



IRAN

by *Nayereh Tobi*

POPULATION: 73,244,000

GNI PER CAPITA: US\$3,998

COUNTRY RATINGS	2004¹	2009
NONDISCRIMINATION AND ACCESS TO JUSTICE:	N/A	1.9
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	N/A	2.1
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	N/A	2.7
POLITICAL RIGHTS AND CIVIC VOICE:	N/A	2.1
SOCIAL AND CULTURAL RIGHTS:	N/A	2.5

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

INTRODUCTION

A populist revolution in 1978–79 put an end to Iran’s long-standing tradition of monarchy, replacing it with a unique Islamic republic, wherein religious clerics assumed political control under a supreme leader, Ayatollah Ruhollah Khomeini. Despite massive participation by women in the revolution and a subsequent increase in the levels and forms of women’s social presence and educational achievements, the Islamic Republic brought many negative changes to women’s rights and personal freedoms. Sex segregation and compulsory veiling, discrimination in penal and civil codes, and setbacks in personal status and family law further institutionalized patriarchal gender relations and cultural attitudes.

The discriminatory state ideology and policies of the Islamic Republic run against the modern socioeconomic and demographic realities in the country, especially with respect to the growing number of urban, educated, middle-class women. Their quest for equal rights and collective action to improve their status began during the Constitutional Revolution of 1906–11. Continuous pressure from women’s groups led to government reforms concerning women’s education, employment, suffrage, and family law under the Pahlavi dynasty, which ruled from 1925 until 1979.

The rapid process of uneven and autocratic modernization and Westernization under the Pahlavi shahs alienated many in the traditionalist populace, especially powerful Shiite Muslim clerics, the poor, and the secular intelligentsia—both male and female.² At the outset of the revolution, the secular democratic forces were weak and unorganized, in part due to systematic repression by the shah's infamous secret police. The Islamists, meanwhile, were bolstered by the strong organizational structures and financial resources of the clerical establishment, helping them gain an upper hand in the ensuing struggle with other groups and secure control after the shah fled Iran.

Under the Islamic Republic in the 1980s, the few significant progressive reforms of the Pahlavi era, such as those made to the family law in the 1960s and 70s, were repealed, and both the family law and the penal code regressed to match their condition in the 1930s and 40s.³ Although the shah's Family Protection Law was annulled, women's rights defenders resisted the regression and no replacement legislation was passed, leaving the old law in place as the practical guide for answering questions that were not explicitly addressed by Shari'a (Islamic law).⁴

The "era of construction" under President Ali Akbar Hashemi Rafsanjani (1989–97) ushered in some positive changes to the government's gender policies. These came about as the result of Iranian women's demands from both inside and outside Iran, as well as international pressures, particularly the growing global women's activism sponsored by the United Nations. For example, a woman was appointed as a presidential adviser on women's issues, and the Office of Women's Affairs was established as required by the UN Commission on the Status of Women. There were also more systematic activities, such as preparation of national reports on the status of women in response to the UN-sponsored World Conference on Women in Nairobi (1985) and Beijing (1995).

Iran experienced an era of uneven reform under the presidency of Mohammad Khatami (1997–2005). Women's sociopolitical participation and civic activism increased considerably, while restrictions on personal freedoms and dress were loosened. Women made impressive gains in literacy and educational attainment, and enjoyed improved access to primary health care and birth control. They increasingly contributed to cultural and artistic production, and some of the best-selling films, novels, and paintings were produced by female artists. However, attempts by reform-oriented members of the parliament (the Islamic Consultative

Assembly, or Majlis) to make progressive changes, including ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), were blocked by the conservative Guardian Council.⁵

The election of President Mahmoud Ahmadinejad in 2005 marked a return to power for hard-liners and negatively affected almost all areas of women's social life. Violations of human rights generally and women's rights in particular have intensified, and censorship has increased. The overall condition of women in Iran has also suffered from revived sociopolitical restrictions on women's dress, freedom of assembly, social advocacy, cultural creativity, and even academic and economic activity. Attempts at legal reforms in favor of women's rights have been blocked, and a government-backed proposal that would have reinforced polygamy and temporary marriage made women's rights a more urgent concern for a broad spectrum of the female population. Additionally, economic mismanagement that has helped to squander Iran's abundant oil and gas reserves, combined with the global economic downturn, has left the country with a high rate of unemployment that especially affects women and young people.⁶

At the same time, growing globalization, increased access to new communications technology, and recent demographic changes have countered some of these negative trends. Iran has undergone rapid urbanization, and 70 percent of its population is under the age of 30, contributing to a transformation in gender roles. These factors, combined with resistance by women and youth and their collective campaigns for equal rights, have stirred factional conflicts and differences on gender issues among the clerics and other ruling elites. The women's rights movement is reasonably well-organized and surprisingly effective considering the repressive conditions within which it operates. Women's rights defenders have influenced public discourse surrounding discriminatory laws, challenging the regime while pushing for change and often leveraging public opinion to influence policy at high levels.

Conflicts within the leadership came to the fore during and after the June 2009 presidential election, of which Ahmadinejad was declared the winner by a wide margin. Iranian women played a prominent role in the large preelection rallies and in the massive street protests that followed the vote, as opposition candidates and their supporters raised accusations of wholesale fraud in the official results. Women were seen

marching in the demonstrations in large numbers and braving the violent response by security forces, dramatically illustrating the clash between a changing society and an increasingly repressive government.

NONDISCRIMINATION AND ACCESS TO JUSTICE

Under the Islamic Republic of Iran, discrimination and segmentation on the basis of religion and gender have been institutionalized in the constitution, government policies, and state ideology. The system explicitly favors men over women, Muslims over non-Muslims, and Shiite Muslims over other Muslim sects.⁷ The constitution and the Shari'a-based penal and civil codes, especially those sections pertaining to family and personal status, legalize the subordination of women, treating them as second-class citizens with unequal rights. Women's rights activists have launched widely publicized equal-rights campaigns that have been successful within the parameters established by the theocracy. However, the overall legal framework remains discriminatory, with the state's theocratic underpinnings consistently negating its progressive and democratic elements.

For instance, Article 19 of the constitution states: "The people of Iran regardless of ethnic and tribal origin enjoy equal rights. Color, race, language, and the like will not be cause for privilege."⁸ Note that while discrimination on the basis of ethnicity and race is prohibited, neither religion nor sex is mentioned. Other sections of the constitution directly address women's rights. Article 20 states: "All citizens of the nation, whether men or women, are equally protected by the law. They also enjoy human, political, economic, and cultural rights according to Islamic standards." This language carefully avoids a guarantee of equal rights for women, despite the pledge of equal protection, and the qualifier of "Islamic standards" effectively limits women's rights to those available under Shari'a.

The preamble and Article 21 glorify motherhood and the family as "the foundation of society," and obligate the government to offer protective measures in support of the family unit, mothers, orphans, widows, and old or destitute women. The preamble also states that "motherhood is accepted as a most profound responsibility in the Muslim viewpoint and will, therefore, be accorded the highest value and generosity."⁹ However, Article 21 calls for the government to grant child custody only to "worthy mothers," and only "in the absence of a lawful guardian."

Under Shari'a, the lawful guardian of children is the father, or in his absence, paternal kin.

Shari'a is the only source of legislation under Article 4 of the constitution. Therefore, any changes or reforms made to women's rights are contingent upon the political influence of the *ulema* (Islamic clerics) and their interpretation of Islam. Shiites adhere to the Ja'fari school of Shari'a, which differs in some respects from the four Sunni schools of Islamic jurisprudence. For instance, women with no brothers are entitled to greater inheritance rights than their Sunni counterparts. Still, women of both sects face discrimination in their inheritance rights, their right to act as a witness in court, and the right to become a judge.

The Ja'fari approach to women and gender relations, much like the Sunni schools of jurisprudence, is frequently at odds with the universalism and egalitarianism of modern international human rights conventions. The reformist Sixth Majlis made several reservations when it ratified CEDAW in 2003, but the move nevertheless caused uproar among conservative clerics in Qum, the largest center of Shiite scholarship. The ratification was therefore vetoed by the Guardian Council. The disputed legislation was then sent to the Expediency Council for a resolution, and it has been awaiting consideration there ever since.

Women cannot pass on nationality and citizenship to their children or their husbands. Children's nationality and citizenship are determined through their fathers only.¹⁰ A Muslim man can marry non-Muslim women with no legal problem or state intervention, as it is assumed that the wife's religion and citizenship are determined through her husband. A Muslim woman can marry a previously non-Muslim man only if it is proved that he has converted to Islam, and even in this case, a non-Iranian man cannot earn citizenship through his Iranian wife.¹¹ These citizenship restrictions have affected thousands of Iranian women, particularly those married to Afghan or Iraqi refugees, as well as expatriate Iranian women married to non-Iranians. As Iran has pushed millions of such refugees to return to their homelands in recent years, many Iranian women have been forced to choose between their native country and their noncitizen husbands and children.

The penal code is broken down into *hodud* (or *hadd*, singular) punishments, which are prescribed in religious law; *qisas*, or the law of retribution, in which the punishment is equal to the suffering of the victim;

diyeh, or blood money, in which the families of victims receive financial compensation; *tā'zir*, or sentences that are left undefined and open to interpretation by judges; and punishments intended to ensure peace and stability for the community.

