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Beyond the Veil: Discrimination against women in Iran



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Women walking in Isfahan, Iran.

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1

Introduction

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adopted by the United Nations General Assembly in 1979, is a core treaty of the international human rights regime and the main international instrument protecting women's rights. CEDAW calls on state parties to enshrine gender equality in their national policies and legislation, and to guarantee basic human rights and fundamental freedoms to women on a basis of equality with men through the political, social, economic and cultural fields.

Iran is one of only six UN member states that have not signed CEDAW. Although the Iranian Parliament passed a bill to join the convention in May 2003, the bill was rejected after being sent to the Guardian Council, which is responsible for approving all new legislation in the country. The Guardian Council cited vague religious objections, under pressure from conservatives in government. The bill was then sent to the Expediency Council, where it has been stuck ever since.¹

The decision of the Guardian Council is emblematic of the official rhetoric deployed by conservatives in the Iranian government and their rejection of the notion of gender equality. They portray the concept as a Western invention antithetical to Iran's 'values', which for them are grounded in the state-sanctioned interpretation of Shi'a Islam which has been dominant since the 1979 Islamic Revolution. As a result, discrimination against women is entrenched across all sectors of society in Iran, despite the many economic and social advancements realized since the Revolution. Much of

this discrimination is officially justified with reference to the notion of gender complementarity: the view that women and men are spiritually equal but suited to performing different social functions, based on essentialist and often religiously-derived conceptions of gender roles.

Women are treated differentially in many aspects of Iranian law and the judicial system, solely on account of their gender. Those who peacefully advocate for women's rights are often arbitrarily detained and imprisoned, where they endure the harsh treatment given to political prisoners in Iran. They are vastly underrepresented in political positions and in the labour force, and continue to grapple with legacies of discrimination in the educational sector. Their rights in marriage and within the family are subsumed by a civil code which enshrines male dominance in the household. Meanwhile, the lack of legal instruments protecting women has created a climate of impunity for acts of violence against women carried out by state and non-state actors. Making matters worse, women from minority backgrounds often

face intersectional discrimination on account of both their gender and their ethnic, linguistic or religious identity.

This report is a comprehensive assessment of the current state of discrimination against women in Iran. It analyses the many shapes this discrimination takes, both formal and informal, across all areas: from the judicial system and political representation to economic participation and family matters. It also takes a particular look at the forms of intersectional discrimination faced by women from minority backgrounds, who bear the brunt of the state's deliberate denial of both gender equality and the right of minorities to the full realization of their civil, political, social, economic and cultural rights.

Background

Much of the official discourse surrounding the role of women in society in Iran dates back to the 1979 Islamic Revolution, which saw the country transform from a secular monarchy headed by Mohammed Reza Shah into a theocratic state built on the principle of *vilayet-e-faqih* (guardianship of the jurist). Ayatollah Khomeini, the spiritual figurehead of the Revolution and first Supreme Leader after the founding of the Islamic Republic, believed strongly that the success of Iranian society depended on women devoting themselves fully to their roles as wives and mothers.

Thus, despite the central role that women played in the Revolution itself, they began to see an official redefinition of their role in society in its aftermath, leading to a curtailment of many rights. The *hijab* became a key symbol of the new regime's ideology. Less than one month after the Revolution, Khomeini referred to unveiled women as 'naked' and insisted they should observe the *hijab* in the workplace, resulting in large-scale protests. By 1983, *hijab* became mandatory for all women in Iran regardless of religion or

nationality with the passing of the *Ta'zirat*, which authorised punishments of up to 74 lashes for those who were found to have violated the rules governing its wearing. Later, *hijab*-related violations were moved to the Penal Code, and the punishment changed from lashes to fines or imprisonment.²

The new regime also repealed the Family Protection Act, enacted under the Shah, which had given women significant rights in matters such as divorce and child custody. Universities across the country were closed for three years so they could be Islamicized and purged of 'Western influences'. When they reopened, women were excluded from entering many fields of study.³ Women were also barred from serving as judges, and expelled from positions in the judiciary in the period immediately following the Revolution.⁴

Iran did manage to achieve some significant advances in economic and social rights following the Revolution, including improvements in women's overall access to healthcare and education. Some commentators have argued that the imposition of compulsory veiling and gender segregation in schools, universities and workplaces placated some conservative families' fears about the 'immorality' of such spaces, making them more likely to allow their daughters to study or work.⁵ At the same time, the opening of the Azad Islamic University, with hundreds of branches across the country, meant that women and girls in towns and villages could access university close to home.⁶ Gender segregation also generated some increased demand for female labour in women-only spaces.⁷ Moreover, during the time of the Iran-Iraq war, many women took on important roles in the labour force, working as doctors and nurses to support the war effort while often becoming the breadwinners of their households.⁸

The Rafsanjani (1989-1997) and Khatami (1997-2005) presidencies saw the introduction of some more progressive poli-

cies for women, such as reproductive health programming. The period also saw a rapid increase in women entering higher education, to the point that women began to outnumber men for the first time in university enrolment.¹⁰ However, the Ahmadinejad presidency (2005-2014) represented a return to conservative politics in Iran, marked by many setbacks in women's rights, including a reintroduction of gender quotas in universities. Ahmadinejad also dismissed from employment many women who were associated with the 2009 Green Movement.

Current situation

In his first election campaign in 2013, current president Hassan Rouhani vowed to combat gender discrimination and ensure equal opportunities for women. Women came out in large numbers to vote for Rouhani, and were a key factor in his electoral success. After assuming office, Rouhani appointed well-respected women's rights advocate, Shahindokht Molaverdi, as Vice-President for Women and Family Affairs. The Charter on Citizens' Rights, adopted by Rouhani's administration, also contains provisions upholding women's rights to healthcare, participation in policymaking, equal pay and protection from violence both in the home and in public,¹¹ although the text lacks effective enforcement mechanisms. More recently, the Iranian Parliament passed an amendment that would allow Iranian women to pass on their nationality to their children at birth for the first time – a significant step forward in particular for those married to foreign men, whose children as a result are not able to apply for Iranian nationality until they reach the age of 19.¹² Although the draft law was sent back to Parliament by the Guardian Council in June 2019 for further review, it still represents one of the most significant women's rights reforms in years.

Nevertheless, continuing resistance to gender equality by conservative forces has prevented further progress on women's rights, despite some successes achieved by the Rouhani administration. Women's empowerment was not a major feature of the 2017 election campaign, which saw Rouhani's re-election for a second term. Official rhetoric continues to reject the concept of gender equality, using the justification that women and men are naturally suited to different social functions. Ali Khamenei, the current Supreme Leader,

has called gender equality 'one of the biggest mistakes of Western thought.'¹³ Regime supporters portray those who call for women's empowerment as promoters of a foreign agenda designed to corrupt the moral fabric of Iranian society.¹⁴ As such, religious-based arguments are combined with the anti-Western thrust of Iran's state nationalism to delegitimize the women's rights agenda and those who seek to advance it.

Some in the Iranian women's movement have called for the Rouhani administration to reopen discussions on CEDAW, and ultimately ratify the Convention. Ratification would oblige Iran to undertake reforms in its domestic laws and policies to eliminate gender-based discrimination and provide an international platform for advocacy and monitoring progress on women's rights. However, as in 2003, the approval of the Guardian Council would still be required before ratification.

While ratification of CEDAW remains a necessary priority, it should be noted that the absence of ratification does not absolve Iran from taking action to advance women's rights. Iran is bound by its other international commitments in this area. For example, Article 3 of the International Convention on Economic, Social and Cultural Rights (ICESCR), to which Iran is party, obliges Iran 'to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights.' Similarly, Article 3 of the International Covenant on Civil and Political Rights (ICCPR) obliges Iran 'to ensure the equal right of men and women to the enjoyment of all civil and political rights.'

Iran has also committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals, including Goal 5, which is aimed at achieving gender equality and empowering women and girls. However, Iran is one of only seven countries that are not participating in the Voluntary National Review process connected to the Sustainable Development Goals, likely because of discomfort with Goal 5 and the language of gender equality. Nonetheless, Iran continues to engage in mechanisms designed to advance gender equality at the international level, including its recent appointment to the Commission for the Status of Women's Working Group on Communications, which judges complaints received relating to violations of women's rights.

2

Discrimination in the legal and judicial sphere

One of the most fundamental ways in which discrimination against women in Iran is entrenched is through the legal system – and in particular in criminal law and procedure. Iran's Penal Code is rife with instances in which women and men are treated differently, in areas ranging from criminal responsibility to compensation and the value of testimony.

Iran's Penal Code is based largely on the government's interpretation of Islamic sharia precepts. The Penal Code designates the age of reaching puberty as the age of criminal responsibility – which means that girls are considered criminally responsible at a much younger age than men. Article 147 of the Penal Code sets this age at nine lunar years for girls (equivalent to eight years, nine months) and fifteen lunar years for boys (equivalent to fourteen years, seven months). Ali Khamenei, the current Supreme Leader, has called gender equality 'one of the biggest mistakes of Western thought'.¹⁵ This provision is a stark violation of international standards – because of the low age at which children can be legally tried as adults, on the one hand, and because it is inherently discriminatory, on the other.

Women and men are also treated differently when it comes to monetary awards specified in the Penal Code. *Diyyeh* (blood money) is a form of monetary compensation paid to the surviving victim or his/her next of kin in cases of killing or bodily injury, such as loss of a hand or an eye.¹⁶ The amount of *diyyeh* paid for a female victim is half the amount paid for a male victim.¹⁷ However, according to the note to Article 551 of the Penal Code, the difference between men's

and women's blood money should be paid by governmental Fund for the Provision of Physical Damage. As the courts were not in agreement in implementing this article, on 1 July 2019, Iran's Supreme Court voted to remove the discrepancy in *diyyeh* amounts for women, and instructed all courts to begin mandating the same amount of *diyyeh* for male and female victims in all cases.¹⁸ However, since half the total *diyyeh* amount for women is still paid by the governmental fund, the disbursement of payments could be prone to bureaucratic inefficiencies and resource constraints.¹⁹

There are certain crimes for which there is a difference in the punishment imposed on men and women. According to article 630 of the fifth book of the Islamic Penal Code, if a man sees his wife committing adultery with another man and kills or assaults one or both parties, he is exempted from criminal liability and *qisas* (retaliation in kind).²⁰ If the act is non-consensual, he has a right to kill the rapist. There are also exemptions in the Islamic Penal Code for fathers and grandfathers who kill their children.²¹ It should be mentioned that *qisas* is also applied discriminatorily according to religious identity: if a Muslim or member of a recognized minority religion (Christianity, Judaism or Zoroastrianism)

kills a follower of an unrecognized religion, the family of the victim is not entitled to *qisas*.²²

In many civil and criminal court proceedings, a woman's testimony has half the evidentiary value of a man's testimony. Moreover, a woman's testimony is often required to be supported by a man's testimony in order to be considered. Iran's Civil Procedure Law states that most categories of civil offences and those without Islamic origin are proven by the testimony of two men, or one man plus two women.²³ Only in the matter of establishing childbirth or virginity is the testimony of women alone (four women) accepted by the court as evidence.²⁴ In practice, the exclusion of female witnesses is detrimental to many women trying to assert claims over men. For example, in a 2012 family law proceeding reported by Fars News, the judge dismissed the case because of the absence of a male witness. Consequently, the woman in the case could not divorce her substance-addicted husband because she had only two female witnesses.²⁵

Women's testimony is not considered at all for some categories of criminal offences derived from Islamic law. For example, according to Articles 117, 118, 119, 128, 137, 189 and 237 of the old Islamic Penal Code, for crimes such as *lavat* (sodomy), drinking alcohol, murder and *moharebeh* (waging war against God), only men's testimony was accepted by the courts. While the new 2013 Penal

Code is ambiguous on the matter of women's testimony, Iranian lawyers report that the former evidentiary practices have continued. Article 199 of the new Penal Code states that two male witnesses are needed to prove all crimes, with some exceptions including sodomy and adultery. Some cases, such as murder, require four male witnesses or three male and two female witnesses. According to Iranian lawyers, for criminal offences that fall outside of the *hodoud*, *diyyeh* and *qisas* chapters of the Penal Code (i.e. the *tazirat* chapter) it is often up to the judge's discretion whether to accept a woman's testimony.

