



YOU SHALL PROCREATE

ATTACKS ON WOMEN'S SEXUAL AND REPRODUCTIVE RIGHTS IN IRAN

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Cover photo: Billboard put up by Tehran Municipality in 2013 promoting large families. The motto in Persian reads "Spring will not arrive with one flower," using flowers as a metaphor for children. ©IRNA

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CONTENTS

1. INTRODUCTION	6
2. BILL 446: A THREAT TO SEXUAL AND REPRODUCTIVE RIGHTS.....	17
Restricting access to modern contraception.....	18
Banning sexual and reproductive health information and education	21
3. BILL 315: ENTRENCHING DISCRIMINATION.....	24
Employing women ‘not a priority’	24
barriers to divorce.....	27
Family reconciliation prioritized over women’s rights	28
Domestic Violence and ‘Honour Killings’.....	30
DATA COLLECTION	31
4. DISCRIMINATION AND VIOLENCE AGAINST WOMEN	33
DiscriminatORY LAWS	33
Restricted HIGHER EDUCATION.....	34
banned from SPORTS stadiums	35
strict DRESS CODE	36
5. CONCLUSION AND RECOMMENDATIONS.....	39
Amnesty International urges the Iranian authorities to:	39
Sexual and Reproductive Health	39
Employment	40
Equal rights in relation to marriage and divorce.....	40
Elimination of violence against women and girls.....	41

Non-discrimination	42
PERSECUTION AND HARASSMENT OF WOMEN'S RIGHTS DEFENDERS	42
International human rights mechanisms.....	42

1. INTRODUCTION

‘The policy of population control and family planning should definitely be revised and the authorities should build the culture in order to abandon the current status of one child, two children [per family]...The figure of 150 or 200 million was once stated by Imam Khomeini. That is correct. Those are the types of figures we must achieve.’

Iran's Supreme Leader, Ayatollah Syed Ali Khamenei, calling for new population expansion policies in a nationally televised speech in July 2012.¹

Two proposed laws pose a major threat to the human rights and fundamental freedoms of women and girls in Iran. The Bills, part of the government's drive to increase population growth, are being considered by the authorities at a time when women and girls are already suffering increased discrimination and violence.

The Bill to Increase Fertility Rates and Prevent Population Decline (Bill 446) threatens women's right to sexual and reproductive health.² If passed, the law would curb women's use of modern contraceptives, outlaw voluntary sterilization, ban the provision of information on contraceptive methods, and dismantle state-funded family planning programmes, the very programmes that have been so widely praised for improving women's access to contraceptive goods and information, including in remote and poverty-stricken areas of the country.³

¹ The website of Ayatollah Khamenei, Speech before government officials, 24 July 2012, at: <http://farsi.khamenei.ir/speech-content?id=20534>, accessed 17 November 2015.

² Guardian Council's Research Centre, The Bill to Increase Fertility Rates and Prevent Population Decline, 7 October 2014, at: <http://www.shora-rc.ir/portal/File/ShowFile.aspx?ID=f0eed7e0-66ee-4a02-8c3e-151f96ef0ae8>, accessed 8 January 2015.

³ Janet Larsen, "Iran's Birth Rate Plummeting at Record Pace: Success Provides a Model for Other Developing Countries", Earth Policy Institute, 28 December 2001, at: http://www.earth-policy.org/plan_b_updates/2001/update4ss, accessed 6 January 2015; Farzaneh Roudi-Fahimi, "Iran's

Respect for women's autonomy to decide freely whether and when to have children is a human right and is fundamental to the realization of other human rights, including women's enjoyment of physical, mental and social well-being. Yet in Iran, as elsewhere in the world, women and girls continue to be stripped of their physical and mental integrity and autonomy by laws that criminalize or place undue restrictions on their sexual and reproductive rights.

The roll-back of women's sexual and reproductive rights in Iran comes in the wake of a striking shift in official population policies that have contributed, since their inauguration in 1989, to a steady decline in the country's fertility rate – from 7.0 births per women in 1980 to 5.5 in 1988, 2.8 in 1996 and 1.85 in 2014.⁴ As a result, Iran's population policies are coming full circle, once again embracing the restrictive contraception approach that was pursued in the first decade following Iran's 1979 Revolution to promote population growth, with little or no regard for the life, health and dignity of women and girls.

The authorities are also seeking to accelerate population growth through the Comprehensive Population and Exaltation of Family Bill (Bill 315). This proposes various harmful and discriminatory measures aimed at encouraging early marriage, repeated childbearing and lower divorce rates, at the risk of trapping women in abusive relationships. The Bill allows discrimination against female job applicants, particularly if they are single or without children; makes divorce more difficult for men and women; and discourages police and judicial intervention in family disputes, including those involving violence against women.⁵ The Bill also entrusts multiple state bodies with developing and promoting “an Islamic-Iranian life style” rooted in “traditional” family values and gender-role stereotypes that present women's primary role as wives and mothers, based on the “guidelines” of the Supreme Leader.⁶ If passed, this law would entrench the discrimination suffered by women

Family Planning: Responding to a Nation's Need”, Population Reference Bureau, 2002, at: http://www.prb.org/pdf/iransfamplanprog_eng.pdf, accessed 17 November 2014; Amir H. Mehryar, Farzaneh Roudi, Akbar Aghajanian, and Farzaneh Tajdini, “Repression and Revival of the Family Planning Program and its Impact on the Fertility Levels and Demographic”, Volume 2022 of Working paper, Economic Research Forum for the Arab Countries, Iran, and Turkey, 2000, at: <http://www.erf.org.eg/CMS/uploads/pdf/2022.pdf>, accessed 6 January 2015; Ann Puderbaugh, “Iran's health houses provide model for Mississippi Delta”, Fogarty International Centre: Advancing Science for Global Health, November–December 2009, at: http://www.fic.nih.gov/NEWS/GLOBALHEALTHMATTERS/Pages/1209_health-house.aspx, accessed 6 January 2015. For examples of positive press coverage, see Harshi Hettige, “Celebrate Solutions: Iran's Family Planning Success Story”, Women Deliver, 30 July 2012, at: <http://www.womendeliver.org/updates/entry/celebrate-solutions-irans-family-planning-success-story>, accessed 5 January 2015; Robin Wright, “Iran's Population-Control Programs Are User-Friendly”, Los Angeles Times, 19 May 1998, at: <http://articles.latimes.com/1998/may/10/news/mn-48233>, accessed 6 January 2015; Neil MacFarquhar, “With Iran Population Boom, Vasectomy Receives Blessing”, New York Times, 8 September 1996, at: <http://www.nytimes.com/1996/09/08/world/with-iran-population-boom-vasectomy-receives-blessing.html>, accessed 6 January 2015; Caryle Murphy, “Iran Promoting Birth Control in Policy Switch,” The Washington Post, 8 May 1992.

⁴ Mohammad Jalal Abbasi-Shavazi, “Recent Changes and the Future of Fertility in Iran”, Completing the Fertility Transition, UN Department of Economic and Social Affairs Population Division, at: <http://www.un.org/esa/population/publications/completingfertility/2RevisedABBASIpaper.PDF>, accessed 17 November 2014.

⁵ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), The Comprehensive Population and Exaltation of Family Bill, at: http://rc.majlis.ir/fa/legal_draft/show/845276, accessed 17 November 2014 (The Comprehensive Population and Exaltation of Family Bill).

⁶ The Comprehensive Population and Exaltation of Family Bill, articles 1.7, 3-6 and 48. Among the state bodies identified in the Bill are the Supreme Council of the Cultural Revolution, the Islamic Republic of

in Iran and further breach Iran's international human rights obligations in this regard.

Iran has ratified several treaties that outlaw discrimination, including the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities. Once ratified, international treaties are accorded the force of law under Article 9 of Iran's Civil Code,⁷ yet key human rights guarantees contained in the two Covenants and other treaties have not been incorporated into domestic law. In 2011, the UN Human Rights Committee observed: "the status of international human rights treaties in domestic law is not specified in the legal system, which hinders the full implementation of the rights contained in the Covenant."⁸ Iran is not party to the Convention on the Elimination of All Forms of Discrimination against Women⁹ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Iran is also one of the 179 member states that signed the Programme of Action of the International Conference on Population and Development (ICPD) in 1994, committing to provide universal access to family planning and sexual and reproductive health services and guarantee reproductive rights. The ICPD Programme of Action recognized that efforts to control women's sexuality affect both women's health and their status in society.¹⁰

The latest shift in official population policies began in July 2012 after Supreme Leader Ayatollah Syed Ali Khamenei denounced, in a televised speech, existing policies as an imitation of Western lifestyle. He exhorted the authorities to increase Iran's population to 150 to 200 million (from around 78.5 million), including by cutting subsidies for contraceptive methods and dismantling the state's Family and Population Planning Programme.¹¹ His orders reflected growing concern in Iran's leadership about the country's declining rate of population growth and the perceived impact of this on the leadership's aspiration to establish Iran as a dominant regional power with an overwhelmingly Shia population.¹²

Iran Broadcasting Corporation, the Presidential Centre for Women and Family Affairs, the Ministry of Health and Medical Education, the Ministry of Education, the Ministry of Science, Research and Technology, and the Ministry of Culture and Islamic Guidance.

⁷ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), The Civil Code, 31 October 1935, at: <http://rc.majlis.ir/fa/law/show/92778>, accessed 19 November 2014.

⁸ Human Rights Committee, 103rd session (17 October- 4 November 2011), Consideration of reports submitted by States parties under article 40 of the Covenant, (CCPR/C/IRN/CO/3), para. 6.

⁹ In 2003, the Guardian Council rejected, for the third and final time, an attempt by Parliament, which was majority reformists, to ratify CEDAW. This has permanently blocked the ratification of the treaty as all laws in Iran must be approved by the Guardian Council before they can become enforceable law.

¹⁰ UN Population Division, Programme of Action: Report of the International Conference on Population and Development, UN Doc. A/CONF.171/13/Rev.1, 5 – 13 September 1994, paras. 7.34 -7.35.

¹¹ The website of Ayatollah Khamenei, Speech before government officials, 24 July 2012, at: <http://farsi.khamenei.ir/speech-content?id=20534>, accessed 17 November 2014.

¹² Zahra Sokhtanloo and Azam Rahmat Abadi, "The Decline of the Shias: A Threat to Iran (The reasons behind population decline and its implications)", Ma'refat Journal, vol. 189, September 2013, at: <http://marifat.nashriyat.ir/node/2707>, accessed 6 January 2015; "The way to confront the growth of Wahhabi population in Iran", Vali Asr Research Institute, 20 April 2010, at: <http://www.valiasr-aj.com/fa/page.php?bank=khavar&id=1514>, accessed 6 January 2015; "Population Growth: An Opportunity or a Threat – Why the West advises Iran to population decline?", Mashregh News, 26 July

IRAN'S FAMILY AND POPULATION PLANNING PROGRAMMES

Iran's population policies in the immediate post-revolutionary period were based on the perception that a large population would be a source of military strength and national security at a time when Iran was involved in an armed conflict with Iraq. These policies included the suspension of the family planning programmes adopted in 1966, the launch of a campaign for early marriage and repeated childbearing, and the adoption of social security benefits such as allowances, food stamps and housing subsidies for large families. Access to abortion was also limited to cases where the life of the woman was in danger.¹³ Over a decade, the new policies contributed to a staggering population increase of 14 million people. The authorities hailed this when the 1986 national census showed the population had increased by 3.9 per cent per year since 1976, and stood at over 49 million. However, by the end of the 1980s, their attitude changed as they considered the country's war-shattered economy and its inability to meet the needs of the rapidly growing and young population.¹⁴

Between 1988 and 1989, governmental and quasi-governmental bodies organized seminars to stress the urgency of adopting a population control policy and obtain the approval of senior clergy that there is no Islamic barrier to the use of contraceptives.¹⁵ Parliament subsequently passed, in 1989, the First Five Year Economic, Social and Cultural Development Plan of the Islamic Republic of Iran, which included family planning and population control in its list of objectives.¹⁶ This was followed by the establishment of a Council for Birth Control under the chairmanship of the Minister of Health and Medical Education in 1990, and a Population and Family Planning Directorate in the Ministry of Health in 1991. In the following years, these bodies oversaw the delivery of family planning and reproductive health services, including free condoms and modern contraceptives through urban clinics and rural health houses staffed by community health workers (known as *behvarz*). Universities introduced a mandatory two-credit course on family planning into their undergraduate curricula and family planning was included in adult literacy programmes.

In 1993 the Law on Family and Population Planning was adopted, which removed most of the economic incentives for having large families.¹⁷ For example, it limited social security benefits relating to paid maternal leave, child care and health insurance to the couple's first three children (Article 1). It also entrusted the ministries responsible for health, higher education, arts and the media with developing and promoting public education materials on family planning in order to encourage women to space their pregnancies, avoid pregnancy under the age of 18 and above the age of 35, and limit their families to three children (Articles 2-3). This initiative resulted in a sharp decline in fertility rates throughout the 1990s and 2000s, and enabled millions of women from across Iran and all age groups to access sexual and reproductive health information and services, and exercise increased control over reproductive decisions affecting their health and lives.

2012.

¹³ For more information, see the section on Iran's ban on abortion below.

¹⁴ Amir H. Mehryar, Farzaneh Roudi, Akbar Aghajanian, and Farzaneh Tajdini, "Repression and Revival of the Family Planning Program and its Impact on the Fertility Levels and Demographic", Volume 2022 of Working paper, Economic Research Forum for the Arab Countries, Iran, and Turkey, 2000, at: <http://www.erf.org.eg/CMS/uploads/pdf/2022.pdf>, accessed 6 January 2015.

¹⁵ Mohammad Jalal Abbasi, Amir Mehryar, Gavin Jones and Peter McDonald, "Revolution, War and Modernization: Population Policy and Fertility Change in Iran", *Journal of Population Research*, 19(1), 2002.

¹⁶ Website of the Islamic Parliament of Iran, The First Five Year Economic, Social and Cultural Development Plan of the Islamic Republic of Iran, 1989, at: http://www.parliran.ir/uploads/ghanoon%201_6357.pdf.

