

IRANIAN JUDICIAL SYSTEM AGAINST WOMEN: EXTINCTION OF FREEDOM AND EQUALITY FROM THE LIVES OF IRANIAN WOMEN

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Through this article the writer wants to spread awareness regarding the lack of rights available to a woman in Iran and how their lives have been made a living hell. It also highlights the efforts made by Iranian women to improve their situation.

HISTORY

The legal system in Iran for women keeps on fluctuating however the applicability and rules of the constitution have evolved but the inequality gap between both the genders still prevails.

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.

During the early 20th century, the rights and legal system of Iran were reformed especially during the last three systems of government. At the time of the Qajar Dynasty (from the late 1800s to the early 20th century) women were not allowed to participate in any activity, they were isolated, their economic contributions were limited to household work. But at the time of the Pahlavi era, there was a drastic change towards the segregation of women: ban of the veil, right to vote, right to education, equal salaries for men and women, and the right to hold public office. Even after many reforms and changes, women are not equal under Iran's constitution,

adopted after the Islamic Revolution in 1979, which mandates legal code adhering to Sharia law. Women under the law are treated as half a man; men inherit twice what a woman would, and compensation for the death of a woman is half of a man's.

STATUS OF WOMEN

Women are treated absurdly in Iran; the Iranian judicial system contradicts human rights and discriminates solely on the account of 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. The Iranian regime has failed to oppose the epidemic of violence against women. Domestic violence is not considered a crime under Iranian law and criminal penalties/punishments for murder as a result of domestic violence are lighter than the penalties for other acts of murder. For example, a man convicted of murdering his wife or any other female member is incarcerated for the time span of three to 10 years, instead of receiving the standard sentence of capital punishment.

- Domestic violence is generally viewed as a private family matter. The law does not protect women from their abusive husbands and requires their husbands to provide them aid for only three months. Thereby encouraging battered women to return to their abusive spouses. It prevents an abused woman from getting a divorce on the grounds of abuse until her husband is convicted three times of engaging in violence against her.
- Iranian law de facto deters most rape victims from reporting their assault. Rape victims who step forward can face prosecution for crimes such as adultery, "indecentry," or "immoral behaviour" People who are accused of committing rape have to go through the testimony of various witnesses and the most shocking part is "Marital rape is Legal "in Iran.
- Women's rights are severely restricted in Iran, to the point where women are even forbidden from watching men's sports in stadiums. That ban includes Iran's national obsession – volleyball. Sexual Exploitation of Woman in Iran.

- Sexual assault is a hidden phenomenon in Iran. There is hardly any academic research or official data or report on the number of victims and conviction rates. Media trials are banned in Iran to avoid publishing of reports and cases of sexual assault due to strict censorship existed in Iranian society. Under Iranian law, girls may be legally married at 13 years old (compared with 15 for boys), or even younger with the consent of their fathers or grandfathers. Sources reveal over 40,000 registered marriages of children in Iran—including over 300 girls under age 14. The term “sexual assault” does not exist in Islamic Penal Law. The closest definitions of sexual assault are adultery (1) or physical assault (2). However, none of these definitions include sexual harassment or sexual verbal abuse. The absence of definition and proper law has resulted in sexual activities like groping, touching, and sexual verbal abuse. The consequence of this inconsistency is that many women might be unsure whether the definitions would lead them to be qualified as a victim or not although it is against public morality. The Islamic Penal Law does not therefore provide any protection for the victims of sexual assault. The paradoxical approach to sexual assault has resulted in reiteration and hence normalization of this form of violence.ⁱ

IRRELEVANT JUDICIAL LAWS

Iranian law treats citizens differently depending on their gender. A married woman may not obtain a passport or travel outside the country without the written permission of her husband. Women receive harsher punishment than a man after committing a crime including adultery (which includes the death penalty). Polygamy is legal in Iran. Men are allowed to have up to four wives and an unlimited number of “temporary wives,” while a woman is restricted to one husband, and divorces are far easier to obtain for men than for women. Husbands need not cite a reason for divorce, while wives are only entitled to divorces if their husbands sign contracts to that effect; cannot earn for their family, have otherwise violated their marriage contracts; or are impotent, insane, or addicted to drugs. 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. In

some cases, a woman's testimony is not considered at all like criminal proceedings under article 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. Women are discriminated in such an extent that they cannot be appointed as a judge in Iran. 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 judgments. It is mandatory for a woman to cover her face in public and wear a hijab, all part of her skin except the face and hand must be covered and if not, she can be punished by law with up to 10 years of imprisonment. Iranian law requires women and men to sit in separate areas in public transportation, at public weddings, and in university classes; to attend separate schools (even preschools); and to use separate entrances to some airports, universities, and public buildings. Iran does not allow women to play sports like football, volleyball. But none of these women are allowed to do something as simple as watch men play volleyball, even if their brothers, sons, or husbands are playing. ⁱⁱ

CONCLUSION

The promises of equality and freedom, liberation and integration with males in the society have still not been fulfilled. However, women are acting strongly and are trying to resist the application of such brutal laws against them. Recently, in Iran, there have been signs that women are increasingly rejecting subordinate lives ruled by the mullahs. Women have campaigned for inheritance rights equal to men's, and for more rights to custody of their children. Women keep modifying or enhancing their public dress in ways that press the limits of the hejab. More publications by or about women are appearing. Women are demanding they be allowed to participate in and view sports events. Many Iranian women want a change. The situation of women in Iran is critical and there is an immediate need of changing or modifying the Iranian laws to decrease the equality gap between the genders. The women who are trying to make a change shall be supported instead of getting assaulted as campaigning and protesting against such cruel rules and regulations is the only way of eradicating the harsh laws and improving the situation of women in Iran.

ENDNOTES

ⁱ “Iran’s war against women” <https://www.unitedagainstnucleariran.com/irans-war-on-women>

ⁱⁱ “Women’s rights in Iran”, 28th October, 2015 <https://www.hrw.org/news/2015/10/28/womens-rights-iran>

