ISLAMIC REPUBLIC OF IRAN

Women activists played a significant role in the Iranian Revolution, but following it, with changes to the civil and penal codes and enforced segregation and public veiling, women lost the limited equal rights that they had enjoyed under the previous regime. In addition, high rates of unemployment among women mean that for many women, their economic autonomy is limited. However, despite considerable restrictions on their civil liberties, women in Iran are active and visible in the public sphere, particularly in education and civil society, and stereotypes regarding acceptable gender roles are being challenged. In addition, a study by Moghadam notes that women’s human rights in Iran have advanced, especially in regard to family, religion and community, partly as a result of urbanisation, and of the high numbers of women entering education. There is an active and confrontational women’s movement, which contains women working to improve women’s rights within the framework of the existing Islamic regime, as well as those calling for secular rights. As a result of their activities, such women are frequently in considerable danger and risk of persecution and arrest. Many young women were among those active – and arrested – during large scale demonstrations in 2009, following disputed elections.

The Iranian Constitution calls for gender equality before the law at Article 20, although this is negated by the enforcement of discriminatory civil and criminal laws that subordinate women. Iran has not signed or ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), on the grounds that to do so would contradict Islamic law. The Centre for Women’s Affairs and Family coordinates government policy in relation to improving women’s status in society.

1. Discriminatory family code

Under Iran’s civil code, all women are considered to be under the guardianship of their father, husband, or another designated male relative. Following the rescinding of the pre-revolutionary Family Protection Law, no new family code was introduced until more recent years. For those belonging to the other three recognised religious groups – Jews, Christians, and Zoroastrians – personal status is governed by their own sectarian laws.

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1 Tohidi (2010) p.121
2 Freedom House (2010)
3 Valentine M. Moghadam (n.d.). pp.2-3
4 Tohidi (2010) p.144
6 Tohidi (2010) p.124
7 United Nations Treaty Collection (n.d.)
8 JICA (2007) p.11
9 United Nations Economic and Social Council (ECOSOC) (2003), p.187
10 Tohidi, Nayereh (2010), p.122
11 Tohidi, Nayereh (2010), p.130
For the Muslim majority, matters relating to personal status and the family are now regulated based on Shi’a interpretations of the Sharia; the old family law with some retrogressive recent changes still acts as a practical framework for judges to address such issues. In 2008 under Presidency of Ahmadinejad, a new bill under the name of “Family Protection Bill” was proposed to reinforce and facilitate polygyny, temporary marriage, and men’s privileged position with regard to divorce. Thanks to a wide coalition of women activists who opposed that bill, a mildly amended version was passed which is still biased in favor of men concerning polygamy and temporary marriage.

The legal age of marriage is 13 years for girls and 15 years for boys, but fathers have the right to apply for permission to the courts to marry their children earlier. Early marriages that take place without official permission can result in imprisonment.

All marriages are governed by sectarian personal status laws, as outlined above. It appears that the minimum age of marriage is the same for all sects.

In a 2012 report, the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran expressed concern regarding reports that the Legal Affairs Committee of the Iranian Parliament had stated that the law prohibiting the marriage of girls under the age of 13 was ‘un-Islamic’, and that one lawmaker was proposing bringing the minimum age down to nine for girls.

The consent of both spouses is needed for a marriage to be valid; however, in some rural areas, forced marriages do occur, particularly involving very young girls, or widows. Rates of child marriage are thought to be highest in southern parts of the country.

Parental authority is governed by the Civil Code, but this draws directly from Sharia law, under which women do not have equal rights. Women and men do not have equal parental authority over children. Under Article 1105 of the civil code, the husband is designated as the exclusive head of the family. Fathers have both physical and legal custody of children during marriage, including the authority over decisions regarding the child’s wellbeing. In his absence, guardianship of children falls to his family, rather than to the mother.

In the event of divorce, recent legal amendments to the civil code automatically grant mothers physical custody of children until the age of seven, unless the mother remarries, in which case she loses this right. Previously, mothers could maintain custody of sons only until the age of two.

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12 Tohidi, Nayereh (2010), p.122
13 Tohidi (2008)
14 Tohidi, Nayereh (2010), p.131
16 Tohidi, Nayereh (2010), p.131
17 United Nations General Assembly (2012), pp.21-22
18 Tohidi, Nayereh (2010), p.131
19 United Nations General Assembly (2012), p. 22
20 Tohidi, Nayereh (2010), pp.132-133
21 Tohidi, Nayereh (2010), p.125
23 Tohidi, Nayereh (2010), p.133
The law does not provide women with equal inheritance rights, either as wives or as daughters.

