossible, to meet.³² Further, a woman may only be given permission to leave the marital house if she can prove to a court a significant risk of bodily harm or threat to her life and safety.³³ When perpetrators are convicted, sentences tend to be a payment of *diyah* (financial compensation)³⁴, unless the offence is found to have disrupted public order and the safety of society, in which case prison may be imposed.³⁵ Additionally, the absence of laws providing for the issuance of restraining orders puts victims under the risk of abusers' retaliation. In October 2018, a woman was reportedly murdered by her brother at the hospital, where she was hospitalized after he stabbed her.³⁶ Reports have shown that police and judges often consider domestic violence as internal family matters,³⁷ and police intervention has been reportedly discouraged and parties are urged to settle out-of-court.^{38 39} State institutions and Iranian authorities have been reportedly unwilling to investigate and punish perpetrators or provide social services to victims of sexual assault or rape.⁴⁰

²³ Amnesty International, 'Iran 2019', <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

²⁴ Human Rights Activists in Iran En-HRANA, 2019 report, <https://www.en-hrana.org/wp-content/uploads/2020/01/Hrana-Annual-Report-2019.pdf>

²⁵ Human Rights Activists News Agency, 2019, <https://www.en-hrana.org/increase-in-domestic-violence-in-tehran-more-than-16-thousand-cases-were-filed>

²⁶ Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>

²⁷ Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>

²⁸ IRNA, 2020, <https://bit.ly/38UoMfB>

²⁹ Center for Human Rights in Iran, 2019, <https://iranhumanrights.org/2019/11/stop-violence-against-women/>

³⁰ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

³¹ Human Rights Activists News Agency, <https://www.en-hrana.org/articles>

³² "The standard [of proof] for testimony in all offences shall be two male witnesses; unless in *zina*, *livat*, *tafkiz*, and *mosaheqeh* which shall be proved by four male witnesses" Article 199 of the Islamic Penal Code (2013), Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

³³ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

³⁴ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

³⁵ Article 614, Islamic Penal Code (2013), Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³⁶ Center for Human Rights in Iran, 2018, <https://iranhumanrights.org/2018/11/iran-must-pass-legislation-to-protect-women-against-violence/>; <https://bit.ly/37POQrQ>

³⁷ 2019 Country Reports on Human Rights Practices: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iran/>

³⁸ UN General Assembly, 'Situation of human rights in Iran' (para 32), 31 August 2015, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F70%2F352&Language=E&DeviceType=Desktop>

³⁹ Australian Department of Foreign Affairs and Trade, Country Information report, Iran, 2020, <https://www.dfat.gov.au/sites/default/files/country-information-report-iran.pdf>

⁴⁰ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

During its last Universal Periodic Review (November 2019) the Government of the Islamic Republic of Iran stated that the Act on Protection, Dignity and Security of Women against Violence, will 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.”⁴¹ In January 2020, the U.N. Secretary General expressed concerns about the slow progress of the bill, which has been under review since 2010⁴², and as of February 2021 is under the review of the Iranian Parliament.⁴³ The draft bill will then need to be vetted by the Guardian Council. The Secretary General also noted 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.”⁴⁴ ⁴⁵ As of early February 2021, the available draft of the law⁴⁶ suggests that the text may be insufficient to protect women in Iran from discrimination and violence. Even though the draft law may bring positive developments, it will remain limited by the Civil Code⁴⁷, the Family Law⁴⁸, and the Islamic Penal Code⁴⁹, which contain provisions effectively discriminating against women and fails to protect them adequately from violence.⁵⁰ In November 2019, the Islamic Republic of Iran rejected States’ UPR recommendations asking for the criminalization of domestic violence and marital rape.⁵¹

Structural discriminations deeply entrenched in the Iranian legal system ultimately translate to widespread discrimination against women, in all aspects of their lives.⁵² There are a several mechanisms where Iranian citizens can report violations of their rights in the Islamic Republic of Iran, including the Article 90 Commission of the parliament,⁵³ or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.⁵⁴ However and as aforementioned, gender discrimination is inherent to the Iranian legal framework. Consequently, there is little opportunity for one’s complaint in that matter to be adequately addressed and

⁴¹ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

⁴² 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>

⁴³ New York Times, <https://www.nytimes.com/2021/01/05/world/middleeast/iran-sexual-violence-metoo-women.html>

⁴⁴ 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

⁴⁵ See 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).