Women are also discriminated against in judicial institutions themselves: for example, they cannot be appointed as judges in Iran's courts.²⁶ While women can hold the position of 'legal advisers,' a role which allows them to oversee case proceedings or sit on three-person Appeals Court panels, they cannot render final verdicts, which must be signed by a judge, on their own.²⁷ Women can be appointed to positions such as deputy prosecutor and assistant judges at low courts where the initial stages of cases are handled, but not as high court judges who issue final judgements.²⁸ Moreover, women working in judicial positions have pointed to the unequal power dynamics that exist between men and women in the judicial system, with women in some cases being pressured by male judges to issue decisions against their judgement.²⁹

3

Repression of women human rights defenders

Discrimination against women in Iran has given rise to many women human rights defenders over the years who have advocated for equal treatment, an end to rights violations and reform of discriminatory policies. In response, authorities regularly subject women involved in human rights activism and defence of women's rights to threats, harassment, arrests and imprisonment. These women are often targeted for publicly criticizing the government on social media or international media, participating in workshops, speaking about sensitive issues or working with human rights organizations.

Women human rights defenders³⁰ regularly report being arrested without prior notice or a warrant and not being able to contact their family during detention. Women arrested for human rights work and other forms of activism are typically prosecuted under vaguely-worded national security charges such as 'assembly and collusion against national security' and 'propaganda against the state.' These and other national security charges are regularly used by the Iranian authorities to criminalize peaceful acts of expression, association and assembly. The Iranian government often portrays women human rights defenders as political opponents attempting to bring about a 'velvet revolution' and overthrow the government, despite the fact that many explicitly distance themselves from any anti-regime standpoint.³¹

Under Article 48 of Iran's Criminal Procedure Law, individuals have the right to a meeting with a lawyer as soon as they are detained. However, in cases of crimes against internal or external security, during the investigation phase

parties to the dispute must select their attorneys from a list approved by the head of the judiciary.³² Since 2018, many rights defenders, including women, have complained that they did not have access to a lawyer of their choosing.³³

Most women political prisoners are kept in a dedicated section of the women's ward in Evin Prison in Tehran. This includes women who have been sentenced for activities such as criticizing the government on social media, speaking out on human rights issues or practising a non-recognized faith.³⁴ Although conditions in Evin are likely better than in prisons outside the capital, the women's ward is known to be cramped, dirty and lacking in natural light and proper medical supplies, in violation of international standards. Female political prisoners have been denied family visits and phone calls, including regular visitation with their children, and are often not given the same furlough privileges granted to other prisoners, causing them to miss important family occasions.³⁵

Iran witnessed an upsurge in women's rights activism and protest during 2018, and a resultant government backlash against women human rights defenders. On 28 December 2017, a woman named Vida Movahedi, in an act of protest against mandatory veiling, took off her headscarf and hung it on a stick while standing in the middle of Tehran's busy Enghelab (Revolution) Street. She was arrested immediately, though later released on bail. The act was filmed by a bystander and posted online. Subsequently, several other women performed the same act of protest in public. They became known as the Revolution Street girls, after the street where Movahedi performed her original protest.

Authorities responded with arrests and often violence against the peaceful protestors.³⁶ On 23 February 2018, Maryam Shariatmadari stood on a utility box on a Tehran street and waved her *hijab* in protest. A policeman pushed her off the box and caused her to fall and injure herself. In connection with the incident, Shariatmadari was sentenced to one year in prison before being released on bail. In reaction to this movement, Supreme Leader Ali Khamenei, on International Women's Day on 8 March 2018, called the protests 'a small issue' and said the Revolution Street girls had been 'deceived' into taking off their veils.³⁷ According to the Human Rights Activists News Agency (HRANA),

there were a total of 113 arrests of women human rights defenders (men and women) in 2018, of which at least 80 were detained during the International Women's Day Protest and 29 were anti-forced veiling activists, including two who are facing up to 36-month prison sentences.³⁸ Many protestors were represented in court by Nasrin Sotoudeh, which eventually led to her own arrest: she was subsequently charged with spying, spreading propaganda and insulting Iran's Supreme Leader, and was sentenced in March 2019.

On 24 October 2018, Movahedi took off her scarf on Revolution Street again and was arrested immediately. She was sentenced by Branch 1091 of the Tehran Court to one year in prison on charges of 'encouraging people towards corruption by appearing in public places without wearing an Islamic hijab.' She was given an amnesty on 2 March 2019, but prison authorities refused to release her.³⁹ She was eventually released in May 2019. In July 2019, the Iranian judiciary announced that anyone found to be sharing video footage online of women removing their headscarves would be sentenced to up to ten years in prison.⁴⁰ The announcement specifically targeted those sending videos to US-based Iranian activist Masih Alinejad, who is the originator of the online campaigns *My Stealthy Freedom* and *White Wednesdays*, which encourage women to defy compulsory veiling.

The crackdown on women human rights defenders in Iran: detention, harassment and mistreatment in prison

Arrested for defending women's rights: Hoda Amid and Najmeh Vahedi

Hoda Amid and Najmeh Vahedi are women's rights activists who were both arrested on 1 September 2018, alongside a third activist, Rezvan Mohammadi. According to media reports, the main reason for their arrest was their involvement in organizing a workshop to raise awareness of women's rights in relation to domestic violence and early marriage.⁴¹ The workshop was due to be held three days after their arrest.⁴²

On 29 September 2018, 750 activists signed and published a letter demanding the government put a stop to arresting and harassing women's right defenders, and calling for their immediate release. Amid and Vahedi were detained for 65 days and 67 days respectively before being released on bail and at the time of writing were awaiting trial.

A human rights lawyer imprisoned for her work: Nasrin Sotoudeh

Nasrin Sotoudeh is a human rights lawyer detained in Iran. Her first arrest dates back to 2010, when an appeal court sentenced her to six years in prison and a ten-year ban from practising law. She was then released in 2013.

In 2018, Sotoudeh took on a client, Shaparak Shajarizadeh, belonging to the Girls of Revolution Street movement, which emerged in protest to mandatory veiling (*hijab*).

On 13 June 2018, authorities arrested Sotoudeh and sent her to Tehran's Evin Prison. She was informed by her prosecutor at Evin that she had been arrested after being sentenced to 5 years in prison, presumably *in absentia*, on charges of espionage after a complaint from the prosecutor of the Kashan Province. The details of this case and the basis for the charge are largely unknown.

While in prison, Sotoudeh faced prosecution on a new set of national security charges, allegedly for colluding with her client. Reports emerged in March 2019 that Sotoudeh had been sentenced to a total of 38 years in prison (5 years from her previous charges and 33 years on her new charges) and 148 lashes.

The new sentence has been appealed, but if it stands, Sotoudeh will be forced to serve 12 years and 148 lashes. According to Article 134 of Iran's Penal Code, a defendant with multiple counts will serve no more than the maximum punishment for the charge with the heaviest sentence.⁴³ Sotoudeh's new charges included assembly and collusion to act against national security (7.5 years in prison), propaganda against the state (1.5 years in prison), membership in the illegal group LEGAM (Step by Step to Stop the Death Penalty – 7.5 years in prison), encouraging (moral) corruption and prostitution (12 years in prison), appearing

without a headscarf in public (74 lashes), publishing false information to disturb public minds (3 years in prison and 74 lashes) and disrupting public order (2 years in prison).⁴⁴

Denied essential medical care in prison: Narges Mohammadi

Narges Mohammadi, a human rights activist and the vice-president of the Defenders of Human Rights Center, was arrested on 5 May 2015. Over a year later, in September 2016, she was sentenced to 16 years in prison by Branch 26 of the Tehran Appeals Court on charges of 'membership in the [now banned] Defenders of Human Rights Center,' 'assembly and collusion against national security' and 'propaganda against the state'. These charges were also issued in part because of Mohammadi's efforts in the anti-death penalty campaign LEGAM (Step by Step to Abolish the Death Penalty).

Mohammadi is suffering from life-threatening ailments, including seizures and blood clots. On 20 December 2018, she asked the Tehran Prosecutor in an open letter to stop denying her medical treatment, after she was prevented from visiting her doctor outside of prison for over a year.⁴⁵ In January 2019, after a three-day hunger strike, officials allowed her to briefly receive medical care outside of Evin Prison. In May 2019, she was again transferred to the hospital for medical care but was reportedly sent back to prison after receiving a hysterectomy despite the advice of her doctors that she remain in hospital for another month to prevent infection.⁴⁶

4

Discrimination in political and public life

Discrimination against women in public participation is entrenched in Iran through a series of measures, formal and informal, which serve to exclude women from serving in many political functions and governmental positions. This is most clearly visible in high-ranking posts, many of which have never or only rarely been held by women. In Parliament and in local councils, women's representation has increased in recent years, but nevertheless these institutions remain overwhelmingly male-dominated.

Iran has never had a female president. Article 115 of the Constitution states that the president must be elected 'from among religious and political men' (*rejal*). It is unclear whether *rejal* was intended to mean men in the literal sense, thereby excluding women from holding the post of president, or whether the term simply refers to influential and respected figures.⁴⁷ The Guardian Council, which holds the authority for vetting presidential candidates, has never explicitly clarified the term.

