

## Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/70/411 para 98

### Full recommendation:

*He encourages the Government to amend laws that continue to undermine women's full enjoyment of civil political, social, and economic rights, including rights in family law, the right to equal access to education and the right to work. Draft legislation currently under consideration that appears to infringe on these rights raises serious concern, and should be reconsidered.*

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

#### A. Family law

According to Article 1042 of Iran's 1969 Civil Code<sup>2</sup>, the father or the paternal grandfather of the bride has to give his approval on her marriage, even if the bride has reached the age of majority. The bride can request the Special Civil Court for permission if the father or paternal grandfather do not give their permission. The Court will notify the father or paternal grandfather and, if they do not send a response on the reasons of their refusal in fifteen days or if the reasons do not warrant their refusal, then the bride will have permission to marry. There are however, no known cases of this process ever taking place due to a lack of information.

Iran's Civil Code<sup>3</sup> 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 in danger whilst Articles 1169 and 1171 of Iran's 1969 Civil Code<sup>4</sup> grant primacy on the guardianship of the child to the father after the child has turned 2, if the child is a boy and 7 if the child is a girl. There have been no changes to this law and thus the situation regarding this issue remains the same as the time of the issuance of this recommendation. According to Iran's Civil Code of 1969<sup>5</sup>, Article 906 women have the right to inherit half as much as men from their deceased parents. There has been no progress on changing this law and the situation of inequality in terms of inheritance distribution still stands.

Article 1105 of Iran's Civil Code<sup>6</sup> states that "in relations between husband and wife, the position of the head of the family is the exclusive right of the husband." Article 1108 states that,

<sup>1</sup> CCPR.3.S.1; ESCR.13.2.S.5; CCPR.26.S.1; CCPR.3.P.1; CCPR.26.P.1; ESCR.6.2.P.1; ESCR.13.2.P.12; CCPR.3.O.1; ESCR.6.1.O.1; ESCR.13.2.O.11

<sup>2</sup> Civil Code of the Islamic Republic of Iran: <https://www.refworld.org/docid/49997adb27.html>

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

“if the wife refuses to fulfil the duties of a wife without a legitimate excuse, she will not be entitled to the cost of maintenance.” And Article 1114 outlines that, “the wife must stay in the dwelling that the husband allots for her unless such a right is reserved to the wife.” Due to the existence of these articles in Iranian law, and the lack of any sort of progress in changing such legislation, women remain legally obligated to be obedient to their husbands.

Women still need written permission from their husband, except in the case of an emergency, to obtain a passport in accordance with Article 18 (3) of the 1973 Passport Law.<sup>7</sup> While the permission to travel abroad can be included in the marriage contract, a husband’s written consent must be presented along with a passport application. In addition, the man may prevent a woman under his care (either a wife or a daughter) from leaving the country at his discretion, even if she has a valid passport. This legal provision allows men to prevent their wives from traveling for any reason and at any point in time.

## B. Right to work

Article 28 of the Constitution obliges the government to create employment for all without discrimination.<sup>8</sup> Despite the existence of this article, gender and religious restrictions apply in jobs in the judicial and governmental fields. For example, women cannot stand as judges of the courts.<sup>9</sup> The nondiscrimination principles in the labor code do not cover the hiring process, which is critical for women to enter the workforce, particularly in higher paying, technical, or more senior positions.<sup>10</sup>

Women are completely prohibited from holding the position of Supreme Leader and have a limited presence at senior decision-making levels and judicial bodies in the country. Candidates for the presidency in Iran must be what the constitution refers to as “*Rajol-E-Siasi*” (“political men”).<sup>11</sup> 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.<sup>12</sup> 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).<sup>13</sup> Nor on the Expediency Council (the body which serves as the Supreme Leader's advisory arm, formulating

<sup>7</sup> See <https://www.refworld.org/pdfid/5943a4e54.pdf>

<sup>8</sup> <https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf>

<sup>9</sup> Regulations for the appointment of judges of the country: <http://rooznamehrasmi.ir/Laws/ShowLaw.aspx?Code=927>

<sup>10</sup> Human Rights Watch <https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market>

<sup>11</sup> Art. 115, Constitution of Iran.

<sup>12</sup> The council that should choose the Supreme Leader and its mandate is to monitor him.