¹⁷ Parliament's Research Centre (Markaz-e Pajooresh-haye Majles), The Law on Family and Population Planning, 23 May 1993, at: <http://rc.majlis.ir/fa/law/show/92239>, accessed 20 November 2014.

Heeding the Supreme Leader's orders, the Supreme Council of the Cultural Revolution (SCCR)¹⁸ adopted a binding resolution on 22 May 2012 that called for Iran's fertility rate to be increased through the abolition of the Family and Population Planning Programme and the creation of financial incentives for men and women to marry and procreate before the age of 25.¹⁹ Entitled "National Strategies and Actions to Prevent the Fall in Fertility Rates and Promote Their Growth in Accordance With Islamic Teachings and National Strategic Requirements" (8423/91), the Resolution identified as a national strategy "the development and promotion of a lifestyle model, particularly in relation to the social, educational and employment activities of women that would be consistent with Islamic values and in accord with the best interests of family so as to allow for a better and more complete fulfilment of the role of mothering and being a wife" (Article 2.3). Accordingly, it called for "women's employment opportunities to be diversified and adjusted in accordance with their primary responsibilities in the family (as wives and mothers)" (Article 3.10). It also provided for "the development of study courses consistent with the position and role of family and woman as determined by Islamic culture, such as house and family management" (Article 3.14.3). In addition, the Resolution outlined a number of financial incentives and attractive social security benefits in relation to matters such as maternity leave, child support, family tax credits, fertility treatments and health coverage, in order to promote marriage and childbearing.

Shortly after the adoption of the SCCR Resolution in May 2012, the then Minister of Health and Medical Education, Marzieh Vahid Dastjerdi, announced the scrapping of the budget for the Family and Population Planning Programme (also referred to as the Population Control Programme). This is the programme that has provided, since its adoption in 1993, access to sexual and reproductive health services and information, including access to free or affordable modern contraceptives, with a view to slowing population growth. On 1 August 2012, she stated: "The budget of the Population Control Programme has been fully eliminated and such a project no longer exists in the Health Ministry. The policy of population control does not exist as it did previously."²⁰

In an interview with the Iranian Students' News Agency 10 days later, the Minister clarified that the budget for the Family and Population Planning Programme had been eliminated from the 1391 budget (March 2012-March 2013 in the Georgian calendar) and the 160 billion rials (about US\$5.9 million) that was originally assigned had been redirected "to maternal health, infant health, infertility treatments, proper child spacing, preventing [the

¹⁸ The Supreme Council of the Cultural Revolution (SCCR) was established in 1984 on the basis of a decree by Ayatollah Khomeini, replacing the 1980-1983 Cultural Revolution Headquarters, which were charged of "planning for various disciplines and for the cultural policies of the universities in future on the basis of Islamic culture." Consisted of 41 members as appointed by the Supreme Leader, the SCCR considers itself to be the highest body in the Islamic Republic of Iran for setting strategic roadmaps and policies in connection with issues relating to culture, religion and education. While its role is not defined in the constitution, the SCCR has de facto legislative power in Iran and its resolutions have the force of law.

¹⁹ Website of the Supreme Council of the Cultural Revolution, The National Strategies and Actions to Prevent the Fall in Fertility Rates and Promote Their Growth in Accordance With Islamic Teachings and National Strategic Requirements (8423/91), at: <http://www.iranculture.org/fa/simpleView.aspx?provID=1822>, accessed 17 November 2014.

²⁰ "The budget for family planning has been eliminated", Fars News Agency, 1 August 2012, at: <http://www.farsnews.com/newstext.php?nn=13910511000015>, accessed 19 November 2014.

rise of] one-child families and delayed marriages, and [investment in] related cultural activities in these areas.”²¹

The government later restored about 133 billion rials (about US\$4.8 million) in the 1392 budget (March 2013-March 2014) for the Family and Population Planning Programme.²² Although this was a decrease of about 31.5 per cent from the amount assigned two years earlier,²³ it still enraged conservative forces close to the Office of the Supreme Leader who viewed the programme as being destructive and out of line with the Supreme Leader's new population policies.²⁴ The ensuing pressure forced the government to assign zero rials to the Family and Population Planning Programme in the 1393 budget (March 2014-March 2015).²⁵

²¹ “Minister of Health: The budget item for family planning has been removed”, Iranian Students' News Agency, 12 August 2012, at:

<http://isna.ir/fa/news/91052213902/%D9%88%D8%B2%D9%8A%D8%B1-%D8%A8%D9%87%D8%AF%D8%A7%D8%B4%D8%AA-%D9%85%D9%86-%D9%88-%D9%85%D8%B9%D8%A7%D9%88%D9%86%D8%A7%D9%86%D9%85-%D8%A8%DB%8C%D9%85%D9%87-%D8%AA%DA%A9%D9%85%DB%8C%D9%84%DB%8C-%D9%86%D8%AF%D8%A7%D8%B1%DB%8C%D9%85>, accessed 19 November 2014.

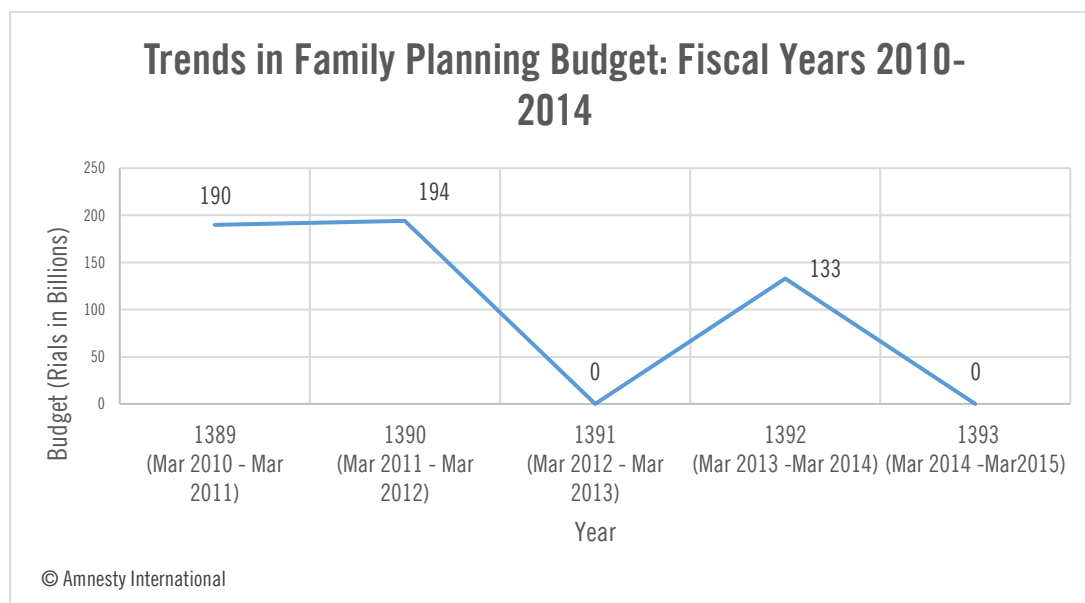
²² Website of the Shahid Sadoughi University of Medical Sciences and Health Services, Line-Item budget in the area of health for the fiscal year March 2014 - March 2015 (etebarat-e bakhsh-e salamat dar sal-e 1993), p.28, at: http://www.ssu.ac.ir/cms/fileadmin/user_upload/riyarat/omana/pdf/Final_Book_print.pdf, accessed 19 November 2014.

²³ Website of the Tabriz University of Medical Sciences and Health Services, Line-Item budget in the area of health for the fiscal year March 2011 - March 2012 (etebarat-e bakhsh-e salamat dar sal-e 1990), p. 28, at:

<http://odm.tbzmed.ac.ir/uploads/73/CMS/user/file/106/%D9%82%D9%88%D8%A7%D9%86%DB%8C%D9%86%20%D9%88%20%D9%85%D9%82%D8%B1%D8%B1%D8%A7%D8%AA%20%D8%A8%D9%88%D8%AF%D8%AC%D9%87/%D9%82%D9%88%D8%A7%D9%86%DB%8C%D9%86%20%D8%A8%D9%88%D8%AF%D8%AC%D9%87%20%D8%B3%D9%86%D9%88%D8%A7%D8%AA%DB%8C/%D9%82%D9%88%D8%A7%D9%86%DB%8C%D9%86%20%D8%A8%D9%88%D8%AF%D8%AC%D9%87%2090/%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%A8%D9%88%D8%AF%D8%AC%D9%8790/%D8%A7%D8%B9%D8%AA%D8%A8%D8%A7%D8%B1%D8%A7%D8%AA%20%20%D8%A8%D8%AE%D8%B4%20%D8%B3%D9%84%D8%A7%D9%85%D8%AA%20%D8%B3%D8%A7%D9%8490.pdf>, accessed 19 November 2014.

²⁴ See, for example, “A 13 billion budget for family planning: a strategic mistake that was supposed to not be repeated”, Fars News Agency, 30 September 2013, at: <http://www.farsnews.com/newstext.php?nn=13920707001265>, accessed 19 November 2014.

²⁵ Website of the Shahid Sadoughi University of Medical Sciences and Health Services, Line-Item budget in the area of health for the fiscal year March 2014 - March 2015 (etebarat-e bakhsh-e salamat dar sal-e 1993), at: http://www.ssu.ac.ir/cms/fileadmin/user_upload/riyarat/omana/pdf/Final_Book_print.pdf, p. 28, accessed 19 November 2014.



In the wake of the SCCR Resolution and other related developments, 50 members of Parliament introduced Bill 315 on 27 May 2013. The Bill outlines, among other things, a range of incentive schemes for childbearing.²⁶ The proposed schemes include extensive maternity leave benefits (Articles 24-25) and flexible working arrangements (Article 27) for pregnant and nursing mothers; early retirement packages for working mothers (Article 28); comprehensive health coverage for mothers and children aged up to five (Article 30); more generous tax relief (Article 32); child benefits (Article 35); home loans and other special loans (Articles 33-34) for families with three or more children; and the donation of a gold coin per child from the third child onwards (Article 36). While benefits are not in and of themselves harmful and in fact may be beneficial, they should not be in any way coercive and be promoted in a non-discriminatory manner that does not place the full burden on women to raise children and reinforce the stereotype of women's primary role as mothers.

Although in line with the provisions of the SCCR Resolution, the incentive schemes were deemed by some members of Parliament as being "over ambitious" and imposing "a heavy economic burden" on the government.²⁷ This assessment slowed the Bill's adoption process,

²⁶ "Will the imposition of restrictions lead to population growth?", Iranian Students' News Agency, 25 September 2013, at: <http://isna.ir/fa/news/92070301769/%D8%A2%DB%8C%D8%A7-%D8%A7%DB%8C%D8%AC%D8%A7%D8%AF-%D9%85%D8%AD%D8%AF%D9%88%D8%AF%DB%8C%D8%AA-%D8%A8%D8%A7%D8%B9%D8%AB-%D8%A7%D9%81%D8%B2%D8%A7%DB%8C%D8%B4-%D8%AC%D9%85%D8%B9%DB%8C%D8%AA-%D9%85%DB%8C-%D8%B4%D9%88%D8%AF>, accessed 14 November 2014.

²⁷ "Laleh Eftekhari: The Comprehensive Population and Exaltation of Family Bill causes undue discrimination", Iranian Students' News Agency, 24 September 2013, at <http://www.isna.ir/fa/news/92070201102/%D9%84%D8%A7%D9%84%D9%87-%D8%A7%D9%81%D8%AA%D8%AE%D8%A7%D8%B1%DB%8C-%D8%B7%D8%B1%D8%AD-%D8%AC%D8%A7%D9%85%D8%B9-%D8%AC%D9%85%D8%B9%DB%8C%D8%AA-%D9%88-%D8%AA%D8%B9%D8%A7%D9%84%DB%8C-%>

leading Parliament in April 2014 to introduce Bill 446. This new Bill was short and focused on implementing quickly the population policies of the Supreme Leader while the financial implications of Bill 315 were being considered. Following the introduction of Bill 446, the Supreme Leader issued a decree on 20 May 2014, outlining the objectives of Iran's new population policies:

"[I]ncreasing the fertility rate... removing barriers to marriage, facilitating and promoting the formation of families and the procreation of more children, reducing the age of marriage, [and] strengthening the foundation and sustainability of [the institution of] family through reforming and developing public education programmes about the merits of family formation and childbearing."²⁸

The decree called on the heads of the legislative, executive and judicial branches of government as well as the head of the Expediency Council²⁹ to formulate comprehensive plans for economic, social and cultural development in accordance with the decreed population policies, and take immediate measures, in coordination with one another, to implement them. Coming from the state's highest authority, this call prompted members of Parliament to move swiftly with Bill 446, despite ongoing controversies around its provisions banning surgical sterilization.

Bill 446 triggered an outcry not only among legal experts and women's rights activists but also among members of President Hassan Rouhani's administration. Many expressed concern that the Bill is badly thought out and interferes, in an unprecedented manner, with women's human rights, including their sexual and reproductive rights, their right to gender equality, their right to privacy and information, and their right to decide the number, spacing and timing of their children. Government spokesperson Mohammad Bagher Nobakht, for example, said that the provisions in Bill 446 banning surgical sterilization are "inconsistent with individual freedoms and civil rights",³⁰ while Minister of Health Seyed Hassan Hashemi warned on his website that Bill 446 may generate negative health outcomes, including "more illegal and clandestine abortions, recurrent infections in women, and other serious physical and mental harms."³¹

Some of the concerns reflect findings by the World Health Organization (WHO), which

%D8%AE%D8%A7%D9%86%D9%88%D8%A7%D8%AF%D9%87, accessed 14 November 2014.

²⁸ Website of Ayatollah Khamenei, "Comprehensive plans must be carried out in accord with population policies", 20 May 2014, at: <http://www.leader.ir/langs/fa/index.php?p=contentShow&id=11847>, accessed 14 November 2014.