In March 2018, the Guardian Council published a list of 11 elements to be considered as part of a candidate's eligibility for the post of president, but did not deal with the issue of whether or not women could run. The official spokesman for the Guardian Council, Abbasali Kadkhodayi, stated specifically that the gender debate surrounding the term *rejal* had not yet been resolved.⁴⁸

In the absence of any clarification on the legal debate, in practice, no woman has ever been permitted to run for pres-

ident. While countless women have registered to become presidential candidates, they are usually disqualified by the Guardian Council before they are able to run. For example, in the 2017 presidential election, 137 women registered to become presidential candidates out of a total pool of 1,636 candidates. All 137 were disqualified by the Guardian Council. The disqualified candidates included Azam Taleghani, a former member of Parliament and well-respected figure from the Islamic Revolution. The 2017 presidential run was the fifth time the Guardian Council blocked her bid, following previous attempts in 1997, 2005, 2009 and 2013.⁴⁹

The Guardian Council, which is dominated by religious conservatives, remains a major obstacle preventing women from serving in many state institutions, even when they are theoretically eligible to hold such positions. For example, the Guardian Council also vets candidates for the Assembly of Experts, the elected body of jurists that holds the power to appoint and dismiss the Supreme Leader. The Guardian Council has never considered any female candidate to have

the requisite qualifications to stand for election to the body. In the latest round of elections to the Assembly of Experts in 2016, all six women who registered for election were disqualified.⁵⁰ Women are completely prohibited from holding the position of Supreme Leader.

Women have held cabinet positions in Iran, but such appointments have normally been the exception rather than the rule. Moreover, when women are appointed to cabinet, it is often to positions that conform with gender norms. The Minister of Health of Medical Education portfolio was held by a woman, Marzieh Vahid Dastjerdi, during President Mahmoud Ahmadinejad's second term in office (2009-2013). Two other women were nominated for ministerial positions during the same period (Fatemeh Ajorlou and Sousan Keshavarz, for the Ministries of Welfare and Education, respectively) but were rejected by Parliament.

Following the election of President Hassan Rouhani in 2013, many expected to see at least one woman appointed to a ministerial position, given that Rouhani's election campaign included promises to include more women in government. However, neither Rouhani's first (2013-2017) nor second (2017-present) cabinet included any female ministers. Rouhani did appoint several women to vice-presidential posts, including feminist jurist Shahindokht Mowlaverdi, who served as Vice-President for Women and Family Affairs in his first term and Special Assistant to the President for Citizenship Rights until November 2018. Rouhani's presidency also saw the appointment of the first-ever female ambassadors since the Revolution: Marzieh Afkham, serving as the ambassador to Malaysia, and Homeira Rigi, appointed envoy to Brunei in January 2019.

In response to disappointment over the absence of female ministers, Rouhani also signed an executive order modifying the selection criteria for senior positions in the executive

branch, with a view to increasing the representation of women in such positions to 30 per cent.⁵¹ In April 2019, Masoumeh Ebtekar, Vice-President for Women and Family Affairs, stated that the number of female senior executives and assistant vice-presidents in government had grown by more than 17 per cent, and that at the provincial level the number of female directors, deputies and senior executives had grown by 60 per cent - still far below, however, the target quota.⁵² In June 2019, the Advisor to the Minister of the Interior on Women and Family Affairs, Fariba Nazaripour Kiaei, stated that in the first year of Rouhani's second presidential term, appointments of women to managerial positions within the Interior Ministry had grown by 90 per cent.⁵³

Women are permitted to run for Parliament, and the 2016 parliamentary elections saw a record 1,234 women register as candidates – three times the number who registered in the 2012 parliamentary elections. However, these women usually face high resistance from the Guardian Council, which is known to arbitrarily disqualify scores of reformist and female candidates from running for election. For example, in the run-up to the 2016 elections, the Guardian Council disqualified 98 per cent of female candidates in the major city of Shiraz, 20 out of 24 female candidates in Markazi, and all the female candidates in the large port city of Abadan.⁵⁴

Nevertheless, the number of women elected to Parliament in the last elections – 18 – is the highest ever in the history of the Islamic Republic. Despite the subsequent disqualification of MP Minoo Khaleghi (see following case study), which brought the number of women down to 17, the current presence of women in Parliament is unprecedented. Notably, all of the 17 female parliamentarians in the current session are reformist or independent candidates – in contrast to previous sessions, where conservative female candidates have usually been dominant (*Table 1*).

Table 1: Number of female parliamentarians, 1st–10th parliamentary sessions

Session number	Number of parliamentarians	Female parliamentarians	Political party		
			Conservative	Reformist	Independent
1st session (1980–1984)	327	4	3	1	0
2nd session (1984–1988)	274	4	3	1	0
3rd session (1988–1992)	278	4	3	1	0
4th session (1992–1996)	275	9	5	1	3
5th session (1996–2000)	277	14	4	8	2
6th session (2000–2004)	297	13	2	11	0
7th session (2004–2008)	294	13	11	2	0
8th session (2008–2012)	288	8	8	0	0
9th session (2012–2016)	288	9	9	0	0
10th session (2016–2020)	290	17	0	11	6

Source: Khabar Online.⁵⁵

Despite these limited victories, the presence of women in Parliament still remains marginal – representing only 5.86 per cent of the total seats. In reality, the intense resistance that women face to running – including the high rate of rejection of their candidacies – serves to discourage many from participating in the parliamentary process at all. Even after being elected, women face many forms of gendered treatment and abuse that serve to inhibit them from effectively carrying out their responsibilities – from increased scrutiny of their personal lives to regular defamation and insults from their male counterparts.

Moreover, the influence of women in Parliament is constrained by the fact that two more powerful, unelected institutions – the Guardian Council and the Supreme Leader – have a heavy sway over political developments in the country. Many women elected to Parliament over the years upheld conservative viewpoints rather than working towards women's empowerment. For example, when Rouhani presented his all-male list of cabinet nominations to Parliament for approval in August 2013, none of the female MPs present took the opportunity to object to the lack of female nominations.⁵⁶

The continually low representation of women in Parliament led to calls for the introduction of a

quota to guarantee a minimum number of parliamentary seats for women. In June 2018, the IRNA media outlet reported that MPs from the Women's Faction were drafting a law to implement this proposal.⁵⁷ However, on 16 April 2019, the draft law failed to garner enough support to be passed, with only 79 out of 214 MPs present voting in favour of it.⁵⁸

In contrast to the cabinet and Parliament, local-level governing councils are institutions in which women have managed to carve out a significant presence in some governorates – although their overall participation still remains low. In the 2017 city council elections, 17,885 women registered to run, representing 6.2 per cent of the total candidates – a 1 per cent increase compared to the previous elections.⁵⁹ Women's participation in local-level governing institutions is seen as less politically sensitive in Iran, and the responsibility for vetting candidates lies with the Interior Ministry, rather than the Guardian Council – which means there is more acceptance of independent candidates.⁶⁰

The 2017 elections also saw eight women elected mayors or heads of city councils.⁶² In addition, three women were appointed county governors (out of a total of 430 county governors) while

Table 2: Number of women's representatives in the 5th City Council session, by province

Session number	Number of parliamentarians	Female parliamentarians	Political party	Political party
Hamedan	164	142	17	11
Isfahan	491	449	42	10
Qazvin	139	125	14	10
Zanjan	113	101	12	10
Markazi	177	162	15	9
Yazd	117	107	10	9
Semnan	106	97	9	9
Gilan	301	276	25	8
Tehran	282	259	23	8
Bushehr	195	180	15	8
Golestan	162	149	13	8
North Khorasan	118	109	9	8
West Azerbaijan	235	218	17	7
Ardabil	140	131	9	7
Kerman	377	357	20	6
East Azerbaijan	335	316	19	6
Hormozgan	223	210	13	6
Kordestan	161	152	9	6
Alborz	114	107	7	6
Fars	544	511	29	5
Khuzestan	422	399	23	5
Khorasan Razavi	397	378	19	5
Mazandaran	341	324	17	5
Chaharmahal and Bakhtiari	229	217	12	5
Kermanshah	177	168	9	5
South Khorasan	144	137	7	5
Ilam	132	126	6	4
Lorestan	151	149	6	4
Sistan-Baluchestan	221	215	6	3
Kohgiluyeh and Boyer-Ahmad	91	88	3	3
Qom	38	38	0	0
TOTAL	6832	6397	435	6

Source: The Dar Sahn Project.⁶¹

women hold 13 out of 1,058 district governor positions.⁶³ Sistan-Baluchestan province in particular saw a significant increase in women's participation during the last elections. A total of 415 women are currently serving on local governorates in the province, compared to only 185 in the previous election.⁶⁴

Nevertheless, the barriers to women's participation in governance, even at the local level, remain high. Women who run for office often have to go up against the objections of religious leaders, many of whom hold interpretations of scripture that inhibit women from serving in public functions.⁶⁵ According to Fatemeh Daneshvar, a former member of the Tehran City Council, women's problems are greater in smaller cities, where they struggle to meet the qualifications to stand for election, and their male colleagues hinder their promotion.⁶⁶

For many of these women, the very first challenge is to convince their families to allow them to run. Many families may have accepted the idea of women playing a role outside the home, but prefer them to stay within their careers and not go further. Parichehr Soltani, now secretary of the Working Group on Rural Women under the Vice Presidency for Women and Family Affairs, recounts having to fight an uphill battle with her husband to in order to run for city council in Chahar Mahal and Bakhtiari Province.⁶⁷ She registered for

the city council and parliamentary elections several times, but each time she would withdraw due to her husband's wishes. It was difficult at first for her husband to even imagine her photos appearing on posters on the walls of the city, but eventually he became one of her supporters during the electoral campaign and even distributed her posters.⁶⁸

In cities home to ethnic minorities where tribal structures play a greater role, women must even convince the clan elder, and are sometimes forced to disregard their warnings in order to follow their path. Such was the experience of Jamila Melzaei, who served on the fourth city council in the city of Nikshahr in Sistan-Baluchestan Province and later became head of the council. According to her, the elders of her tribe did not approve of her signing up for the election, and some family members asked her husband to prevent her from running for the council.⁶⁹

As a result, many attempts by women to run for positions of power end in disappointment, despite their qualifications and efforts. For example, Ziba Salehpour, a member of the fourth session of Ahwaz city council, won the election with more than 35,000 votes. Despite her clear victory, the council members did not vote for her to lead the council. She said: 'I heard some of the men of the city council say it is disrespectful to us to have a female governor, and this was the bitterest comment I had heard.'⁷⁰

Barriers to political participation: The experiences of female MPs in Iran

Arbitrary disqualification: MP Minoo Khaleghi

Minoo Khaleghi, a female politician holding reformist views, was one of the 18 women elected to Parliament in the 2016 elections, after winning 193,399 out of 671,471 votes in her constituency of Isfahan. However,

after the elections, she was suddenly disqualified by the Guardian Council.⁷¹

The Guardian Council did not explain its decision, and only stated that it had gained some 'evidence' which could not be published. Local reports suggested the evidence might have consisted of photographs of Khaleghi appearing in public in China without a headscarf, after leaked photos went viral on social media. Hard-liners accused her of 'betraying the nation.'⁷²

Both the President and the Ministry of Interior expressed their dissatisfaction with the Guardian Council's decision, and outspoken MP Ali Motahari wrote a letter to the Supreme Leader, Ali Khamenei. The case was then referred to the High Council for Dispute Resolution under the Supreme Leader's orders. Eventually, this body confirmed the Guardian Council's decision to disqualify Khaleghi.⁷³ One year later, Hassan Kamaran, a hard-line politician, won the midterm parliamentary

elections and took Khaleghi's place.⁷⁴

Recently, more than two years since of the formation of the 10th Parliament, the Guardian Council finally revealed the reasons for Khaleghi's disqualification, stating they had obtained photos showing her shaking hands with an unrelated man in China.⁷⁵ It is unclear whether the photographs are genuine. Khaleghi has stated that the photos were fake and published with political intentions. The case is illustrative of the heightened moral scrutiny placed on female politicians in Iran and practised by the state's most powerful institutions – which have the power to end a woman's political career for the slightest perceived 'missteps'.

