

Advancement and Development of Women's Rights in Light of the Legal System Reforms in Iran

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Abstract: *Women's rights have long been discussed in academic circles and used as a yardstick against which the performance of the governments is evaluated. As societies flourished and economy thrived, the welfare and cultural growth of the families were positively affected and raised awareness and a state of awakening among women. As a result, the women's rights movements tipped the balance into increased for women. In this regard, the role of international institutes and organizations should not be undermined. Their decisions, though not binding on national legislatures, have had an undeniable impact. Discrimination against women and disregarding their rights can portray a country as the violator of women's rights and besmirch its international picture. Although the legal system reforms in Iran have not fulfilled the needs of this segment of the population, they are deemed positive and forward in many respects. Accordingly, the current research seeks to find answers to the question as to whether the developments in Iran's legal system, especially in recent years, has moved toward humanizing and enhancing women's rights.*

Key Words: *Legal System; Women; Iran; Development; Feminism*

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Introduction

Iran's constitution determines the philosophy of women's rights in the country. Observing the sublime teachings of Islam, the law of the Islamic Republic of Iran, in several cases, has promoted and supported the elimination of all sorts of discrimination; as stated in Clauses 9 and 14 of Article 3 of the constitution the Islamic Republic of Iran is committed to "the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and intellectual sphere" and also "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". (*The Constitution of the Islamic Republic of Iran*, Article 3). However, this equality is conditional and constrained as for instance in Article 20 of the constitution which stipulates that 'all 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 (Ibid, Article 20). As observed above, all laws and regulations must be passed in conformity with Islamic criteria; thus, if Islam distinguishes between the rights of men and women, the Islamic Republic of Iran has no choice but to abide by it, and as a result, domestic laws may not be approved and enforced independently from Islamic criteria.

Additionally, the preamble to the constitution has included women's rights and states that since women have endured more tyranny under the idolatrous order, they are entitled to vindicate their rights further (Preamble to the Constitution). The equality of men and

women's rights has also been safeguarded under Article 19^① of the constitution, which does not exclusively speak of gender discrimination. However, there are adverse negative ideas against the rights of women in Iran, some of which have been revised. The following sections will review the laws of the Islamic Republic of Iran from a civil and criminal point of view, and the labor law will be assessed, in order to indicate the extent to which these bodies of law have been promoting and humanizing women's rights.

I. Individual Rights

From the standpoint of individual rights, there has apparently been some discrimination against women in terms of limitations on choosing a husband—due to the necessity for a guardian's permission for the marriage of a virgin girl and prohibition of marrying a non-Muslim-, different status of men and women in regard with the number of spouses, dissolution of marriage, marriage license for underage girls, etc.

1) Marriage and its Dissolution

Prior to the amendments to the Civil Code in the Islamic year 1381 (2003), the girls who have reached puberty were considered eligible for marriage. However, the then legislators decided to amend the respective Article and increase the minimum age for marriage to 13 solar years, up from 9 lunar years. However, no general ban was put on the marriage of the children under 13 years of age, and the legislators, in order to appease the Guardian Council, drew up the

^① Article 19 of the Constitution: "All people of Iran, whatever ethnic group or tribe to which they belong, enjoy equal rights; and color, race, language and the like, do not bestow any privilege".