Inheritance law is governed by Sharia. Shi’a interpretations of the Sharia provide for detailed and complex calculations of inheritance shares. Women may inherit from their father, mother, husband or children and, under certain conditions, from other family members. However, their share is generally smaller than that to which men are entitled. Daughters, for example, typically inherit half as much as sons, and a widow’s inheritance entitlement is dependent on whether or not the couple have children.\(^\text{24, 25, 26}\) A change to the law in 2009 means that widows are now able to inherit land from their husbands; previous to this, they could only inherit moveable property.\(^\text{27}\)

A report by the World Bank notes that it is now common for parents to make arrangements to ensure that daughters’ and sons’ inheritance is equal.\(^\text{28}\) However, the Special Rapporteur on Violence against Women, who visited the country in 2005, notes that written wills are not legally binding.\(^\text{29}\) Tohidi notes that women are often pressured into forgoing their inheritance, either to keep property within the family, or to enable male relatives to control the selling or division of inherited assets.\(^\text{30}\)

**More**

Changes to the law made in 2002 mean that men can no longer repudiate (divorce unilaterally) their wives; the law introduced restrictions on both men’s and women’s right to divorce, and men who divorce their wives without going through the official channels can now face up to a year’s imprisonment.\(^\text{31}\) In practice, it remains much harder for a woman to obtain a divorce; even if she is prepared to undergo a ‘khula’ divorce (which means making a financial payment to her husband), she still needs to obtain her husband’s consent to the divorce.\(^\text{32}\)

Women cannot be recognised as the head of the household. All adult women remain under the guardianship of their father, husband, or another designated male relative. As mentioned above, the husband is designated the exclusive head of the family, under the Civil Code.\(^\text{33, 34}\)

**2. Restricted physical integrity**

There is no specific law criminalising domestic violence in Iran. Those women who do turn to the police for help are treated, in the words of a recent report, ‘no differently from those who are attacked by a stranger’, and must provide witnesses and medical reports to support their allegations.\(^\text{35}\)

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\(^\text{24}\) The United Nations Human Settlements Programme (UN-HABITAT) (2005), p.11
\(^\text{25}\) Tohidi, Nayereh (2010), (2010) p.139
\(^\text{26}\) UN Economic and Social Council (ECOSOC) Commission on Human Rights (2006), pp.14-15
\(^\text{27}\) Tohidi, Nayereh (2010), p.139
\(^\text{28}\) World Bank (2011), p.159
\(^\text{29}\) UN Economic and Social Council (ECOSOC) Commission on Human Rights (2006), pp.14-15
\(^\text{30}\) Tohidi, Nayereh (2010), p.139
\(^\text{31}\) Tohidi, Nayereh (2010), p.132
\(^\text{32}\) Tohidi, Nayereh (2010), p.132
\(^\text{33}\) Tohidi, Nayereh (2010), p.125
\(^\text{34}\) UN Economic and Social Council (ECOSOC) Commission on Human Rights (2006), p.13
\(^\text{35}\) Tohidi, Nayereh (2010), p.136
As of 2003, there were some limited state support services in place for victims of domestic violence— including a crisis centre and a proposed helpline — but it is unclear if these are still functioning. As of 2010, there were no shelters available for abused women. One article notes that limited attempts were made during the presidency of Mohammad Khatami to establish support services, and to carry out research on domestic violence, but that these were inconsistent and subsequently abandoned. No data on conviction rates was available.

There is no data available as to the prevalence of domestic violence, which is treated as a private matter and rarely discussed openly.

When the Special Rapporteur visited Iran in 2005, she found that women in abusive relationships felt compelled to remain with their abusers for fear of shame, ostracism, or the fact that they would be left destitute if their husbands divorced them. A more recent article paints a similar picture.

**Rape** is not recognised as a distinct offence under the Iranian penal code, but rather falls under the penal code’s definition of adultery, as sexual intercourse between a man and a woman ‘forbidden to each other’. Rape cases can be brought under the Criminal Code, however, a rape victim must present four male eyewitnesses or three male and two female witnesses in order to prove the crime, and if the defendant is acquitted, the victim runs the risk of being charged and convicted for false accusation (*qazf*) or illicit sexual relations (*zina*).