⁴⁶ <https://shenasname.ir/laws/7023>

⁴⁷ The Civil Code: < <https://shenasname.ir/laws/6664> >

⁴⁸ The Family Law: < <https://shenasname.ir/subjects/family/1470> >

⁴⁹ The Islamic Penal Code: <<https://shenasname.ir/subjects/salamat/1571-mojazat92>>

⁵⁰ 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>

⁵¹ Recommendations 26.253, 26.254, Universal Periodic Review, Iran, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

⁵² See more: Minority Rights, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

⁵³ 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.

⁵⁴ These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"

properly adjudicated in compliance with international standards. There is no independent National Human Rights Institution to receive complaints from children, including girls, in the Islamic Republic of Iran. Although there is an office associated with the President's office called Deputy on Women's and Family Affairs, which is tasked with handling issues surrounding violence against women, there is no readily available information that might indicate whether the office's work has had an impact in practice. 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 Islamic Republic of Iran has not repealed or amended laws that discriminate against women and girls.

C. The Special Rapporteur calls on the Government to refrain from adopting laws and measures which would further undermine the empowerment of women and their participation into the labour force

Although Article 6 of the Labour Code stipulates that women and men are free to choose a profession, it also specifies that such right only applies as long as it is consistent with Islamic principles. In effect, women are not free to access the labour force in Iran.

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.⁵⁵ 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.⁵⁶ Although a number of provisions under Iranian labour laws protect the right to work without discrimination, as long as it is consistent with Islamic principles,⁵⁷ women are legally barred from being employed in 'dangerous, arduous or harmful work'.⁵⁸ Women are also further limited in their right to work as they cannot hold certain positions in the Judiciary or the government under Iranian law.⁵⁹ Job benefits such as social security, health insurance, family bonuses, or paid overtime inhere to the man.⁶⁰ ⁶¹ Additionally, the Iranian labour code does not provide legal safeguards against discrimination in the hiring process.

⁵⁵ Civil Code of the Islamic Republic of Iran, Art.1117 < <https://shenasname.ir/laws/6664> >

⁵⁶ Human Rights Watch, 'It's A Men's Club': Discrimination against Women in Iran's Labour Market, May 2017

⁵⁷ Including Articles 6 and 28, The Labor Law: < <https://shenasname.ir/laws/kar/1017> >

⁵⁸ The Islamic Republic of Iran, Iranian Labour Code, 1990, Articles 6 and 75.

⁵⁹ See for instance: Regulations for the appointment of judges of the country: < <http://rooznamehrasmi.ir/Laws/ShowLaw.aspx?Code=927> >

⁶⁰ 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/>

⁶¹ Article 58 of the Social Security Act (adopted on June 24, 1975, and its subsequent amendments): < <https://shenasname.ir/laws/tamin/1024> >

While there is a mechanism under the oversight of the Ministry of Labour that is tasked with receiving and analysing complaints related to labour standards, there is no readily available information regarding the number of received complaints of gender-based discriminations to access employment or within the workplace, or whether such complaints have been addressed. There are no official and readily available reports of cases of discriminations in the workplace in the Islamic Republic of Iran, yet in practice, non-discrimination provisions reportedly fail to be enforced.⁶² Reports of women facing discrimination, sexual harassment and assault, notably in the workplace, have gained more visibility recently, including on social media, in Iran.^{63 64}

Although not significantly changing the discriminatory legal framework described above, the Government engaged in several steps to address women's access to employment in the Islamic Republic of Iran. The Supreme Administrative Council reportedly decided to allocate 30% of the managerial positions to Iranian women. 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 and launched the Women's Business Development and Acceleration Center, aimed at "strengthening rural women's associations and cooperation" as well as "entrepreneurship development for women".⁶⁵ Out of the 41 million Iranian female population,⁶⁶ the Government reported that 4,000 are "active female entrepreneurs".⁶⁷ According to the Government, women's economic participation rate "has risen from 12.4% in 2013 to 16.4% in 2018".⁶⁸ Other governmental statistics published in 2018 reportedly indicated that female economic participation stood at 15.9%.⁶⁹ Regardless, such rates remain some of the lowest in the world. In the World Economic Forum's Global Gender Gap Report in 2017, Iran was ranked 140 out of 144 countries assessed.⁷⁰ Similarly, a World Bank study ranked Iran fourth lowest in its 2019 Women, Business and the Law index.⁷¹ Unemployment is more prevalent among women in Iran compared to men.⁷²

⁶² Human Rights Watch <<https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market>>