Article as: "Marriage of a girl before she comes of 13 (lunar) years of age is subject to her guardian's permission on condition of observing the expediency and approval of a competent court" (Article 1041, Civil Code). Being subject to a guardian's permission for maidens (unmarried virgin girls) is a limitation against women's right to marriage. Under Iran's Civil Code, the marriage of a virgin girl, regardless of her pubescence, is subject to her father or paternal grandfather's permission. However, this article should not be taken into consideration independent from Articles 1043 and 1044 of the Civil Code. Under the two aforementioned articles, in case the father or the paternal grandfather, without justifiable cause, refuses the permission for marriage or is unavailable, the permission will be void and the girl can marry whoever she desires (Ibid, Articles 1043 and 1044). Divorce is a no-fault right of men and they are entitled the right to divorce their wives anytime they like (Article 1133, Civil Code). The rights have, however, undergone limitations to some extent and is transferred to the courts and magistrates. Although women are not entitled the right to divorce, however, they can, under husband's consent, obtain absolute right to divorce and end the marriage, in conformity with legal conditions, any time they want. As observed in court procedures, women enforce their dowry as a leverage to pressure their husbands to divorce them. Although divorce is initiated at man's will, however, in some cases the woman can file for a divorce (khula) despite her husband's discontent. Under the law, there are some cases for women to initiate a divorce, one of which is when husbands refuse to pay alimony (Article, 1129, Civil Code). In addition to the civil enforcement of alimony warranted under Article 1129 of the Civil Code, it also enjoys criminal enforcement under

Islamic Penal Code and the new Family Protection Act. Another case is the hardship and difficulty (*osr va haraj*) imposed on women. Under Article 1130 of the Civil Code, the legislator can, in accordance with the rule of denying hardship, abrogate the original rule which, according to the most famous decrees of the jurists, gave unquestionable rights of divorce to men, and replace it with the new theory. Long absence of the husband and lack of information on his whereabouts can constitute the basis on which women can claim divorce. Under Article 1029 of the Civil Code, in cases where the woman is unaware about her husband for four complete years, she can initiate a divorce. The new Family Protection Act has, in some cases, promoted the rights of women, namely regarding the choice of competent court for family disputes, support payments for the children under mother's custody, demanding alimony, etc.

2) Nationality

On a suggestion by an American lawyer at the International Law Congress in 1932, a proclamation was issued wherein the congress members called for the non-compulsory extension of nationality from one spouse to another (Saljooghi, M., 1991: 222). In 1953 the Citizen's Advisory Committee on the Status of Women of the UN General Assembly signed the petition for the equality of men and women's nationality in Montevideo and announced that nationality stands as an example of equality between men and women in its own right (Naserzadeh, H., 1993: 66). The Convention on the Nationality of Married Women was passed by the United Nations General Assembly in 1957. The convention stipulates that women can retain their national citizenship independent from their marital status (General Assembly Resolution 1014 A (XI) of 29 January 1957. Document 29 in

the Blue Bo).

Under Iran's Civil Code, it is the man's national citizenship which determines that of the family, that is, the national citizenship of father extends to children. There is no conflict of law regarding the nationality rights of Iranian women. In cases where an Iranian woman marries a foreign man, Article 987 of the Civil Code maintains that the woman retains her nationality, unless stated otherwise by her husband's subjective laws regarding national citizenship. In cases of separation or the death of the husband, upon a request by the woman, she can regain her Iranian nationality. As observed above, the Civil Code has taken supportive measures to prevent cases of discrimination or dual citizenship for women. However, the problem arises when the husband's respective law allows the woman to choose between her original citizenship and that of her husband, in which case, the woman must tender her request, enclosed with the necessary documents and justifiable reasons, to the Ministry of Foreign Affairs so as it might be approved (Civil Code, Note 1, Article 988). In case the woman's request is approved by the Ministry of Foreign Affairs, if there is the possibility of foreign economic dominance, she shall not have any right to have immovable property in her possession. This is considered a limitation to women's ownership right (Ibid, Note 2). Father's national citizenship automatically passes on to the children. This measure has undoubtedly been taken to support the children and keep them from dual citizenship. In addition to Iran, other countries, such as Egypt, accentuate the extension of father's citizenship to children (Mehrpour, 1998: 131). The nationality law of the countries which is based on *Jus sanguinis* (right of blood) has predicted this regulation in cases of mixed nationality of parents which results in the

dual citizenship of the child. The regulations governing the issue of nationality are not solely a legal right, but a political issue. What has been regulated under international conventions as the independence of child's nationality is acknowledged by *Jus soli* (right of the soil). Based on the principle of non-interference in the internal affairs of the countries, no amount of idealistic international conventions can make a country change its fundamental policies. The content of Iran's Civil Code has been defined based on political and cultural context, and it should not be a surprise that migrant-exporting countries with high population do not show any interest towards implementing the *Jus soli* nationality system.