Many of these mechanisms are clearly retrograde in nature. The penalty of death by stoning for adulterers, for example, had not existed in Iran for a century, but it is now part of the penal code and is sporadically practiced in the Islamic Republic. Article 630 of the penal code allows a man to murder his wife and her lover if he catches them having consensual sex. If the wife is being raped, he may only murder the man.¹² A married man is legally allowed to engage in affairs under the guise of *sighbeh* (temporary marriage) as many times as he wishes, whereas a married woman can be stoned to death or murdered in an “honor killing” for participating in a similar relationship. In addition, the blood money paid for a slain Muslim or non-Muslim woman is half that for a Muslim or non-Muslim man.¹³

Head and body coverings for women are mandatory under Article 638 of the penal code, which stipulates that those who fail to comply with *hijab shar'è* (Shari'a-based veiling) face 10 days to two months in prison or fines between 50,000 and 500,000 rials (US\$5 to US\$50).¹⁴ The law lacks specificity on what constitutes a violation, but in practice, women have been punished for all of the following: showing part of one's hair, using cosmetics, wearing sunglasses, wearing a tight or short *manteau* (coat or gown), showing skin above the wrist or ankle, showing neckline, and wearing boots over (rather than under) trousers.¹⁵ No private plaintiff is necessary for prosecution, as it is the state's prerogative to monitor and control women's apparel.

Harsher enforcement has increased the number of arbitrary arrests and detentions in recent years. Immediately following the revolution, observance of head coverings and modest dress for women was enforced by a special police service in all public places, and women were harassed, arrested, fined, and detained for violations. During the reform era under President Khatami (1997–2005), this enforcement was relaxed considerably although not eliminated. However, since 2006, male and female officers have stopped, verbally scolded, physically attacked, arrested, or temporarily detained thousands of women and some young men for wearing insufficiently modest clothing, or “bad hijab.”

Individual members of women's rights groups are subject to arbitrary arrest and detention as well as smear campaigns in the state-run media, verbal and physical harassment, travel bans, and other forms of suppression.¹⁶ In

the last two years alone, 68 women involved in the One Million Signatures Campaign to Change Discriminatory Laws (Change for Equality) have been arrested and imprisoned.¹⁷ Due to domestic and international pressure by human rights activists and organizations, and especially intervention by defense lawyers such as Nobel laureate Shirin Ebadi, most activists have been released on bail after a few days or weeks in prison. The government continues to intimidate some of the released activists by summoning them to court for interrogation under the pretense of due process.¹⁸

However, authorities have recently broken with the practice of releasing activists on bail. In February 2009, Alieh Eghdamdoust, 57, became the first women's rights activist in the Islamic Republic to have her prison sentence implemented. According to the International Campaign for Human Rights in Iran, the sentence was based solely on her activities promoting women's rights.¹⁹ Eghdamdoust was arrested in June 2006 with 70 others during a peaceful women's rights protest in Tehran's Haft-e Tir Square. After a week in prison, she was charged with violation of national security through participation in an illegal protest and disrupting public order. Eghdamdoust was initially sentenced to 20 lashes and three years and four months in prison, but an appeals court reduced the penalty to three years in prison. On February 1, 2009, she was transferred to the Office of Implementation of Sentences at the Revolutionary Courts, and began serving her sentence. Her lawyer, Nasim Ghanavi, argues that her participation in the peaceful protest was authorized by Article 27 of the constitution, which holds protests to be legal as long as the demonstrators do not carry arms or insult Islam.²⁰

An adult woman is generally not recognized as a full person in court. Except for civil law cases, in which women's testimony has the same value as that of men, the testimony of two women equals that of one man. Nonetheless, judges retain wide discretion in determining what constitutes acceptable testimony. In cases involving major crimes, such as murder, a woman's testimony is impermissible in court.²¹ This rule is obviously detrimental to justice in practice, especially when a murder takes place in an exclusively female gathering.

The customary practices in most parts of Iranian society are often more progressive than the laws, with the exception of some ethnic groups and tribal communities in a few underdeveloped regions of the country. Because of this gap between law and society, women's rights activists have made legal reforms their top priority.

The largest and most influential organized movement for legal reform is the Change for Equality campaign.²² A smaller but more focused project is the Stop Stoning Forever Campaign.²³ Other small-scale campaigns include the Women for Equal Citizenship Campaign, the Women's Access to Public Stadiums Campaign, the National Women's Charter Campaign, and Mothers for Peace. All of these are lawful movements that operate peacefully and transparently, but human rights defenders involved with them are vulnerable to persecution by the regime.

The government views such activities with utmost suspicion, and women's rights advocates are frequently charged with "endangering national security" and "contributing to the enemy's propaganda against the regime." The authorities have pointed to real or supposed foreign funding as evidence that civic groups are involved in a U.S.-led plan for "regime change."²⁴ Such claims are patently absurd. As one activist against polygamy argued, "How could my protest against my husband's right to bring a second wife into our home threaten my country's national security?"²⁵ But because of the government's crackdown, most women's rights organizations are careful not to accept any financial support from international donors.

In an effort to protect their members, many women's nongovernmental organizations (NGOs) are depriving themselves of the resources available to similar groups in other countries. Even international awards that include monetary prizes have become a source of tension and political divisions among the activists.²⁶ While most groups avoid accepting any financial help or even symbolic awards from "Western" sources, some see this as yielding to government pressure in a manner that is contrary to their practical needs and interests.

Even Ebadi—one of the most prominent human rights defenders in Iran—has not been immune from recent governmental attacks. A smear campaign waged against her by the conservative press took a drastic and violent turn in December 2008.²⁷ Her organization, the Defenders of Human Rights Center (DHRC), was closed on December 21, and her private law office was raided a week later by men who identified themselves as tax officials. They confiscated her computers and private client files. On January 1, 2009, a group of approximately 150 people demonstrated in front of Ebadi's home, chanting threatening slogans and vandalizing her property. The police arrived after she called for help, but they took no steps to restrain or disperse the protesters. Attacks on Ebadi have likely increased

because she has acted as legal counsel for a number of Baha'is; the government does not recognize the Baha'i faith and considers its adherents to be apostates. On January 14, Jinous Sobhani, one of Ebadi's Baha'i colleagues, was arrested without cause. She was released on March 11, with bail set at 700 million rials (US\$70,000), pending the determination of her trial date.

The DHRC is the main human rights organization in Iran that provides pro bono services to those accused of political crimes and offers support to families of imprisoned political activists. It publishes regular reports on the situation of human rights in Iran. Hadi Ghaemi, director of the International Campaign for Human Rights in Iran, noted that "the closure of the DHRC signals a shift in the approach of security forces and attests to the lack of tolerance on their part, not only for dissent by political and social activists, but also for any defense, even legal defense in court."²⁸ If Ebadi, given her international prestige, is not immune from this type of pressure, then other women human rights defenders are at even greater risk. The crackdown was also interpreted as a bid to silence voices of dissent and criticism ahead of the 2009 presidential election.²⁹

Recommendations

- ❖ The government should immediately stop all forms of harassment and attacks against women's groups that are pursuing gender equality through peaceful and transparent means.
- ❖ The Majlis should pass legislation establishing effective citizen-complaint mechanisms and criminal penalties for security personnel who engage in verbal harassment, physical abuse, or arbitrary arrest, particularly while enforcing rules on personal attire and appearance. NGOs should create telephone hotlines and other programs to provide legal advice and assist victims in pursuing complaints.
- ❖ The Expediency Council should promptly review and approve the Majlis's ratification of CEDAW, which has been delayed for several years. This will facilitate the legal reform process with respect to polygamy, diyeh, and stoning, among other issues.
- ❖ Since the women's NGOs cannot simply wait for or rely on the CEDAW ratification, they should both pursue major campaigns like Change for Equality and continue to create smaller movements focused on individual issues, like equality in inheritance and access to justice for victims of domestic violence.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

In Iran, the behavior and sexuality of women, especially younger women, is traditionally viewed as a matter of family honor that must be controlled by a woman's father, brothers, and husband. Since the establishment of the Islamic Republic and the application of Shari'a to all public and private spheres, the state has inserted itself into this role, pledging to "protect the honor of the nation's women" in terms of their public appearance and apparel, sexuality, personal interactions, and spatial mobility. This state intrusion violates the autonomy, security, and freedom of all persons, and women in particular are negatively affected.

Iran is a heterogeneous country combining many ethnic, religious, tribal, and regional crosscurrents. Although the majority of the population are Persian Shiites, ethnic minorities—including Azeris, Gilaki and Mazandarani, Kurds, Arabs, Lurs, Baloch, Turkmens, and others—make up a significant portion of the population. Women belonging to certain groups may face unique constraints imposed by their culture or religious denomination. Some patriarchal practices and gender-related restrictions against women, such as "honor killings" and forced marriage, are more prevalent in the more impoverished and less developed provinces largely populated by ethnic minorities such as Arabs and Kurds.