Sexist abuse and threats: MP Parvaneh Salahshouri

Parvaneh Salahshouri is a Reformist MP and a member of the Hope Faction in the Parliament.⁷⁶ In September 2018, she gave a fiery speech in Parliament criticizing the state's failings in dealing with the crises of poverty, corruption, unemployment and inflation. She spoke against the Guardian Council's controversial vetting of candidates for the Parliament,

presidency, judiciary system and military forces. She also spoke out on some social issues such as lack of freedoms and the crackdown on activists, requesting the release of opposition leaders Mir Hossein Mousavi and Mehdi Karroubi, who have been under house arrest since 2011. She chided conservative clerics, saying: 'I wanted to ask for their help in fighting corruption and poverty, but it seems they are most concerned about women cycling and [wearing] headscarves.'⁷⁷

Mehdi Kouchakzadeh, a hard-line former MP, posted a caricature of her on his Instagram page calling her *khanbaji* (a phrase describing a nagging sister-in-law), writing 'go back home and if you would like prosperity, pray for yourself and your husband to die with righteousness and faith in order to solve the people's problems a little bit.'⁷⁸ Keyhan Newspaper, one of Iran's most conservative media outlets operated directly under Supreme Leader Ayatollah Ali Khamenei, wrote: 'If not for the sacrifices of the warriors and the missile industry of our country, this lawmaker woman would have been wiping the boots of ISIS terrorists by now and been sold to Saudi sheikhs as a slave!'⁷⁹

In an interview with Iranian media, Salahshouri said: 'Apparently, 40 MPs have signed a letter against me and sent it to the supervisory board for MPs' behaviour'.⁸⁰ She also revealed: 'In the Parliament there were a lot of people who criticized my speech. MPs often tell me 'you are *mahdor al-dam* [someone who deserves to be killed according to Islamic criminal law in Iran], you are very close to being executed.'⁸¹

Tayebeh Saiyavshi, another reformist politician and lawmaker, said: 'These were not the only reactions or criticisms, but a lot was sexism. This is something that needs to be addressed. Our society cannot accept the existence of a woman in the arena of politics at the highest level of government.' Saiyavshi also pointed out that male MPs, such as Gholamreza Hedari and Behrouz Neemati, made harsher speeches than Salahshouri but did not receive such comments.⁸² A conservative female MP, Hajar Chenarani, made a speech the same day in which she harshly criticized the government, describing Iran as a 'traitorous' country. However, MPs did not call for an investigation into her conduct as they did for Salahshouri.⁸³

5

Discrimination in education

Access to education is one area in which the Islamic Republic has achieved remarkable progress in recent decades, including for women. Since the 1979 Revolution, literacy rates for both sexes have steadily risen, while the gap in literacy rates between women and men has narrowed. In addition to the primary level, women's enrollment rates have also increased in secondary and post-secondary education. Nevertheless, significant barriers persist to ensuring women's full educational attainment. Women remain excluded or underrepresented in many areas of study, and are far less likely than men to be employed in their fields after graduation. Moreover, women in rural areas, especially minority women, continue to attain significantly lower levels of education.

Advancements in primary education have meant that literacy rates for both men and women have dramatically improved over the four decades since the Islamic Revolution (Table 3). The female literacy rate rose from only 35.5 per cent in 1976 to 84.2 per cent in 2016, while in the same period, the male literacy rate rose from 58.9 per cent to 91.0 per cent. Hence, although the female literacy rate still lags behind the rate for men, the gap has narrowed over time – from 23.4 percentage points in 1976 to 6.8 percentage points in 2016. According to the International Monetary Fund (IMF), there has been almost no gender gap in male and female enrolment in primary or secondary education for the last 10 years, and the average years of schooling attained by women has gone up by 40 per cent in one generation.⁸⁴

Recent decades have also seen an upsurge in women's university enrolment rates – which in some years have even surpassed men's enrolment rates. At its peak in 2007, female university attendance was as high as 65 per cent.⁸⁶ As shown by government census figures for the year 2016, women now represent slightly less than half of those in higher education – 46.3 per cent of current students and 48.1 per cent of those who graduated between 2011-2016 (Table 4).

Despite relatively good attendance rates, women continue to face discrimination in their access to higher education, particularly in entry to male-dominated fields. One legacy of the Islamic Revolution was the introduction of gender segregation policies and quotas, which saw women excluded from 91 out of 169 academic specializations begin-

ning in 1983.⁸⁸ Although these restrictions were lifted in 1993, gender-rationing measures were later re-introduced in 2012 under the Ahmadinejad administration, resulting in women being excluded from at least 77 academic specializations in 36 universities.⁸⁹ For example, at Shiraz University, it was reported in 2014 that women were completely excluded from the Biosystem Mechanical Engineering and Islamic Theology degrees, while 58 other majors had restrictions on the number of women who could be admitted.⁹⁰

These policies correlated with the drop in women's share of university enrolments after 2012, having risen to outnumber men in previous years. In the first three years following the implementation of these policies, 8,600 female places were eliminated from universities in Iran.⁹¹ In addition, they led to the overrepresentation of women in 'soft' fields such as humanities and social sciences, which offer lower employment prospects after graduation.⁹² This is likely one of the reasons behind the vast underrepresentation of women in the labour market in Iran (other reasons are discussed more in the next section). At the time of writing, gender quotas did not appear to be in place any longer.⁹³

However, minority women continue to face barriers to accessing university education, especially if they belong to an unrecognized religious minority. Since admissions regulations established by the Supreme Council of the Cultural Revolution state that students must be from one of the constitutionally-recognized religions to enter university, members of unrecognized religions must misrepresent their faith in order to register.⁹⁴ Bahá'í women are particularly affected, both because their religious

Table 3: Literacy rates by gender, 1976-2016 (population aged 6 years and over)

Year	Male	Female	Overall
1976	58.9%	35.5%	47.5%
1986	71.0%	52.1%	61.8%
1996	84.7%	74.2%	79.5%
2006	88.7%	80.3%	84.6%
2011	88.4%	81.1%	84.8%
2016	91.0%	84.2%	87.6%

Source: Statistical Centre Iran.⁸⁵

teachings forbid them from misrepresenting their faith, and because of the enormous government hostility towards the group. A 1991 government memorandum about the Bahá'í contains the instruction that 'they must be expelled from universities, either in the admission process or during the course of their studies, once it becomes known that they are Bahá'í.'⁹⁵ Every year, despite meeting all entrance requirements, many prospective Bahá'í students receive automated messages stating that their files are incomplete, preventing them from concluding the enrolment process.⁹⁶

Table 4: University attendance rates, 2011-2016

Gender	Number of enrolled students, 2016	Number of graduates, 2011-2016
Male	2,097,564 (53.7%)	5,005,989 (51.9%)
Female	1,811,280 (46.3%)	4,632,864 (48.1%)
Total (male & female)	3,908,844	9,638,853

Source: Statistical Centre of Iran.⁸⁷

Table 5: Urban vs. rural literacy rates, 2016 (population aged 6 years and over)

2016	Male	Female	Overall
Literacy rate – urban areas	93.5%	88.0%	90.7%
Literacy rate – rural areas	83.9%	72.8%	78.5%

Source: Statistical Centre Iran.⁹⁷

Another major challenge is ensuring access to education for women from rural areas, including minority women. As Table 5 shows, the literacy rate among women from rural areas is much lower than the literacy rate among women from urban areas – 72.8 per cent versus 88.0 per cent respectively. In addition, the gap between male and female literacy rates is much wider in rural areas – 11.1 percentage points, compared to 5.5 percentage points in urban areas – showing that gender discrimination, and not only economic factors, is also at play.

Further illustrating this urban-rural divide is a 2018 statement from a representative of the Ministry of Education, which revealed that more than 151,046 girls dropped out of school that year. According to the same representative, there are multiple factors at play behind the high dropout rates among girls in rural areas. In remote villages, families are often more willing to send their boys to travel long distances to schools than they are their girls. The lack

of female teachers in many areas is another factor that serves to discourage families from sending their girls to school. Cultural and religious traditions also lead some rural communities to devalue girls' education, placing more emphasis on leaving school early to get married and have children. On top of that, in economically marginalized areas, families often rely on their children as labourers, which tends to affect girls more than boys.⁹⁸

Girls from ethnic minorities are particularly disadvantaged when it comes to education, not least because many of the provinces home to ethnic minorities are among Iran's poorest and most marginalized. Sistan-Baluchestan province, populated by the Baluchi ethnic group, has the lowest literacy rate in the country (76 per cent) while in Kurdistan province, populated by the Kurdish minority, the literacy rate (81.5 per cent) is also far below the national average.⁹⁹ Girls from these provinces are doubly marginalized, facing both economic exclusion and gender discrimination. As a stark illustration of this reality, dropout rates for girls are reportedly 60 per cent by the fifth grade level in Sistan-Baluchestan.¹⁰⁰ Among Ahwazi Arabs, another ethnic minority concentrated in the southwestern Khuzestan province, the dropout rate increases from around 30 per cent at the elementary level to 50 per cent at secondary level and 70 per cent for high school.¹⁰¹

6

Discrimination in employment

‘Housekeeping is a profession. A great profession. An important profession. A sensitive profession. A profession that builds the future.’ This 2013 statement by Supreme Leader Ali Khamenei, Iran’s highest religious authority, is emblematic of the attitude towards women’s role in society that has dominated official discourse in Iran since the Islamic Revolution. The idealized image of a woman promoted by the religious establishment in post-1979 Iran emphasizes her role in the home as mother and wife, while a multitude of attitudes, laws and policies serve to circumscribe her role in the labour market.

The 2017 Global Gender Gap Report, published by the World Economic Forum, ranks Iran 140 out of 144 countries for gender parity, based on a basket of measures that include economic participation indicators.¹⁰² Similarly, a recent World Bank study ranked Iran fourth-lowest in its 2019 Women, Business and the Law index.¹⁰³ The female economic participation rate in Iran is one of the lowest in the world: according to government statistics published in 2018, this rate stood at 15.9 per cent for women, compared to 64.1 per cent for men (*Table 6*).