⁶³ BBC, <https://www.bbc.com/news/blogs-trending-35535269>

⁶⁴ Aljazeera, <https://www.aljazeera.com/news/2020/9/22/iranians-break-taboos-with-their-own-version-of-metoo> ; <https://www.hrw.org/news/2020/09/09/iran-having-its-metoo-moment>

⁶⁵ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁶⁶ World Bank, 2019, <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.IN?locations=IR>

⁶⁷ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁶⁸ UPR 2019, National Report, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁶⁹ Statistical Centre of Iran, *Natayej-e-Amar giri-ye- nirou-ye-kaar, Paiez-e-1396* [Results of the census on workforce, Autumn of 1396], <https://bit.ly/330NG8t>

⁷⁰ World Economic Forum, the Global Gender Gap Report 2017. Available from: <<http://reports.weforum.org/global-gender-gap-report-2017/dataexplorer/#economy=IRN> >

⁷¹ World Bank, Women, Business and the Law 2019: A Decade of Reform, May 2019, p.9

⁷² Statistics Center of Iran <https://www.amar.org.ir/Portals/1/releases/lfs/LFS_1397.pdf>

The Reduction of Office Hours Act for Women with Special Circumstances, adopted in 2016, enables women who have children under six years of age, who have a family member with disabilities or terminal illness, or who are heads of households to work a reduced 36-hour week, while receiving the payment and benefits for a 44-hour week. While providing some degree of support to households with additional care responsibilities, the law only applies to women and the costs ensuing from the reduced office hours fall on businesses.⁷³ Consequently, the law may well disincentivize employers from hiring women due to these potential costs.⁷⁴

In 2016, a draft Population and Family Excellence bill, which would require employers to prioritize hiring men and prohibit the employment of unmarried men and women in university faculty positions, was introduced to the Parliament.⁷⁵ The bill has been reintroduced in May 2020 and is currently under review.^{76 77 78}

The Government of the Islamic Republic of Iran has not refrained from adopting laws and measures which would further undermine the empowerment of women and their participation into the labour force.

D. The Special Rapporteur urges the Government to ensure women and girls' freedom of movement

Iran's Civil Code forbids a woman from leaving the matrimonial home without the husband's permission, unless she is able and willing to go to court to prove she is endangered.⁷⁹ The Civil Code specifies that a woman who decides to leave the marital home will not receive alimony from her husband, which may well function as a deterrent for women to exercise their freedom of movement. According to Article 18 (3) of the Passport law, a woman needs written permission from her husband to obtain a passport.⁸⁰ In addition, the husband has the right to forbid his wife from leaving the country, regardless of whether she holds a passport. In exceptional cases, the county prosecutor can authorize the issuance of a passport for a woman; however, only a few exceptions have been made so far.⁸¹ Previously, a bill was introduced to the

⁷³ Hosseinkhah, M., 'Hoghough-e-zanan dar Saali ke gozasht: Talash baraye khaneh neshin karadan-e-zanan [Women's rights over the past year: efforts to keep women in the house],' BBC Persian, 23 March 2017, <https://bbc.in/2OvIN5l>

⁷⁴ Center for Human Rights in Iran, 'New law reduces employment prospects for women in Iran', 14 July 2016

⁷⁵ UN Human Rights Council, 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/34/65, 17 March 2017, para. 67

⁷⁶ https://rc.majlis.ir/fa/legal_draft/show/1553358

⁷⁷ See more : Amnesty International <https://www.amnesty.org/en/press-releases/2015/03/iran-proposed-laws-reduce-women-to-baby-making-machines/> Center for Human Rights in Iran, <https://www.iranhumanrights.org/2014/01/women-population/>

⁷⁸ See more: Human Rights Watch <https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market#>

⁷⁹ Article 1117 of the Civil Code.

⁸⁰ The Passport Law: <<https://rc.majlis.ir/fa/law/show/96904>>

⁸¹ For example, Niloufar Ardalan, a player in the Iranian women's futsal team, was unable to leave the country and participate in competitions due to her husband's opposition. An issue that led to the issuance of a temporary permit with the intervention of the Tehran prosecutor and a temporary court order. <<https://www.asriran.com/001opM>>

Iranian Parliament to amend the passport law and eliminate the absolute right of husband over their spouse to travel outside of the country, this law failed and did not go through the legislation process.⁸² In 2017, a draft law that would allow women with particular jobs – notably athletes and artists- to travel outside the country without their husband’s consent, provided that they secure the permission of the prosecutor-general, was introduced to the Parliament.⁸³

The Government of the Islamic Republic of Iran has not ensured women and girls’ freedom of movement.