Article 13 of the constitution recognizes Christians, Jews, and Zoroastrians as religious minorities and grants them limited freedom of religious practice, education, and political representation within the Majlis. However, conversion by Muslims to other religions is considered apostasy, as is being a member of the unrecognized Baha'i faith. Baha'i men and women are routinely denied the fundamental legal protections and state benefits afforded to other Iranians, and even recognized religious minorities are subject to various forms of discrimination. Muslim women are not permitted to marry non-Muslim men, but the non-Muslim wives of Muslim men are presumed to have accepted Islam. The personal status of the members of recognized religious minorities, such as Christians and Jews, are governed by their own sectarian laws. Nonetheless, certain discriminatory rules such as mandatory hijab and sex segregation apply to all citizens regardless of their religious or nonreligious beliefs or values.

Women's freedom of movement is restricted by both cultural traditions and legal restrictions. A woman may not obtain a passport or leave the country without her husband's written permission.³⁰ In addition, the

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domicile of a married woman is considered to be that of her husband under Article 1005 of the civil code, and she must reside in the house determined by her husband under Article 1114 unless she reserves the right to live elsewhere in their marriage contract. Certain public spaces are segregated by sex and select services are completely out of reach for women. For example, women are not allowed to attend soccer games, and a woman cannot stay in a hotel unless she is accompanied by a male relative, even though there are no laws specifically barring women from such places.

The laws regulating the personal status and family rights of women, found mostly in Books 7 to 10 of the civil code, are discriminatory in relation to marriage, the right to divorce, and child custody. The government-proposed Family Protection Bill was passed in September 2008, but not before a large and diverse coalition of women's groups, supported by moderate clerics and politicians, was able to secure the removal of two of the most onerous provisions. Under the bill's original version, a man would no longer be required to have his first wife's permission before taking another wife, and women would have been required to pay tax on their *mehriyeh* (dowry) at the outset of marriage.

According to Article 1034 of civil code, marriage is defined as being between a man and woman, and a man may become the suitor of any eligible woman. Implicit in law and reinforced by cultural attitudes is the notion that men, not women, should propose marriage. Article 1070 of the civil code requires the mutual consent of both bride and groom for a marriage contract to be valid. In practice, however, very young or widowed women, particularly those living in provincial and rural areas, may be forced into marriage either out of poverty or based on traditional and tribal customs. Although men may also be forced into marriage by their families, rural girls are far more susceptible to such practices.

The legal age of consent is 13 for girls and 15 for boys, but a permit may be obtained for the marriage of even younger girls or boys upon the request of a father or paternal grandfather to the court. This flexibility, combined with the already-low legal marriage age, increases the likelihood of young girls being married off to older men for financial reasons. More recent sociocultural trends in Iran, however, indicate that such laws are lagging far behind the new realities. At present, the average age of the first marriage for women and men are actually 24 and 27 respectively.

The validity of a woman's first marriage is contingent upon the approval of her father or paternal grandfather, regardless of her age. If she has no

father or grandfather, or can argue that they refused her choice without justification, the daughter may appeal to the court and register her marriage with the court's approval. Such restrictions do not apply to men.³¹ It is uncommon and largely undesirable for a young woman to marry without parental (especially the father's) approval, as it may ostracize her from her relatives and community.

Only men are permitted to marry multiple spouses. They can take up to four wives and engage in an unlimited number of temporary marriages (*sigheh* or *mutâ*). In reality, polygamy is not a common practice, and most people disapprove of *sigheh*.³² However, because sexual relationships outside of marriage are criminalized under Article 63 of the penal code, *sigheh* is occasionally used by members of the secular and nonconformist youth to avoid punishment for otherwise illicit sexual activity.³³

While the power of divorce lies principally with the husband, he cannot divorce his wife without going through the family court and its required procedures. The court appoints arbitrators, usually from among the relatives of the couple, in an attempt to secure reconciliation. If the husband insists on divorce, the court will grant its approval.³⁴ The process is less arduous if the couple files for divorce on mutual basis, but far more difficult when the wife applies for divorce on her own. According to Article 1130 of the civil code, she has the burden of proving that the continuation of the marriage would expose her to "difficult and pressing conditions." These can include the husband's addiction, impotence, adultery, abandonment, and physical abuse. Polygamy cannot be cited as the reason for a divorce unless it violated a condition in the couple's marriage contract. Another option for women is a type of divorce called *khula*. According to the Article 1146 of the civil code, a woman can file for such a divorce, based on her disgust toward the husband, if she forfeits her *mehriyeh* or pays him an equivalent sum. It should be noted that *khula* is possible only when the husband concedes.³⁵

In a divorce initiated by the husband, it is his prerogative to return to the wife and reconcile the marriage during the course of a waiting period known as *eddeh* (three months or three menstrual cycles), regardless of the wife's wishes. A divorced wife consequently has to remain in the husband's residence for three months after the intent to divorce is stated.

After a divorce, a woman's child custody rights are determined by law based on the child's age. Article 1169 of the civil code originally gave women primary custody rights over their children until boys turn two and

girls turn seven, but the age for boys was later raised to seven as well. After children reach the age threshold, custody goes to the father, unless his insanity or some other disqualifying factor is proven in court. According to Article 1170, the mother loses her custody rights to young children “if she becomes insane or marries another man during her period of custody.”³⁶ Article 1174 guarantees access to the child for the noncustodial parent.

Measures intended to improve women’s rights under the personal status and family laws have been enacted over the years. To help women secure better marital conditions and divorce terms, the prenuptial “conditions” envisioned under Article 1119 of the civil code have been added to the printed standard marriage contract. This reflects the Islamic tradition that allows a woman to request certain conditions, such as the right to divorce and the right to a residence separate from her husband’s relatives. Although the validity of these stipulations is conditional upon the approval of the prospective husband, they nonetheless provide an important potential protection. A prospective bride and her family may feel awkward requesting them during marriage negotiations, and men may simply refuse to accept them. Furthermore, many women are unaware of their legal rights in this area. These factors weaken the potential protection offered by the practice, and unless such conditions become fully integrated into the marriage law, many men will consider them to be “extra rights” or “privileges” to which they may refuse to submit.

Many of the improvements made to women’s marital rights center on financial support offered to women during marriage and upon divorce. A woman is entitled to *mehriyeh*, a sum of money or object of monetary value specified in the marriage contract that a husband is obligated to pay to his wife. Generally, the dowry is paid upon divorce and is intended to deter men from initiating divorce or, failing that, to provide financial support to divorced women. Article 336 of civil code was amended in 2006 to allow a wife to demand monetary compensation from her husband for domestic labor she performed during their marriage, particularly when the man initiates the divorce without a reasonable excuse.³⁷ Finally, a divorced woman is entitled to her *jahiziyeh*, the items she brought into the home upon marriage.

Although these provisions potentially protect the financial security of women, in practice it is difficult to secure the *mehriyeh* or compensation for domestic labor. Given other imbalances in the marriage law, especially the fact that the right to divorce lies almost exclusively with men, women

often forfeit their mehriyeh and other financial benefits in exchange for a divorce, buying their freedom from unhappy or abusive marriages.

Women's extensive legal vulnerability to divorce, polygamy, sigheh, and loss of child custody, combined with broader economic difficulties in Iran, has led prospective wives and their families to demand extremely large mehriyeh as a protective measure. This in turn adds to prospective husbands' apprehension about marriage, given rising unemployment and housing costs and their obligation to support their new families financially. The resulting delayed or precarious marriages have added to social problems in the country.

Women are legally protected from slavery and gender-based, slavery-like practices. Iran is a member of all major international conventions against slavery and human trafficking for both labor and sexual exploitation. However, academic research and official reports indicate that the number of run-aways and the rate of drug addiction and prostitution among girls is rising, adding to the vulnerability of poor or lower-class women.³⁸

Women and men are both subject to state-sanctioned torture and cruel, inhuman, or degrading punishments for political activism or sexual transgressions. For example, individuals found guilty of adultery can be sentenced to death by stoning under Article 83 of the penal code, although such convictions are rare due to relatively strict evidentiary requirements. In practice, significantly more women than men are sentenced to stoning. The punishment's legality has important implications and is based on the assumption that sexual relationships are to be punitively controlled by religious authorities rather than governed by the mutual consent of two adults. Moreover, the public ritual surrounding these tortuous killings reinforces violence, cruelty, and misogyny in general.