²⁹ The Expediency Council is an administrative assembly created upon the revisions made to the Constitution of the Islamic Republic of Iran on 6 February 1988. It was originally set up by the Supreme Leader to settle differences between the views of Parliament and the Guardian Council where, for example, the ratifications of Parliament are not confirmed by the Guardian Council but the members of Parliament insist on their implementation. The Expediency Council also has legislative authority, which enables it to pass temporary laws, effective for a three-year period. The Expediency Council also provides consultation in matters referred to it by the Supreme Leader.

³⁰ "The government is opposed to those provisions of the Bill to Increase Fertility Rates that are inconsistent with civil rights", Salamat News, 2 June 2014, at: <http://tnews.ir/news/14E127267576.html>, accessed 19 November 2014.

³¹ "Minister of Health: We are concerned about a rise in clandestine abortions", Shargh Daily, 2 July 2014, at: http://sharghdaily.ir/?News_Id=38143, accessed 19 November 2014.

questions the assumption that restricted access to contraception necessarily leads to increased birth rates. In many countries, restrictive contraception policies have simply resulted in high maternal mortality and morbidity rates, as many women with unwanted pregnancies resort to induced termination regardless of the legal status of abortion.³² In countries where abortion is restricted, women are forced to resort to illegal, unsafe practices, risking their health and lives. According to the WHO, the first step for avoiding maternal deaths is to ensure that women have access to contraception and safe abortion. This will reduce unwanted pregnancies and unsafe abortions.³³

IRAN'S BAN ON ABORTION

Abortion was first officially criminalized in Iran through the Public Criminal Law of 1926.³⁴ This law punished medical professionals who facilitated abortion with 3–10 years' imprisonment unless it was proved that abortion was necessary to save the pregnant woman's life (Article 183). The law also punished women who underwent an illegal abortion with between one and three years' imprisonment (Article 182). The Public Criminal Law was amended in 1973 to decriminalize consensual medical interventions, including abortion (Article 42).³⁵ The 1976 Executive Bylaw for Article 42 of the Public Criminal Law allowed abortion on request up to 12 weeks of pregnancy "with written permission from both the husband and the wife" (Article 3).³⁶ No permission from the husband was required if abortion was deemed "necessary for preventing serious mental or physical complications for the pregnant woman or for forestalling the birth of a child afflicted with an incurable disease" (Article 4).³⁷

Following the 1979 Revolution, the Public Criminal Law of 1973 and the 1976 Executive Bylaw were abolished. Abortion was subsequently re-criminalized in the 1983 Law on "Discretionary" (*ta'zirat*) Punishments.³⁸ Those who provided abortion were liable to punishments ranging from death to a combination of "blood money" (*dijah*) and between three months' and three years' imprisonment depending on their medical credentials and the length of the pregnancy (Articles 90–91). The law included no exception for cases of threats to the life of the pregnant woman; however, this exception was understood to be in place on the basis of a general consensus among *Shari'a* (Islamic law) jurists and the Guardians Council that abortion is allowed up to four

³² World Health Organization, *Safe abortion: technical and policy guidance for health systems*, 2012, pp. 12, 23 at: http://www.who.int/reproductivehealth/publications/unsafe_abortion/9789241548434/en/, accessed 9 January 2015. See also Office of the High Commissioner for Human Rights, *Technical guidance on the application of a human-rights based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22)*, 2 July 2012, para. 59, at: http://www2.ohchr.org/english/issues/women/docs/A.HRC.21.22_en.pdf, accessed 9 January 2015; Amnesty International, *On the Brink of Death: Violence Against Women and the Abortion Ban in El Salvador (AMR 29/003/2014)*, 25 September 2014, at: <http://www.amnesty.org/en/library/info/AMR29/003/2014/en>, accessed 9 January 2015.

³³ World Health Organization, *Safe abortion: technical and policy guidance for health systems*, 2012, at: http://www.who.int/reproductivehealth/publications/unsafe_abortion/9789241548434/en/, accessed 9 January 2015.

³⁴ Public Criminal Law, 27 January 1926, at: <http://www.penology.blogspot.com/1390/09/24/post-3/>, accessed 6 January 2015.

³⁵ Amended Public Criminal Law, 28 May 1973, at: <http://www.penology.blogspot.com/1390/09/24/post-2/>, accessed 6 January 2015.

³⁶ The Executive Bylaw for Article 42 of Public Criminal Law, 27 October 76, at: <http://www.dastour.ir/brows/?lid=932a75>, accessed 6 January 2015.

³⁷ The Executive Bylaw for Article 42 of Public Criminal Law, 27 October 76, at: <http://www.dastour.ir/brows/?lid=93275>, accessed 6 January 2015.

³⁸ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), *The Law on "Discretionary" (ta'zirat) Punishments*, 9 August 1983, at: <http://rc.majlis.ir/fa/law/show/90789>, accessed 6 January 2015.

months after conception (known otherwise as the moment of ensoulment), when it is necessary to save a woman's life.³⁹ In 1997, the Law on "Discretionary" (*ta'zirat*) Punishments was amended and renamed as the Law on "Discretionary" (*ta'zirat*) and Deterrent Punishments.⁴⁰ The amendments removed the punishment of death and introduced an exception to the ban on abortion if it was to save the life of a pregnant woman (Articles 623-624). The lengths of prison sentences were also amended. Article 623 of the Law on "Discretionary" (*ya'zirat*) and Deterrent Punishments, which is currently in effect, states:

"Anyone who causes the miscarriage of a pregnant woman by giving her drugs or other means shall be sentenced to six months to one year of imprisonment, and if knowingly and deliberately guides a pregnant woman to use drugs or other means to abort the foetus shall be sentenced to three to six months' imprisonment, unless it is proved that it was necessary to save the mother's life; in any case the diyah shall be paid according to the relevant provisions."

Article 624 provides for a more severe form of punishment, ranging from two to five years in prison, if abortion is provided by a medical professional. In 2005, Parliament passed the Law on Therapeutic Abortion, which added new exceptions to the ban on abortion. These allow women to receive an abortion up to four months after conception where the foetus suffers from "mental retardations" or "congenital anomalies" that would cause "unbearable hardship" (*harj*) to the pregnant woman or if the pregnant woman suffers from "a disease threatening her life".⁴¹ The law requires that three specialist doctors determine that one of the above conditions applies. The doctors' determination must be verified by the Legal Medicine Organization of Iran, a state institution under the supervision of the head of the judiciary that is known for its involvement in forensic medicine but also engages in diagnostic and clinical examinations when deemed appropriate by the judicial system.

The combined impact of Bill 446 and the budget cuts to the Family and Population Planning Programme would have serious consequences for women in Iran, undermining their access to modern contraception and sending the country back several decades to a precarious time for women and girls' sexual and reproductive rights. Women with the least resources would suffer most. Unable to pay for quality modern contraception, they would be at greatly increased risk of unwanted pregnancies or be in conflict with the law by having illegal, clandestine abortions, putting their lives and health in danger. Without access to free or subsidized condoms, they would also be at increased risk of HIV/AIDS and other sexually transmitted infections.

The authorities' efforts to reverse Iran's family planning policies are sacrificing women's rights for alleged national geopolitical interests. They will leave women and girls with a future shaped by inequality, discrimination, poor health, limited choices and restricted freedoms.

³⁹ Mahmoud Abbasi, Ehsan Shamsi Gooshki, and Neda Allahbedashti, "Abortion in Iranian Legal System", *The Iranian Journal of Allergy, Asthma & Immunology*, vol. 13(1), February 2014, at: <file:///intsec.amnesty.org/data/users/raha.bahreini/Downloads/699-2715-3-PB.pdf>, accessed 6 January 2015.

⁴⁰ The Law on "Discretionary" (*ta'zirat*) and Deterrent Punishments, 22 May 1996, at: http://www.dadkhahi.net/law/Ghavanin/Ghavanin_Jazae/gh_mojazat_eslami2.htm, accessed 6 January 2015.

⁴¹ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), *The Law on Therapeutic Abortions*, 15 June 2005, at: <http://rc.majlis.ir/fa/law/show/97756>, accessed 19 November 2014.

Amnesty International urges the Iranian authorities to scrap Bills 446 and 315 and restore the budgets necessary to make contraception services affordable in order that women and girls are able to live autonomous, dignified and healthy lives, without prejudice and discrimination. Amnesty International also calls on the authorities to ensure access to abortion in line with international human rights standards, which call on states to make sure abortion is available and accessible at a minimum, in cases when a pregnant woman's life or health is in danger, in cases of rape or incest, and in cases of severe foetal impairment.

2. BILL 446: A THREAT TO SEXUAL AND REPRODUCTIVE RIGHTS

Bill 446 constitutes a retrogressive move by the authorities to curtail women's reproductive rights, in marked contrast to the global trend towards enhancement of women's reproductive choices. Access to contraception is key to ensuring that adolescent girls and women enjoy their human rights, including their right to exercise control over – and decide freely and responsibly on matters related to – their sexual and reproductive health, free from coercion, discrimination and violence. The negative impact of Bill 446 is heightened by the cuts made to Iran's Family and Population Planning Programme.

Since 1989, family planning programmes in Iran have significantly expanded voluntary use of modern contraception, in both rural and urban areas. In 1976, only 37 per cent of women were using at least one method of contraception; by 2000 this figure had reportedly risen to 72 per cent.⁴² The contraceptive prevalence rate continued to rise throughout the 2000s, reaching in 2010 a high of nearly 79 per cent for married girls and women living in urban areas and 73.78 per cent for those living in rural areas.⁴³

Such progress may soon be halted. Bill 446 was passed in Parliament on 10 August 2014 with an overwhelming majority of 143 votes to 32 and then sent to the Guardian Council⁴⁴ for approval. On 23 August, the Guardian Council returned the Bill to Parliament with a number of recommendations to reduce the scope of the proposed health exception to the ban on surgical sterilization and extend the ban on disseminating information about contraception by media outlets to all means and modes of communication.⁴⁵ Accordingly, the Parliamentary Commission on Health and Treatment amended the Bill on 7 October, limiting the health exception only to cases of threats to physical health (not mental health) and banning any dissemination of information about contraception by any private or public actor and in any modality.⁴⁶ On 27 October, the Guardian Council returned the amended bill to Parliament,

⁴² Mohammad Jalal Abbasi-Shavazi, "Recent Changes and the Future of Fertility in Iran", *Completing the Fertility Transition*, p. 427.

⁴³ Mohammad Jalal Abbasi-Shavazi, "Recent Changes and the Future of Fertility in Iran", *Completing the Fertility Transition*, p. 427.

⁴⁴ The Guardian Council is a body with extensive legislative and executive powers in Iran, including, among others, the authority to approve or reject legislative acts and resolutions on account of their compatibility with Islamic laws and constitutional provisions, and the authority to disqualify presidential, parliamentary and other candidates for office. The Guardian Council is composed of six "Islamic Jurists" (faqih) appointed by the Supreme Leader and six legal jurists, elected by Parliament from among jurists nominated by the head of the Judiciary, who is also appointed by the Supreme Leader.

⁴⁵ WGuardian Council's Research Centre, *The Bill to Increase Fertility Rates and Prevent Population Decline: Documents*, at: <http://www.shora-rc.ir/portal/Home/ShowPage.aspx?Object=NEWS&CategoryID=b965dae5-85e8-4331-9523-6f1725050fe7&WebPartID=9ea150fe-8748-4c09-b054-8f74126f9db8&ID=21e9a69e-33b3-4789-8224-334dd3cddbde>, accessed 20 November 2014.

⁴⁶ Guardian Council's Research Centre, *Amendments to the Bill to Increase Fertility Rates and Prevent Population Decline*, 7 October 2014, at: <http://www.shora-rc.ir/portal/File/ShowFile.aspx?ID=f0eed7e0-66ee-4a02-8c3e-151f96ef0ae8>, accessed 20 November 2014. See also the comparative chart on the

requesting clarification on the criteria and process for determining threats to physical health and on the punishments that would apply when information about contraception is disseminated by a non-media actor.⁴⁷ At the time of writing this briefing in January 2015, these issues remained under discussion.

RESTRICTING ACCESS TO MODERN CONTRACEPTION

Article 1 of Bill 446 prohibits, in its amended version, "all surgical procedures undertaken for the purpose of permanent contraception except in cases of threats to physical health".⁴⁸ It also provides for various types of disciplinary action against medical professionals who carry out the prohibited procedures, pursuant to Article 28 of the 2004 Law on the Medical Council of the Islamic Republic of Iran.⁴⁹

The combined effect of this and the cuts to Iran's Family and Population Planning would have serious consequences for women. Voluntary female sterilization is reported to be the second most common method of modern contraception in Iran, with 14.15 per cent of Iran's 21.5 million married women and girls (aged 15-49) having undergone it for contraceptive purposes as of March 2011.⁵⁰ For women and girls with limited financial resources, the costs of switching to alternative methods of contraception would be prohibitive as the budget for the Family and Population Planning Programme, which previously dispensed different types of modern contraception at subsidized and affordable prices, has been ended.

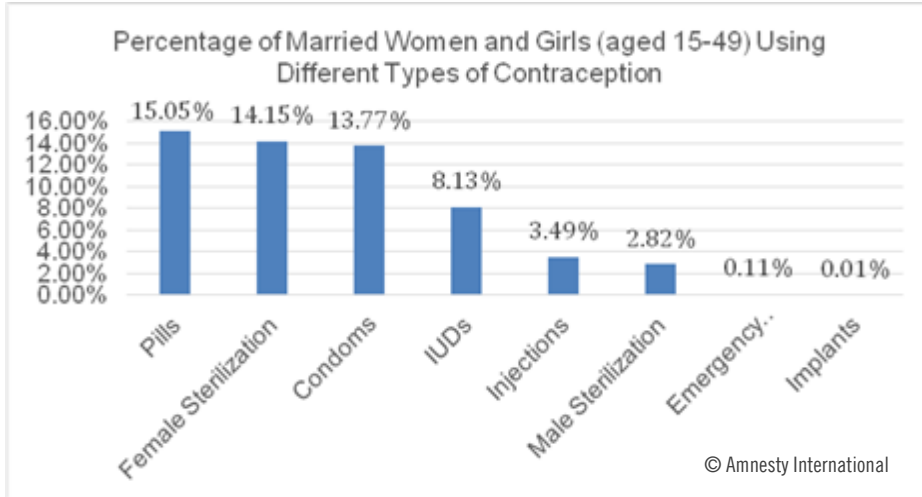
website of the Guardian Council summarizing the amendments that have been made to the Bill as per the recommendations of the Guardian Council, at: <http://www.shora-rc.ir/portal/File/ShowFile.aspx?ID=69a8138f-39ae-41f2-8bbe-d3956668fc74>, accessed 8 January 2015.