3) Residence

As defined by Iran's Civil Code, a person's residence is the place where he dwells and conducts his major vital affairs. Under Article 1005 of the Civil Code "A woman's residence is the same as her husband's", and "The woman should dwell in the house which has been determined by the husband" (Article, 1114, Civil Code). Protection and support for the family is the cornerstone of Islamic law and, consequently, the Civil Code; however, in cases where hardship is imposed on the woman, she enjoys full legal support. In this regard, there are rules to manage the situation, e. g, when a woman's life is threatened by her husband, she can inhabit a separate residence on court order (Article 1005, Civil Code). Another issue which is related to women's travelling and, to some extent, to their residence, is their leaving the country. Under Clause 3 of Article 18 of Passport Regulation of 1351, married women can obtain a passport only under the husband's written consent or, in extreme cases, on permission from the attorney. However, based on the Guardian Council's

interpretation, Article 18 does not apply to the women who intend to go on Hajj pilgrimage; they do not need to obtain the husband or attorney's consent (Interpretation No. 1352, dated 13/4/63)

4) Child Custody

Custody is defined as physical, spiritual, moral and financial care and support for children and their nourishment and nurture, which, under Article 1167 of the Civil Code is both the right and duty of the parents. The interests of the child are of most importance in cases of custody. Although under Article 1314 of the Civil Code passed in 1314, the custody of a male and female child until they came of 2 and 7 years of ages respectively was entrusted in the mother, and after the expiration of this period the father would take over (The Civil Code, Article 1169 before amendment); however, the amendment ratified in 1382, passed by the Expediency Council, the custody of a child, until the age of 7, whose parents have separated, is awarded to the mother regardless of the child's gender, and after the child turns 7, in case there are still disputes over the custodianship of the child, the case will be referred to a competent court to be decided based on the interests of the child (Civil Code, 1169). In the Family Support Act ratified in 1391, the custody of the children whose father has passed away is awarded to mother, unless on a request by the child's guardian or the attorney, awarding the custody to the mother is deemed against the interests of the child (Article . . . of Family Support Act). As observed, the law has not deprived the mother of the custodianship of her children in absolute terms; additionally, it is the father's duty to pay alimony even if the custody is awarded to the mother.

II. Political Rights

The period between 1945 and 1962 witnessed the highest activities in support of establishing equal rights for women as men. The efforts culminated on December 11, 1946 when the UN General Assembly issued one of its first resolutions and addressed the inequality of political rights for women and recommended that the member states take necessary measures in this regard (Davar, Z., 2000: 3). The Convention on the Political Rights of Women is indeed the first of its kind to recognize and support political rights of women across the world, which was ratified by the UN in 1959. Under Article 3^①, women's right to hold public offices and to exercise all public functions, established by law, on equal terms with men, without any discrimination is recognized (The Convention on the Political Rights of Women, Article 3). The Declaration on the Participation of Women in Promoting International Peace and Cooperation in 1982 further promotes the rights of women to exercise their power in different social, political, economic affairs on a an equal footing with men (Declaration on the Participation of women in Promoting International Peace and Cooperation, Article 1). In the Fourth World Conference on Women in Beijing in 1995, in addition to assessing the status of women in the world women regarding their incumbency over important public offices worldwide, the obstacles^② in the way of

^① "Women shall be entitled to hold public office and exercise all public functions established by national law, on equal terms with men, without any discrimination".

^② Article 182 to 185 of Beijing Declaration: traditional patterns, discriminatory attitudes, family responsibilities and child care, the high cost of seeking and holding public offices, unequal relations between men and women in the family all impedes women from taking these offices and acquiring the necessary skills.

women for taking such offices were analyzed and the participating governments were asked to take the necessary measures^① to dispose of these limitations ([Http://zannegaar.net/content/ 82](http://zannegaar.net/content/82)). According to the first International Conference on Human Rights in 1968 in Tehran, the governments are obliged to set the stage for women's political participation which will lead to their taking key sensitive positions (Report of the world conference on Human Rights, Tehran. April 22-May 13 1968). The second World Conference on Human Rights held in 1993 in Vienna recommended that the participating states facilitate women's ascent to decision-making positions and their political participation (Report on the World Conference on Human Rights, Vienna 14-25 June, 1993).

