

THE IRAN NOTES

The Iran Notes is a series of short thematic briefing notes produced by FIDH and LDDHI to analyze the key aspects and root causes of Iran's ongoing human rights crisis.
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جامعه دفاع از حقوق بشر در ایران
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League for the Defence of Human Rights in Iran



IRAN'S WOMEN: DISCRIMINATED, PERSECUTED, AND OPPRESSED

Women in Iran are treated as second-class individuals in law and in practice – a situation that a United Nations (UN) human rights expert has described as “a system of gender apartheid.”^[1]

The widespread violations of women's rights in Iran were brought to the fore by the wave of protracted nationwide peaceful protests spearheaded by women under the slogan “Woman, Life, Freedom,” and triggered by the death of a young Kurdish woman, Ms. Mahsa (Jina/Zhina) Amini, while in custody of the “morality police”^[2] in Tehran in September 2022, following her arrest on accusations of failing to observe the compulsory hijab rules.

Iran is one of the world's few countries that have not ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Articles 20 and 21 of the 1979 Iranian Constitution underline the role of women as mothers and in the family, and place constraints on their rights “upon observance of Islamic criteria.”

Discriminatory legal provisions under the Civil Code, the Islamic Penal Code (IPC), and other laws deprive women of equal rights in many areas, to include: control over their own body; marriage; divorce; participation in public affairs, access to employment, and freedom of movement [See below].

Discriminatory laws negatively impact women

Women have long suffered from extremely discriminatory laws. The Family Protection Law (FPL) of 2013 did not amend the previous version of the law, enacted in 1975, and relevant provisions of the Civil Code. Both the FPL and the Civil Code contain discriminatory provisions regarding marriage, divorce, polygamy, and temporary marriage.

According to Article 1029 of the Civil Code, married women may apply to court for divorce only if they can prove that their husbands have been absent and missing for four years or have refused to pay alimony.[3] Such requirements are not applicable to husbands who wish to apply to court for divorce. A man can divorce his wife without reason, provided he pays her alimony and *mahr*.[4]

In addition, under Iranian law, women are not: 1) the head of the family; 2) entitled to alimony if they fail to perform their “conjugal duties” (which encourages marital rape) without a Sharia-based pretext (e.g. during menstrual period); 3) the guardians of their own children and face extreme difficulties to obtain custody of their own children and, if they do obtain custody, it is only up to the age of seven; 4) entitled to transmit their nationality to their own children; 5) treated the same as men, in that they only have a share of inheritance that is half that of men; and 6) allowed to have a non-Muslim spouse, if they are Muslim; and can have co-wives imposed on them.

The criminal procedure also reflects Iran’s deeply patriarchal system and the lower value placed on women. The testimony by two women equals a testimony by one man in most judicial cases, and “blood money”[5] compensation for women is half the amount awarded to men.

Child and forced marriage involving women and girls are widespread and have long been ignored by the authorities. The Civil Code institutionalizes gender disparities in the minimum legal age for marriage, which is set at 13 years for girls and 15 for boys. The minimum age can be lower in both cases, with the permission of their guardian (i.e. father or paternal grandfather) and the approval by a court.

Femicides, “honor killings” committed with impunity

As a result of the enforcement of discriminatory laws, women are also subjected to the death penalty for committing adultery, while men are mostly exempted from capital punishment for this conduct.[6]

In 2023, at least 122 women[7] were victims of femicide, including at least eight who were subjected to “honor killings.”[8] Honor killings have been, and continue to be, committed exclusively against women with impunity, because Article 301 of the IPC exempts “fathers and paternal grandfathers” from severe punishment for the killing of their children or grandchildren, and grants full impunity to husbands for killing their wives if caught in the act of adultery.

On 9 April 2023, Parliament passed the first reading of the Bill on Preventing Harm to Women and Promoting their Security against Abuse, 12 years after it was introduced. However, as of mid-May 2024 the fate of the proposed law was unclear, amid reports that hard-line critics of the bill were blocking its passage because they believed it was in contravention of Sharia law.[9]

Abortion criminalized

Under the law, women have no control over their body. In line with the Supreme Leader Ayatollah Ali Khamanei’s pronouncements in favor of stimulating population growth, the government introduced policies that promoted the role of women as child bearers and mothers, while further preventing them from participating in public affairs.

In November 2021, the Law for Protection of Family and Youthfulness of Population (LPFYP) was promulgated. The LPFYP’s principal aim is to promote an increase in birth rates through incentives to encourage marriage and having children and increase accessibility to housing for families.