⁴⁷ WGuardian Council's Research Centre, The Bill to Increase Fertility Rates and Prevent Population Decline: Documents, at: <http://www.shora-rc.ir/portal/Home/ShowPage.aspx?Object=NEWS&CategoryID=b965dae5-85e8-4331-9523-6f1725050fe7&WebPartID=9ea150fe-8748-4c09-b054-8f74126f9db8&ID=21e9a69e-33b3-4789-8224-334dd3cddbde>, accessed 20 November 2014. See, in particular, the Website of the Research Centre of the Guardian Council, Opinion of the Consultative Legal Council, No. 930 7024, pp. 3-10, 21 October 2014, at: <http://www.shora-rc.ir/portal/File/ShowFile.aspx?ID=5db2381d-49f9-42e4-9ba4-952488579424>, accessed 8 January 2014.

⁴⁸ Website of the Research Centre of the Guardian Council, The Bill to Increase Fertility Rates and Prevent Population Decline, 7 October 2014, at: <http://www.shora-rc.ir/portal/File/ShowFile.aspx?ID=f0eed7e0-66ee-4a02-8c3e-151f96ef0ae8>, accessed 8 January 2015.

⁴⁹ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), The Law on the Medical Council of the Islamic Republic of Iran, 13 April 2004, at: <http://rc.majlis.ir/fa/law/show/99654>, accessed 20 November 2014.

⁵⁰ Ministry of Health and Medical Education, Iran Multiple Indicator Demographic and Health Survey 1389 (March 2010 – March 2011), September 2012, p. 92, at: <http://nihr.tums.ac.ir/Images/Archive/fffe97ff-53a0-486a-871d-3a10d48f6a6b.pdf>, accessed 20 November 2014.



By curtailing women's access to safe, affordable and effective methods of modern contraception, including voluntary sterilization, the Iranian authorities would be denying women their right to privacy and to freedom to decide the number and spacing of their children, amongst other rights, and effectively substitute the will of the state for that of individual women in an area as important and intimate as sexual and reproductive health. This would undermine women's dignity and autonomy, perpetuate stereotypes about women's primary gender role, and stigmatize and marginalize women who do not conform to such stereotypes, in breach of guarantees of equality and non-discrimination in international law that Iran has an obligation to uphold, including Articles 2, 3, 17 and 26 of the ICCPR, and Articles 2 and 3 of the ICESCR.

The moves would also violate women's right to sexual and reproductive health, which is "an integral component of the right to health" guaranteed under Article 12 of the ICESCR.⁵¹ The UN Committee on Economic, Social and Cultural Rights (ICESCR Committee), which monitors the implementation of the ICESCR, has stated that the obligation to respect, protect and fulfil the right to health requires states to provide access to the full range of modern contraceptive methods, including emergency contraception,⁵² and to ensure that they are available, of good quality, and accessible (physically and financially) for all, including marginalized groups such as low income women and those living in rural areas, and adolescents.⁵³

As part of this core obligation on the right to health, the ICESCR Committee has recommended that states ensure that the items on the national list of medicines are based on

⁵¹ Interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/66/254), 3 August 2011, para. 6.

⁵² UN Committee on Economic, Social and Cultural Rights, General Comment 14: the right to the highest attainable standard of health, Article 12 (E/C.12/2000/4), 11 August 2000, paras. 11, 12, and 21 (UN Committee on Economic, Social and Cultural Rights, General Comment 14: the right to the highest attainable standard of health, Article 12).

⁵³ UN Committee on Economic, Social and Cultural Rights, General Comment 14: the right to the highest attainable standard of health, Article 12, paras. 12, 36 and 37.

the WHO model list of essential medicines, which guides the procurement and supply of medicines in the public sector and includes, in the list of essential medicines, a wide range of contraceptive methods, including oral contraceptive pills and emergency contraception.⁵⁴ Criminal laws and other legal restrictions limiting access to contraceptives are known to lead to poor physical health outcomes, resulting in preventable deaths, increased morbidity and ill-health, and mental health problems.⁵⁵

The Special Rapporteur on Violence against Women has characterized restrictions on contraception as a “form of violence” because they subject “women to excessive pregnancies and childbearing against their will, resulting in increased and preventable risks of maternal mortality and morbidity.”⁵⁶ Restriction or denial of access to emergency contraception in cases of rape could also amount to torture and other ill-treatment and exacerbate threats to women's life.⁵⁷ Without access to safe and effective contraception, women with an unwanted pregnancy face two potentially devastating options: carry their pregnancies to term when it is not their choice to do so; or risk their life and health by undergoing unsafe, clandestine abortions. This would be particularly the case for women with scarce economic resources who have traditionally relied on state-funded clinics and family planning programmes.

Unsafe abortions are the third largest cause of maternal mortality worldwide. The WHO estimates that in 2008, 21.6 million unsafe abortions took place globally, leading to the deaths of 47,000 women and disabilities for an additional 5 million.⁵⁸

According to the Committee against Torture, which monitors state compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unsafe abortions resulting from restrictive abortion policies may seriously harm women, including death, and lead to a violation of Articles 2 and 16 of the Convention, prohibiting torture and other forms of ill-treatment.⁵⁹

According to the Human Rights Committee, when reporting on the right to life protected by

⁵⁴ UN Committee on Economic, Social and Cultural Rights, General Comment 14: the right to the highest attainable standard of health, Article 12, para. 12. See also World Health Organization, WHO Model List of Essential Drugs, revised October 2013, at: <http://www.who.int/medicines/publications/essentialmedicines/en/>, accessed 20 November 2014.

⁵⁵ Interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/66/254), 3 August 2011, para 21.

⁵⁶ Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, Integration of the Human Rights of Women and the Gender Perspective, para. 57-58, U.N. Doc. E/CN.4/1999/68/Add.4 (1999).

⁵⁷ Committee Against Torture, Concluding Observations: Peru (2012), para. 15, U.N. Doc. CAT/C/PER/CO/6 (2012).

⁵⁸ World Health Organization, Safe abortion: technical and policy guidance for health systems, Second edition, 2012, p. 17, at: http://www.who.int/reproductivehealth/publications/unsafe_abortion/9789241548434/en/, accessed 20 November 2014.

⁵⁹ UN Committee against Torture, Concluding observations: El Salvador (CAT/C/SLV/CO/2), 9 December 2009, para 23; UN Committee against Torture, Concluding observations: Peru (CAT/C/PER/CO/4), 25 July 2006, para 23. Article 2 of the CAT places an obligation on states to “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction” and provides that “an order from a superior officer or a public authority may not be invoked as a justification of torture.”

Article 6 of the ICCPR, states parties should give information on any measures taken by the State to help women prevent unwanted pregnancies, and to ensure that they do not have to undertake life-threatening clandestine abortions.⁶⁰

BANNING SEXUAL AND REPRODUCTIVE HEALTH INFORMATION AND EDUCATION

Bill 446 places women in a precarious situation by banning “any promotional information in relation to contraception and reduction in childbearing” (Article 2). The Bill does not clarify what amounts to “promotion” but provides a limited exception for “educational materials necessary for the prevention of threats to the physical and mental health of the mother and child” (Article 3). A Note to Article 2 provides that media outlets breaching the Bill will be punished in accordance with Article 35 of the 1986 Press Law and its subsequent amendments, in proportion to the gravity of their offence and its repeated occurrence.⁶¹ The Guardian Council has called on Parliament to amend the Note to define what the punishment would be when the ban is violated by a non-media actor. Drafted in vague and overly broad language,⁶² this article could be used by the authorities to target a wide range of individuals, potentially including health professionals providing contraceptives, pharmacists dispensing contraceptives, employees of health facilities who have traditionally provided family planning services, activist groups advocating sexual and reproductive rights, and anyone who provides education and information, online or offline, on sexual and reproductive health matters.

According to Iran's 2010 Multiple Indicator Demographic and Health Survey, 20.43 per cent of married girls and women living in rural areas take oral contraceptive pills while 13.85 per cent rely on ineffective “traditional” means of pregnancy prevention such as the rhythm method or withdrawal. The corresponding figures for urban areas are 12.77 per cent and 24.98 per cent, respectively.⁶³ If Bill 446 is passed, girls and women in Iran will experience a very different reality, marked by insurmountable barriers to effective contraception and prevention of pregnancy. Without access to information, fewer of them will be able to make informed decisions on using contraceptives, know what to do if they miss taking their pills or even know how to identify where in their menstrual cycle they are most likely to become pregnant.

In the original version adopted by Parliament, Bill 446 included a fourth article that required the Ministry of Health and Medical Education “to continue and improve its reproductive health and childbearing programme” in line with the Supreme Leader's decree outlining the country's general population policies.⁶⁴ In its first series of instructions to Parliament on 19

⁶⁰ UN Human Rights Committee, General Comment 28, Equality of rights between men and women (article 3), U.N. Doc. CCPR/C/21/Rev.1/Add.10, 29 March 2000, para. 10.

⁶¹ The penalties include: (a) a cash fine from one million Rials (about US\$37) to 20 million Rials (about US\$741) and (b) the closure of the publication for at most up to six months in the case of dailies and at least up to a year in the case of other publications. For more information, see website of the Ministry of Culture and Islamic Guidance, The Press Law, 18 April 2000, at: <http://press.farhang.gov.ir/fa/rules/laws2>, accessed 8 January 2015.

⁶² W Guardian Council's Research Centre, The View of the Guardian Council on the Bill to Increase Fertility Rates and Prevent Population Decline, 23 August 2014, at: <http://www.shora-rc.ir/portal/File/ShowFile.aspx?ID=c826ba03-0828-4485-9d22-65f470d2d452>, accessed 21 November 2014.

⁶³ Ministry of Health and Medical Education, Iran Multiple Indicator Demographic and Health Survey 1389 (March 2010 – March 2011), September 2012, p. 92.

⁶⁴ Guardian Council's Research Centre, The Bill to Increase Fertility Rates and Prevent Population

August 2014, the Guardian Council requested further clarity on the meaning of the phrase “reproductive health and childbearing programme” and whether the phrase encompasses “programmes that are currently offered under such titles as reproductive health” and if so, how such programmes, which are incompatible in their content and approach with the country's general population policies, will be continued and improved in line with the country's new population policies.⁶⁵ Following this instruction, Parliament appears to have removed Article 4 from the amended Bill that it adopted on 7 October 2014 and sent to the Guardian Council for approval.⁶⁶

The restrictions imposed by Bill 446 on imparting information on contraception are in breach of Iran's obligation to respect the right to health. According to the ICESCR Committee, states are obliged to “refrain from censoring, withholding or intentionally misrepresenting health-related information, including sexual education and information,”⁶⁷ and to ensure access to unbiased, comprehensive and evidence-based information on sexual and reproductive health, including information necessary to prevent unwanted pregnancy and reduce unsafe abortion. According to the ICESCR Committee, information accessibility includes the right to seek, receive and impart information and ideas concerning health issues.⁶⁸

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has warned that legal restrictions to comprehensive sexual and reproductive health education and information make women less prepared for their sexual and reproductive lives, rendering them more vulnerable to coercion, abuse and exploitation, as well as to an increased risk of unintended pregnancy, unsafe abortion, maternal mortality, HIV/AIDS and other sexually transmitted infections.⁶⁹

In General Comment No. 14, the Committee on Economic, Social and Cultural Rights calls upon States to take measures to “improve child and maternal health, sexual and reproductive health services, ... and access to information, as well as to resources necessary to act on that information”.⁷⁰ The U.N. Special Rapporteur on Torture has affirmed that “access to

Decline, 10 August 2014, at: <http://www.shora-rc.ir/portal/File/ShowFile.aspx?ID=0069faef-e2a0-483c-9b44-1b0131a8872e>, accessed 8 January 2015.

⁶⁵ Guardian Council's Research Centre, Opinion of the Consultative Legal Council, No. 930 5021, pp.6-7, 18 August 2014, at: <http://www.shora-rc.ir/portal/File/ShowFile.aspx?ID=1ba4d279-c3a2-48eb-8e3a-21cfd058f627>, accessed 8 January 2015.

⁶⁶ Guardian Council's Research Centre, The Bill to Increase Fertility Rates and Prevent Population Decline, 7 October 2014, at: <http://www.shora-rc.ir/portal/File/ShowFile.aspx?ID=f0eed7e0-66ee-4a02-8c3e-151f96ef0ae8>, accessed 8 January 2015.

⁶⁷ UN Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health (E/C.12/2000/4), para. 34.

⁶⁸ UN Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health (E/C.12/2000/4), paras. 11, 12, and 21.

⁶⁹ The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, “Several Aspects of Sexual, Reproductive Health - Providing Information, Using Contraception, Abortion - Should Be ‘Decriminalized’ Third Committee Told”, Sixty-sixth General Assembly, Third Committee 29th & 30th Meetings, 24 October 2011, at: <http://www.un.org/press/en/2011/gashc4018.doc.htm>, accessed 21 November 2014.

⁷⁰ UN Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health (E/C.12/2000/4), para. 14.

information about reproductive health is imperative to a woman's ability to exercise reproductive autonomy, and the right to health and to physical integrity."⁷¹

The Iranian authorities are putting teenage girls and women's lives and well-being at increased risk with the proposed bans on voluntary sterilization and contraceptive information, combined with the dismantling of public programmes providing different types of contraception and the already limited access to abortion –, in violation of Iran's international human rights obligations.

⁷¹ Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/68/297), 9 August 2013, para 47.