Iran's rules and regulations, in general, have bestowed political participation rights to women on par with men. The first political right is franchise and then the right to hold key political offices. In this regard, although not explicitly stated in the Constitution, however, Article 28 expressed the generalities of employment: "Every person is entitled to choose the employment he wishes, so long as it is not contrary to Islam or the public interest or the rights of others" (Constitution, Article 28).

There is no explicit rule in the laws of the Islamic Republic of Iran on women's employment, except for judgeship and military offices. The following section will assess the important political offices and see whether any legal ban is put in their being taken by women.

^① Encourage political parties to integrate women in elective and non-elective public position in the same proportion and at the same level as men (Article 190), the equitable distribution of power and decision making at all levels which is essential to the empowerment of women (Article 187), endure that the responsibility for the advancement of women is vested in the highest possible levels of government, e g, Cabinet Minister (Article 203).

Membership of Parliament: under Article 62 of the Constitution there is no legal limit for women. Additionally, under Article 28 of the election law of the Islamic Consultative Assembly there is no gender-based limit to women's becoming a member of parliament.

Membership of the Assembly of Experts: Article 2 of Assembly of Experts election law imposes no condition based on the gender of the candidates to have a seat at the assembly; however, one of the essential conditions, based on this Article, is Ijtihad, which in some jurists' opinion is exclusively the domain of men, nonetheless some posterior Fiqh scholars maintain that Ijtihad is not exclusively the realm of men (Dejam, 1997: 35). This positive point demonstrates the dynamism embedded in Shia jurisprudence, based on which many amendments can be made and the preconceptions and prejudices against women can be purged.

Presidency: among important public and political offices expressed in the constitution, the only one which has gender condition is presidency, as stipulated by Article 115 of the Constitution, this position is exclusively for "religious and political personalities (male)" (The Constitution, Article 115). Under Article 35 of the Presidential Election Law one of the conditions for the candidates at the time of running for office is that they be a male religious and political personality. Some believe that by personality it is solely meant personality without gender consideration, as in Arabic the plural masculine pronoun is employed when addressing an assembly of men and women. However, some have shrewdly interpreted this in the interest of the country and stated that if this Article were to be observed in presidential election, women should have been forbidden to run for the parliament in the first place. Based on this reasoning, the use of the word "men" (Rejal: Arabic for men) as

a condition for presidency has apparently blocked the way for women to run for president, however, since this office has no background in Fiqh (Jurisprudence) and that there is no ban on the part of Sharia, and pre-disqualifying women to assume this position is an egregious disregard for women and a violation of International conventions. Thus, the Article should be interpreted in a way that it includes women too, for which purpose the omission of the word "*rejal*" (men) is essential to remove this obstacle. Cabinet Minister: Under Article 133 of the Constitution there is no gender-based condition for this office as in the tenth administration the first women became a cabinet minister after the Islamic Revolution. For many offices, as that for cabinet minister, there is no legal ban on women's employment; thus, women's self-confidence and persistence will be more effective in taking offices than legal support.

The Supreme Council for National Security: there is no gender-based condition with regard to being appointed to this Council, however, since under the Armed Forces Recruitment Law the Chief of Staff of the Iranian Armed Forces and the highest officials of Artesh and Sepah must be men (Armed Forces Recruitment Law), the presence of women at the Supreme Council for National Security seems unlikely. Regarding other members, since masculinity is not legally explicitly stated, women can become members of the Supreme Council for National Security (the constitution, Article, 99). Although women can undoubtedly become members in capacity of a lawyer, however, regarding the competence of women for being elected as a Guardian Council jurisprudent the question remains whether they can reach the position of Feqahat (Jurisprudence). As mentioned earlier, some jurisprudents do not recognize any ban for women to become

jurisprudent (Faqih); therefore, taking this interpretation into account, it can be maintained that not only is the membership of women in the Guardian Council not legally forbidden, but also regarding the importance of revering women's sublime character it is absolutely necessary. The Exigency Council: under Article 112 of the Constitution there is no gender-based condition; thus, no obstacle has been perceived for women to become members of the Council.