<sup>13</sup> In addition, the Guardian Council is responsible for overseeing elections and vetting candidates.

"general policies for the state" and overseeing the implementation of those policies on the behalf of the Supreme Leader).<sup>14</sup>

In accordance with Article 1117 of the civil code, a husband can bar his wife from occupations he “deems against family values or inimical to his or her reputation.”<sup>15</sup> In practice, in order to ban his wife from a certain profession, a husband must file a case in court and provide justification to a judge.

Based on the labor laws, there is a mechanism included in the structure of the Ministry of Labor that is tasked with receiving and analyzing complaints related to labor standards. Despite their existence, these mechanisms are not known to be efficient. Reports from the last few years describe a pattern of workers’ complaints regarding poor working conditions, exploitation and discrimination being disregarded, leading to public displays of protest.<sup>16</sup>

There are no reports that would indicate the existence of effective state-sponsored campaigns aimed at helping employers and workers in identifying discrimination and promoting equality in Iranian workplaces.

In 1980, Iran’s government established the Technical and Vocational Training Organization under the Ministry of Labour. This organization is in charge of arranging vocational courses ranging from 1 to 18 months in duration in the public sector, with permanent centers and mobile training centers for rural areas, as well as in prisons, garrisons, industries and in private authorized institutions. In the Persian year 1396 (2017), there were reportedly 552 such institutions, in which 191 were for men, 95 women and 226 were multi-gender. This represents a slow decline in the number of training centers, of which there were 588 in the Persian year 1395, 698 in 1394 and 719 in 1393.<sup>17</sup> Nevertheless, it is not apparent whether a decrease in quantity of vocational and technical training opportunities is correlated with a similar decrease in quality. There are no reports that indicate that this mechanism has had a substantial positive effect in the labour market for women.

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.<sup>18</sup> The administration appointed women to 13 out of 1,058 district governors, mostly in small provinces across the country.

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<sup>14</sup> The body, whose members are all appointed by the Supreme Leader, was initially established as an arbitration body between parliament and the Guardian Council.

<sup>15</sup> The Civil Code: <https://shenasname.ir/laws/6664>

<sup>16</sup> <https://www.en-hrana.org/four-months-report-of-workers-conditions-in-iran> and <https://en.radiozamaneh.com/29631/> and <https://en.radiozamaneh.com/28616/>

<sup>17</sup> Combined data from the Iranian Statistics Center (<https://www.amar.org.ir/>) and the Annual statistics of the Ministry of Labor and Social Affairs. (<https://plp.mcls.gov.ir/>)

<sup>18</sup> Executive rankings at the provincial level: 1) Governor, 2) County Governor, 3) District Governor, 4) Village President.

Unemployment in Iran has decreased slightly in 2019. According to numbers from Persian year 1397 (March 2018 - March 2019), unemployment sits at 12% of the population, compared to 11.9% the previous year. Male unemployment in ages 15-29 was 21.2% of the population (compared to 20.8 in the previous Persian year) while female unemployment was 38.6% of the population (compared to 40.4% the previous Persian year).<sup>19</sup>

### C. Right to Education

The Constitution of the Islamic Republic (Article 30 and Note 7 of Article 43) requires the government to provide free education to everyone and to use science and technology to enhance the capabilities of individuals.<sup>20</sup> None of the relevant articles have explicitly excluded any part of society, whether on the basis of gender, religion, race or ethnicity.

In a decree prepared and approved by the Supreme Council of the Cultural Revolution<sup>21</sup> in 2013 on the "Islamization of Universities" (Strategic Guide for Islamization) to be implemented by all educational entities, called for "Institutionalizing the culture of chastity and veil (*hijab*), organizing the public space of universities and preserving the affairs of the university scientific environment." Under the same note, (Note 14.6) it mandates all educational institutions to "review and improve the design of spaces and optimize university services in order to reduce unnecessary mixing of girls and boys."<sup>22</sup>

In higher education regulations in Iran, academic specializations are classified by gender. For this reason, there are some specializations in which women are not allowed to study/enroll. For example, some engineering majors are dedicated only to men and some are dedicated to only women. Reports from 2014 show how Iranian women were excluded from major such as Biosystem Mechanical Engineering and even Islamic Theology majors.<sup>23</sup> In 1983, gender segregation policies were introduced in the Iranian education system that implemented quotas and resulted in the exclusion of women from 91 out of the 169 available academic specializations at the time.<sup>24</sup> Despite the lifting of these policies in 1993, they were reintroduced in 2012 with women being excluded from 77 academic specializations in 36 universities.<sup>25</sup> Majors that are known to have been banned for women include computer science, industrial

