

IRAN



Equality in the Family is Necessary

- ▶ Chauvinism and gender-based clichés that consider men to have a higher status still prevail in Iranian society. Such beliefs have been intensified by the government at various stages.
- ▶ Although the structure of Iranian families has undergone some fundamental transformations—traditional families have been largely replaced by modern nuclear families, in which men are rarely the only breadwinners—women still have less access and control of resources and opportunities.
- ▶ Women's educational levels and monetary contributions to the family have increased, yet the law still recognises the man as the head of the household. Legally husbands can prevent their

wives from exercising their rights to education and work; wives are required to obtain the consent of their husbands to travel abroad, and to submit to their husbands' demands for sexual intercourse. They have the right to divorce only in limited instances. Girls and women receive less inheritance than boys and men, and women's blood money is half of men's in the case of injury and murder. Efforts to make changes in these laws and norms have confronted incredible resistance.

- ▶ The system still resists changes and reforms, either through confrontations around reform or the introduction of bills that would exacerbate the inequality of men and women in the family and reinforce traditional ideology.

Political Opportunities

When members of the Government and Parliament have had a reformist approach, there have been major achievements in terms of plans and bills reflecting gender equality. For instance, the reformist Parliament (2000-2004) approved ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), though this has not been allowed by other governmental bodies, in particular the Guardian Council. During Mohammad Khatami's presidency (1997-2005), a Comprehensive Resolution was put together by academic scholars and religious intellectuals to reassess all of the laws pertaining to women, such as the Constitution, sections of the Civil Code pertaining to family law, the Criminal Code, Social Security and Labour Laws, and Civil and Criminal Procedure, based on Islamic jurisprudential resources. This research proposed substantial reforms of the existing laws with the aim of improving the legal condition of women, which could have opened a meaningful and constructive dialogue between the religious authorities, the Government, civil society and women's groups. Based on this Comprehensive Resolution, in May 2005 the Government prepared a bill to reform some laws relating to women, but unfortunately it was never presented to Parliament. In any case, a conservative-dominated Parliament had been elected the previous year; in the unlikely event that it would have passed the bill, the Guardian Council would have rejected it as it had rejected the majority of earlier reform proposals. In June 2005, a conservative president was elected, marking the end of attempts to achieve the equality of women and men in the family and society. This bill and other reformist plans were set aside, and wait to be resurrected when a new reformist government is once again elected.

Iran's 1967 Family Protection Law included restrictions on polygamy, the requirement that all divorce requests go through the courts, and an increase in the minimum age of marriage. Immediately following the 1979 Iranian Revolution, many of these provisions were repealed: the minimum age of marriage for girls was reduced to 9 years, temporary marriages were allowed, men's unilateral right to divorce was restored, and restrictions on polygamy were again relaxed. However, Iranian activists have achieved some measures to protect women's rights. Iranian women's expectations and dissatisfaction with their current situation in the family and society have increased in recent decades. This stems from fundamental social and cultural transformations such as increased participation of women in all education levels and throughout the workforce, the rise of women's access to media and familiarisation with the lives of women in other parts of the world, the increase in the actual age of marriage, and rising numbers of single mothers.

Equality in the Family is Possible

- ▶ Many individuals and groups emphasise the elimination of gender-based legal and social discrimination. Activists who are committed to change in accordance with Islam have attempted to reinterpret *Shari'ah* law in order to reform discriminatory laws. Groups analyse and critique relevant bills and conduct studies that produce useful data. Activists use new media such as blogs, websites, emails, text messages, etc., to publicise current issues, engage the public and expose realities of women's lives.
- ▶ Women's groups have differences in vision and approach, but they have come together in recent years around similar goals: elevation of the status of women in the family and society, and elimination of discrimination and prejudice against women.
- ▶ In 2008, the conservative administration proposed the 'Family Protection Law', which relaxed restrictions on polygamy, including eliminating the requirement that existing wives consent to a subsequent marriage. This bill met unprecedented opposition by activists, political figures and religious intellectuals. It was covered in the media; signatures were collected and complaint letters sent; activists liaised with Members of Parliament; and some religious officials condemned the bill. As a result, those provisions were eliminated.
- ▶ Limited but significant changes have taken place in favour of women, including:
 - Limitations on divorce, including required referral to court, a report on why the couple cannot live together and proof that a foetus does not exist. Women can live in their husbands' residences during the *iddah* period, and are entitled to a payment for the unpaid work they contributed to their homes and families (*Ojrat-ol Mesl*).
 - Reform of the Custody Law to automatically give custody of children under seven to the mothers.
 - Adjustment of dower (*mahr*) for inflation.
 - Inheritance reform to entitle widows to shares of their husbands' immovable property (land).
- ▶ Some women protect and provide for themselves in times of crisis by asking for a heavy dower at the time of marriage. This can also serve as a bargaining chip so they can get an education, work, and gain custody of children after divorce. Some women stipulate conditions in their marriage contracts to protect their rights to education and work; others ask for the delegated right to divorce. Some families write wills that give their daughters greater portions of their property than they would be entitled to under the current Inheritance Law.

Source: Report submitted to Musawah in English by a group of Iranian women's rights activists from such groups as Islamic Participation Front's Commission on Women, Women's Human Rights Society, the Association of Women Researchers in History, Women's Magazine, Reformist Women Society, Neo-intellectual Muslim Women, Women's Rights Magazine, the Institute of Journalist Women of Iran, the club of Iran's Political Parties' Committee on the Affairs of Women, Islamic Revolution Women Society, Well Family Center, and the Institute of Women's Studies and Research.