The Head of the Judiciary: based on Article 157, there are no legal limits on women to take office for two reasons. First, the majority of jurists (Faqih) maintain that women can reach the highest level of Fiqh and become Mujtahed, and second, unlike judgeship, the head of the judiciary is an administrative position not a judiciary one, and thus, the limits on women for taking judgeship positions do not apply to the head of the judiciary, but the law has explicitly stated that only men can be selected for judgeship (the law of judge appointments, Single Article). It should be noted that the laws of the Islamic Republic of Iran have progressed regarding women judgeship. Under Note. 5 of the Single Article added to the requirements of judges in 1363, massive developments have occurred regarding women's judgeship; they have been enabled to retain their Legal Basis and be employed at special civil courts and act as consultants in the cases regarding the guardianship of the underage (the Added Note to the Single Article on the requirements of Judges, Note. 5). Another Act ratified in 1371 stipulates that in specific cases the civil court can adopt its consultants from among legally eligible women (amendments to divorce law ratified in 1374). Another Act ratified in 1374 stipulated that "the head of the judiciary can appoint eligible women with legal basis as consultants at the Bureaucracy Justice Department (Divan e Edalat e

Edari), especial civil courts, as investigating judge and legal research offices for drawing up the regulations and in other departments that have a judicial position (Additional Note 5 of the Law of the requirements for selecting the judges ratified in 1363, and 1371).

Although a big step had been taken towards the enhancement of women's status in the judiciary branch, their judicial position in terms of issuing verdicts did not change at all; in the year 1376 in the course of creating dedicated courts for the family subject to Article 21 of the Constitution, it has been mentioned that, "Every family court starts the proceedings in the presence of, at least, one female judicial consultant and the verdicts will be issued after consulting them" (The law for dedicated family courts subject to Article 21 of the Constitution ratified in Mordad 1376). Notwithstanding the fact that this law has been, to some extent, ignored in practice, it does however indicate the short steps which have been taken for women's participation in issuing verdict and judgment; the court's obligation to consult implies the admission to the preliminary levels of judgeship. Another development regarding the appointment of women judges in 1384 was that some women received legal notice up to prosecutor of the Supreme Court and some were appointed as the deputy chief of justice of the province, and some participated in the process of issuing a verdict through advising the appeal court. Through this act, the legal barriers for the possibility of women's judgeship, limited to consultation, was somehow extended. In Article 2 of the Family Support Act ratified in 1391, the formation of family courts was subject to a consultant woman judge. As observed above, the legislator's acts have steadily been moving towards the support of women's right (Family Support Act, Article 2).

III. Economic Rights

The constitution is our first reference point for assessing the importance of women's employment. Under Article 28 of the Constitution, which explicitly sets forth the employment rights, the barriers to employment are the state of being non-contrary to Islam, public interest or the right of others. Clause 2 of Article 43 expresses the economic foundations of the Islamic Republic of Iran and declares: the means of work should be provided for those who are able to work but lack the means (The Constitution, Article 43). Therefore, it is safe to say that non-discriminatory employment is an accepted principle in Iran's legal system. In addition to the Constitution, some articles of Labor Law have included the principle for equitable employment and have rejected gender-based discriminations. Predicating upon some articles of the Constitution, Article 6 of Labor Law calls for establishing equal terms for individuals regardless of their color, race, language, gender and the like (Labor Law, Article 6). Additionally, under Labor Law there is no limit to employment contracts for women because Note 9 of the Law states that "The authenticity of employment contracts is of the essence, unless they are discredited by competent bodies" (Labor Law, Article 9). The Socio-cultural Council for Women ratified the general policies regarding the employment of women in the Islamic Republic of Iran. The document reiterates the role of women in the family as their principal engagement and its necessity, and declares employment policies for women. Under Article 5 of this document, regarding the employments in which gender is not considered an advantage, the criteria for employment are experience and expertise, not gender. Women, just like men, must be able to seek

their favorite job (General Policies for Women's Employment, Article 5).