Women in Iran also experience much higher unemployment rates than men. According to the latest government figures, the female employment rate (19.1 per cent) is nearly double the rate for men (10.1 per cent). In urban areas, the gap be-

Table 6: Economic participation rates (population over 10 years old)

	Economic participation rate	Private sector employment	Public sector employment
Male	64.1%	85.7%	14.3%
Female	15.9%	76.0%	24.0%
Total	40.1%	83.9%	16.1%

Source: Statistical Centre Iran.¹⁰⁴

tween female and male unemployment rates is even wider – 23.2 per cent for women and 10.8 per cent for men (*Table 7*). Despite their high levels of education, women face a distinct disadvantage in the labour market, with

Table 7: Unemployment rates, urban vs. rural areas (population over 10 years old)

	Unemployment rate	Urban areas	Rural areas
Male	10.1%	10.8%	8.2%
Female	19.1%	23.2%	7.8%
Total	11.9%	13.2%	8.1%

Source: Statistical Centre Iran.¹⁰⁷

university-educated women three times more likely than their male counterparts to be unemployed.¹⁰⁵ Women also remain unemployed longer than men, with close to 48 per cent of women remaining in unemployment for more than 19 months, compared to only 28 per cent of men.¹⁰⁶

There are reasons to believe that official figures may fail to capture the full extent of women's economic activity in Iran, due to the existence of a significant informal economy, especially in the agricultural sector. Some studies estimate the true female economic participation rate in rural areas to be closer to 40 or 50 per cent, due to women's participation in activities such as agriculture, animal husbandry, processing, preservation and handicrafts.¹⁰⁸ However, such labour is rarely accounted as such, does not usually generate personal income for women, and is unlikely to impact their position within the household.¹⁰⁹ There is also research that points to the existence of a significant urban female informal economy, encompassing large numbers of poor, unskilled migrants but also many educated, upper- and middle-class women.¹¹⁰ It should be noted that women working in the informal sector do not benefit from the protection of labour laws and other regulations.

There are multiple factors contributing to the dismal representation of women in the formal labour force, both legal and practical. While the Iranian Labour Code states that 'all individuals, men and women, are entitled to equal protection of the law and can choose any profession they desire as long as it is not against Islamic values, public interest, or the rights of others,' it also forbids women from being employed in 'dangerous, arduous or harmful work.'¹¹¹

In reality, the practice of preferring men over women in certain jobs, or excluding the recruitment of women altogether, is widespread in both the public and private sector. For example, women cannot serve as judges in Iran, although some work as assistant judges.¹¹² In July 2014, the Tehran Municipality announced that all female secretaries, typists and office managers would be replaced with men, while the following month, the head of the Public Buildings Office of the Iranian Police made an announcement barring the employment of women in coffee shops and traditional Iranian restaurants.¹¹³

Women have also been excluded in part from civil service jobs. In 2015, the government announced 2,284 new civil service openings, of which only 16 were designated for women, 500 were open to either gender, and the rest reserved for men – a policy that was criticized by the Vice President for Women's Affairs, Shahindokht Molaverdi.¹¹⁴ In July 2016, Rouhani halted the civil service exam and all new recruitment processes until this gender discrepancy could be addressed, resuming the exam in November of the same year after the share of job openings for women had been doubled.¹¹⁵

Women from minority backgrounds are particularly disadvantaged when seeking public sector employment, having to grapple with both gender and religious or ethnic discrimination. The province with the highest levels of female unemployment is Kermanshah, populated primarily by Iranian Kurds, where the unemployment rate for women is 29.5 per cent (*Table 8*).

Religious discrimination is institutionalized through the practice of *gozinesh*, a mandatory screening process that anyone seeking employment in the public or para-statal sector must undergo. *Gozinesh* involves assessing prospective employees' belief in Islam or one of the constitutionally-recognized religions, as well as their loyalty to the Islamic Republic. This policy clearly discriminates against adherents of non-recognized religious minorities. Bahá'í remain prohibited completely from employment in the civil service. A 1991 memorandum issued by the Supreme Council of the Cultural Revolution and signed by Supreme Leader Ali Khamenei calls for Bahá'í to be dealt with in such a way 'that their progress and development shall be blocked' and further

Table 8: Female unemployment rates by province (population over 10 years old)Source: Statistical Centre Iran.¹¹⁸

states that ‘employment shall be refused to persons identifying themselves as Bahá’í.’¹¹⁷

According to research carried out by Human Rights Watch, many private sector companies either directly or indirectly discriminate against women in their hiring practices. An analysis of publicly available job vacancies done by the organization found many examples of job openings in science, technology engineering and mathematics containing a stated preference for male candidates, whereas postings in which female candidates were desired were mostly for jobs such as secretaries and assistants. Several European companies operating in Iran also posted job advertisements that contained discriminatory gender requirements. Moreover, numerous employers interviewed by the organization stated that they were reluctant to hire women for senior positions because this could be damaging for the company’s image.¹¹⁸

Other reasons for preferring male over female candidates in hiring practices include the cultural norm that men should provide for the family, and therefore are more deserving of employment.¹¹⁹ Some employers also prefer to hire men due to a fear that other employees would not accept a woman’s authority, especially if she were to be employed in a managerial position.¹²⁰ Another factor disadvantaging women is the fact that obtaining many jobs in Iran requires good professional connections, which women are less likely to have.¹²¹

Married women face particular forms of discrimination in the labour market. The Iranian Civil Code gives a husband the right to bar his wife from any job that he considers to be ‘against family values or inimical to his or her reputation.’¹²² Some employers require engaged or married women to provide a written statement of permission from their husbands in order to be hired.¹²³ Some employers are also reportedly reluctant to hire married women because they believe they will not be able to work long hours.¹²⁴

Since Iranian law also requires married women to obtain permission from their husbands to leave the country, employers may be discouraged from hiring married women for positions which involve frequent travel. The restriction on women travelling abroad has affected several high-profile athletes in recent years, leading to attempts at legal

reform. Niloufar Ardalan, a professional football player, was barred from travel to the 2015 Asian Cup final because her husband demanded she stay in the country for her son’s first day of school. Later in the year, when her husband again attempted to prevent her from travelling to the world championships, Ardalan was only able to attend after she obtained permission through a court.¹²⁵ Zahra Nemati, an archer on Iran’s Paralympic team and the country’s first female gold medalist in the sport, was prevented by her husband from leaving the country in May 2017 because she had filed for divorce.¹²⁶ In 2017, the Rouhani administration introduced a draft law to Parliament to allow certain women – namely elites, athletes and artists – to travel outside the country without their husband’s consent, provided they secure the permission of the prosecutor-general. The law is still pending in Parliament.¹²⁷

Pregnancy is another factor that often puts married women at a disadvantage in the workplace. Legislation ratified in January 2017 provides women with nine months of maternity leave and men with two weeks of paternity leave. However, according to data from a survey carried out over an 18-month period by the Social Security organization, 47,000 of the 145,000 women who took a six-month maternity leave were fired after returning to work.¹²⁸ Former Vice President for Women and Family Affairs, Shahindokht Mowlaverdi, stated in 2014 that she was receiving 20 complaints a week from women who had lost their jobs after going on maternity leave.¹²⁹

While Article 38 of the Iranian Labour Code requires employers to pay equal wages to men and women for work of equal value and under the same conditions, in reality women often earn less than men. A 2015 report by Iran Talent found that women earn 23 per cent less than men overall, and 36 per cent less for managerial positions.¹³⁰ Other sources report that women’s salaries are 41 per cent lower than men’s.¹³¹ In addition to receiving lower salaries, women can also be excluded from certain types of benefits and raises. For example, in some companies, employees can supplement their basic salary by working additional hours, but overtime pay is only given to men.¹³²

Several recent legislative initiatives have the potential to worsen the discrimination experienced

by Iranian women in the labour market. In July 2016, the Parliament ratified the Reduction of Office Hours Act for Women with Special Circumstances. According to this law, women who have children under six years of age, who have a family member with disabilities or terminal illness, or who are heads of households are entitled to work a reduced 36-hour week, while receiving the payment and benefits for a 44-hour week.¹³³ While the provisions appear to be intended to provide a degree of support to families with additional care responsibilities, the gendered application of these benefits and the fact that the cost of the reduced hours falls to businesses without compensation or subsidies from the government could have nega-

tive implications for women workers. Since these entitlements do not apply to men, some activists fear that the law will disincentivize employers from hiring women due to the higher costs this would entail.¹³⁴

The same year, a draft Population and Family Excellence bill was re-introduced to Parliament. As part of a plan to increase the overall pregnancy rate in Iran, the bill requires employers to prioritize hiring men and prohibits the employment of unmarried men and women in university faculty positions¹³⁵ – a move that significantly limits women's freedom and puts their ability to choose to work at risk.

7

Discrimination in nationality rights

According to Iran's Civil Code, Iranian nationality is granted to persons born to an Iranian father, whether they are born inside or outside of the country. This means that Iranian women do not have the ability to transfer their nationality to their children. This affects thousands of Iranian women married to foreign men, especially Iranian women from the Baluchi minority married to Baluchi migrants and refugees from Afghanistan. Despite recent attempts at reform, the policy continues to place children of such marriages at risk of statelessness.

Children of marriages between Iranian women and foreign men are unable to obtain Iranian citizenship documents, placing them at risk of statelessness. They face a range of rights deprivations including limited access to state benefits, healthcare and education, as well as the rights to vote and hold public office.¹³⁶ However, opponents of granting women the right to transfer nationality have cited fears of illegal immigration from Afghanistan and threats to the country's demographic make-up.

There are no official numbers on the scope of this problem. However, according to the Tabnak news agency, in 2015/2016 an estimated 150,000 Iranian women living in Iran were married to foreign husbands. Moreover, there were about 500,000 children born to these marriages who did not have birth certificates or Iranian nationality documents.¹³⁷ On 24 October 2018, ISNA reported that 49,000 children in the three provinces of Tehran, Sistan-Baluchestan and Khorasan had no birth certificates or Iranian nationality, despite being born to Iranian citizen mothers. This num-

ber was given by the Ministry of Cooperatives, Labour and Social Welfare, based narrowly on the voluntary self-reporting of 14,000 mothers who had received a text message from the Ministry. Moreover, these were women whose marriages to non-Iranian men had been officially recorded.¹³⁸

In September 2006, during the Ahmadinejad presidency, the Iranian Parliament passed a bill amending Article 976-5 of the Civil Code. The amendment allows persons born in Iran to a foreign father and Iranian mother to apply for Iranian nationality upon reaching the age of 18 through an administrative petition. In order to be eligible for nationality, applicants cannot have a criminal record, they must have lived in Iran for at least five years, they must renounce nationality of the father's country of origin, and they must apply for Iranian nationality within one year of turning 18.

Those who had already reached age 18 at the time the 2006 law went into effect had a one-year window to apply for nationality. However, many of the people under this category

faced challenges applying within one year. For example, many were born into unregistered marriages and one year was not enough time for their families to both register the marriage and obtain Iranian nationality for their children.¹³⁹ As a result, only 2,000 people who were over the age of 18 in 2006 were able to gain nationality under the new law.¹⁴⁰

In 2016, parliamentarians worked on another bill that would have introduced more stringent standards for children to gain citizenship upon turning 18, while opening citizenship up to children born outside of Iran to Iranian mothers.¹⁴¹ According to this bill, children of Iranian women and foreign men, regardless of birthplace, would be able to obtain Iranian nationality after turning 18, provided they could show (with some limited exceptions) that they had lived in Iran at least 15 years and that their parents' marriage was legally registered.¹⁴² In July 2017, Maryam Mirzakhani, a famous Iranian mathematician, passed away. Mirzakhani was married to a non-Iranian and was living in the United States, where her daughter was also born. In her will, Mirzakhani

stated that she wanted her daughter to have Iranian citizenship. The story went viral, encouraging 60 members of Iran's Parliament to pledge reforms that would address Maryam's dying wishes, which neither the existing law nor the pending amendment would be able to do.