<sup>19</sup> Statistics Center of Iran [https://www.amar.org.ir/Portals/1/releases/lfs/LFS\\_1397.pdf](https://www.amar.org.ir/Portals/1/releases/lfs/LFS_1397.pdf)

<sup>20</sup> <https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf>

<sup>21</sup> A body of the government based in Qoms, in charge of ensuring that education and culture in Iran follow Islamic guidelines.

<sup>22</sup> <https://sccr.ir/pro/1950/%D9%85%D8%B5%D9%88%D8%A8%D9%87-%D8%B3%D9%86%D8%AF-%D8%AF%D8%A7%D9%86%D8%B4%DA%AF%D8%A7%D9%87-%D8%A7%D8%B3%D9%84%D8%A7%D9%85%DB%8C>

<sup>23</sup> Etemad Newspaper, 'University Gender Quotas Less Aggressive,' 9 August 2014, <https://bit.ly/316XR9H>

<sup>24</sup> Fathi, M., 'Becoming a woman doctor in Iran: The formation of classed and gendered selves', *Gender and Education* 30, 1, 2018, pp.59-73.

<sup>25</sup> Mehr News Agency, 'Hafz paziresh-e-dokhtaran az 77 reshteh 36 daneshgah/ mohanedsa rekorddar-e-hafz [Women Eliminated From 77 Fields in 36 Universities/Engineering Fields Hold Record for Elimination of Women],' 6 August 2012, <https://bit.ly/2YfDM44>.

engineering, chemical engineering, mechanical engineering and material engineering at Arak University. Additionally, natural resources engineering, forestry and mining engineering at Tehran university; Political science, accounting, business administration, public administration, mechanical engineering, and civil engineering at Esfahan University and 14 social sciences majors at Emam Khomeini University.<sup>26</sup> Each year, a Guidebook for Enrolled Candidates is published, which provides the university quota, quota for men and women, and information for admission. With regards to the segregation of higher education classrooms and universities, Iran's higher education system is divided into two separate types of universities. Regular universities, which are called governmental universities, have multi-gender classrooms, except for a few universities that are reserved only for women. Azad Universities which were formerly non-governmental, but are currently under control of the Supreme Council of the Cultural Revelation, where classrooms are segregated by gender, with gender specific classrooms, in almost all its branch around the country.

The Iranian government does not publish statistics regarding its efforts towards a reduction or elimination of discrimination in education attainment. There are reports that point to a pattern of lack of equality in terms of access to education, especially for women and minority groups who are often marginalized.<sup>27</sup> Women are usually denied access to certain majors, as is evident through enrollment statistics published by the government. In 2017, the gross enrollment ratio of women in all majors in Iran was 62.86%, compared to 73.33% for males, which means that, although the difference in ratios is not considerable, women enrollment is still below the male average and women are barred or limited from enrolling in certain majors.<sup>28</sup> In 2015-2016 the number of women enrolling in engineering majors in Iran was 355360, compared to 1148044 for males.<sup>29</sup>

#### Recommendation Status:

This recommendation has **NOT** been implemented.<sup>30</sup>

<sup>26</sup> <https://www.hrw.org/news/2012/09/22/iran-ensure-equal-access-higher-education>

<sup>27</sup> <https://www.iranhumanrights.org/2015/02/womenreport-womens-education/>

<sup>28</sup> <http://uis.unesco.org/en/country/ir>

<sup>29</sup> [https://iranopendata.org/en/dataset/universities-higher-education-terms-major-education-gender-durg-years-1367-1394/resource/a092f0ad-0964-47f8-9d59-55a4c1c2ec77?inner\\_span=True](https://iranopendata.org/en/dataset/universities-higher-education-terms-major-education-gender-durg-years-1367-1394/resource/a092f0ad-0964-47f8-9d59-55a4c1c2ec77?inner_span=True)

<sup>30</sup> For more please see: <https://www.iranhumanrights.org/2015/02/womenreport-womens-education/> and <https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market>