Iran and the Sudan are the only Muslim-majority countries that have included stoning in their criminal codes.³⁹ In the 1980s, bowing under domestic and international pressure, Ayatollah Khomeini issued a decree banning the practice, but after his death, some local judges began implementing the punishment again.⁴⁰ In 2002, Ayatollah Mahmoud Hashemi Shahroudi, the head of the judiciary, declared a moratorium on stoning, but the practice continued, particularly in small towns. State authorities usually deny that this punishment is carried out, but because it has not been outlawed, some local judges consider it a matter of discretion. Following the stoning of two men in January 2009, a spokesman for the

judiciary, Ali Reza Jamshidi, stated that the moratorium was considered only advisory and not binding.⁴¹

In mid-2006, a group of lawyers, academics, and activists inside and outside Iran formed the Campaign to Stop Stoning Forever, which has been relatively effective in exposing the practice, providing legal assistance, and conducting advocacy work. In the subsequent months, the group identified and provided legal representation for nine women and two men sentenced to death by stoning, which resulted in reduced punishment in several cases. As of July 2009, a bill that would ban stoning was under consideration by the government.⁴²

Sexual relationships are only permissible within the construct of a legal, heterosexual marriage. Homosexual acts between men are illegal and punishable by death under Article 109 of the penal code. Proof is established by the testimony of four male witnesses; the testimony of women—even in conjunction with men—may not establish the crime. Homosexual acts between women (*mosaheqeh*) are outlawed under Article 127, and while the standard of proof is the same, the punishment is far less severe. Women convicted of *mosaheqeh* are subject to as many as 100 lashes under Article 129, unless they repent before witnesses give their testimony. If a woman is convicted for a fourth time, the punishment is death under Article 131.⁴³

Violence against women is a frequent topic of discussion in the media and within NGOs, but political and cultural factors have prevented systematic studies on this issue. It can take a number of forms—physical, sexual, psychological, financial, and political—and is not limited to the home or family, as women can encounter violence in the workplace or in the community due to societal prejudices or biases in the law.⁴⁴

During the reform era that lasted from 1997 to 2005, the media were able to conduct investigative reports that uncovered various forms of violence against women throughout Iran. However, coverage has been more limited as media restrictions have increased in recent years. Sporadic reports indicate ongoing “honor killings” and serial killings of women in different regions. Close to 50 women were murdered during 2008 in four reported cases of serial killing in Abadan, Karaj, Varamin, and Gilan. According to one report, even the state-run newspaper *Iran* was pressured to refrain from publishing information related to these murders.⁴⁵

No specific law criminalizes domestic violence, and Iran has no public or private shelters for abused women. Due to legal shortcomings, societal attitudes, and the very nature of such abuse, domestic violence remains a private hardship. Victims who turn to the police are treated no differently from those who are attacked by a stranger. They can be compensated through the *diyeh* system of the penal code, provided they supply witnesses and medical reports. Victims of bodily injury may also seek out retribution under Article 273 of the penal code. Sexual harassment in public places is outlawed under Article 619 of the penal code, which generally prohibits verbal or physical harassment of women or children in public places. If convicted under this statute, offenders face two to six months in prison and up to 74 lashes.

Certain laws and cultural practices reinforce violence against women. Polygamy and temporary marriages destabilize spousal relations, increasing the likelihood of domestic violence. In addition, rape is not criminalized as a distinct offense. Instead it falls under the penal code's Article 63 definition of adultery, as sexual intercourse between a man and a woman "forbidden to each other." The victim of rape can assert that she committed adultery under duress and escape punishment, but this claim is difficult to establish because judges often look to the clothing and behavior of women—rather than the aggression of the perpetrator—for the "cause" of the rape.⁴⁶ Because the satisfaction of the husband's sexual needs is considered a wife's duty, spousal rape is not seen as a crime.

Recommendations

- ❖ Rape, defined as sexual intercourse without mutual consent, should be distinguished from consensual extramarital sex in the penal code.
- ❖ Equal legal rights concerning divorce and child custody should be granted to men and women. This will have the added benefit of reducing the need for an extremely large dowry designed to protect women from divorce and its consequences.
- ❖ The Majlis should draft a law banning domestic violence, with provisions for law enforcement training, complaint collection and adjudication, restraining orders, protection against retaliation, and compensation mechanisms. The government should also provide support for the establishment of women's shelters.
- ❖ Women's rights NGOs should intensify their educational and training efforts and provide legal and psychological counseling with regard to

anger management, domestic violence, and child abuse. The government should support such activities and protect them from harassment by state and societal actors.

- ❖ NGOs should form task forces to conduct a needs assessment and propose legal reforms concerning serial murder, honor killing, rape, and other forms of violence against women.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Iranian women's economic status does not yet match the remarkable expansion in their literacy rates, educational attainment, and sociopolitical activism. As of 2006, the female labor-force participation (LFP) rates in the formal sector of economy remained very low: 12.6 percent in urban areas and 12.3 percent in rural areas, for an overall female LFP rate of 12.5 percent, compared with 66.1 percent for men. These official statistics may be misleading, as data on women's overall economic activity, especially in the informal and private sectors, have been inconsistent and the subject of debate among economists. Depending on the methods of assessment and criteria used, the estimates have varied widely and they mostly give results much higher than the official rates. For example, the World Bank, whose figures include both the formal and informal sectors, estimated the 2006 LFP rate at 32 percent for women and 75 percent for men.⁴⁷

Women hold a minimal share of executive, administrative, and managerial positions (3.4 percent as of 2006).⁴⁸ This is due in part to the bulging youth population and its rising demand for new jobs, combined with cultural and ideological biases that give priority to hiring and promoting men, especially in the private sector.

Trends in women's economic rights reflect the impact of changing state policies, legal reforms, and cultural attitudes. A considerable decline in female LFP and employment in the aftermath of the 1979 Islamic revolution has been attributed to the impact of policies such as compulsory sex segregation, the weakening of the private sector, and disruption in trade and industries that had served as important sources of employment for women in previous years.⁴⁹ Unlike many other developing countries, which rely on cheap female labor in manufacturing for exports, female employment in Iran has gradually shifted away from the agricultural and manufacturing sectors, such as the export-oriented carpet industry, and toward the service sector, particularly education, health, and

social services.⁵⁰ This shift is the result of many different factors, including “particularly large oil revenues, a demographic transition, and rapid expansion of female education.”⁵¹

Article 38 of the 1991 labor law mandates equal pay for equal work and prohibits discrimination on the basis of sex in determining wages. However, this requirement is not always enforced, and women workers do not receive the same retirement and family benefits as men. According to Article 75 of the labor law, women are barred from dangerous jobs and hazardous working conditions, the definition of which is established by the Ministry of Labor and Social Affairs.⁵² This law is reinforced by the right of a husband to prevent his wife from taking up employment that is “incompatible with the family interests or the dignity of himself or his wife.”⁵³

Certain benefits concerning maternity leave and job security are allotted to working mothers. Under legislation passed by the Majlis in 1995, the duration of paid maternity leave for breastfeeding mothers in both the public and private sectors increased to four months. This law requires public employers to provide working mothers with sufficient breaks and proper locations in the workplace to breastfeed their babies.⁵⁴ According to a decree issued by one of the agencies of the Ministry of Labor and Social Affairs in 1992, employers are required to provide child-care centers located near the workplace of their female employees, preferably in the same vicinity or building.⁵⁵

Some legal measures intended to protect female employees with regard to their maternal roles and responsibilities have negatively affected women's chances for employment. For instance, a 1983 law that encourages women to become part-time instead of full-time employees was supposedly intended to ease pressure on working mothers. In practice, however, the policy has contributed to the rise in female unemployment, because many employers have preferred full-time male workers.⁵⁶ In addition, there are no specific laws against gender-based discrimination or sexual harassment in the workplace or in universities, and no labor unions offer support to victims of such violations. These factors constitute major hurdles for those seeking justice.

A married woman has the right to independently manage her own property under Article 1118 of the civil code, and few legal barriers limit this right. Under Note 2 of Article 987 of the civil code, women who renounce their Iranian citizenship for that of their husband lose the right to own “landed property” where such ownership would give “economic

dominance” to a foreigner. Similarly, women have the legal right to independent use of their income and assets. However, many women face de facto discrimination or restrictions due to the normative male control over the material affairs and income of the family. For instance, women’s more limited access to spatial mobility, travel, and trade due to sex segregation constrains their ability to enter into business or put their own land and property to economic use.

The civil code’s inheritance laws contain many gender-based inequalities, reflecting the traditional duty of men to support the female members of his family. When a couple is childless, a widow may inherit one-quarter of her deceased husband’s estate, while a widower may inherit one-half of his deceased wife’s estate, with the remainder going to other beneficiaries. If they have children, the widow is entitled to one-eighth and a widower to one-quarter of the deceased spouse’s assets.⁵⁷ Article 907 mandates that, upon the death of a parent who leaves no surviving mother or father, daughters inherit half the share of their brothers. Small improvements have been made to women’s inheritance rights in recent years. As of February 2009, women may inherit immovable property, such as land, from their deceased husbands, whereas previously their inheritance was limited to moveable property. Also as of 2009, insurance companies are obligated to pay equal compensation (*diyeh*) for the death of a woman and a man.

Women are not always able to exercise the limited inheritance rights they have under the law. Cultural norms encourage women to forgo their inheritance, either to keep property within the family or so that male kin control the selling and division of the inherited assets.

Women’s right to education and to enter into business contracts and activities are limited more by traditional societal attitudes than legal barriers. A husband can legally prevent his wife from working outside the home only if he can prove to the court that her occupation is incompatible with the reputation and well-being of the family.⁵⁸ The requirement that a married woman lives in her husband’s residence can also affect her options for employment. While the wife and family members are expected to move to wherever the husband finds employment, the same is usually not expected when it comes to the wife’s career. For example, according to Article 32 of the army law, women can be hired into the army and security forces only to fill certain positions, such as those related to health care or female prisons, and the work sites of such

employees are determined on the basis of their husbands' place of residence and employment.⁵⁹

The gender gap in education is closing, as evidenced by literacy rates of 87 percent for men and 77 percent for women as of 2007,⁶⁰ and women are actually outperforming men at the tertiary level. While initially the Islamic Republic government prevented women from studying in certain fields at universities, most fields of study and employment have been legally open to women since the late 1990s. The number of female students in nontraditional majors such as engineering, medicine, law, and the natural sciences has been growing, and women have also engaged in many nontraditional occupations.