The law does not recognise the concept of spousal rape. It is unclear whether or not the perpetrator can escape prosecution by marrying the victim.

No evidence was found to suggest the existence of any mechanisms or measures to ensure the implementation of the law.

According to the US Department of State, 900 cases of rape were reported to law enforcement agencies between March 2011 and March 2012. It is unclear how many of these resulted in a conviction.

The legal requirements around rape act as a significant barrier to reporting, as does shame and fear of social stigma.

Under the Family Code, men also have the right to engage in sexual relationships outside of marriage within ‘*sigheh*’ (temporary) marriages, while for women, adultery is a criminal offence that can result in the death penalty. Both men and women convicted of adultery can

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37 Tohidi, Nayereh (2010), p.136  
38 Moaveni, Azadeh (2013)  
40 UN Economic and Social Council (ECOSOC) Commission on Human Rights (2006), p.11  
41 UN Economic and Social Council (ECOSOC) Commission on Human Rights (2006), p.11  
42 Moaveni, Azadeh (2013)  
43 Tohidi, Nayereh (2010), p.136  
44 UN Economic and Social Council (ECOSOC) Commission on Human Rights (2006), p.16  
45 Tohidi, Nayereh (2010), p.136  
46 US Department of State (2013)  
47 Tohidi, Nayereh (2010), p.136  
48 US Department of State (2013)  
49 Greiff, Shaina (2010), p.20
be sentenced to death by stoning. In practice, convictions are rare, but women are disproportionately affected.

According to a 2010 report published by Women Living Under Muslim Laws (WLUML), ‘honour’-related violence is also ongoing in Iran. This often takes the form of forced self-immolation, whereby women are forced by other family members to set themselves ablaze, and the death is then passed off as suicide.

Amnesty International reports that some of those arrested following the demonstrations in 2009 – women and men – were raped and subjected to other forms of sexual assault while in detention. Women’s rights defenders continue to face harassment, arbitrary arrest and detention, and imprisonment after unfair trials.

**Sexual harassment** in public places is illegal under Article 619 of the penal code, which generally prohibits verbal or physical harassment of women and children in public places. However, there are not specific laws addressing sexual harassment in the workplace or institutes of education.

Tohidi notes that no labour unions provide support or representation to women who have suffered sexual harassment. Government campaigns challenging sexual harassment have been focused on encouraging women to dress and behave modestly so as not to ‘attract’ unwanted attention.

It appears that victims of sexual harassment are often blamed for the abuse, and can even face counter charges. In 2008, a female student who had alleged that the vice chancellor of her university had sexually harassed her was herself arrested; the local prosecutor is reported to have said that ‘publicising certain crimes is worse than the crimes themselves’.

According to Amnesty International, in 2012, women prisoners held at Evin prison went on hunger strike to protest against humiliating body searches, which they argued constituted a form of sexual harassment.

There is no evidence that **female genital mutilation** (FGM) is practised in Iran.

**More**

**Abortion** is only legal in cases where the mother’s life is in danger.
3. Son bias

Iran has a male/female sex ratio at birth of 1.05 in 2013. This keeps stable around 1.05 for the age-range 0-14 and drops to 1.03 for the working age-group 15-64. The 2014 projected sex-ratio for the entire population is 1.03. There is evidence to suggest that Iran is a country of low concern regarding missing women due to elevated child sex ratio.

More

Infant mortality rates are virtually equal for girls and boys, with 39.53 deaths over 1,000 live births and 38.45 deaths over 1,000 live births, respectively.

UNICEF data on education statistics reveal that the gender gap in both education and literacy rates is closed. The 2008-2012 gross enrolment ratio in pre-primary school is 40.6% for males and 44.7% for females. The same pattern holds for primary and secondary school participation, with boys’ net enrolment ratio in secondary schooling being slightly higher than girls’ (82.4 against 79.8%). Boys’ and girls’ literacy rates for the 15-24 age group are almost identical, around 98.5%.

The figures above would not indicate that Iran is a country of concern in regard to son preference linked to access to education.

4. Restricted resources and assets

Under the Civil Code, there are no legal restrictions on women’s access to land or non-land assets in Iran.

Married women retain the right to manage their own property under Article 1118 of the Civil Code, and in the event of divorce, the wife is able to retain all the property and other assets that she brought with her when she married.