E. The Special Rapporteur urges the Government to guarantee the fundamental right of women and girls to physical education, physical activity and sport

Women and girls have limited access to recreational environments in Iran. According to reports, some cities in Iran have begun establishing women-only parks, one of the most emblematic examples being the “Mother’s Paradise” park in Tehran.⁸⁴ ⁸⁵ Currently, at least 20 cities in Iran have ‘women-only parks’. Gender-segregation extends into other areas of leisure and recreation in Iran.⁸⁶ As a consequence, women and girls have limited access to public spaces where they may be able to practice physical activity and sport.

Women’s participation to sport activities is also restricted. Women are not allowed to practice some sports, such as wrestling and boxing.⁸⁷ In May 2019, the prosecutor for Isfahan stated that women were prohibited from riding bicycles.⁸⁸ For sports that women are allowed to do, budget allocation and facilities are generally limited.⁸⁹ ⁹⁰

A significant number of women’s sports are banned from being broadcasted on State television.⁹¹ While not written into law, there effective bans on women attending sports event in Iran,⁹² ⁹³

⁸² The latest status of the plan "Women leave the country without the permission of their husbands", <www.tabnak.ir/003GUK>

⁸³ Asriran News Agency, ‘Mowlaverdi : Tarh-e- eslaah-e-gozarnameh baraye khourouj-e-zanan az keshvar dar Majles barrasi mishavad [Mowlaverdi: The draft bill on the amendments to the passport law allowing women to leave the country will be discussed in the Parliament], 28 July 2017, <https://bit.ly/330XCyC>

⁸⁴ Radio Free Europe, <https://www.rferl.org/a/1117504.html>.

⁸⁵ <https://titreshahr.com/fa/news/5407/>

⁸⁶ <https://www.independentpersian.com/node/63061/>

⁸⁷ <https://www.independentpersian.com/node/63061/>

⁸⁸ Center for Human Rights in Iran, <https://iranhumanrights.org/2019/05/isfahan-prosecutor-bans-sinful-act-of-women-riding-bicycles/>

⁸⁹ <https://www.isna.ir/news/99052417613/>

⁹⁰ <https://tn.ai/2444201>

⁹¹ France 24, <https://observers.france24.com/en/20181002-iran-doesnt-broadcast-women-sports-fans-create-own-coverage-social-media>

⁹² BBC, www.bbc.com/news/world-middle-east-43243414

⁹³ Human Rights Watch, www.hrw.org/news/2019/08/16/iran-women-detained-accused-flouting-stadium-ban

although a few exceptions occurred recently.^{94 95} Women and girls in Iran are prevented from attending certain sporting events, including men's soccer and volleyball,⁹⁶ risking arrests if they do so.⁹⁷ The Government of the Islamic Republic of Iran has made limited efforts to increase women and girls' access to leisure and sport activities. For example, the government has reportedly encouraged sports federations to amend their bylaws in order to ensure the presence of a woman vice president on the federation's board of directors.⁹⁸ A number of football stadiums have been equipped to welcome women spectators.⁹⁹

Despite these limited efforts and exceptions, gender-segregation in public parks, the prohibition for women and girls to practice certain sports and the general ban on women and girls to attend sports events remain. The Islamic Republic of Iran has not guaranteed the fundamental right of women and girls to physical education, physical activity and sport.

F. Laws and regulations that require women and girls to observe the Islamic dress code should be reviewed

The Islamic Penal Code (2013) penalizes women and girls over the age of nine who do not comply with the Islamic dress code in public, notably with wearing the compulsory *hijab*.^{100 101}

Despite numerous campaigns against the mandatory dress code for women and girls in Iran, the Islamic Republic of Iran has not reviewed its laws and regulations that require women and girls to observe the Islamic dress code.

G. The Government of the Islamic Republic of Iran should respect the right of anyone to privacy and ensure that security forces refrain from acting as moral guardians of the citizens

The right to privacy in the Islamic Republic of Iran is not fully respected, particularly online.

⁹⁴ Amnesty International, www.amnesty.org/en/latest/news/2019/10/iran-limited-allocation-of-football-tickets-for-women-a-cynical-publicity-stunt/

⁹⁵ Associated Press, <https://apnews.com/article/9f168224782641b9a7e9ff7a4e88675c>.

⁹⁶ Human Rights Watch, <https://www.hrw.org/world-report/2017/country-chapters/iran#d91ede>.

⁹⁷ Human Rights Watch, <https://www.hrw.org/news/2018/03/08/banned-watching-soccer-women-iran-are-being-failed-fifa>.