At the same time, female students are increasingly being denied their choice of university because of sex segregation and new regulations introduced in 2007 and 2009, which impose gender quotas and force students to attend university in their hometowns. Women's rights activists have argued that these measures aim to limit the social and geographic mobility of students, especially female students, and decrease the rising proportion of female students in nontraditional fields such as medicine. Especially in small towns and rural or tribal areas, access to schools and opportunities for higher education are much more limited for female students. Unfair and sex-segregated distribution of university facilities and resources on different campuses, such as dormitories, food courts, and libraries, result in dampened morale and a sense of marginalization among female students.

Despite increasing repression of women activists, a coalition of various women's groups came together in 2006 to study and discuss women's concerns in various areas of life. In May 2009, they issued specific demands in a preliminary draft of the "Iranian Women's Charter," upon which many of the recommendations below are based.⁶¹

Recommendations

- ❖ NGOs and the government should work together to improve women's access to employment and education by investing in financial capital allocation, such as credit, loans, and insurance for self-employed women; human capital, such as educational certificates and vocational trainings; and social capital, such as support for women's role in unions, chambers of commerce, and NGOs.

- ❖ To improve female labor-force participation rates, the government should establish an affirmative action or quota system within the public sector and provide financial incentives (such as reduced tax) to encourage the employment of women in private institutions.
- ❖ The government should establish a mechanism to allow women to file gender-based discrimination complaints against public or private employers.
- ❖ To support socially vulnerable women, the government should increase budget allocations and encourage the creation of support networks such as microcredit lenders, women's cooperatives, and vocational training and internships for women in both rural and urban areas.
- ❖ Special aid programs should be provided to widows, divorcees, single mothers who are their households' sole breadwinners, caregivers in families headed by women, and caregivers to the elderly.
- ❖ Women's NGOs should create exploratory need-assessment and research projects on practices and laws concerning gender-related discrimination in employment and at universities. Particular attention must be paid to sexual harassment and sexual abuse in universities and workplaces, which remains a taboo subject with no legal recourse for the victims.

POLITICAL RIGHTS AND CIVIC VOICE

Even with sex segregation, discriminatory laws, and state policies stressing women's domestic duties, women in Iran play a considerable and very visible role in the public sphere. Using any available spaces and legal rights, they have demonstrated their activism in both formal and informal political and civil society organizations. A growing women's rights movement, especially in the past 10 years, has been challenging discriminatory laws and policies in various areas of life, including those that prevent women from taking part in high-level decision-making and political power. Women's activities have been constrained by some cultural traditions and state repression, especially under the presidency of Ahmadinejad.

Women in Iran have the right to vote and run for public office but are excluded from holding leadership roles in the main organs of power, such as the office of the supreme leader, the Assembly of Experts, the Guardian

Council, the Expediency Council, the judicial branch, and the presidency. These positions have been reserved exclusively for men, most of whom are also clerics. After the establishment of the Islamic Republic, women were barred from serving as judges, and existing female judges—including Shirin Ebadi, Iran's first female chief judge of a district court—were demoted to administrative positions. Changes made in 2003 allowed women to hold the rank of judge and the right to serve as legal counselors, but they remain prohibited from issuing and signing final verdicts.⁶²

There has been very little female representation in the executive branch or the diplomatic corps. President Khatami appointed the first woman as one of Iran's several vice presidents, and she also served as head of the Environmental Protection Organization. Another woman was appointed as Khatami's presidential adviser on women's affairs and led the Center for Women's Participation Affairs within the President's Office.⁶³ Ahmadinejad also chose a woman for this post but changed its name to the Center for Women and Family Affairs. Marzieh Vahid-Dastjerdi, who had held a seat in parliament twice before, was appointed as the Minister of Health in September 2009, becoming Iran's first female cabinet minister. At the same time, two other female minister candidates nominated by Ahmadinejad were rejected by the conservative parliament.⁶⁴

Women play a significant part in politics at both the formal and informal levels, often pushing against state-imposed boundaries regarding appropriate gender roles. Most recently, women influenced the direction and duration of the protests that followed the June 12, 2009, presidential election. Ahmadinejad was declared the winner with 63 percent of the vote in the first round, finishing far ahead of leading opposition candidate Mir Hossein Mousavi, a former prime minister, as well as two other challengers. The official results ran against widespread expectations that the race would be close, and were greeted with skepticism for a variety of reasons. Many voters, reformist politicians, international observers, and some high-ranking clerics described the results as fraudulent, and criticized the administration for dismissing legitimate doubts.⁶⁵ Massive, largely peaceful protests took place in Tehran and other cities in the days after the results were announced, and participants used the Internet and other new media to disseminate videos, photographs, and real-time updates of the demonstrations. This became particularly important to the free flow of information as independent and foreign journalists were arrested or sequestered

from the events, ending the comparatively open media environment that prevailed during the presidential campaigns.

The protests turned violent when the regime unleashed the Basij and other security forces on demonstrators, leaving scores dead or injured. The bravery and commitment displayed by female protesters during these clashes became a central theme in coverage of the events by international media outlets.⁶⁶ Experts argued that the visibility of women within the protests reflected the frustration and dissatisfaction felt by citizens—particularly young females—prior to the vote combined with the knowledge that women would likely suffer the most if the election's outcome stood.⁶⁷ Although the supreme leader's quick and clear endorsement of the official results was supported by the Guardian Council, popular unrest persists and the dispute remains unresolved to date.

Due to the long-standing suppression of secular parties, all 240 registered political parties or organizations in Iran are at least nominally Islamist, and are often broadly classified as either "reformist" or "conservative." Of the registered groups, 18 are women's groups. Some women's rights activists work mainly within these formal and state-recognized political entities, but many others interact with secular or Islamic women who favor oppositional politics. While most feminists have maintained their independence from state-sanctioned bodies and organizations, they still collaborate and build coalitions with women's groups that work within the reformist Islamic camp or lobby the state organs for legislative changes.

Female candidates face a number of gender-specific obstacles while campaigning for office, namely the sex segregation of many public spaces and the difficulty of meeting with male voters or holding mixed-gender assemblies. During the parliamentary elections of 2000, over 500 female candidates competed for available parliamentary seats, more than ever before.⁶⁸ The quality and composition of the 10 who won seats in the 290-member Majlis was encouraging, although some, including Fatemeh Haqiqatjou and Elaheh Koolae, were persecuted by hard-liners due to their outspoken commitment to reform and women's rights issues. A dozen women were elected to the Majlis in 2004, and just eight won races for the Eighth Majlis in 2008. This was the lowest since 1988, when only 30 women ran for office and three were elected.⁶⁹ The decline was due in part to the Guardian Council's mass disqualification of reformist candidates and the effects this had on voter confidence in the electoral process. The female

deputies elected in 2004 and 2008 have been overwhelmingly conservative, doing little to support women's rights.

In recent years, conservative, Islamic, and reformist women's groups have formed coalitions on certain issues, including the goal of establishing a 30 percent quota for women on their respective parties' electoral lists. While this effort has been so far unsuccessful, allied women's groups in 2008 were able to force changes to the government-proposed Family Protection Bill, aimed at facilitating polygamy and temporary marriage. Moreover, they helped to secure an amendment that allows women to inherit land from their deceased husbands.

In the run-up to the 2001 presidential election, 47 women nominated themselves as candidates, and in 2005 that number grew to 100, though it fell to 40 in 2009. The Guardian Council has disqualified all female candidates, but they do not openly admit that its judgments are based on gender. This is, in part, due to an ambiguous clause in the constitution that requires the president to be a *rajol*, an Arabic word that can mean either "someone male" or "a politically experienced and knowledgeable person." Some reformist women's rights activists, including Azam Taleghani, continue to nominate themselves because they know that there is no consensus among clerics about the meaning of *rajol* in this context. This approach reflects women's determination to take advantage of any possible opening that could allow them to raise their political profile.

Women have effectively used their involvement in city councils as a method of influencing community life and policies. In 1999, during the first municipal elections, women made up 7.3 percent of candidates; 2,564 urban women and 4,688 rural women ran in municipal and village council elections. More important, many actually succeeded in their bids for office. A total of 1,120 women were elected, winning one-third of the available seats in major cities. Except in the provinces of Ilam, Sanandaj, and Yasooj, women won the highest number of votes in the main city of each province.

Article 24 of the constitution guarantees press freedom, and Articles 26 and 27 protect the freedoms of association and peaceful assembly, but only insofar as they do not conflict with the "basic tenets of Islam" or "Islamic standards." In practice, state authorities exploit this language to restrict, harass, attack, and ban nearly all peaceful assemblies by citizens making legitimate economic or sociopolitical demands. Women's rights activists have been detained for taking part in peaceful assemblies, petitioning to

change discriminatory laws, or publishing critical commentaries on the Internet.