Article 56 of the LPFYP bans abortion, which is only permitted when the life of the mother is in danger and if the pregnancy is less than four months old. Article 61 allows authorities to charge individuals who perform abortions with “corruption on earth” under Article 286 of the IPC and sentence them to death, if “major damage is done to embryos or mothers.”

In May 2023, the Ministry of Health formed an “Abortion Patrol” unit, following which the crackdown on women and the medical professionals has increased. An unknown number of medical facilities suspected of performing or facilitating abortions have since been shut down and an unknown number of medical professionals have been arrested.

The promulgation and enforcement of the LPFYP has led to a dramatic increase in costly underground abortions in very unsafe and painful conditions and with harmful consequences on the women’s physical and mental health. Although official figures are not available, some reports indicate that as many as 500,000 abortions are performed each year.[10]

Hijab laws target women

The issue of women's clothing, and in particular the wearing of the hijab, has been central to the oppressive attitude of the Iranian authorities towards women since the establishment of the Islamic Republic in February 1979.

Punishments for not wearing the hijab in public, which were first stipulated in the IPC in 1983 and then in 1996, were retained in the 2013 IPC and remain in force to date. Women who are found guilty of appearing in public without a Sharia-sanctioned hijab face imprisonment ranging from 10 days to two months (Article 638). In addition, Article 639 of the IPC, which prescribes punishments ranging from one to 10 years in prison for anyone found guilty of encouraging people to "commit immorality and/or prostitution," has been frequently used to prosecute women who failed to wear the hijab in public.

Another law, the Law for Investigation of Offenses and Punishment of Sellers of Clothes the Use of Which is Contrary to the Sharia or Inflicts Wounds on Public Chastity, enacted in March 1987, prescribes heavy fines or lashes for women who wear "offensive" clothes and has been used, particularly following the 2022-2023 protests, to crack down on women.

In an attempt to enforce even more stringent hijab laws, in May 2023, the government introduced the Bill for the Protection of Family through Promotion of the Culture of Hijab and Chastity. This bill, which, according to UN human rights experts, could amount to "gender apartheid,"^[11] has not yet come into effect. It punishes with prison terms ranging from six months to 10 years and heavy fines those found guilty of "nudity," "lack of hijab," "improper clothing," and "the promotion of such affairs that undermine man and woman's peace of mind within the family, increase divorce and societal harms, and reduce the value of family." Children from the age of nine are liable under the bill.

As many as 32 government agencies are responsible for the enforcement of various laws and regulations regarding women's clothing. Following the 2022-2023 protests, a series of additional repressive measures were implemented. For example, in March 2023, the Ministry of Interior formed a Hijab HQs. In April 2023, the Ministries of Education and Higher Education announced that educational services would be provided to female students only on condition of complying with hijab laws and regulations. State-sponsored vigilante groups have also been formed to ensure compliance with hijab laws and regulations. The presence of "hijab guards" has been reported in metro stations in Tehran and Shiraz. In early May 2024, a Health Ministry official said "observing dress rules" was an essential requirement for pharmacies to receive medicines allotted to them.

Right to participate in public affairs restricted

Women are deprived of the right to take part in many aspects of public life. The number of women in decision-making positions in different branches of government has been consistently very low. Since 1979, there has been only one female cabinet minister (2009-2012). Women have accounted for between three to five percent of the 290 parliamentarians: 16 in the current legislature (2020-2024); 17 in 2016-2020, nine in 2012-2016. A number of public positions are totally precluded to women. They have never been appointed to the Guardian Council of the Constitution (GCC)^[12] or the Expediency Council of the System.^[13] In addition, women cannot be members of the 88-member Assembly of Experts that should appoint the next Supreme Leader, and are effectively prevented from judgeship.^[14]

Women registered as candidates in all 13 presidential elections in Iran since 1979, but the GCC always disqualified them, without providing any reasons. In the latest presidential election in 2021, the GCC rejected all 40 female candidates who had registered to seek office.

Discrimination in access to employment

Women's right to work is restricted by various laws. For example, Article 1117 of the Civil Code authorizes husbands to bar their wives from taking employment. Other laws emphasize and promote the role of women as mothers and wives, downplay their social role, and offer incentives to encourage and reduce women's participation in social and economic life in an effort to keep them at home. For example, the Law for Part-Time Services of Ladies of 1983 offers a series of incentives to women to work half the time as men. The Supreme Council of the Cultural Revolution (SCCR)^[15] also adopted several resolutions that impact women's employment conditions, such as the 1992 "Women's Employment Policy in the Islamic Republic of Iran", which bars women from "unsuitable" jobs because of prohibition by the Sharia, ideological values, or difficult conditions of work.