3. BILL 315: ENTRENCHING DISCRIMINATION

In a speech marking Women's Day in Iran on 20 April 2014, President Rouhani criticized “those who feel the presence of women [in society] is a threat” and stressed that “women must enjoy equal opportunities, equal protection and equal social rights.” He added: “We neither consider men as the first sex nor women as the second sex...They are both equal in human dignity.”⁷² Despite such statements, Iran's legal system continues to give women a subordinate status relative to men. Instead of addressing discrimination against women since President Rouhani's speech, the authorities have intensified their efforts to further erode women's rights, including through Bill 315. The Bill sets out various discriminatory measures aimed at promoting early marriage, repeated childbearing, lower divorce rates, and greater compliance with traditional gender roles of women as mothers and wives.

EMPLOYING WOMEN ‘NOT A PRIORITY’

Discrimination against women in the area of employment is endemic in Iran, both in law and practice. Article 1117 of Iran's Civil Code entitles men to prevent their wives from taking employment if it is deemed “incompatible with the interests of the family or with his or his wife's dignity.” The Policies of the Islamic Republic of Iran on Women's Employment, adopted by the SCCR in 1992, defines “a woman's role in the family as her main job” and provides that “the necessity of her active and influential engagement in the holy institution [of family]” shall underlie the policies of the Islamic Republic of Iran on women's employment.⁷³

Iran has one of the lowest rates globally of female participation in the labour force. According to the 2014 Global Gender Gap Report of the World Economic Forum, Iran ranked 139 out of 142 countries on the gender sub-index of labour force participation rate, with only 17 per cent of women (age 15-64) actively engaging in the labour market, either by working or looking for work. The Global Gender Gap Report also reports that the unemployment rate for women (16.8 per cent) is almost twice that of men (9.1 per cent) and that women are generally employed in jobs with lower pay and receive unequal pay for similar work.⁷⁴ This is contrary to the provisions of Iran's Labour Law, which guarantee equal protection of women and men (Article 6).⁷⁵ This serious gender imbalance in Iran's labour market has persisted

⁷² Website of the President of the Islamic Republic of Iran, “Women's presence on social sciences is an opportunity, not a threat”, 20 April 2014, at: <http://www.president.ir/fa/76766>, accessed 23 June 2014.

⁷³ Parliament's Research Centre (Markaz-e Pajooresh-haye Majles), The Policies of the Islamic Republic of Iran on Women's Employment, 11 August 1992, at: <http://rc.majlis.ir/fa/law/show/100171>, accessed 23 June 2014.

⁷⁴ World Economic Forum, The Global Gender Gap Report 2014, p. 210 at: http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf, accessed 21 November 2014. According to the 2014 Global Gender Gap Report, out of 142 countries, the ranking of Iran on the sub-indexes of wage equality for similar work and estimated earned income (PPP US\$) are 98 and 138, respectively, and the female to male ratio for the indexes of wage equality and estimated earned income are, respectively, 0.59 and 0.17.

⁷⁵ Website of Ministry of Cooperatives, Labour and Social Welfare, The Labour Law, 20 November 1990,

even though the number of women entering higher education in Iran has increased steadily over the past three decades.

In recent years, women have faced increasing restrictions on their employment opportunities, as illustrated by official statistics that show an annual decrease of 100,000 in the number of women in employment over the past eight years.⁷⁶ In July 2014, Tehran Municipality reportedly adopted a circular prohibiting municipal authorities from recruiting women to secretarial and other administrative posts.⁷⁷

The authorities have also intensified efforts to segregate workspaces, which may pose obstacles to the upward mobility of many female workers.⁷⁸ In July 2014, Minister of Justice Mostafa Pour-Mohammadi stated that “segregating the workspaces of men and women can increase productivity” and “is more compatible with our values and traditions.”⁷⁹ A month later, the Head of the Public Buildings Office of the Police announced that women must not be employed in coffee shops or traditional Iranian restaurants except in kitchens, out of public view.⁸⁰ Between January and October 2014, the authorities introduced bans on women musicians from appearing on stage in at least 13 of Iran's 31 provinces.⁸¹

If passed, Bill 315 will exacerbate discrimination against women seeking employment as it is designed to promote marriage and childbearing at the expense of women's right to equal participation in the economy. Article 9 of the Bill provides that all public and private entities must adopt hiring and recruitment practices that would give “priority, in sequence, to men with children, married men without children and women with children.” The same article adds that “the recruitment of qualified single individuals is not barred in the absence of qualified married applicants.”

Note 1 to Article 9 excludes from the scope of the provision professions that are segregated by gender in Iran such as medicine, nursing and teaching, and therefore require female professionals. It provides, however, that women with children must be prioritized over those without children in these professions. Note 2 provides that private sector employers who observe the employment priorities set out in Article 9 will be given a 6 per cent reduction in

at: <http://www.mcls.gov.ir/fa/law/265>, accessed 20 November 2014.

⁷⁶ “Masculinization of employment: every year 100,000 women lose their job”, Donyay-e Eghtesad, 9 September 2014, at: <http://www.donya-e-eghtesad.com/news/826890/>, 12 January 2015.

⁷⁷ “Tehran's municipality excludes women from administrative positions”, JameJam Online, 13 June 2014, at: <http://www.jamejamonline.ir/newspreview/1566918972055792563>, accessed 19 November 2014.

⁷⁸ Maryam Poya, *Women, Work and Islamism: Ideology and Resistance in Iran*, London and New York: Zed Books, 1999.

⁷⁹ “Justice Minister: Separating women's workspaces increases women's productivity”, Fars News Agency, 23 July 2014, at: <http://www.farsnews.com/newstext.php?nn=13930501000839>, accessed 19 November 2014.

⁸⁰ “The Head of the Public Buildings Office of the Police: Women's employment in coffee shops is banned”, Alef, 31 August 2014, at: <http://alef.ir/vdccoqie2bq148.ala2.html?239876>, accessed 19 November 2014.

⁸¹ “Women's presence on stage is banned”, Iranian Students' News Agency, 2 September 2014, at: <http://www.isna.ir/fa/news/93061106321/%D9%88%D8%B1%D9%88%D8%AF-%D8%B2%D9%86%D8%A7%D9%86-%D8%A8%D9%87-%D8%B1%D9%88%DB%8C-%D8%B3-%D9%86-%D9%85%D9%85%D9%86%D9%88%D8%B9>, accessed 19 November 2014.

the insurance contributions they have to pay on their employees' earnings, for five years.

Article 10 bans the recruitment of single individuals as public and private school teachers and members of the academic boards of universities and higher education institutes. It provides a limited exception for situations when "there is no qualified married applicant available."

Article 16 makes marriage a precondition for obtaining a licence from the Iranian Bar Association to practice family law.

These provisions severely impair the right of women in Iran to seek employment as they wish, solely on account of their gender and marital/parental status. This is in breach of Article 2(2) of the ICESCR, which guarantees that the rights recognized in the Covenant will be exercised without discrimination of any kind. Article 6(1) of the ICESCR recognizes the right to work, which includes the right of everyone to have the opportunity to gain their living by work which they freely choose or accept. The provisions also violate the right of everyone to the enjoyment of just and favourable conditions of work, a right enshrined in Article 7 of the ICESCR.

The discriminatory provisions proposed in relation to women who decide to not marry or have children also violate Articles 2, 3, and 26 of the ICCPR, which prohibit discrimination on the basis of sex or other status, and interfere with women's right to privacy as protected by Article 17 of the ICCPR.

They also violate Articles 3(9) and 28 of Iran's Constitution, which require, respectively, "the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all" and respect for the right of everyone to "choose any occupation s/he wishes, if it is not contrary to Islam and public interests."

If Iran passes legal provisions that further entrench discrimination against women, it would be displaying a total disregard for the recommendations of the ICESCR Committee and the UN Human Rights Committee, both of which have called on the Iranian authorities to "take steps to address the declining participation of women in the labour force"⁸² and to "remove the power of a man to prohibit his wife from entering employment."⁸³

Bill 315 contains several other provisions that encourage women to redirect their aspirations and career paths in order to give greater attention to childbearing, childcare and housework. These include measures to increase maternity leave entitlements (Article 24), guarantee job security and flexible working hours during pregnancy and maternity (Articles 25 and 27), and improve packages for health care, employment and retirement insurance for working mothers

⁸² The Committee recommended that Iran amend the Civil Code and the Family Protection Law to remove the power of a spouse to prohibit the other spouse from entering employment. The Committee also recommended that Iran take steps to increase the number of women in decision-making and judicial bodies at all levels and in all areas. For more information, see UN Committee on Economic, Social and Cultural Rights, Concluding observations to the Islamic Republic of Iran (E/C.12/IRN/CO/2), 10 June 2013, para. 10.

⁸³ UN Human Rights Committee, Concluding Observations to the Islamic Republic of Iran (CCPR/C/IRN/CO/3), 29 November 2011, para. 9.

(Article 28). While these proposals are welcome, they are not matched by similar efforts to ensure women's full and equal participation in the economic life of the country, independent of their marital and parental status, hence reinforcing discriminatory stereotypes about women's roles in the family and society.

BARRIERS TO DIVORCE

Bill 315 contains several provisions that act as a barrier to divorce, with a discriminatory impact on women. Article 19 provides for lawyers to be promoted and given positive performance reviews based on how many of their family cases result in marital reconciliation. Similarly, Article 20 proposes that judges receive special bonuses in divorce cases that end in marital reconciliation. While equally applicable to men and women on paper, these provisions will disproportionately affect women, given that men and women are subject to different grounds for divorce in Iran.

Under Iran's Civil Code, men can divorce their wives without reason, although certain conditions apply, such as paying alimony (Article 1133). Men also have the exclusive right to have at least two permanent wives in polygamous marriages⁸⁴ and as many wives as they wish in "temporary" (*sigheh*) marriages (Articles 1075-1077).⁸⁵

A woman who seeks divorce must prove that she is living in conditions of severe hardship that make the continuation of marital life intolerable. Examples of such hardship include addiction of the husband to drugs or alcohol or being subjected to domestic violence (Article 1130). The legal system's discrimination and bias against women's rights, including a ban on women judges, have often prevented women from obtaining divorce, even if they are subjected to domestic violence or meet the other requirements of the Civil Code.⁸⁶ The Special Rapporteur on violence against women, its causes and consequences noted in her 2005 visit to Iran that difficulty in obtaining a divorce, lack of legal protection for women victims of violence, lack of shelters, child custody laws that favour the father and pervasive gender discrimination throughout society were linked to some of the cases of female self-immolation in the country.⁸⁷

The above provisions of the Civil Code breach the requirement in Articles 2, 3, 23 and 26 of the ICCPR to treat men and women equally, including in regard to marriage, during marriage and at its dissolution.⁸⁸ The UN Human Rights Committee has noted that equality in regard to the dissolution of marriage "excludes the possibility of repudiation. The grounds for divorce and annulment should be the same for men and women, as well as decisions with

⁸⁴ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), Family Protection Law, 4 February 1975, articles 16-17, at: <http://rc.majlis.ir/fa/law/show/97187>, accessed 20 November 2014. See also the website of Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), The Civil Code, article 942, 31 October 1935, at: <http://rc.majlis.ir/fa/law/show/92778>, accessed 19 November 2014.

⁸⁵ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), The Civil Code, 31 October 1935, at: <http://rc.majlis.ir/fa/law/show/92778>, accessed 19 November 2014.

⁸⁶ Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: Mission to the Islamic Republic of Iran (E/CN.4/2006/61/Add.3), 27 January 2006, para. 34.

⁸⁷ Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: Mission to the Islamic Republic of Iran (E/CN.4/2006/61/Add.3), 27 January 2006.

⁸⁸ UN Human Rights Committee, General Comment No. 19: Article 23 (The Family) Protection of the Family, the Right to Marriage and Equality of the Spouses, 27 July 1990, para. 6.

regard to property distribution, alimony and the custody of children.”⁸⁹ On the question of polygamy, the UN Human Rights Committee has stated: “equality of treatment with regard to the right to marry implies that polygamy is incompatible with this principle. Polygamy violates the dignity of women. It is an inadmissible discrimination against women. Consequently, it should be definitely abolished wherever it continues to exist.”⁹⁰

The provisions of Bill 315 that create an incentive for judges to not grant divorce are also contrary to the UN Basic Principles on the Independence of the Judiciary, which require the judiciary to “decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.”⁹¹ The conditions of service and tenure envisaged in the Basic Principles clearly provide that “promotion of judges, wherever such a system exists, should be based on objective factors, in particular ability, integrity and experience.”

Bill 315 also risks reinforcing harmful social attitudes that tend to marginalize women victims of domestic violence and put pressure on them to remain in undesirable or abusive marital relationships. For example, the Bill mandates the Islamic Republic of Iran Broadcasting Corporation to develop television programmes “presenting divorce as an anti-value with socially harmful consequences on spouses and children” and “promoting a culture of stronger spousal commitment to [the institution of] family and protecting its sanctity” (Article 21). It also seeks to advance these “cultural objectives” by imposing similar obligations on the Ministry of Education, the Ministry of Science, Research and Technology and the Ministry of Health (Article 22).

FAMILY RECONCILIATION PRIORITIZED OVER WOMEN'S RIGHTS

Bill 315 raises serious concerns about the commitment of Iranian authorities to prevent domestic violence against women and to investigate, prosecute and punish such violence.

The Bill mandates the State Welfare Organization⁹² and a number of other state bodies to work towards “de-judicialization of... family disputes and crises... and prevention of divorce” (Article 17) without any regard for the appropriateness of such goals in the context of family violence. Police and judicial interventions are invariably discouraged in favour of mediation and counselling, regardless of whether a genuine marital reconciliation is desirable, or even attainable, in light of factors such as a history of domestic violence and inequality of power between the parties. Article 18 provides for the establishment of a specialized police unit with adequate stations and resources and “married, mature and well-trained” officers who would be employed in order to ensure peaceful settlement of disputes involving “aggravated

⁸⁹ UN Human Rights Committee, General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women), para. 26.

⁹⁰ UN Human Rights Committee, General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women) (CCPR/C/21/Rev.1/Add.10), 29 March 2000, para. 24.