Upholding women's right to participation in economic affairs explicitly is very desirable, however, due to reasons of marriage, pregnancy and child care, women are forced to take temporary leave of their occupations. In this regard, under Article 76 of Labor Law women are only entitled to maternity leave and no measure has been envisaged for other cases of temporary breaks from work (Labor Law, Article 76). In addition to the aforementioned cases, it is absolutely essential to support the work of housewives in the form of paying a sum for the housework or child care. As stipulated in the Civil Code, the woman has no obligation to the housework or even breastfeed the child (Civil Code, Article 1176). It is worth mentioning that under the additional note to Article 336 of the Civil Code, "in cases where the woman undertakes the tasks which has not legally been binding on her, or has carried out these task without the intention to donate it to the husband, which is proven to the court of law, the court can demand a payment in return for her work and issue a verdict accordingly" (Civil Code, Article, 336). This is of course in contrast to the prerogative awarded to the claimant in Article 336 of the Civil Code, because in this Article non-donation intention is taken for granted, but the burden of proof rests on the shoulders of the woman. There are also legal limits on the employment of women; as in cases where the husband forbids his wife's employment, she shall have no way but to obey. Under Article 1117 of the Civil Code, the husband is entitled to prevent his wife from any craft or vocation which is not in the interest of the family or the woman's dignity (Civil Code, Article 1117). However, Article 1118 supports women and recognizes them as

the owner of their own properties (Civil Code, Article 1118).

Another obstacle in the way of women's employment is their employment in the Armed Forces. Under Article 32 of the Army Recruitment Law ratified in 1366, the Army can employ women only for healthcare positions (Army Recruitment Law, Article, 32). However it does not seem that women's employment in civilian sections of the Military in positions such as secretary be in violation of their dignity, thus, this limit set forth in the Army Recruitment Law is in conflict with the non-discrimination principle of the constitution. IRGC's Recruitment Law ratified in 1379 states in its Article 20 that "Employment is open to women wherever they are most needed" (IRGC's Recruitment Law, Article 20). Compared to the Army, the IRGC has more favorable conditions regarding the employment of women. The Recruitment Law of the Police Force ratified in 1377 has set forth more favorable conditions regarding the employment of women. Under this law and in conformity with Islamic rules, not only can women be employed as clerks, but also as police officers (Police Force Recruitment Law, Article 20). It must be noted that Iran is a member of the International Labor Organization and must abide by its regulations and standards. The ILO was established in 1919 as an outcome of Paris Peace Conference (Mousazadeh, R., 2009: 232). According to Article 41 of the ILO's constitution every individual, regardless of their race, religion and gender are entitled to pursue their financial and personal prosperity with equitable chances to access to economic resources (Araghi, E., 1988: 51). The ILO has explicitly demanded the non-discrimination in matters of employment in its convention No. 111. The second article of this convention demands that all member states take all necessary measures to remove

discrimination. Some examples of gender discrimination in employment are women working at low-value jobs with minimum wage, occupational segregation, and sexual harassment at workplace (International Labor Office; Bureau for Gender Equality; “gender equality and decent work: selected ILO conventions and recommendations that promote gender equality as of 2012,” 2012: 7). The most important measure taken by the ILO, in line with proposing general employment policies to the member states, is regulating the Convention no. 122^① and its complementary recommendations. In Article 1 of this convention, the major goal and policies of the states are enumerated as A) there is work for all who are available for and seeking work; B) such work is as productive as possible, C) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well-suited, irrespective of race, color, sex, religion, political opinion, national extraction or social origin (International Labour Office; Bureau for Gender Equality, “gender equality and decent work: selected ILO conventions and recommendations that promote gender equality as of 2012”, 2012: 57).