Freedom of assembly for women has been curtailed in recent years as officials systematically deny women's rights activists the permits necessary to hold peaceful public demonstrations. Informational meetings and seminars are increasingly disbanded, and even small gatherings in private homes have been broken up.⁷⁰ Nine women's rights activists were arrested on charges of disturbing public order on June 12, 2008, as they attempted to convene a seminar in honor of the anniversary of the national day of solidarity of Iranian women.⁷¹ Security officials and police prevented the seminar from taking place, and the arrested women were then released within a few hours on absurdly high bail. Twelve other women's rights activists were arrested in March 2009 on Sohrevardi Avenue in Tehran while meeting to visit families of imprisoned social and political activists on the occasion of the Iranian New Year.⁷² Those arrested were eventually taken to Evin Prison and charged with "disruption of public opinion" and "disruption of public order." All were eventually released on bail, which was set at 500 million rials (US\$50,000).

Radio, television, and most newspapers are controlled by the state or government allies. The remaining independent newspapers and magazines are subjected to state censorship, and they exercise self-censorship on issues related to human rights and women's rights abuses. The state-controlled media rarely offer programs intended to empower women, educate them about their rights, improve their legal and social status, or openly discuss their daily concerns. When such content does appear, it is typically quashed due to objections by conservatives. For instance, the country's most prominent women's magazine, *Zanan*, circulated widely among educated, professional women of both secular and moderate Islamic backgrounds until it was shut down by the government in January 2008. It had been in operation for 16 years, having survived several previous threats, and had published 140 issues.⁷³ Because of this tight domestic media control, civic activists, including women's rights activists, often turn to foreign news services such as the British Broadcasting Corporation, Voice of America, U.S.-backed Radio Farda, Deutsche Welle, Radio France International, and Dutch-based Radio Zamaneh.

The ability to access information—particularly through home Internet service, mobile phone text-messaging (or SMS), and other new communications technology—has been instrumental in women's continued reform

efforts. It has led to an explosion of online journalism, websites, and blogs on issues of importance to them. Women's sites and feminist online journals such as Change for Equality, Feminist School, and Meydaan have been filtered or blocked dozens of times by the government, and several bloggers have faced arrest and persecution.

Despite living under highly restrictive conditions, Iranian women have been resourceful and determined, as recent bouts of activism have demonstrated. They have used e-mail and SMS to create networks among activists, mobilize mass support, and mount street protests. The best examples are the Campaign for Equality, the coalitions formed to oppose the recent Family Protection Bill, and the political mobilization surrounding the 2009 presidential election, especially the large coalition formed to press the presidential candidates on two specific sets of women's demands.⁷⁴ In the vote's aftermath, the authorities censored traditional domestic media outlets and attempted to block foreign broadcasts, but they also cracked down on Internet access and mobile-phone usage as it became clear that such new media were crucial in organizing protests and communicating with the outside world.

Increased repression under the Ahmadinejad administration has hampered the expansion of the women's movement, forcing activists to make even greater sacrifices as they defend women's political and civil rights. Nevertheless, the level of gender consciousness, the extent of demands for women's rights, and the organizational skills in networking and resource mobilization (at both international and domestic levels) that activists currently enjoy is unprecedented in the history of the women's movement in Iran. This is in part a natural response to the extent of the state's gross sexism and discrimination against women. However, it is also a result of the efforts of women from the growing middle class who are highly educated and—thanks to the expanding global feminist movements—acutely aware of the international standards for human and women's rights.

Recommendations

- ❖ The Guardian Council should immediately and unequivocally declare that women as well as men can stand for election to all public governmental positions. The term “rajol” in the constitution should be clarified to mean “qualified person” rather than “man.”

- ❖ All political parties should establish a quota system under which women would account for 30 percent of their candidates.
- ❖ The government of Iran should uphold women's rights to freedom of assembly and political participation in the process of reform toward nonviolent and egalitarian laws and policies.
- ❖ Government filtering of the websites of women's rights groups should be stopped.
- ❖ The government should restore the license and free operation of *Zanan* magazine and other independent media outlets so that women have a balanced, objective, and open platform for dialogue regarding gender issues.
- ❖ Women's NGOs and women who are active in political parties should offer workshops and training programs—especially for high school girls—on successful debating and public speaking skills, leadership and organizational skills, managing political campaigns, and demand-centered coalition building.

SOCIAL AND CULTURAL RIGHTS

Despite many cultural, political, and legal restrictions, women in Iran have a visible presence in contemporary literature, poetry, art, and cinema. A number of best-selling books and award-winning movies are the creations of female writers and directors. Women's health indicators have also improved considerably. A marked decline in the fertility rate has been associated with gains in women's literacy rates and overall health status. Yet the stresses stemming from economic hardship and increased political repression in the last five years have negatively affected psychological well-being and cultural productivity, including of women activists.

Health care for women has improved over the past few decades, and women activists have played a remarkable role through their voluntary and NGO activism in different parts of Iran.⁷⁵ Today, women have reasonable access to family planning methods, which has helped reduce the fertility rate from 6.0 births per woman in 1986 to 2.0 in 2005. There has also been an expansion of primary health care networks, an overall increase in life expectancy, and a more than 50 percent decrease in child mortality rates, which has also reduced the motivation for multiple births. All these seem to correlate with an increase in the literacy rate

among women, from 36 percent in 1976 to 80 percent in 2005, and an increase in the average age of first marriage for women, from 20 in 1986 to 24 in 2005.

Although access to birth control and reproductive care has increased in recent years, women have limited control over their own care as written permission from the husband or father is needed for major surgical operations. Abortion remains illegal under the penal code, except where the life of the mother is threatened and “ensoulment”—exhibited by signs of life as established in Islamic law—has not occurred in the fetus.⁷⁶ It is unclear whether a pregnancy that threatens a mother’s life but has progressed to ensoulment could be legally aborted. Illegal abortion is punishable under the *diyeh*, or compensatory, section of the penal code, but can also be punished through *qisas*, or retaliation, if it occurs after ensoulment. The father or paternal grandfather is the guardian of the fetus and is therefore entitled to the blood money and retaliation.

If someone other than the mother causes the abortion, the amount of *diyeh* depends on the fetus’s stage of growth until it gains its “human spirit.” After that point, Article 487 of the penal code indicates that a male fetus draws the full *diyeh* of a male human being, a female fetus draws half that amount, and a fetus of uncertain sex is worth three-quarters of the sum for the male. According to Articles 623 and 624, doctors or any other individuals who play a role in illegal abortion are also punished with prison terms ranging from three months to five years, and payment of *diyeh*.⁷⁷ If the mother aborts her own pregnancy, Article 489 requires her to pay the fetus’s full *diyeh* to the father or his family.

Women are protected by law from harmful traditional practices such as female genital mutilation (FGM) and forced marriage. Article 479 of the penal code establishes *qisas* for the cutting of women’s genitalia; the amount of blood money owed to the woman depends on the extent of the damage done. In practice, however, FGM is sporadically practiced in certain parts of Iran, in particular Iranian Kurdistan. However, research indicates that as awareness regarding the hazards of FGM increases, educated parents are refusing to impose the practice.⁷⁸

During its formative years, the Islamic Republic deliberately presented sex segregation and mandatory *hijab* (veiling) as the hallmarks of its cultural identity. However, there has never been a consensus among the ulema on the meaning and extent of Islamic *hijab*; some do not consider it to be a mandate under the Koran. Conservative clerics and authorities view

chador (an all-encompassing black cloak worn over street clothes) as the most desirable hijab, with some considering the garment to be an Islamic mandate. However, the less restrictive *manteau-rusary* (a long overcoat, trousers, and a head-scarf) is increasingly acceptable, and the number of women in chadors is decreasing. Many women in major cities have turned the dull color and form of *manteau-rusary* into colorful, stylish fashions and are using cosmetics in larger numbers, although they risk punishment for doing so.

Women influence their local communities by engaging in civic activities, often through membership in NGOs. In 1997, there were only 67 NGOs devoted to women's and children's rights; by 2005, encouraged by the Khatami administration, this number had reached 480.⁷⁹ Through their participation in NGOs, women are able to advocate for environmental protection and promotion of sustainable development programs. They have established cooperatives, community-based sources of fundraising and loans, local libraries, study groups, and cultural centers. Some are involved in raising awareness about AIDS and the dangers of drug abuse, while others provide antiviolenace training, or legal advice and protection for battered women. Still other groups work to improve the living conditions of the poor and working-class women.⁸⁰ However, the antireformist backlash under Ahmadinejad's presidency has hampered the ability of some NGOs to effectively advocate for change, and the growth of the nongovernmental sector has slowed since he came to power.

Women participate in print and electronic media as journalists, and some even host regular shows, albeit less frequently than men. The Association of Women Journalists was formed to address gender-specific discrimination and the concerns of female journalists. Despite this female presence, women's rights defenders have little or no access to the conventional media.