Women’s access to land and property other than land are governed by the civil code.

In practice, in many households, men retain day-to-day control over the family’s income and assets, including land and property. In addition, enforced gender segregation and restrictions on women’s mobility make it more difficult for them to put their own land and property to economic use.

The land and property rights of women belonging to religious and ethnic minority groups appear to be compromised, as some such groups have been subject to the confiscation of land and property.

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62 CIA (2013)
63 CIA (2013)
64 CIA (2013)
65 UNICEF Statistics (2013)
66 UNICEF Statistics (2013)
68 Tohidi, Nayereh (2010), pp.133, 138, 139
69 Tohidi, Nayereh (2010), p.138
70 Tohidi, Nayereh (2010), p.139
71 Human Rights Council (2012), p.18
Tohidi notes that women have the same right as men to enter into commercial contracts, indicating that they should in principle have equal rights to financial services, including credit and bank loans.\(^{73}\)

The US Department of State notes that women face discrimination in accessing credit, but provides no further details.\(^{74}\)

According to financial inclusion data held by the World Bank, 62% of adult women had a bank account in 2011, compared to 85% of men. In the same year, 31% of adults had taken out a loan with a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); these data were not disaggregated by gender.\(^{75}\)

In some rural areas, a government loan scheme providing credit for agricultural and handicraft activities targets female-headed households.\(^{76}\) From 1994 to 2005, the number of women using these loans decreased from 6,160 in 1994 to 3,103 in 2004, but the amount of these loans increased by a 6.94%.\(^{77}\) No further information on women’s access to micro-credit was found.

5. Restricted civil liberties

Iranian women face legal restrictions on their access to public space and freedom of movement outside the country, as they must obtain permission from their husband or a male relative in order to obtain a passport.\(^{78}\) Women also need permission from their male guardian to study abroad, and married women must live in a residence chosen for them by their husband.\(^{79}\) Married women need their husband’s permission to work outside the home, although prior permission can be stipulated in the marriage contract.\(^{80}\)

Women belonging to ethnic and religious minorities face legal and de facto restrictions on their free access to public space, along with other members of their communities. For instance, the use of minority languages is restricted, Sunnis face discrimination in employment, and members of the Bahá’í faith have faced arbitrary imprisonment.\(^{81,82}\)

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) women face legal and de facto restrictions on their free access to public space. Same-sex relationships are illegal in Iran for women and men. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) has logged numerous cases of members of the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community being subjected to violence, persecution and discrimination.\(^{83}\)

\(^{73}\) Tohidi, Nayereh (2010), p.140.
\(^{74}\) US Department of State (2013)
\(^{75}\) World Bank (n.d.) Financial Inclusion Data – Iran, Islamic Rep.
\(^{76}\) Japan International Cooperation Agency (JICA) (2007), p.19
\(^{78}\) Tohidi, Nayereh (2010), p.130
\(^{79}\) Tohidi, Nayereh (2010), p.131
\(^{80}\) World Bank (2011), p.164
\(^{81}\) Human Rights Watch (2013), pp.541-542
\(^{82}\) Amnesty International (2013), pp.127-128
\(^{83}\) International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), (n.d.)
Women students are barred from studying certain subjects in some higher education institutes, and can be expelled if they fail to adhere to a mandatory dress code.  

There are currently no quotas in place to promote women’s political participation, at national or sub-national level. In the first local elections held in Iran in 1999, 1120 women were elected to municipal and village councils, winning one third of the available seats in the major cities.

**More**

Article 38 of the 1991 labor law mandates equal pay for equal work and prohibits discrimination on the basis of sex in determining wages.

Pregnant women in Iran are able to take up to 90 days’ paid maternity leave, extended to four months if they are breastfeeding. While on maternity leave, women receive two thirds of their regular salary. Maternity leave is financed through the state Social Security Organisation.

Tohidi notes that the media in Iran seldom offer output intended to empower women or educate them about their rights. No information was found on the number of women working in the media in Iran.

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84 Amnesty International (2013, p.127
85 Human Rights Watch (2013), p.541
86 United Nations General Assembly (2012), pp.13-14
88 Tohidi, Nayereh (2010), p.144
89 Tohidi, Nayereh (2010), p.138
90 Labour Code 1990, Article 76
91 Tohidi, Nayereh (2010), p.145
Sources