⁹¹ General Assembly, Basic Principles on the Independence of the Judiciary (Res 40/32), 20 November 1985, at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>, accessed 20 November 2014.

⁹² The State Welfare Organization is a state institution that deals with human resource development, poverty alleviation, welfare-development and empowerment of impoverished sectors of the population, including elderlies, orphans, and people with disabilities.

crimes and family matters [relating to] women, youth and divorce.”

The methods proposed in Bill 315 are not appropriate for dealing with violence against women. Imposed conciliation minimizes the seriousness of violence against women. In most situations where women are subjected to violence, there is an imbalance of power in the relationship, and conciliation may make the women more vulnerable to re-victimization in the future.⁹³

The protection of family as the basic unit of society can be an important aim. However, the preservation of family should never be secured to the detriment of the safety and well-being of individual members of the family or be used to justify human rights violations against women. The work of various UN human rights bodies has made clear that tradition and culture should be protected within a framework that respects other human rights, and involves “sustained and systemic action to modify or eliminate stereotypes and negative, harmful and discriminatory practices justified by traditional values.”⁹⁴

The Special Rapporteur on violence against women, its causes and consequences has raised concerns about legal responses that prioritize family reconciliation and reunification over the individual human rights of women victims and the social norms that these responses reflect regarding women's autonomy and independence.⁹⁵ According to the Special Rapporteur:

“[in] countries [where] the norm is to resolve cases of partner/spousal/domestic violence through reconciliation and not through accountability measures, such as through prosecution and punishment of perpetrators ... institutions often show inadequate and inappropriate responses to the protection needs of women victims, with employees lacking understanding of the complex nature of abusive relationships and failing to respond adequately, sometimes to the point of jeopardizing victims' safety.”⁹⁶

Instead of taking urgent steps to address violence against women, the Iranian authorities are contemplating a law that would treat domestic violence as a private “family matter” best handled through counselling and mediation rather than prevention, prosecution and punishment. This approach is profoundly at odds with the international recognition of domestic violence as a human rights issue and the obligation of states to investigate, prosecute and punish instances of gender-based violence and ensure effective access to justice for survivors of violence against women, including legal aid and sufficient remedies such as compensation and rehabilitation.⁹⁷ The UN General Assembly's Resolution,

⁹³ UN Committee on the Elimination of Discrimination against Women, Concluding observations: Finland (CEDAW/C/FIN/CO/7), 28 February 2014, paras. 18(d) and 19(d); UN Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women: Finland (CEDAW/C/FIN/CO/6), 15 July 2008, para. 173.

⁹⁴ Study of the Human Rights Council Advisory Committee on Promoting Human Rights and Fundamental Freedoms through a Better Understanding of Traditional Values of Humankind (A/HRC/22/71), 6 December 2012, para 76.

⁹⁵ Statement by Rashida Manjoo Special Rapporteur on violence against women, its causes and consequences, 20th session of the Human Rights Council, Geneva, 25 June 2012, p. 3.

⁹⁶ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo (A/HRC/23/49), 14 May 2013, para. 57.

⁹⁷ Committee on the Elimination of Discrimination against Women, General Recommendation No. 19: Violence Against Women ((11th session, 1992), at:

Elimination of domestic violence against women, adopted on 19 February 2004 provides that “domestic violence is of public concern and requires States to take serious action to protect victims and prevent domestic violence.”⁹⁸ Recalling the Declaration on the Elimination of Violence Against Women, adopted by the General Assembly in 1993,⁹⁹ it reaffirms that states may not “invoke any custom, tradition or religious consideration to avoid their obligations to eliminate violence against women.”

Another recent resolution passed by the UN General Assembly on violence against women,¹⁰⁰ which was adopted on 20 December 2012, recognizes that “gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.”¹⁰¹ The resolution stresses that: “States should take measures to ensure that all officials responsible for implementing policies and programmes aimed at preventing violence against women and girls, protecting and assisting the victims and investigating and punishing acts of violence receive ongoing and adequate training and access to information to sensitize them to the different and specific needs of women and girls... who have been subjected to violence, so that women and girls are not re-victimized when seeking justice and redress.” The UN Human Rights Committee and other UN treaties bodies have similarly called on states to provide comprehensive training for relevant professionals and initiate public education campaigns to raise awareness about gender-based violence and to combat gender-based stereotypes, including root causes.¹⁰²

Bill 315 goes in the opposite direction by reinforcing judicial inaction on family violence. It should be immediately scrapped. The authorities must guarantee women and girls access to legal procedures that will bring justice in criminal and civil cases, and secure their safety.

DOMESTIC VIOLENCE AND ‘HONOUR KILLINGS’

By discarding accountability measures in favour of reconciliation, Bill 315 compounds existing discriminatory provisions of the Islamic Penal Code that grant impunity for gender-related violence, including “honour killings”. Under the Penal Code, men who assault or even kill their wives are excluded from the punishments ordinarily applied to such crimes (Article 630).¹⁰³ Fathers or paternal grandfathers who kill their children or grandchildren are not

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>, accessed 9 January 2015.

⁹⁸ General Assembly, Elimination of domestic violence against women (A/RES/58/147), 19 February 2004, at: <http://www.worldlii.org/int/other/UNGARsn/2003/185.pdf>, accessed 12 January 2015.

⁹⁹ UN General Assembly, UN Declaration on the Elimination of Violence Against Women (UN Doc. A/RES/48/104), 20 December 1993, at: <http://www.un.org/documents/ga/res/48/a48r104.htm>, accessed 6 January 2015.

¹⁰⁰ See, for example, General Assembly, Intensification of efforts to eliminate all forms of violence against women (A/RES/61/143), 19 December 2006; General Assembly, Intensification of efforts to eliminate all forms of violence against women (A/RES/63/155), 18 December 2008; General Assembly, Intensification of efforts to eliminate all forms of violence against women (A/RES/67/144), 20 December 2012.

¹⁰¹ General Assembly, Intensification of efforts to eliminate all forms of violence against women (A/RES/67/144), 20 December 2012.

¹⁰² UN Human Rights Committee, Concluding Observations to Guatemala (CCPR/C/GTM/CO/3), 19 April 2012, para. 19; UN Committee on the Elimination of Discrimination against Women, Concluding observations: Peru (E/C.12/1997/SR.26), 24 Nov 1997, para. 19.

¹⁰³ The Law on “Discretionary” (ta’zirat) and Deterrent Punishments, 22 May 1996, at: http://www.dadkhahi.net/law/Ghavanin/Ghavanin_Jazae/gh_mojazat_eslami2.htm, accessed 6 January 2015.

subject to proportional punishments (Article 301), which may exacerbate the risk of “honour crimes” against girls and women.¹⁰⁴

Iran has yet to adopt specific legislation on domestic violence. Currently, women must file a complaint of domestic violence under the provisions of the Penal Code relating to bodily assault, and meet a range of evidentiary requirements. These include the presence of two adult male witnesses to the assault, which makes domestic violence difficult if not impossible to prove (Articles 160-200).¹⁰⁵ Even if such claims are proven, the sentence will typically be the payment of *diyah*, which will be granted only upon the request of the victim (Article 401). In some cases, an additional punishment of two to five years in prison may be imposed if the offence is found to have disrupted public order or the security of society and raised fears that the offender or others may again commit assault (Article 614).¹⁰⁶

Discriminatory provisions exposing women to violence extend beyond the Islamic Penal Code. According to the Civil Code, the husband is the head of the family (Article 1105) and consequently a woman is obliged to obey her husband. If a woman refuses to comply with the “duties of marriage” without a legitimate reason, she is not entitled to spousal maintenance (Article 1108). Refusal to “submit” (*tamkin*) can include a wide range of conduct such as “refusal to have sex” and “going out of the house without permission”. Moreover, under the Civil Code, men have the exclusive right to determine their wives’ place of residence (Article 1114). A wife will be considered “disobedient” (*nashezeh*) and not entitled to alimony if she leaves her husband’s place of residence (Articles 1005 and 1108).¹⁰⁷ A woman can be given permission to leave the marital house only if she can prove to a court of law a risk to her body or “honour”. A woman denied such permission risks finding herself with no choice but to endure domestic violence or lose her right to alimony. Other hurdles include, as observed by the Special Rapporteur on violence against women, its causes and consequences, fear of shame and being ostracized, lack of crisis centres and emergency shelters, and lack of long-term support through employment and housing for women trapped in abusive situations.¹⁰⁸

DATA COLLECTION

Iran’s authorities not only fail to systematically collect, analyze and disseminate data on violence against women, but also appear to suppress the production and dissemination of such data, in violation of their international obligation to collect data on all forms of violence against women.¹⁰⁹

¹⁰⁴ Parliament’s Research Centre (Markaz-e Pajoohesh-haye Majles), The Islamic Penal Code, 1 May 2013, at: <http://rc.majlis.ir/fa/news/show/845002>, accessed 9 January 2015.

¹⁰⁵ Parliament’s Research Centre (Markaz-e Pajoohesh-haye Majles), The Islamic Penal Code, 1 May 2013, at: <http://rc.majlis.ir/fa/news/show/845002>, accessed 9 January 2015.

¹⁰⁶ The Law on “Discretionary” (ta’zirat) and Deterrent Punishments, 22 May 1996, at: http://www.dadkhahi.net/law/Ghavanin/Ghavanin_Jazae/gh_mojazat_eslami2.htm, accessed 6 January 2015.

¹⁰⁷ Parliament’s Research Centre (Markaz-e Pajoohesh-haye Majles), The Civil Code, 30 October 1925, at: <http://rc.majlis.ir/fa/law/show/92778>, accessed 6 January 2015.

¹⁰⁸ Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: Mission to the Islamic Republic of Iran (E/CN.4/2006/61/Add.3), 27 January 2006, paras. 34, 36, 74.

¹⁰⁹ Human Rights Committee, Concluding observations of the second periodic report of Nepal (CCPR/C/NPL/CO/2), 15 April 2014, para. 13; Human Rights Committee, Concluding observations on

The most detailed quantitative study on the prevalence of domestic violence in Iran was conducted by the Presidential Centre for Participation of Women and the Ministry of Science between 2001 and 2003, a summary of which was made available to the public in 2004. Based on a survey of 12,596 women in the capitals of 28 provinces across the country, the study provided solid evidence of the prevalence of domestic violence, if not a complete picture. According to the summary, 37.8 per cent of respondents had suffered acts of physical abuse such as slapping, kicking, hitting, and beating from the beginning of their marital relationship, and 52.7 per cent had suffered psychological abuse such as intimidation, swearing, repeated belittlement and humiliation. More than 27 per cent reported having experienced "restrictions on their social, intellectual and educational growth" which included controlling or limiting contacts with friends and family and preventing them from pursuing employment, education and participation in public affairs. The survey also revealed resistance to discussion of sexual violence, as only 10.2 per cent of women reported having experienced sexual violence. The real figure is believed to be much higher given the laws on "submission" (*tamkin*), which require women to satisfy the sexual needs of their husbands at all times.¹¹⁰ In November 2014, Vice-President on Women and Family Affairs Shahindokht Molaverdi announced that the full report was "entirely missing". No government body appears to be in possession of a paper or electronic copy of any of the report's 32 volumes and media reports indicate that the report has been "completely destroyed".¹¹¹

The compilation of data on the nature, extent and causes of violence against women is essential. Without understanding when, how and why violence against women occurs it is difficult to formulate an effective response. Likewise, without ongoing monitoring of the efficacy of measures adopted to address violence against women, it is not possible to understand the impact, if any, of those measures. For this reason, the UN Declaration on the Elimination of Violence Against Women and the Beijing Platform for Action call on states to promote research and the compilation of data and statistics relating to the prevalence of different forms of violence against women and to make public that information.¹¹² In her 2006 report on Iran, the Special Rapporteur on violence against women, its causes and consequences reminded the Iranian authorities of their obligation to conduct research on violence against women and collect data concerning its prevalence.¹¹³

Belize in the absence of a report (CCPR/C/BLZ/CO/1), 26 April 2013, para. 15; Human Rights Committee, Concluding observations on the third periodic report of Latvia, (CCPR/C/LVA/CO/3), 11 April 2014, para. 9.

¹¹⁰ "The results of the 'national study of domestic violence against women in 28 provinces' were announced", Iranian Students' News Agency, 9 October 2004, at: <http://isna.ir/fa/news>, accessed 22 November 2014. See also Jelveh Javaher, "Examining the situation, causes and consequences of domestic violence against women in Iran", Khoshounat Bas, 24 May 2014, at: <http://www.basast.org>, accessed 22 November 2014.

¹¹¹ "The 32 volume report of the Reform government about violence against women has disappeared", Khabaronline, 28 November 2014, at: <http://www.khabaronline.ir/detail/387443/society/family>, accessed 12 January 2015.

¹¹² UN General Assembly, UN Declaration on the Elimination of Violence Against Women (UN Doc. A/RES/48/104), 20 December 1993, Article 4(k), at: <http://www.un.org/documents/ga/res/48/a48r104.htm>, accessed 9 January 2015; Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, 27 October 1995, para. 121, at: <http://www.refworld.org/docid/3dde04324.html>, accessed 9 January 2015.

¹¹³ Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: Mission to the Islamic Republic of Iran (E/CN.4/2006/61/Add.3), 27 January 2006, para. 74.

4. DISCRIMINATION AND VIOLENCE AGAINST WOMEN

The new assault on women's sexual and reproductive rights in Iran is taking place in a general context of widespread discrimination and violence against women. This section looks at some of these issues, including discriminatory provisions and interpretations of the law, government efforts to reduce the number of women in higher education, discrimination against women in relation to watching sport, and violence and discrimination against women in the context of the strict Islamic dress code.

DISCRIMINATORY LAWS

The Iranian Constitution enshrines the principle of non-discrimination and the rights of women, but there are significant qualifications that allow discrimination on the grounds of Islamic law (*shari'a*). Article 3 provides that "the government of the Islamic Republic of Iran has the duty of directing all its resources to... the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and intellectual spheres" and to "securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as the equality of all before the law". Article 20 guarantees that "[a]ll citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria". Article 21 specifies that "the government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish [several] goals" including "the creation of a favourable environment for the growth of woman's personality and the restoration of her rights, both the material and the intellectual."¹¹⁴ However, the authorities' interpretation of the requirements of Islamic law and criteria under these Constitutional provisions has led to a wide range of gender-discriminatory laws and practices.