Single mothers and women who are the sole breadwinners for their families are among the most vulnerable groups in society, and their numbers are steadily increasing. Official reports indicate that there were 1,641,000 families headed by women in 2006, a 35 percent increase from 1996. This suggests a change in family structure and women's socioeconomic roles, but it also signals that women are increasingly exposed to poverty. The state provides limited protective measures for women who act as heads of their households. Legally, these women should receive government support equal to 40 percent of the minimum monthly salary, or about US\$120. In practice, they receive no more than US\$60, leaving many

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destitute. Consequently, some resort to seasonal, unsafe, and exploitative economic activities within the informal economy.⁸¹ Rates of addiction, drug abuse, and prostitution are increasing among the most vulnerable categories of women, and as the number of prostitutes rises, their average age has decreased.⁸²

Women's rights activists among the Iranian communities in North America and Europe play a significant role in presenting alternative images and ideas about women and women's rights in Iran. In collaboration or solidarity with women activists inside Iran who are campaigning for equal rights, women overseas contribute to the process of change through their publications, translations into Farsi of feminist literature, media programs, and activism at the international level.⁸³ In the past 30 years, approximately 162 Iranian women's groups have formed on four continents, in 16 countries, and in 40 cities.⁸⁴

Recommendations

- ❖ The government should allow women's rights activists to have access to the mainstream media by allocating airtime and special columns in major daily papers to the discussion of women's issues and concerns.
- ❖ The government should respect the freedom of choice of women, Muslim and non-Muslim alike, in terms of their dress and public appearance. Covering one's hair and wearing a headscarf or chador should not be mandatory.
- ❖ Women should have access to both male and female doctors and medical staff so as to achieve access to health care on par with men.
- ❖ Nongovernmental organizations should be established with the purpose of providing services to households headed by women, including subsidized or free food and household items.

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NOTES

- ¹ Iran was not included in the 2004 edition of *Women's Rights in the Middle East and North Africa*.
- ² See Nikki Keddie, "Iranian Women's Status and Struggles Since 1979," *Journal of International Affairs* 60, no. 2, (Spring 2007).
- ³ See Mehrangiz Kar, "Discrimination Against Women Under Iranian Law," *Gozaar*, December 8, 2008, www.gozaar.org/template1.php?id=1163&language=english.
- ⁴ See Ziba Mir-Hosseini, "Negotiating the Politics of Gender in Iran: Ethnography of a Documentary," in *The New Iranian Cinema*, ed. Richard Tapper (2002), 167, 187.
- ⁵ The Guardian Council is composed of six clerics appointed by the unelected supreme leader and six jurists selected by the head of the judiciary for approval by the Majlis. The Council has veto power over bills passed by the elected parliament.
- ⁶ In patriarchal societies, such as Iran, that treat men as being solely responsible for the family's financial stability, women are far more likely to lose their jobs in times of economic hardship.
- ⁷ For discrimination and segmentation on the basis of religion and ethnicity, see Eliz Sanasarian, *Religious Minorities in Iran* (London: Cambridge University Press, 2000); and Nayereh Tohidi, "Ethnicity and Religious Minority Politics in Iran," in *Contemporary Iran: Economy, Society, Politics*, ed. Ali Gheissari (London: Oxford University Press, 2009), 299–323.
- ⁸ Rouhollah Ramezani, "Constitution of the Islamic Republic of Iran," *Middle East Journal* 34, no. 2 (Spring 1980): 181–206; a copy of the constitution in English is available at www.salamiran.org/content/index.php?option=com_content&task=view&id=43&Itemid=79.
- ⁹ Ramezani, "Constitution," 186, 191.
- ¹⁰ See Article 976, section 6, and Article 989 of the civil code, as discussed in Shirin Ebadi, *Hooqouq-e Zan dar Qavanin-e Jomhouri Eslami Iran* [Women's Rights in the Laws of the Islamic Republic of Iran] (Tehran: Ganj-e Danesh, 1381/2002), 118.
- ¹¹ See Articles 976 and 987 as described in Ebadi, *Hooqouq-e Zan*, 118.
- ¹² For more discussion on this law, see Ebadi, *Hooqouq-e Zan*, 85–87.
- ¹³ Because of this difference in value, if the family of a murdered woman insists on retribution (qisas) against a male culprit, the law requires them to hand over half of the blood money that would otherwise pertain to his death. The sum must be paid either to the murderer himself or to his family before the qisas punishment can be implemented. See Articles 209, 213, and 300 of the penal code.

- ¹⁴ The code refers to the covering of the whole body except for the face, hands, and feet up to the ankle. It does not specify the color, fabric, or model of the covering. See Ebadi, *Hoqouq-e Zan*, 83–84.
- ¹⁵ See Kar, “Discrimination Against Women.”
- ¹⁶ For a report on recent smear campaigns against Shirin Ebadi and other women activists, see Nayereh Tohidi, “Iran’s Women’s Rights Activists Are Being Smeared,” Women’s eNews, September 17, 2008, www.womensenews.org/article.cfm/dyn/aid/3743.
- ¹⁷ See Feminist School, “Iranian Women’s Movement Detainees,” <http://femschool.info/english/spip.php?rubrique5>.
- ¹⁸ See Feminist School, “Summoning Five Members of the One Million Signatures Campaign,” news release, April 9, 2009, www.feministschool.com/english/spip.php?article274.
- ¹⁹ See International Campaign for Human Rights in Iran, “Report on the Status of Women Human Rights Defenders,” April 2009, www.iranhumanrights.org/2009/04/whrdreport/print/#sec2.
- ²⁰ See Change for Equality, “Alieh Eghdam Doust to Serve Three Year Prison Term,” news release, February 1, 2009, www.campaignforequality.info/english/spip.php?article455; see also “Hope for Judicial Review: Interview with the Lawyer of Alieh Eghdamdoust,” *Roozonline*, February 18, 2009, www.roozonline.com/archives/2009/02/post_11643.php.
- ²¹ See Articles 74–76, 119, 153, 170, 189, 199, 237 (Section B), and 248 of the penal code, and Article 230 of the civil code, as discussed in Ebadi, *Hoqouq-e Zan*, 77–81.
- ²² Sussan Tahmasebi, “Answers to Your Most Frequently Asked Questions About the Campaign,” Change for Equality, February 24, 2008, www.changeforequality.info/english/spip.php?article226. For a detailed analysis of the birth of this campaign and related issues, see Noushin Ahmadi Khorasani, *Jonbesh yek million emza: Ravayati az daroun* [The One Million Signatures Movement: A Narrative From Inside] (Summer 1386/2007), available at www.femschool.info/campaign/spip.php?article86.
- ²³ See the website Meydaan that frequently reports on the activities of the campaign against stoning: www.meydaan.org/petition.aspx?cid=46&pid=9.
- ²⁴ For example, in 2007 the office of Rahi (a center that offered legal advice to abused and violated women) was shut down in Tehran, apparently for receiving grants from the Netherlands-based organization Hivos (Humanist Institute for Development Cooperation).
- ²⁵ Quote from Shirin Ebadi, who made this point during one of her media appearances in May 2007.
- ²⁶ The latest case in point is the Simon de Beauvoir prize, worth 30,000 euros, which a French foundation awarded to the Change for Equality campaign (One Million Signatures Campaign to Change Discriminatory Laws) in 2008. The honor caused a heated debate among the activists involved, and they ultimately decided to accept the prize, but not the money.
- ²⁷ On the latest attacks on Shirin Ebadi’s office, see Change for Equality, “Campaign to Defend the Defenders of Human Rights Center Launched,” news release, January 3, 2009, www.changeforequality.info/english/spip.php?article432.

- ²⁸ See International Campaign for Human Rights in Iran, “Report on the Status of Women Human Rights Defenders.”
- ²⁹ International Campaign for Human Rights in Iran, “Report on the Status of Women Human Rights Defenders,” 4.
- ³⁰ See the Immigration and Passport Regulation of Iran (1971), cited in Kar, “Discrimination Against Women.” Also note that under urgent conditions, a married woman can obtain passport without her husband’s permission by appealing to the court. See Shirin Ebadi, *Hogouq-e Zan*, 121.
- ³¹ See Articles 1043 and 1044 of the civil code.
- ³² Sigheh is a provision within Shi’a Islam that gives legitimacy to sexual relationships of any duration and to their offspring. It is a contract between a man and a woman based on a specified sum of money paid to the woman. The majority of the world’s Muslims (Sunnis) and even many Shiites do not approve of this practice. On sigheh practice in Iran, see Shahla Haeri, *Law of Desire: Temporary Marriage in Shi’i Iran* (Syracuse University Press, 1989).
- ³³ For more information on sigheh in Iran, see Shahla Haeri, *Law of Desire: Temporary Marriage in Shi’i Iran* (Syracuse University Press, 1989).
- ³⁴ See Shirin Ebadi, *History and Documentation of Human Rights in Iran* (New York: Bibliotheca Persica Press, 2000), 119.
- ³⁵ See Ebadi, *Hogouq-e Zan*, 142–158.
- ³⁶ Ebadi, *History and Documentation*, 114.
- ³⁷ This measure was initially passed by the reform-oriented Majlis in 2002 (1381), but because of the Guardian Council’s objection, it was referred to the Expediency Council. It took until 2006 (1385) for the Expediency Council to declare it “compatible with the expediency of the regime,” thus effective as a law. See www.dadkhahi.net/modules.php?name=News&file=print&sid=470.
- ³⁸ For a research report on changing trends in prostitution in Iran, see www.irwomen.info/spip.php?article6557.
- ³⁹ For an extensive documentation of the campaign against stoning, see Rochelle Terman, “The Contemporary Iranian Women’s Rights Movement,” *Women Living Under Muslim Laws*, 2009 (forthcoming).
- ⁴⁰ See Hossein Zahedi, “Qesseh por ghosseh sangsar,” Iran-Emrooz, March 30, 2009, www.iran-emrooz.net/index.php?/hright/more/17706/.
- ⁴¹ Thomas Erdbrink, “Iran Stones 2 Men to Death; 3rd Flees,” *Washington Post*, January 14, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/01/13/AR2009011302174.html>.
- ⁴² “Stoning to Be Omitted from Iran Penal Laws,” Press TV, June 23, 2009, www.presstv.ir/detail.aspx?id=98845§ionid=351020101.
- ⁴³ See also Article 131 of penal code as discussed by Ebadi, *Hogouq-e Zan*, 73.
- ⁴⁴ For an extensive study on this subject, see Mehrangiz Kar, *Pazhouheshi dar bareh-ye khosbounat aleyhe Zanan dar Iran* [Research About Violence Against Women in Iran] (Tehran: Roshangaran Publications, 1379/2000).
- ⁴⁵ See Shahram Rafizadeh, “Rosvayi qazayi dar parvande zan konshi-ha-ye Abadan” [Judicial Scandal in the Case of Serial Killing of Women in Abadan], *Rooz*, 17 Farvardin 1388/April 6, 2009. www.roozonline.com/archives/2009/04/post_12133.php.