Official figures on wage disparities between men and women are not publicly available. However, in June 2023, the World Economic Forum ranked Iran 113th out of 146 countries surveyed for respect of wage equality for similar work; 144th for women's economic participation and opportunity; and 145th for women's estimated earned income.^[16] Women workers are also the first group to be laid off when companies face economic difficulties.^[17] Female employees have been frequently laid off after getting married because employers have generally believed they would likely get pregnant and take maternity leave.

Freedom of movement severely limited

Women's right to freedom of movement is severely restricted by Iranian law. Such restrictions are based on a theological rule, according to which women may leave their home without permission of their "guardian" (i.e. husband or father) only in exceptional cases, such as medical treatment or to perform religious duties.

The Passport Issuance Law of 1973, amended and still in force, does not allow a woman to travel abroad without her husband's permission. The husband may withdraw his permission at any time, in which case the wife's passport would be confiscated. In recent years, there have been several cases of husbands of female athletes refusing to allow their wives to travel abroad to take part in international competitions.[18] Divorced women under the age of 40 must receive a notarized permission from their father or guardian to obtain a passport.

In January 2023, the social affairs parliamentary committee passed a resolution that required all women to obtain the permission of their guardian to travel abroad, and submitted it to the judicial affairs committee for review. The resolution has not been translated into law to date.

References

- 1 UN Human Rights Council, 55th session, *Situation of human rights in the Islamic Republic of Iran - Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*, 9 February 2024; UN Doc. A/HRC/55/62.
- 2 The morality police, created in 2005, is the successor of other law enforcement bodies that have been tasked with enforcing the dress code and chaste behavior for women since 1979.
- 3 Under Article 1107 of the Civil Code, alimony refers to "all essential needs including housing, food, furniture, health and medical expenses."
- 4 *Mahr* is the amount of money or property on which both parties agree at the time of marriage, to be paid by the husband at any time after marriage upon the wife's demand or in case of divorce.
- 5 Blood money ("*diyeh*") is the financial compensation paid to the victims or their heirs in cases of murder or bodily harm.
- 6 FIDH-LDDHI, *Iran: No one is spared - The widespread use of the death penalty in Iran*, pp.4 and 28; <https://www.fidh.org/IMG/pdf/iranpdm758ang-2.pdf>
- 7 Hengaw Human Rights Organization, *Hengaw's report on violation of women's rights in 2023*, 8 March 2024; <https://hengaw.net/fa/report-statistics/2024/03/article-3>
- 8 Honor killing is a violent crime, most often the murder of a woman or a girl, committed by one or more male family members, in which the crime's intention is to restore honor to their family.
- 9 Iran Student Correspondents Association, *House failed to consider final passage of "the Bill on Promoting Security of Women"*, 8 April 2024, <https://www.iscanews.ir/news/1226525/>
- 10 Iranian Labour News Agency, *250,000-500,000 abortions occur annually in the country*, 21 January 2024; <https://www.ilna.ir/%D8%A8%D8%AE%D8%B4-%86-%87-15/1439921->
- 11 UN OHCHR, *Iran's proposed hijab law could amount to "gender apartheid": UN experts*, 1 September 2023; <https://www.ohchr.org/en/press-releases/2023/09/irans-proposed-hijab-law-could-among-gender-apartheid-un-experts>
- 12 The 12-member GCC is responsible, *inter alia*, for ensuring the compatibility of the legislation passed by Parliament with the principles of Islam and the Constitution, and vetting candidates in elections.
- 13 The Expediency Council of the System is the final arbitrator in disputes between the GCC and Parliament.
- 14 FIDH-LDDHI, *The Iran Notes - Iran's judiciary as a tool of repression and fear*, <https://www.fidh.org/en/region/asia/iran/the-iran-notes-iran-s-judiciary-as-a-tool-of-repression-and-fear>
- 15 The SCCR, which was initially established in June 1980 to Islamicize universities and their curricula, is an unconstitutional body that is accountable exclusively to the Supreme Leader and adopts resolutions that carry the force of law.
- 16 WEF, *Global Gender Gap Report 2023*, https://www3.weforum.org/docs/WEF_GGGR_2023.pdf, p. 207
- 17 Shoaresal, *Women in the first row of lay-offs and human power adjustment*, 13 April 2022; <https://shoaresal.ir/fa/news/376684/>
- 18 ISNA, *Husband bans coach of the National Ski Team from travelling abroad*, 18 February 2021; <https://www.isna.ir/news/99112921691/>