Iran's civil laws deny women equal rights with men, including with respect to marriage, divorce, child custody and inheritance.¹¹⁵ The revised Penal Code, which came into effect in May 2013, assigns women a subordinate status relative to men.¹¹⁶ For example, it instructs courts to value the testimony of a woman at half that of a man in legal proceedings, and sets the amount of *diyah* to be paid as reparation for criminally causing the death of a woman at half that payable for causing the death of a man (Article 550). Article 147 sets the age of criminal responsibility lower for girls than for boys, the former at nine lunar years (8.7 solar years), the latter at 15 lunar years (14.6 solar years).¹¹⁷ The law fails to criminalize marital

¹¹⁴Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), The Constitution of the Islamic Republic of Iran, 15 November 1979, at: http://rc.majlis.ir/fa/content/iran_constitution, accessed 19 November 2014.

¹¹⁵ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), The Civil Code, 31 October 1935, at: <http://rc.majlis.ir/fa/law/show/92778>, accessed 19 November 2014.

¹¹⁶ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), The Islamic Penal Code, 1 May 2013, at: <http://rc.majlis.ir/fa/law/show/845048>, accessed 19 November 2014.

¹¹⁷ The Iranian calendar is a solar colander wherein a year refers to the period of time required for the

rape, and entitles men to engage in sexual conduct with their wife without her consent. Adultery while married carries a sentence of death by stoning (Article 225), a penalty that appears to be disproportionately imposed on women.¹¹⁸ "Lesbianism" (*mosaheqeh*), which is defined as an act where a "woman places her sexual organs on the sexual organs of [another woman]", is punishable by 100 lashes (Articles 237 and 239).¹¹⁹

Under Iran's Civil Code, the legal age of marriage for girls is 13 years (Article 1041) but girls under this age can be also married to a person chosen by their father or paternal grandfather provided that there is a court permission. According to the Annual Statistical Report of the National Organization for Civil Registration, 39609 girls between the ages of 10 and 14 and 220 girls under the age of 10 married between March 2011 and 2012.¹²⁰ However, different figures are reported by the Annual Statistical Report of Ardebil province which notes that 1,411 girls below the age of 10 married just in that province alone between March 2011 and 2012, suggesting that the real numbers of early and forced marriages may be much higher.¹²¹

Instead of addressing such structural forms of gender discrimination, the authorities seem intent on introducing measures to further restrict women's choices, deny them full and equal participation in society, and confine them to "traditional" roles and responsibilities within the family.

RESTRICTED HIGHER EDUCATION

In the field of higher education, the authorities have intensified their efforts since 2011 to reverse the upward curve in the number and proportion of female students, including by imposing quotas for women on specific degree courses and by excluding women from certain courses altogether.

The proportion of female students in higher education has increased significantly over recent decades in Iran – from 29.2 per cent in 1986 to over 50 per cent in 2002. The proportion

earth to make one revolution around the sun, measured from one vernal equinox to the next and equal to 365 days, 5 hours, 48 minutes, 45.51 seconds.

¹¹⁸ Amnesty International, Iran: Executions by stoning, (Index: MDE 13/095/2010), 23 December 2010, at: <http://www.amnesty.org/en/library/info/MDE13/095/2010>.

¹¹⁹ Same-sex conduct by men is criminalized with punishments ranging flogging to the death penalty. The Islamic Penal Code sentences the "passive" partner of consensual sexual intercourse between two men to death and the "active" partner to 100 lashes, as long as he is Muslim and unmarried (Articles 232-233).

¹²⁰ Annual Statistical Report of the National Organization for Civil Registration (1390), July 2012, p. 386, at: <http://justice4iran.org/persian/wp-content/uploads/2014/11/salnameh1390.pdf>, accessed 6 March 2015.

¹²¹ Annual Statistical Report of the Organization for Civil Registration in Ardebil province (1390), June 2012, p. 45, at: <http://justice4iran.org/persian/wp-content/uploads/2014/11/doc1.sanameh-90.pdf>, accessed 6 February 2015. For more information, see Justice For Iran, *Stolen Lives, Empty Classrooms: An Overview on Girl Marriages in the Islamic Republic of Iran*, October 2013, at: <http://justiceforiran.org/wp-content/uploads/2013/10/JFI-Girl-Marriage-in-Iran-EN.pdf>, accessed 20 November 2014; and Justice For Iran's response to an article in Ete'mad Newspaper on girl marriage statistics, 5 November 2014, at: <http://justice4iran.org/persian/publication/call-for-action/jfi-respond-to-etemad-newspaper/>, accessed 6 February 2015.

reached a high of nearly 59 per cent in 2007 before dropping back to 51 per cent in 2008.¹²² Many influential religious and political leaders consider the increase to be “contrary to women’s roles as mothers and wives”¹²³ and suggest that it is contributing to what they see as a worryingly negative trend in the national birth rate.¹²⁴ As a result, in 2011 many universities banned female students from admission to two fields of study – mining engineering and agricultural engineering. The following year, 36 universities barred women from 77 additional courses, including engineering, accounting, pure chemistry, English language and literature, political science, business administration, public administration, English translation, and archaeology. During the same period, the authorities embarked on a renewed process of “Islamicization” of university curricula, tampering with the content of courses such as women’s studies and family planning so as to shift the focus away from gender equality and women’s rights, and towards “traditional” values and practices based on the stereotyped role of women as wives and mothers.¹²⁵

BANNED FROM SPORTS STADIUMS

Women continue to face pervasive discrimination in relation to sports. They have been barred from watching football in stadiums since 1979. In 2012, the Security Department (*herasat*) of the Ministry of Sports and Youth Affairs extended the ban to volleyball matches.¹²⁶ Iranian officials have stated that the mingling of women and men in sport stadiums is not in the public interest and that the ban on women is for their own benefit to protect them from the lewd behaviour of male fans.¹²⁷

At the first game of the 2014 International Federation of Volleyball World League, which was between Iran and Brazil on 13 June, Iranian women were prevented from entering Tehran’s Azadi Stadium while Brazilian women were allowed to enter. At the second game on 20 June, dozens of women and men gathered outside Azadi Stadium to demand women’s equal access. According to activists and journalists present, the police used excessive force, including beatings, to disperse the protesters and arrested several. One of them, Ghoncheh

¹²² Amnesty International, Iran: Silenced, expelled, imprisoned: Repression of students and academics in Iran (Index: MDE 13/015/2014), 2 June 2014, at:

<http://www.amnesty.org/en/library/info/MDE13/015/2014/en>

¹²³ “Women [studying] in men’s fields of study and the gender composition of Universities”, Mehr News Agency, 20 June 2011, at:

<http://old.mehrnews.com/fa/NewsDetail.aspx?NewsID=1339876>, accessed 19 November 2014.

¹²⁴ “The relation of reduced fertility rates to women’s education”, Shia News, 6 May 2014, at:

<http://www.shia-news.com/fa/news/72528/%D8%A7%D8%B1%D8%AA%D8%A8%D8%A7%D8%B7-%DA%A9%D8%A7%D9%87%D8%B4-%D9%86%D8%B1%D8%AE-%D8%A8%D8%A7%D8%B1%D9%88%D8%B1%DB%8C-%D8%A8%D8%A7-%D8%AA%D8%AD%D8%B5%DB%8C%D9%84%D8%A7%D8%AA-%D8%B2%D9%86%D8%A7%D9%86>, accessed 19 November 2014.

¹²⁵ Amnesty International, Iran: Silenced, expelled, imprisoned: Repression of students and academics in Iran.

¹²⁶ “Ban on Women Entering Male Volleyball Stadiums”, Tabnak, 25 October 2012, at:

<http://www.tabnak.ir/fa/news/280861/%D9%85%D9%85%D9%86%D9%88%D8%B9%DB%8C%D8%AA-%D9%88%D8%B1%D9%88%D8%AF-%D8%A8%D8%A7%D9%86%D9%88%D8%A7%D9%86-%D8%A8%D9%87-%D8%B3%D8%A7%D9%84%D9%86-%D9%88%D8%A7%D9%84%DB%8C%D8%A8%D8%A7%D9%84-%D9%85%D8%B1%D8%AF%D8%A7%D9%86>, accessed 10 January 2015.

¹²⁷ “National Police Chief General Esmail Ahmadi Moghaddam: We cannot allow women’s presence in stadiums”, Fars News Agency, 22 June 2014, at:

<http://www.farsnews.com/newstext.php?nn=13930401000869>, accessed 10 January 2015.

Ghavami, was subsequently re-arrested on 30 June and held in pre-trial detention in Tehran's Evin Prison for over 100 days, largely in solitary confinement and without access to her lawyer. She was then convicted and sentenced to a year in prison for "spreading propaganda against the state".¹²⁸ Ghoncheh Ghavani was released on bail from prison in November 2014, and currently awaits the outcome of her appeal.

STRICT DRESS CODE

Women in Iran are subjected to discrimination and violence through compulsory "veiling" (*hijab*) laws and regulations. These severely restrict women's participation in society, perpetuate harmful stereotypes about women's bodies and sexuality, and violate women's rights to freedom of expression. The laws are used by the police, paramilitary *Basij* forces and vigilante groups such as *Ansar-e Hezbollah* to justify patrolling public spaces in the name of promoting and protecting a "culture of modesty and chastity", and target women for intimidation, harassment, physical violence and imprisonment.¹²⁹ The Penal Code penalizes women who fail to cover their head and comply with a strict Islamic dress code in public with imprisonment or a cash fine, in breach of international standards on freedom of belief and religion, freedom of expression and the principle of equality and non-discrimination (Article 638).¹³⁰

Women who defy the mandatory dress code are systematically denied the full and equal enjoyment of their rights to access education and work, and to take part in the political, social, economic and cultural life of the country. Girls aged seven and above cannot, for example, attend school unless they wear headscarves and uniforms covering their heads, necks, arms and legs. Women cannot enter and use virtually all public premises, including universities, government offices, workplaces, recreational centres and airports, unless they wear headscarves and loose-fitting outfits.¹³¹ According to official statistics, between March 2013 and March 2014, over 2.9 million women received a police warning for their perceived failure to observe the Islamic dress code. An additional 207,053 women were forced to sign a written statement promising not to re-commit the "offence" of "improper veiling" (*bad-*

¹²⁸ Amnesty International, "Iran: Jailed for women's right to watch sports: Ghoncheh Ghavami" (Index: MDE 13/048/2014), 10 September 2014, at:

<http://www.amnesty.org/en/library/info/MDE13/048/2014/en>, accessed 19 November 2014.

¹²⁹ Amnesty International, Women's right to choose their dress, free of coercion (Index: IOR 40/022/2010), 10 November 2010, at:

<http://www.amnesty.org/en/library/asset/IOR40/022/2010/en/5daf7c59-95bd-4ea3-ad28-d15c17a2568c/ior400222010en.html> <http://www.amnesty.org/en/library/asset/IOR40/022/2010/en/4e3456f7-d817-41ec-97ec-28ad5c1abcac/ior400222010en.pdf>; See also Justice For Iran, Thirty Five Years of Forced Hijab: The Widespread and Systematic Violation of Women's Rights in Iran, March 2014, at: <http://justice4iran.org/english/wp-content/uploads/2014/03/Hejab-Report-JFI-English.pdf>, accessed 1 August 2014.

¹³⁰ The Law on "Discretionary" (*ta'zirat*) and Deterrent Punishments, 22 May 1996, at:

http://www.dadkhahi.net/law/Ghavanin/Ghavanin_Jazae/gh_mojazat_eslami2.htm, accessed 6 January 2015.

¹³¹ See Amnesty International, Women's right to choose their dress, free of coercion (Index: IOR 40/022/2010), 10 November 2010, at:

<http://www.amnesty.org/en/library/asset/IOR40/022/2010/en/5daf7c59-95bd-4ea3-ad28-d15c17a2568c/ior400222010en.html>; Justice For Iran, Thirty Five Years of Forced Hijab: The Widespread and Systematic Violation of Women's Rights in Iran, March 2014, at: <http://justice4iran.org/english/wp-content/uploads/2014/03/Hejab-Report-JFI-English.pdf>, accessed 1 August 2014.

hijabi). A further 18,081 women were referred to judicial authorities for prosecution and punishment.¹³²

State-sponsored harassment and intimidation of women resulting from compulsory veiling laws has fuelled an atmosphere that breeds violence against women. For example, in October 2014, the city of Esfahan witnessed a series of acid attacks against young women. Official sources confirmed four attacks,¹³³ but unofficial sources cited figures as high as 15, including one case that led to death.¹³⁴ On 20 October, the Ministry of Interior announced that four arrests had been made in relation to the attacks.¹³⁵ The statement was denied the next day by the Spokesperson of the Judiciary, Gholamhossein Mohseni Eje'i.¹³⁶

On 22 October, people in Esfahan and Tehran staged peaceful protests against the acid attacks and violence against women, as well as the Bill on Protection of Promoters of Virtue and Preventers of Vice, another controversial Bill being considered by the authorities that the protesters blamed for inspiring the assaults.¹³⁷ The authorities reportedly resorted to force, including tear gas and batons, in order to disperse the protesters. They arrested at least four journalists in connection with their coverage of the acid attacks. In an apparent attempt to quash peaceful protest and stifle the voices of women's rights defenders, the authorities also arrested women's rights defender Mahdieh Golrou who had participated in the October 22 protest outside of Parliament in Tehran. Mahdieh Golrou was detained without charge for over two months in Tehran's Evin Prison, without access to her lawyer, and subsequently released on bail on 27 January 2015.¹³⁸

¹³² "To how many women did the morality police give warning in the year 1392?", Tabnak, 20 May 2014, at: <http://www.tabnak.ir/fa/news/401683/%DA%AF%D8%B4%D8%AA-%D8%A7%D8%B1%D8%B4%D8%A7%D8%AF-%D8%AF%D8%B1-%D8%B3%D8%A7%D9%84-92-%D8%A8%D9%87-%DA%86%D9%86%D8%AF-%D9%86%D9%81%D8%B1-%D8%AA%D8%B0%DA%A9%D8%B1-%D8%AF%D8%A7%D8%AF>, accessed 20 November 2014.