In world conferences on women specific policies for the employment of women are proposed. In this respect, the World Conference on Women in Nairobi has deemed some criteria and regulations as essential to governance (UN Women, 1995: September 4-15). After the Nairobi conference, the conference in Beijing has elaborated the criteria and regulation that the governments must observe when establishing employment law, the most important of which are: A) Adoption and implementation of laws against gender

^① C122, Employment Policy Convention, 1964, (No, 122)

discrimination in the labor market with specific regard for elderly working women and also due attention to the employment and promotion of women at their jobs; B) Elimination of discriminatory trends of employers such as refraining from hiring women and firing them for reasons of pregnancy or child care ([Http://zannegaar.net/content/82](http://zannegaar.net/content/82)). Inheritance is another economic right. Under Iran's law, husband and wife inherit from one another on an unequal basis and in the majority of cases the man is heir to the entirety of the inheritance; the woman receives only a quarter (Article 946 and 947 of the Civil Code). However, this financial deficiency of women has been compensated in the rules of the Civil Code; as the woman is entitled to dowry and the man is obliged to pay her the alimony. Some amendments have been carried out in respect of inheritance. Under the Civil Code ratified in 1307, the woman could only stand heir to the price of the buildings and trees as left for inheritance, not the land itself, however, on an edict issued by the Supreme Leader, the woman is entitled to the land too (Civil Code, Article, 946). Additionally, Iranian insurance companies were obliged to pay the same amount of compensation (blood money) for the lives of men and women. Although this decree cannot be interpreted as a change in the general laws of blood money; however, it is a step towards the promotion of women's status. One of other issues which at first glance might violate the equality of men and women is the blood money (*Diyyat*). The Islamic penal code differentiates between the status of women and men regarding criminal matters namely the fact that the *Diyyat* of women is half that for male. The law has stated that the *Diyyat* of men and women are the same until they reach a third of a perfect *Diyyat* in which case the half is attributed to women

(Article 487 of Islamic Penal Code). However, the disparities in penal matters does not always work in men's favor; in some cases it is in favor of women; for example, only the Wise Women (Agheleh) are obliged to pay Diyyat in egregious crimes.

Conclusion

As demonstrated by international efforts, the rights of women and men, irrespective of their inherent differences as men and women are absolutely the same; the woman has as important a role as man does; even in political matters, such as national citizenship, it has been recommended that the man and woman retain their own nationalities irrespective of the interests of the countries. We are way past the time when the gender was an obstacle in the way of women's employment and her special activities and they are considered on par with men in many fields. Relating the unequal rights of men and women to their values has been the factor based on which Iran has been condemned of violating the human rights of women by the International community as a basis for discrimination against women; as it is perceived that women are valued half as much as men because they inherit half as men do and their Diyyat is half that of men. It is of utmost importance that in order to have correct perception of women's rights in Iran, one must look at the laws as a package and have a comprehensive overview of them. The half inheritance prescribed for women is due to the fact that men are obliged to pay dowry and alimony. If men are enabled to make women obey them, the maidens have the right to restrain. Additionally, supportive social

arrangements have been worked out in order to make up for some inequalities, such as equal Diyyat payment by insurance agencies. The existence of the laws on the rights of men to polygyny is undeniable, however, with respect to recent development, these rules will undoubtedly be amended through conditions and additional notes. In the light of the Islamic system, women await the fulfillment of their true capacities and achieving their rights. This ideal is not far-fetched since the government is based on the dynamic Shia jurisprudence (Idjtihad) which adapts to the needs of modern era. So far, we have witnessed the efforts of the legislator and the executive forces for the advancement of women's rights. The promotion of women's status regarding the custody of their children and obtaining the judgeship office is a shining example of legal attitude towards development and promotion of women's rights. It goes without saying that in the sphere of women's rights shortcomings still abound, which should be overcome.

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