In August 2017, Parliament suspended debate on the bill to allow the Rouhani administration to submit its own version, which parliamentarians planned to reconcile with the existing draft.¹⁴³ On 5 November 2018, Shahindokht Mowlaverdi, former Special Assistant to the President for Citizenship Rights, announced that the Rouhani administration had sent a revised citizenship bill to Parliament. The revised bill enables Iranian women to apply for Iranian nationality for their children, and allows persons born to Iranian mothers and non-Iranian fathers to apply for Iranian citizenship on their own upon turning 18, regardless of their country of birth.¹⁴⁴ This law was ratified by the Iranian Parliament, but was then rejected by the Guardian Council in June 2019 due to some legal issues, and was sent back to the Parliament for further review.

8

Discrimination in marriage and family matters

Family law in Iran entrenches a system of male guardianship over women through the institution of marriage and laws governing the family unit. As a result, women face rights restrictions and limits on their autonomy across the processes of marriage, divorce, child custody, and in other matters. Moreover, child marriage is effectively legalized by Iran's Civil Code, leading to large numbers of girls being forced into marriage every year, which results in a host of rights abuses.

Iran's Civil Code, many parts of which date back to 1936, designates husbands as the head of the family, and places women under their guardianship. This gives husbands authority over their wives in a range of matters, such as employment: for example, a husband has the right to prevent his wife from working in an occupation he considers damaging to his principles or reputation.¹⁴⁵ As part of their role as heads of households, men have certain financial obligations in marriage: *mahriye* (dower payment), *nafage* (spousal support) and *ojrat al-mesl* (compensation for domestic work). In return, women are expected to abide by the principle of *tamkin*, or submission to their husband's will. Article 1108 of the Civil Code holds women responsible for the duty of fulfilling their husbands' sexual needs. Failure to abide by the principle of *tamkin* can lead to a wife losing her right to *nafage*.¹⁴⁶

Husbands are also considered the primary authority over children in a marriage. They hold sole legal guardianship of children, and have the authority to determine where the

family will live. When the husband is absent, legal guardianship of the children goes to the paternal grandfather instead of the mother.¹⁴⁷ There are some cases in which mothers can obtain physical custody, though not legal guardianship, of children. According to the Civil Code, a mother can also obtain physical custody of a child if the father is addicted (to gambling, alcohol and/or drugs); has a mental disability; is morally corrupt; forces the child into labour, prostitution or beggary; or repeatedly hits the child.¹⁴⁸ In the case of divorce, the mother is given preference in child custody until the child turns two, in the case of boys, or the age of seven, for girls.¹⁴⁹ However, if the mother remarries at any point, she loses the right to custody.¹⁵⁰ When the children turn two or seven, depending on the case, custody is transferred automatically to the father or whoever is determined to be in the child's best interests. Moreover, legal guardianship remains with the father even if the mother has physical custody, which means that the father retains authority over major decisions in the child's life.¹⁵¹

Family law in Iran also contains stark gender differences when it comes to men's and women's right to divorce. While men have an incontestable right to divorce their wives on a wide range of grounds, women can only apply for divorce in limited cases, such as the husband's addiction, imprisonment or refusal to support the family financially.¹⁵² In the case of domestic violence, women must prove that the abuse was intolerable in order to obtain a divorce.¹⁵³ Divorce proceedings initiated by women also take a long time in the courts, often resulting in women giving up some of their rights – such as payment of *mahriye* – in order to speed up the settlement.¹⁵⁴

Adherents of Iran's three officially recognized minority religions – Christianity, Judaism and Zoroastrianism – are governed by their own personal status laws. This means it is possible that women from these religions could be subject to community-specific forms of discrimination. For example, under Zoroastrian personal status law, if a woman's husband dies and she chooses to remarry, legal guardianship of her children is transferred to the child's grandfather.¹⁵⁵ However, there is insufficient information available about the application of these laws to make a comprehensive assessment. For example, it is unclear whether or not Jewish women have the right to divorce, in the absence of any Persian translation of Jewish laws applied in Iran. When an Iranian court requires information about matters relating to Jewish personal status, a representative of the Jewish religious establishment, referring to the jurisprudential books of the religion, provides the answer to the court.¹⁵⁶

The question of interfaith marriage is also one in which Iranian law applies differently depending on the gender and religious affiliation of the person wishing to enter such a union. While Muslim men are permitted to marry women belonging to the constitutionally-recognized minority reli-

gions, Muslim women are not allowed to marry non-Muslim men.¹⁵⁷ This also means that in the case of a marriage between two non-Muslim spouses, if the woman decides to become Muslim, she will not be permitted to continue her married life with her non-Muslim husband. The question of whether or not marriages between persons belonging to constitutionally-recognized religions are allowed is subject to each religion's personal status laws.

Marriages involving Bahá'í are particularly problematic due to official intolerance of their faith in Iran. Bahá'í marriages are not recognized, which compels many Bahá'í couples to conduct their marriage according to Islamic rules and declare themselves Muslim to register their marriage.¹⁵⁸ In the case of marriages between Muslims and Bahá'í, although interfaith marriages are accepted in the Bahá'í faith, they are condemned by the Islamic religious establishment. A case described on *Iranwire*, a well-known Persian social and citizen-journalism website, shows the difficulties faced by a Muslim woman wishing to marry a Bahá'í man. The couple could not find anyone willing to perform their Islamic ceremony or register the marriage, and only after paying a significant sum of money to a cleric were they able to have the rites performed. Their marriage certificate does not contain any reference to the husband's Bahá'í faith, instead stating 'subject to Islamic Republic Laws' in the religion field.¹⁵⁹

Women from ethnic minorities may also face intersectional discrimination in personal status matters. Some of Iran's ethnic minorities belong to the Sunni sect of Islam, which means that women from these communities may also be affected by religious practices that are outside the realm of the state-sanctioned school of jurisprudence. Such practices often vary from location to location and community to community, but are implicitly sanctioned by the state. The Law Permitting the Observance of Non-Shi'a Iranians' Personal Status in the Courts gives Sunnis, as with

other recognized religious minorities, the right to follow their own jurisprudence on matters such as divorce, wills and inheritance, in accordance with the Constitution.¹⁶⁰

One issue on which there are differences between the Shi'a and Sunni schools of jurisprudence is divorce. In the Kurdish, Sunni-majority regions of Iran, the 'triple *talaq*' form of divorce is often practised. Whereas in the Shi'a school of jurisprudence, divorce is performed in three distinct stages, in some versions of Sunni Islam, it is possible to perform the three divorces all at once without the presence of the wife. The husband simply repeats the word '*talaq*' three times in front of a gathering or council and it is religiously valid. According to an estimate by one lawyer interviewed for a report by the news agency Al-Monitor, as many as 55 to 60 per cent of divorces in the Kurdistan province may be concluded in this manner.¹⁶¹

Triple *talaq* takes place outside normal legal channels. Arbitrary and immediate, it often leaves a woman economically and emotionally stranded. There is no court proceeding to make basic determinations about child custody and financial matters, leaving both women and children in limbo. Moreover, triple *talaq*, once pronounced, is irre-

vocable, which makes it impossible for the couple to remarry unless the wife remarries and divorces someone else. This forces women who wish to get back together with their husbands to consummate another marriage first – often by entering a marriage and divorcing immediately for a fee.¹⁶²

Child marriage

Another area in which Iranian family law differentiates between men and women is in the legal marriage age. According to article 1041 of the Civil Code, there is no minimum age for marriage. Children are effectively free to marry once they reach the age of 13 (for girls) and 15 (for boys). Girls and women require the permission of a male legal guardian to marry for the first time, regardless of age. Girls under 13 and boys under 15 can be married with the consent of their legal guardian and the sanction of a court.¹⁶³ The lack of legal barriers to child marriage goes against international standards, including CEDAW and the Convention on the Rights of the Child (CRC). While Iran ratified the CRC in 1994, it filed a broadly-worded reservation asserting its right 'not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the internal legislation in effect.'

Table 9: Number of child marriages per year in Iran

Year	New marriages of girls			New marriages of boys		Total
	Under 10	10-14	15-19	Under 15	15-19	All ages
1396 (2017-2018)	217	35333	170962	417	24404	608956
1395 (2016-2017)	234	39045	197936	366	28210	705716
1394 (2015-2016)	179	36938	196592	314	27811	685352
1393 (2014-2015)	176	40228	214086	321	32266	724324
1392 (2013-2014)	201	41,236	234,974	313	36155	774513
1391 (2012-2013)	187	40,464	265,117	359	43549	829968
1390 (2011-2012)	220	39,609	281,747	742	47403	874792
1389 (2010-2011)	716	42,741	298,625	1452	55914	891627
1388 (2009-2010)	449	40,160	301,246	1149	54377	890208
1387 (2008-2009)	302	37,820	313,433	858	56391	881592
1386 (2007-2008)	317	35,614	298,387	1011	50612	841107

Source: National Census Yearbooks of 1386-1396.¹⁶⁵

Official marriage data in Iran lumps children married at 18 and 19 together with children of younger ages, which makes it impossible to identify the precise extent of child marriage in the country (Table 9). According to these statistics, around 200,000 girls aged 19 or younger and 30,000 boys aged 19 or younger are married every year in Iran. This means that approximately 35 per cent of all new marriages registered every year involve a bride aged 19 or younger. Of the child brides married in 2017-2018, almost 36,000 were under the age of 15. It should be noted that government statistics only include marriages that are officially registered, which means that the true number of child marriages could be even higher.¹⁶⁴

Child marriage is often a product of traditional, religious and cultural pressures. The Civil Code's legalization of child marriage is based on marriage ages found in the state's official version of Shi'a jurisprudence. In some traditional communities in Iran, girls are pledged by their parents to marry a cousin or distant relative at the time of her birth. Internal family dynamics, poverty, addiction and migration can also impact the likelihood of child marriage. Some families marry off their daughters in exchange for financial compensation.¹⁶⁶ The report by the Imam Ali Society shows that child marriage is especially prevalent among children with lower levels of education. In their polling, 37.5 per cent of children married were illiterate, 37.5 per cent had less than secondary schooling, 22 per cent went to high school and only 3 per cent had any higher education.¹⁶⁷

Child marriage is particularly common in some minority-populated regions such as Sistan-Baluchestan, Kurdistan, and Khuzestan. This is attributed to the economic marginalization of those provinces, in addition to social and cultural factors. In Sistan-Baluchestan Province, at least 40 per cent of new marriages per year involve a child groom or bride.¹⁶⁸ These marriages put girls at additional risk given the overall low levels of development and health infrastructure in the province. For example, the maternal mortality rate in Sistan-Baluchestan Province is 12 per cent, compared to the national rate of 5.64 per cent.¹⁶⁹