¹³³ "The Police confirmed four instances of acid attacks in Esfahan", BBC Farsi, 18 October 2014, at: http://www.bbc.co.uk/persian/iran/2014/10/141018_i45_isfahan_acid_victims, accessed 10 January 2015.

¹³⁴ "One acid attack victim in Esfahan passed away", Human Rights News Agency, 20 October 2014, at: <https://hra-news.org/fa/women/asid-6>, accessed 10 January 2015.

¹³⁵ "Ministry of Interior: Four suspects of the acid attacks in Esfahan arrested", Asr-e Iran, 20 October 2014, at: <http://www.asriran.com/fa/news/361515/%D9%88%D8%B2%D8%A7%D8%B1%D8%AA-%DA%A9%D8%B4%D9%88%D8%B1-4-%D9%85%D8%B8%D9%86%D9%88%D9%86-%D8%A7%D8%B3%DB%8C%D8%AF%D9%BE%D8%A7%D8%B4%DB%8C-%D8%AF%D8%B1-%D8%A7%D8%B5%D9%81%D9%87%D8%A7%D9%86-%D8%AF%D8%B3%D8%AA%DA%AF%DB%8C%D8%B1-%D8%B4%D8%AF%D9%87-%D8%A7%D9%86%D8%AF>, accessed 10 January 2015.

¹³⁶ Jamejam Online, "Eje'i: The perpetrator or perpetrators of the acid attacks have not yet been arrested", at: <http://press.jamejamonline.ir/Newspreview/1696484374816087847>, accessed 10 January 2015.

¹³⁷ Parliament's Research Centre (Markaz-e Pajoohesh-haye Majles), The Bill on Protection of Promoters of Virtue and Preventers of Vice, 22 June 2014, at: http://rc.mailis.ir/fa/legal_draft/show/891591, accessed 10 January 2015. The Bill was passed in Parliament on 9 December 2014, and sent to the Guardian Council for approval. The Guardian Council identified 14 constitutional flaws in the Bill and returned it to Parliament on 3 January 2015 to fix them.

¹³⁸ Amnesty International, "Iran: Protester against acid attacks jailed: Mahdieh Golrou" (Index: MDE 13/002/2015), 19 January 2015, at: <http://www.amnesty.org/en/library/info/MDE13/002/2015/en> (accessed 2 February 2015).

The authorities have tried to dissociate the attacks from the Bill on Protection of Promoters of Virtue and Preventers of Vice and have denied that the victims were targeted for failing to adhere to the compulsory dress code.¹³⁹ They have warned media outlets against any attribution of the acid attacks to protection of virtue and prevention of vice.¹⁴⁰

The Bill criminalizes the creation of obstacles against “promoters of virtue and preventers of vice” and provides for punishments that include imprisonment (Article 10).¹⁴¹ The Bill defines “virtue” as any deeds, sayings or omissions ordered by Shari’a or existing legislation, and “vice” as prohibited deeds, sayings or omissions. According to Article 4, any individual can engage in the written and verbal promotion of virtue and prevention of vice, but taking further action is considered within the remit of the government. Article 14 states: “the Headquarters for Promotion of Virtue and Prevention of Vice is the body in charge of implementing this legislation, promoting the culture of promotion of virtue and prevention of vice in the society, issuing licences for NGOs [working in relation to promotion of virtue and prevention of vice], supervising their activities, and coordinating the functions of administrative bodies in relation to promotion of virtue and prevention of vice.” The Headquarters consist of 19 members including the Minister of Intelligence and the head of the paramilitary *Basij* forces (Article 21). By expanding the powers of the police, the *Basij* and even the general public, the Bill places women at further risk of harassment, intimidation and violence.

In November 2014, Mohammad Beheshtifar, a member of the *Basij*, was arrested in connection with the stabbing of six women in the city of Jahrom in Fars Province. Five of the women were stabbed in the buttocks. Media reports indicated that the alleged perpetrator said that “preventing vice” was his motive for the assaults, referring to a statement by a cleric who had said that “for solving the issue of *hijab*, bloods must be shed”.¹⁴² Amnesty International condemns the decision of the Iranian authorities, in January 2015, to sentence 22-year-old Mohammad Beheshtifar to death after convicting him of “enmity against God” (*mohrebeh*).

Instead of resorting to the death penalty and other cruel, inhumane and degrading punishments, the Iranian authorities must address the root causes of discrimination and violence against women.

¹³⁹ “Pour-Mohammadi: Acid attacks are terrorist acts”, BBC Farsi, 21 October 2014, at: http://www.bbc.co.uk/persian/iran/2014/10/141021_nm_acid_attacks_isfahan_pourmohamadi, accessed 10 January 2015.

¹⁴⁰ “Radan: Esfahan’s acid attack has been excessively exaggerated”, BBC Farsi, 3 November 2014, at: http://www.bbc.co.uk/persian/iran/2014/11/141103_nm_acid_attack_isfahan_radan, accessed 10 January 2015.

¹⁴¹ Parliament’s Research Centre (Markaz-e Pajooresh-haye Majles), The Bill on Protection of Promoters of Virtue and Preventers of Vice, 22 June 2014, at: http://rc.majlis.ir/fa/legal_draft/show/891591, accessed 10 January 2015.

¹⁴² “A young man attacks women and girls in Jahrom”, Saham News, 30 November 2014, at: <http://sahamnews.org/1393/09/271250/>, accessed 10 January 2015.

5. CONCLUSION AND RECOMMENDATIONS

Women's human rights and basic freedoms are being increasingly repressed in Iran, particularly in the area of sexual and reproductive rights, as the government pursues a misguided plan to accelerate population growth.

If Bills 446 and 315 become law, not only will Iran breach its international human rights obligations to ensure access to family planning and modern contraception, but generations of women and girls will face a perilous future marked by ill-health, inequality, discrimination, limited reproductive choices and restricted freedoms. With Bill 446 in force, women and girls with limited financial resources will no longer be able to access modern contraception and effective reproductive education, and will have no option but to undergo unsafe, clandestine abortions to terminate unwanted pregnancies. With Bill 315 in force, women and girls will be confronted by a legal system that further denies them equal rights with regard to employment, divorce and family relations; allows impunity for domestic violence; urges women to constrain their aspirations based on gender stereotypes; and encourages women to reconcile with their abusers.

The Iranian government pledged to advance the rights of women and girls when it ratified various international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. This commitment will be rendered meaningless if the authorities continue to entrench discrimination and violence against women and girls, including through the adoption of the Bills 446 and 315.

The following recommendations outline what the authorities must do to honour Iran's human rights obligations, and effectively respect, protect and fulfil the rights of women and girls.

AMNESTY INTERNATIONAL URGES THE IRANIAN AUTHORITIES TO:

SEXUAL AND REPRODUCTIVE HEALTH

- Withdraw in its entirety Bill 446, which bans surgical procedures for permanent contraception and restricts access to contraceptive information;
- Fund comprehensive family planning policies and programmes to ensure that all women, including adolescents, can access quality contraceptive goods, services and information, including the full range of modern contraceptive methods (pharmaceutical and surgical contraception as well as emergency contraception);
- Make contraceptive products and services affordable by addressing financial barriers, especially for people with lower incomes and those living in poverty;

- Refrain from censoring, withholding or intentionally misrepresenting sexual and reproductive health information, including with regard to methods of contraception;
- Ensure technically competent health care workers can provide quality contraceptive information and services, including services that respect the privacy and confidentiality of all;
- Repeal laws that criminalize abortion, ensuring the elimination of punitive measures for women and girls seeking abortion, and for health care providers and others performing abortions or assisting in obtaining such services where consent is fully given;
- Ensure access to abortion both in law and in practice at a minimum, in cases where pregnancy poses a risk to the life or health of a pregnant woman or girl and in cases of rape or incest;

EMPLOYMENT

- Repeal the provisions of Bill 315 that discriminate against women in the area of employment on the basis of gender, marital or parental status;
- Ensure that men and women enjoy equal employment opportunities;
- Remove the power of a man to prohibit his wife from entering employment.

EQUAL RIGHTS IN RELATION TO MARRIAGE AND DIVORCE

- Repeal the provisions of Bill 315 that act as a barrier to obtaining a divorce, with a discriminatory impact on women;
- Repeal the discriminatory provisions of the Civil Code in relation to marriage, divorce, child custody and freedom of movement, ensuring that women have equal rights, in law and practice, during the marriage and at its dissolution;
- Ensure that women have an equal right to divorce;
- Remove the legal obligation for a woman to be obedient to her husband;
- Prohibit the practice of polygamy, as recommended by the UN Human Rights Committee;
- Prevent early and forced marriages;
- Take all necessary measures to ensure that women enter and remain in marriage on the basis of their free choice and with their full agreement, including by raising the age of marriage for girls and to equalize it with that of boys at an age at which they can be expected to express free and full agreement to marry;
- Enact legislation that bans stoning as a legal punishment and ensure the Penal Code does not permit the use of any form of the death penalty or flogging for those convicted of "adultery" or other crimes;

- Repeal the provisions of Bill 315 that incentivize judges to favour reconciliation over divorce, and that assess bonuses based on how many of their cases result in marital reconciliation;
- Ensure that judges rule on divorce cases impartially, on the basis of facts and in accordance with international human rights law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, as articulated by the UN Basic Principles on the Independence of the Judiciary.

ELIMINATION OF VIOLENCE AGAINST WOMEN AND GIRLS

- Adopt comprehensive legislation and exercise due diligence to prevent, investigate and punish gender-based violence, including domestic violence;
- Enact and, where necessary, amend domestic legislation to criminalize domestic violence, including marital rape, with appropriate and proportionate penalties;
- Ensure that survivors of domestic violence have effective access to the criminal justice system, without facing pressure to withdraw complaints or “reconcile” with their abuser;
- Ensure that perpetrators of violence against women are brought to justice, in a fair trial, without recourse to the death penalty and flogging;
- Ensure that all women and girls who have been subjected to violence are provided with effective remedies, including compensation and psycho-social and medical rehabilitation;
- Decriminalize consensual sexual relations between adults and ensure the Penal Code does not permit the use of any form of the death penalty or flogging for those accused of engagement in consensual same-sex relations;
- Refrain from invoking custom, tradition, religion or culture to avoid the obligation to respect, protect and fulfil the human rights of women and girls and bring the perpetrators to account;
- Ensure that a sufficient number of shelters, staffed by qualified personnel and provided with adequate financial resources, are available to women victims of violence, including those from disadvantaged groups who require special support;
- Provide accessible vocational training to survivors of domestic and sexual violence, assist them with securing employment and housing, allowing financial independence from (former) husbands;
- Provide comprehensive, gender-sensitive training for judicial and law enforcement officials and other relevant professionals, including teachers and healthcare workers, about violence and abuse, rape including marital rape, sexual assault and other gender-based violence;
- Initiate public education campaigns to raise awareness about gender-based violence and to combat gender-based stereotypes, including root causes;

- Develop and provide the necessary resources to implement a standard system for collecting data and compiling statistics on violence against women and girls, and ensure that such data is routinely collated, widely published and used to inform targeted government planning and to measure the impact of any measures adopted by the government to address violence against women and girls.

NON-DISCRIMINATION

- Review as a matter of urgency all legislation in Iran in order to identify and remedy all laws that discriminate directly against women or have a discriminatory impact on women;
- Withdraw Bill 315 and repeal or revoke other legislation, strategies and policies that perpetuate stereotypical notions of masculinity and femininity, including women's primary role as wives and mothers;
- Take measures to modify social and cultural patterns with a view to eliminating prejudices and practices that are based on the inferiority or superiority of either of the sexes or stereotyped roles of men and women.

PERSECUTION AND HARASSMENT OF WOMEN'S RIGHTS DEFENDERS

- End the harassment and abuse of women's rights defenders and order the immediate and unconditional release of all women's rights defenders arrested and detained for peacefully exercising their rights to freedoms of expression, association and assembly.

INTERNATIONAL HUMAN RIGHTS MECHANISMS

- Ensure the full and prompt implementation of the Concluding Recommendations of the UN Human Rights Committee, the UN Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child;
- Ratify promptly and without reservation the UN Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt in to the inquiry and inter-state mechanisms;
- Withdraw the reservation to the Convention on the Rights of the Child considering that it is of a general nature and incompatible with the object and purpose of the Convention, and ratify the Optional Protocol to the Convention on the Rights of the Child;
- Comply with the reporting procedures and requirements of the relevant UN treaty bodies, ensuring that they include data disaggregated by gender;
- Honour the existing standing invitation to the UN Special Procedures to visit Iran, and immediately facilitate a visit by the Special Rapporteur on the situation of human rights in Iran.

YOU SHALL PROCREATE

ATTACKS ON WOMEN'S SEXUAL AND REPRODUCTIVE RIGHTS IN IRAN

Iran's Parliament is in the process of adopting two bills – Bill 446 and Bill 315 – that undermine women's access to contraception and threaten to send Iran back several decades to a precarious time for women and girls' sexual and reproductive rights.

Since 2012, Iran has also eliminated funding for the state Family and Population Planning Programme; a programme widely praised for providing vital sexual and reproductive health services for women in Iran for over two decades. This rollback began after Supreme Leader Ayatollah Syed Ali Khamenei denounced existing population control policies as an imitation of Western lifestyle and exhorted the authorities to increase Iran's population to 150 to 200 million.

These bills, if adopted, would have serious consequences for women and teenage girls, leaving them with a future shaped by increased inequality, discrimination, poor health, limited choices and restricted freedoms.

The authorities must scrap Bill 446, repeal the discriminatory provisions of Bill 315 and take prompt steps to ensure that all teenage girls and women are able to enjoy their human rights, including their right to freely exercise control over reproductive decisions affecting their lives and health.

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