- ⁴⁶ Article 67 of the penal code; see also Shadi Sadr, "Women in Iran Deem Rape Law Unfair," Women's eNews, December 12, 2003, www.womensenews.org/article.cfm/dyn/aid/1650/.
- ⁴⁷ *World Development Indicators*, Online Database (Washington, DC: World Bank, 2008), <http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20523397-isCURL:Y-pagePK:64133150-piPK:64133175-theSitePK:239419,00.html> (subscription required).
- ⁴⁸ For more reports and analyses on women's employment, see Roksana Bahramitash and Hadi Salehi Esfahani, "Nimble Fingers No Longer: Women's Employment in Iran," in *Contemporary Iran*, edited by Ali Gheissari (London: Oxford University Press, 2009), 85; Fatemeh E. Moghadam, "Women and Labour in the Islamic Republic of Iran," in *Women in Iran from 1800 to the Islamic Republic*, ed. Lois Beck and Guity Nashat (Chicago: University of Illinois Press, 2004), 163–181; Valentine Moghadam, "Women's Socioeconomic Participation and Iran's Changing Political Economy," in *The Economy of Iran: The Dilemmas of an Islamic State*, ed. Parvin Alizadeh (London: I. B. Tauris, 2000), 233–260; Maryam Poya, *Women, Work & Islamism* (London: Zed Books, 1999).
- ⁴⁹ Bahramitash and Salehi Esfahani, "Nimble Fingers," 119.
- ⁵⁰ Bahramitash and Salehi Esfahani, "Nimble Fingers," 118.
- ⁵¹ Bahramitash and Salehi Esfahani, "Nimble Fingers," 119.
- ⁵² Ebadi, *Hogouq-e Zan*, 57.
- ⁵³ Iranian civil code, article 1117.
- ⁵⁴ Ebadi, *Hogouq-e Zan*, 65.
- ⁵⁵ This decree contains many positive requirements in favor of women workers. See Ebadi, *Hogouq-e Zan*, 59–61.
- ⁵⁶ See Ebadi, *Hogouq-e Zan*, 62–64, 68.
- ⁵⁷ See Article 913 of the civil code.
- ⁵⁸ See Ebadi, *Hogouq-e Zan*, 120.
- ⁵⁹ See Ebadi, *Hogouq-e Zan*, 67.
- ⁶⁰ World Bank, "GenderStats: Education," <http://go.worldbank.org/RHEGN4QHU0>.
- ⁶¹ See the preliminary draft of the "Manshur-e Zanan-e Iran" [Iranian Women's Charter] by the Women's Charter Coordinating Group, May 2009, www.manshour.net.
- ⁶² The Law Governing the Appointment of Judges, ratified in 1982, as discussed in Kar, "Discrimination Against Women," 5.
- ⁶³ This center was originally established under President Rafsanjani as the Office of Women's Affairs; it was headed by the only woman member in his cabinet.
- ⁶⁴ "Iran Backs First Female Minister," BBC News, September 2, 2009, <http://news.bbc.co.uk/2/hi/8235264.stm>.
- ⁶⁵ See, for example, Paul Reynolds, "Iran: Where Did All the Votes Go?" BBC News, June 23, 2009, http://news.bbc.co.uk/2/hi/middle_east/8113885.stm.
- ⁶⁶ "Iranian Women Stand Up in Defiance, Flout Rules," CNN, June 23, 2009, www.cnn.com/2009/WORLD/meast/06/23/iran.women/; Emily Bazaar, "Iranian Women Play Key Role in Protests," *USA Today*, June 24, 2009, www.usatoday.com/news/world/2009-06-24-iranianwomen_N.htm.

- ⁶⁷ Rebecca Santana, “Women in Iran’s Protests: Headscarves and Rocks,” Associated Press, June 24, 2009, www.google.com/hostednews/ap/article/ALeqM5hkzozTgK3ner6HkyGtGYXjNN09vQD9918E0G0.
- ⁶⁸ See Zhila Baniyaghoob, “Zanan der doweran-e riyasat jomhour-i-ye Mohammad Khatami” [Women During the Presidency of Mohammad Khatami], *Gooya News*, 3 Shahrivar 1384/2005.
- ⁶⁹ Inter Parliamentary Union, 1988 Majlis election, Islamic Republic of Iran, www.ipu.org/parline-e/reports/arc/IRAN_1988_E.PDF.
- ⁷⁰ See International Campaign for Human Rights in Iran, “Report on the Status of Women Human Rights Defenders.”
- ⁷¹ The women were Nahid Mirhaj, Aida Saadat, Nafiseh Azad, Nasrin Sotoudeh, Jelva Javaheri, Jila Baniyagoub, Sarah Loghmani, Farideh Ghaeb, and Alieh Motalebzadeh.
- ⁷² The women arrested were Delaram Ali, Khadijeh Moghadam, Leila Nazari, Farkhondeh Ehtesabian, Mahboubeh Karami, Bahara Behravan, Ali Abdi, Amir Rashidi, Mohammad Shoorab, Arash Nasiri Eghbali, Soraya Yousefi, and Shahla Forouzanfar.
- ⁷³ For more on *Zanan*, see Nayereh Tohidi, *Encyclopedia of the Modern Middle East and North Africa*, 2nd edition, ed. Philip Matter (Detroit: Macmillan Reference USA, 2004), vol. 4, 2423–24.
- ⁷⁴ For information on this particular coalition see: <http://www.feministschool.com/spip.php?article2461>
- ⁷⁵ See Homa Hoodfar, “Activism Under the Radar: Volunteer Women Health Workers in Iran,” *Middle East Research and Information Project (MERIP)* 39, no. 250 (Spring 2009): 56–60.
- ⁷⁶ Farokhzad Jahani, *Iran Daily* 9, no. 2698 (January 15, 2004): 13, www.parstimes.com/law/abortion_law.html; United Nations, “Abortion Policies—A Global Review, Iran (Islamic Republic of),” (New York: United Nations, 2002), www.un.org/esa/population/publications/abortion/profiles.htm.
- ⁷⁷ See Article 489 of the penal code; Ebadi, *Hoqouq-e Zan*, 134.
- ⁷⁸ Golnaz Esfandiari, “Female Genital Mutilation Said to Be Widespread in Iraq’s, Iran’s Kurdistan,” Radio Free Europe/Radio Liberty, March 10, 2009, www.rferl.org/content/Female_Genital_Mutilation_Said_To_Be_Widespread_In_Iraqs_Irans_Kurdistan/1507621.html.
- ⁷⁹ Amnesty International, *Women’s Rights Defenders Defy Repression* (London: Amnesty International, 2007), 2, www.amnesty.org/en/library/asset/MDE13/018/2008/63dd8933-e16d-11dc-9135-058f98b1fb80/mde130182008eng.pdf.
- ⁸⁰ Examples include the Women’s Cultural Center, led by Noushin Ahmadi Khorasani, Mansoureh Shojae, and others; the Training Center for Women’s NGOs, led by Mahboubeh Abbasqoli-zadeh; the Rahi Center, led by Shadi Sadri; and the Association of Health Advocates, led by Rezvan Moghadam.
- ⁸¹ See Farideh Ghaeb, “Zanani ke az faqr ranj mibarand” [Women Who Suffer from Poverty], *Kanoon Zanan Irani*, (Esfand 1387/February 2008), www.irwomen.info/spip.php?article7067.
- ⁸² See Mehdi Afrouzmanesh, “Roshd zanan khod-foroush . . .” [The Growing Prostitution Among Educated and Married Women], Azar 1387/November 2008, www.irwomen.info/spip.php?article6557.

- ⁸³ See Nayereh Tohidi, "The International Connections of the Women's Movement in Iran: 1979–2000," in *Iran and the Surrounding World: Interaction in Culture and Cultural Politics*, ed. Nikki Keddie and Rudi Matthee (Seattle: University of Washington Press, 2002), 205–231.
- ⁸⁴ See Shahin Navaeei, *Avaye Zan* no. 38/39 (Winter 1999): 18, and *Arash* no. 100 (October 2007): 161.