Early marriage in Iran leaves girls vulnerable to domestic abuse. About 47 per cent of girls interviewed in the Imam Ali report had a history of bruises, 21 per cent had physical lesions, 53 per

Table 10: Number of girls married in 1396 (2017-2018), selected provinces

Province	Under 10	10-14	15-19
Western Azerbaijan	7	1,446	8,866
Eastern Azerbaijan	8	3,625	9,407
Ardabil	3	1,458	3,862
Sistan-Baluchestan	20	2,300	11,741
Zanjan	15	1,397	2,865
Kurdistan	1	489	4,122
Kermanshah	6	628	3,966
Khuzestan	20	2,554	13,407
Fars	15	1,572	9,238
Tehran	14	1,449	12,735

Source: National Organization for Civil Registration.¹⁷⁰

cent had experienced broken bones and 3 per cent suffered permanent physical damage.¹⁷¹ According to a 2016 report by researcher Kameel Ahmady, 21 per cent of married girls surveyed by the organization reported being forced to have sexual relations with their husbands. Few had raised any objection to the forced sexual activity, believing it was part of their marital duties.¹⁷²

Child marriage also has a negative impact on educational attainment. In Iran, married girls cannot attend the same schools as unmarried girls, which is often a reason for interruption of education. Child brides are also likely to become mothers at a young age. In the Imam Ali report, 44 per cent of married girls surveyed reported not using any form of contraception.¹⁷³ Early pregnancy not only adds to the likelihood that girls will be pulled away from school, but also involves serious health risks. According to statistics from Iran's National Organization for Civil Registration, about 7 per cent of birth certificates each year are issued to children of mothers aged 19 or younger.¹⁷⁴

Early pregnancy not only adds to the likelihood that girls will be pulled away from school, but also involves serious health risks. According to statistics from Iran's National Organization for Civil Registration, about 7 per cent of birth certificates each year are issued to children of mothers aged 19 or younger.¹⁷⁵

Table 11: Number of births per year according to mother's age

	Mother under 15	Mother aged 15-19	Total number of births
Year			
1396 (2017-2018)	1534	88361	1,450,271
1395 (2016-2017)	1556	90717	1,487,873
1394 (2015-2016)	1511	96351	1,529,679
1393 (2014-2015)	1713	102549	1,493,317
1392 (2013-2014)	1727	107585	1,430,678
1391 (2012-2013)	1646	109179	1375403
1390 (2011-2012)	1666	108900	1332274
1389 (2010-2011)	1731	111387	1299226
1388 (2009-2010)	1628	113233	1280449
1387 (2008-2009)	1683	113533	1223598
1386 (2007-2008)	1581	113234	1192406

Source: National Organization for Civil Registration.¹⁷⁶

In 2016, the Rouhani administration introduced a bill to revise Article 1041 of Iran's Civil Code, also known as the Child Spouse Bill, to Parliament. The draft bill banned marriage for girls under the age of 13 and boys under the age of 16 and increased the standard age of marriage to 16 for girls and 18 for boys. However, it still permitted girls aged 13-16 years and boys aged 16-18 years to get married with parental consent and court permission. On 26 September 2018, the Child Spouse Bill was approved by 151 out of 204 members of Parliament. However, in December 2018, when the bill went to the Judicial Parliamentary Committee for mandatory review, it was rejected and sent back to the Rouhani administration for amendments.

9

Violence against women

Iranian policy on violence against women is characterized by a marked lack of legislation, including basic deterrents. This fosters a climate in which violence is normalized and allows serious crimes against women, whether carried out by the family or state actors, to go unpunished. Recent attempts at legislative reform have been repeatedly met with resistance, frustrating hopes for an end to the climate of impunity.

Domestic violence

There is a dearth of recent, official data on the prevalence of domestic violence in Iran. The Census Bureau (Amar), which is an official government agency, has never conducted a study on domestic violence and has not allowed international organizations to do so either. However, in 2004 the Women's Centre for Presidential Advisory, the Interior Ministry and the Ministry of Higher Education undertook a comprehensive assessment of domestic violence in Iran's 28 provinces, which led to the publication of 32 volumes of books covering different aspects of violence towards women and children. However, the study itself is not accessible on the internet and was available for reference only to scholars and researchers at the Centre for Research in Tehran.¹⁷⁷ In 2014, Shahindokht Mowlaverdi, former Vice-President for Women and Family Affairs, announced that all 32 volumes had disappeared from the Ministry of Interior and the Ministry of Health.¹⁷⁸

The survey contained many disconcerting findings, including that some two-thirds (66 per cent) of women sampled

had been subjected to some form of domestic violence in the first year of their marriage. 5.2 per cent of married women in the study reported having experienced near-fatal violence or feared for their lives due to domestic violence, while 9.6 per cent reported wishing their husbands would die as a result of the abuse they had inflicted on them.¹⁷⁹

The same study showed a clear correlation between violence against women and living in provinces further away from the capital, where various economic, cultural, religious and other factors might come into play. Educational level was clearly another important element, with the study finding that women who were university-educated and pursuing careers experienced a lower level of domestic violence.¹⁸⁰ Another study by the Imam Ali Society from May 2017 showed a similar urban-rural divide, with 32 per cent of Iranian women in urban areas experiencing domestic violence compared to 63 per cent in rural areas.¹⁸¹

Available research shows that there is a strong correlation between domestic violence and economic factors, with un-

employed husbands being much more likely to abuse their wives.¹⁸² This may put women from minority backgrounds at a higher risk of domestic violence, given the economic marginalization of many minority-populated provinces. Kurdish-majority Sanandaj and Arab-majority Ahvaz are reportedly the two Iranian cities with the highest rates of violence against women.¹⁸³ In Kurdistan Province the rate of domestic violence is reportedly 88 per cent, the highest in the country.¹⁸⁴

Iran does not have any laws which specifically criminalize domestic violence. Cases of domestic violence can be prosecuted as crimes of bodily assault, but this requires two male witnesses to the violence. Spousal rape is also not a crime in Iran, nor is rape itself designated as an offence distinct from *zina* (sexual relations outside of marriage). In its response to recommendations given during the UN's 2014 Universal Periodic Review relating to the criminalization of spousal rape and other forms of domestic violence, the Government of Iran stated, 'the issue of marital rape was not considered by many countries and cultures and mostly raised by extreme feminists.'¹⁸⁵

A particularly egregious pattern of domestic violence discernable in Iran is the phenomenon of 'honour' killings, which are implicitly sanctioned by the law. As mentioned in Section 2 of this report, the Islamic Penal Code in Iran provides various exemptions for husbands, fathers and grandfathers who kill or assault their female relatives. Sometimes 'honour' crimes take the form of forced self-immolation, allowing the woman's death to be reported as suicide or an accident. Women from minority backgrounds are at highest risk of 'honour' killings, which are particularly widespread among Kurdish, Lur, Arab, Baluchi and Azerbaijani Turkish communities. For example, in the Arab-majority city of Ahvaz, 'honour' killings accounted for 25 per cent of murders and over 50 per cent of murders involving a female victim in the year 2009-2010.¹⁸⁶

In addition to the lack of legal deterrents to domestic violence, there are also insufficient support services for women trying to escape abusive situations. Both the state and non-governmental organizations run safe houses across the country, with the State Welfare Organization reporting that shelters take in approximately 2,000 victims of do-

mestic violence in a year. However, existing shelters are not enough to accommodate all potential survivors and do not provide long-term support. Also, some shelters are apparently designed for prostitutes and drug addicts, rather than domestic violence survivors.¹⁸⁷

Efforts to draft a 'Bill on the Protection of Women Against Violence' were initiated during the second term of the Ahmadinejad presidency (2009-2013). The bill, which was being drafted by the judiciary, has moved back and forth between the judiciary and Parliament several times since 2010. In October 2018, Masoumeh Ebtekar, Vice-President for Women and Family Affairs, stated that the bill had been sent from the Parliament to Qom for religious advice, and that she was waiting for it to be returned to the judiciary to be finalized.¹⁸⁸ In November 2018, a rally was arranged in front of the Parliament, demanding the creation of women's shelters and the passage of the bill against domestic violence.¹⁸⁹

If the most recent public version of the bill were passed, it would be the first Iranian law to specifically define, criminalize and punish domestic violence against women (such crimes are typically prosecuted as assault, if at all). The bill would also ban forced and early marriage for girls under 18 and provide shelters for women.¹⁹⁰ However, the bill has undergone extensive revisions since the last version. On 12 January 2019, Shahindokht Mowlaverdi, former Special Assistant to the President for Citizenship Rights, stated that she had learned that from over 90 articles initially in the bill, the judiciary had reduced the number of articles to 52.¹⁹¹

Female genital mutilation

According to the United Nations Population Fund (UNFPA), female genital mutilation (FGM) refers to all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for cultural or other non-medical reasons. The practice of FGM is most concentrated in five provinces in Iran: Kurdistan, Hormozgan, Western Azerbaijan, Kermanshah and Lorestan. Among these provinces, Hormozgan appears to have the highest rate of

FGM, with one study reporting a prevalence of more than 60 per cent.¹⁹²

Families in Iran usually practise FGM with the rationale of taming a girl's sex drive before marriage. However, no hospitals, clinics or doctor's offices perform FGM as the practice is effectively a criminal act. Article 664 of Iran's Islamic Penal Code states that cutting the labia, whether in whole or in part, is illegal and punishable by law. Moreover, Articles 706 and 708 state that any act that reduces the possibility of *lezate mogharebe* (the joy of intercourse) or pregnancy is illegal.¹⁹³ As a result, the procedure is typically performed by *dayes* or wet nurses who have no medical credentials.¹⁹⁴

Despite the illegality of FGM, Iranian officials have largely remained silent on the issue. FGM is traditionally a practice in minority areas where the Sunni school of thought is dominant. However, the practice is not limited to Sunnis as some Shi'a families living these areas have also practised FGM. According to experts, much of the government's hesitation to address the issue is a desire to steer clear of Sunni personal status matters.¹⁹⁵

During the past two years, a group of women's rights activists started a campaign entitled Step by Step to Stop FGM, to work towards eradicating FGM in Iran and raise awareness about its consequences. In 2018, this campaign began conducting workshops about FGM and its consequences in provinces where it is most widespread in order to raise awareness among local women and wet nurses.¹⁹⁶

Enforced *hijab* and 'moral crimes'

In addition to the family, the state is a significant perpetrator of violence against women in Iran. In the last four decades, Iranian authorities have attempted to impose the religious practice of *hijab* (veiling) on women as a reflection of the ideological values of the Islamic Revolution. The political and legal institutions of the Islamic Republic facilitate the perpetration of violence and abuse against women in the name of 'the promotion of virtue and the prohibition of vice.' According to a statement made in September 2017 by the secre-

tary of the National Headquarters for the Promotion of Virtue and the Prevention of Vice, since the Islamic Revolution at least 52 people have been killed in encounters related to the enforcement of moral codes.¹⁹⁷

According to Article 8 of the Constitution, '[i]n the Islamic Republic of Iran, inviting one to good, the promotion of virtue and the prohibition of vice, is a general and concomitant responsibility of the people toward one another, the government toward the people, and the people toward the government.' As per Article 638 of the fifth book of the Islamic Penal Code (entitled Sanctions and Deterrent Penalties), women who do not wear a *hijab* may be imprisoned from ten days to two months, and/or required to pay fines from 50,000 up to 500,000 rials. Compulsory veiling is not only a violation of women's freedom of expression, but also of freedom of religion or belief, since it is also mandatory for women belonging to religious minorities.