⁹⁸ <https://tn.ai/2444201>

⁹⁹ <https://www.irna.ir/news/83486036/>

¹⁰⁰ Islamic Penal Code, 2013, Article 638, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁰¹ See more: Minority Rights, Beyond the Veil: Discrimination against women in Iran, 2019, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

Article 22 of the Constitution stipulates: “The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.”¹⁰² Additionally Article 47 states “Private ownership, legitimately acquired, is to be respected.” Although several pieces of legislation include data protection provisions, there is no comprehensive legislation specifically safeguarding the right to privacy and data protection under Iranian law. Such legislative gap has granted the Iranian government significant leeway to arbitrarily control its Internet infrastructure.

Article 10 of the Cyber Crime Law criminalises “concealing data, changing passwords, and/or encoding data that could deny access of authorised individuals to data, computer and telecommunication systems.” The article is framed in such a broad way as to essentially criminalise any technologies or practices that obstruct state authorities’ ability to access data, including encryption.

Draft legislation such as “Managing Social Messaging Apps”, (also referred to as the Social Media Organisation Bill in this submission), which is under review by the Parliamentary Cultural Committee, if passed in its current form, threatens to grant further control of Iran’s internet infrastructure to security forces, and can also enforce the use of domestic messaging apps which lack privacy and data protections, and which are particularly prone to government surveillance.¹⁰³

The Iranian government has failed to implement comprehensive data protection in line with international standards. Despite an attempt made through the introduction of the “Data Protection and Online Privacy Bill” in 2018, the bill has failed to progress beyond the Cabinet and is effectively dormant. In its current form, the proposed legislation fails to establish adequate protections for online privacy or data protection.¹⁰⁴ The draft law mandates enforced data localisation (Article 38), in line with the National Information Network (NIN) project, which means there are no privacy provisions (as per Article 10 of the CCL) and leaves the law subject to abuse from the Iranian authorities looking to prosecute journalists, human rights defenders, minorities, and other vulnerable identities. Other key concerns include available protections, as the Draft Act does not protect the right to information, only protects the data rights of Iranian citizens and fails to include explicit protections for journalistic or provide artistic, literary or other cultural exemptions.¹⁰⁵

¹⁰² Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁰³ “Iran’s “Managing Social Messaging Apps” Bill Returns to Parliament”, Small Media, 1 April 2020. <https://medium.com/filterwatch/iransmanaging-social-messaging-apps-bill-returns-to-parliament-b0a98c18463f>

¹⁰⁴ See page 27 of “Bills, Bills, Bills — Upcoming Policy Challenges in Iran”, Small Media, 9 April 2019. https://smallmedia.org.uk/media/articles/files/Filterwatch_BillsBillsBills19.pdf

¹⁰⁵ “Iran: Personal Data Protection and Safeguarding Draft Act,” ARTICLE19, 27 June 2019. <https://www.article19.org/resources/iran-dataprotection-draft-act/>

The current legislative data protection and online privacy vacuum does not permit legal protections or defences to those arrested or detained for their online activities, or for those impacted by data and privacy breaches.

Additionally, in October 2019, Iran’s top internet policy-making body, the Supreme Council for Cyberspace, passed the ‘Valid Identity System in Cyberspace’ resolution, which outlines its plans to require all online interactions between two entities be traceable and conducted using a valid form of ID. Such a policy threatens to undermine user privacy online, and if implemented, would effectively bring an end to online anonymity.¹⁰⁶

Security forces in the Islamic Republic in Iran continue to act as moral guardians of citizens. The *Basij*, an all-volunteer paramilitary force under the Islamic Revolutionary Guard Corps, functions notably as a “public morality” militia and may arrest individuals on charges of disturbing “public chastity” or promoting “forbidden practices” and police compliance with the mandatory dress code for women.^{107 108}

The Government of the Islamic Republic of Iran has not respected the right of anyone to privacy and has not ensured that security forces refrain from acting as moral guardians of the citizens.

Recommendation Status:

This recommendation has **NOT** been implemented.

¹⁰⁶ Small Media, ‘Filterwatch October 2019’, 15 November 2019, available at: <https://medium.com/filterwatch/filterwatch-october-2019-d671d23e52c>

¹⁰⁷ International Lesbian Gay Bisexual Trans and Intersex Association (ILGA), 2019, https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf

¹⁰⁸ OutRight International, 2016, https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf?_ga=2.78516692.1992181521.1595330838-780871412.1595330838