Various institutions are engaged in ensuring the maintenance of the Islamic dress code and other standards of conduct expected from women. Under Article 29 of the Criminal Procedure Code (adopted in 2014) trained and qualified officers of the Basij Forces (a paramilitary volunteer militia incorporated into the Islamic Revolutionary Guards Corps) are considered judicial officers with the power to arrest and carry out judicial police tasks. Other actors engaged in combating 'bad *hijab*' include Guidance Patrols (known as *Gasht-e-Ershad*), Ansar-e-Hezbollah, and vigilante morality police. Some citizens with strong ties to the regime also verbally attack women on public transport and in the streets for not following the state-sanctioned dress code.¹⁹⁸

In 2015, the Islamic Consultative Assembly approved and announced the passing of the Law Supporting the Protection of those Engaged in the Promotion of Virtue and Prevention of Vice. Article 17 permits all Basij members to verbally promote virtue and prevent vice, essentially legitimating a system of vigilante justice. According to this law, no natural or legal person has the right to inhibit the promotion of virtue and prevention of vice, and in the event of a conflict, a severe punishment will be imposed on those who have taken it forward. The law is entirely vague

on what promotion of virtue and prevent of vice actually entails in practice, while simultaneously calling on citizens to engage in enforcing this conduct by ‘heart, verbal, written, and practical action.’ On 30 June 2015, President Rouhani wrote a letter to the Supreme Leader asking him to halt the application of the law until his administration could review it. Sadeq Amoli Larijani, the former head of the judiciary, has called the law ‘unconstitutional.’¹⁹⁹

In recent years, parastatal forces have violently mistreated people protesting against compulsory *hijab* and women wearing so-called ‘bad *hijab*.’ Numerous videos and pictures of violent encounters between Gasht-e-Ershad agents and women with so-called ‘bad *hijab*’ have been published on social media networks. In some of these videos, the perpetrators of violent attacks have been publicly supported by police forces. It should be noted that there is no agreed-upon legal definition of what ‘proper’ *hijab* should look like, which gives both state and private actors leeway to arbitrarily enforce their own interpretations on women.

In October 2014, after several public statements made by religious authorities and Basij forces on the need to combat the increasing number of women with improper *hijab*, there were multiple cases of women in the city of Isfahan in the central part of Iran who were attacked with acid for not being properly veiled.²⁰⁰ While attacks against four women were officially acknowledged, some unconfirmed reports put the total number of victims at 14, 18 or even 20.²⁰¹ At least one woman died from the attacks and another lost her vision in one eye.²⁰² While many Iranians believe that these attacks were carried out by Islamic vigilantes,²⁰³ especially the Ansar-e-Hezbollah militia, Iranian officials denied these accusations.²⁰⁴ The govern-

ment also attempted to suppress media coverage of the attacks, and arrested journalists involved in reporting the incidents. At the time of writing, the perpetrators had still not been identified, strengthening the belief among many that they were backed by law enforcement and the judiciary.

Members of the police force also accost women considered to be wearing improper *hijab*, including when they are inside their own cars. Article 5 of the 2015 Law on the Promotion of Virtue and Prevention of Vice explicitly states that ‘areas visible to the public’, including cars, are not considered private spaces and are therefore subject to intervention. The head of Iran’s National Traffic Police announced that between May and December 2015, they dealt with more than 40,000 cases of ‘bad *hijab*,’ the majority of which involved impounding the woman’s vehicle.²⁰⁵ In April 2016, the head of the police force in Tehran announced the deployment of 7,000 additional undercover morality police officers to enforce the *hijab* and ‘proper Islamic behaviour.’²⁰⁶

Female university students have also been victims of violent mistreatment by morality police forces. A video filmed and released by students in the Sohanak branch of Azad University in Tehran in October 2018 showed a police van running over a female student protesting compulsory *hijab* laws.²⁰⁷ Officials reacted to the incident by saying that the police would continue to strongly combat behaviours breaching social values. In February 2019, in another video which went viral on social media, a morality police officer belonging to Gasht-e-Ershad used a gun to threaten citizens who were trying to help a woman caught for improper veiling to escape, showing an unprecedented willingness to use armed violence to enforce veiling.²⁰⁸

Recommendations

To the government of the Islamic Republic of Iran:

General

- Initiate educational and awareness-building campaigns to underline the important roles played by women in politics, society and economy and combat stereotypes.
- Engage with women human rights defenders and civil society organizations in the design of policies to support women's advancement and empowerment.

International obligations

- Accede to the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) without reservations.
- Allow the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to conduct monitoring visits to the country, and accept the pending visit request from the UN Working Group on Discrimination against Women in Law and Practice.
- Adopt an action plan to implement the many recommendations on women's and girls' rights that Iran has received from UN treaty bodies, Special Procedures, the UN Secretary General and the Universal Periodic Review.
- Use its next Universal Periodic Review in November 2019 as an opportunity to take further commitments in this domain, including by accepting without reservations all recommendations on women's and girls' rights in line with its international human rights obligations.

- Participate in the Voluntary National Review process and report on planned efforts to achieve Sustainable Development Goal 5 (Gender equality and empowerment of all women and girls).

Legal and judicial sphere

- Eliminate provisions in Iranian criminal law which discriminate between men and women or provide exemptions for crimes committed by men.
- Uphold the right to due process, including legal representation, for all women facing criminal charges in the Iranian justice system.
- Remove requirements that Iranian women and girls obtain permission from a male guardian in order to enjoy basic rights, including the right to travel and the right to enter into a marriage.

Women human rights defenders

- Guarantee the rights to freedom of opinion, expression and assembly and cease the practise of arresting women engaged in the peaceful defence of human rights.
- Respect the right to a fair trial, including by providing access to freely chosen legal counsel during pretrial detention and all stages of criminal investigation, trial and appeal.
- Immediately release all persons imprisoned solely for peacefully protesting and advocating for women's human rights.

- Ensure that all persons in custody are treated in accordance with international standards and are guaranteed clean and dignified conditions, access to medical treatment, and rights to family visitation and furlough.

Political participation, education and employment

- Improve the gender balance in the distribution of civil service posts, ministerial portfolios and other high-ranking political positions.
- Improve educational facilities in rural areas and design measures to address the social and economic barriers preventing girls from attending school.
- Introduce policies to encourage women's economic empowerment and participation in the labour force, with due attention to the needs of rural women and women belonging to religious and ethnic minorities.
- Remove restrictions on the types of jobs that women can obtain, including the requirement that husbands give their permission in order for women to accept employment
- Ensure that employers who are found to discriminate against women are appropriately sanctioned.

Personal status, marriage and nationality

- Enact legislation specifying a minimum legal age for marriage and penalties for those who facilitate child marriages.
- Ensure that all personal status codes enacted and practised in Iran respect human rights standards and do not discriminate against women, including those belonging to religious and ethnic minorities.

- Reform the Civil Code to allow women to pass Iranian nationality onto their children, and simplify the procedures allowing children at risk of statelessness to obtain documentation.
- Make a pledge during the global High-Level Segment on Statelessness organized by the UNHCR in October 2019 to prevent statelessness in Iran, including by allowing women to pass their nationality to their children.
- Ensure full adherence to the provisions of the Convention on the Rights of the Child, including by removing the current reservation in place.

Violence against women

- Pass a comprehensive domestic violence law containing clear definitions of domestic violence (including marital rape), specifying appropriate punitive measures for perpetrators, and providing support services for survivors.
- Take practical action to end the practice of FGM in communities where it is widespread, including through educational and awareness-raising activities, and ensuring that perpetrators are brought to justice.
- Conduct investigations into the conduct of the police forces, Basij and other state and parastatal institutions in their interactions with women, and initiate reform as well as investigation and prosecution where agents are found to have acted unlawfully.
- Identify and impartially prosecute perpetrators of violent attacks against women in accordance with the law and with international standards.

International obligations

- Accede to the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) without reservations.

**To the member states
of the United Nations:**

- Make detailed and specific recommendations on women's and girls' rights during the Universal Periodic Review of Iran in November 2019.
- For those states that have made recommendations on women's and girls' rights to Iran during previous cycles of the Universal Periodic Review, follow up on these recommendations at the bilateral level and call for their full implementation.
- For those states that have established a bilateral human rights dialogue with Iran, prioritize women's rights in calls for legislative and policy reforms.
- Support the renewal of the mandate of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

Endnotes

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Beyond the Veil: Discrimination against women in Iran

In brief

Despite some progress in certain areas, such as access to education and health care, the human rights environment for women in Iran continues to be characterized by inequality and exclusion. Iran is one of just six UN member states that have not signed the Convention on the Elimination of all Forms of Discrimination against Women, and its national legislation enshrines many barriers to accessing basic rights in areas such as employment, marriage and citizenship. These issues are especially pronounced for minority women, who often face intersectional discrimination on account of their ethnic and religious identity.

These restrictions continue to be justified with reference to national values and the state-sanctioned interpretation of Shi'a Islam, with far reaching implications for women in both their public and private lives. The secondary status of women is reflected not only in their limited representation in the country's politics and judiciary, but also in their own homes, as by law husbands retain primary control over domestic affairs. Across the country, particularly in its more remote and impoverished areas, many women struggle with normalized patterns of coercion, physical violence and marital rape – a crime currently unrecognized in Iranian law.

Many ongoing efforts at reform within Iran have been obstructed, with recent protests by women activists against state repression accompanied by an apparent escalation in official surveillance and intimidation. While perpetrators of violence against women, including police, have enjoyed a high level of impunity, demonstrators advocating for an end to the mandatory wearing of the hijab and other

issues have faced physical attacks, detention and prosecution, with some high-profile activists handed lengthy sentences in prison.

Women in Iran will continue to experience marginalization, violence and repression without a wide-ranging, transformative process of reform within the country. This should address not only the inequitable legal frameworks surrounding issues such as employment, political participation, personal security and other freedoms, but also the broader social hierarchies within communities, families and households that uphold discrimination against women.

This report recommends:

- A comprehensive revision of Iran's domestic legislation, in line with international standards on gender equality and other human rights.
- The elimination of criminal provisions which discriminate between men and women or provide exemptions for crimes committed by men, including physical and sexual violence.
- The immediate release of all prisoners detained solely for peacefully protesting and advocating for women's human rights.
- Improved gender balance in the distribution of civil service posts, ministerial portfolios and other high-ranking political positions, as well as increased access to all employment opportunities.
- Removal of all discriminatory provisions around citizenship to ensure that all Iranian women are able to pass on full nationality rights to their children at birth, regardless of their husband's country of origin.

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