

# Institutionalized **Misogyny**

in the **laws** of the  
**mullahs' regime** ruling Iran

May 2020




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## **Table of Contents**

<b>2</b>	<b>Introduction</b>
<b>4</b>	<b>The Constitution</b>
<b>6</b>	<b>The Civil Code</b>
<b>10</b>	<b>Islamic Penal Code</b>
<b>14</b>	<b>Supplementary Bills to Institutionalize Misogynist Laws</b>
<b>20</b>	<b>Conclusion and summary</b>
<b>21</b>	<b>Endnotes</b>

## Introduction

The so-called “Islamic” Republic regime has ruled Iran for nearly 40 years with its deviated, backward interpretation of Islam. From the outset of its rule, the regime was founded on subjugation, exclusion and humiliation of Iranian women.

The echo of Iranian women’s outcries during the anti-monarchic revolution could still be heard when on the eve of the International Women’s Day in 1979, Khomeini took the first step to clamp down on women by declaring that wearing hijab (veil) was compulsory for all female government employees. Government-backed club wielders and hoodlums went on rampage in the streets, yelling out the notorious slogan of “either the veil or a hit on the head” to humiliate and terrorize women and the public in general, paving the way for enforcement of the new dress code.

In the spring of 1979, special civil courts replaced the Family Protection Courts for handling family disputes where a religious Sharia judge handled the right to divorce.

In yet another misogynist measure, a law was adopted in the spring of 1979, according to which women were deprived of becoming a judge and all female judges were dismissed.

In 1982, the legal marriage age for girls was officially lowered from 18 to 9 years. Consistent with this law, it became forbidden for married girls to study at schools unless permitted by their fathers or husbands. Young girls who were forced into marriage were forbidden to attend schools, and married kids’ attendance, was only possible upon the husband or father’s approval.

Subsequently, the mullahs inserted numerous

**In 1982, the legal marriage age for girls was officially lowered from 18 to 9 years.**

**On the eve of the International Women’s Day in 1979, Khomeini took the first step by declaring that wearing veil was compulsory.**

amendments and paragraphs against women into the laws. Some laws were explicitly against women; others were ambiguous allowing various interpretations depending on the desires of the judge in charge.

The mullahs wrote, approved and implemented their constitution in 1979. The introduction to the Constitution, reads in part: “Women regain their crucial and invaluable duty of motherhood in raising vanguard, ideological human beings, while they, themselves, are comrades of men in active fields of ‘life’...”

Thus women were defined as mothers whose duty is giving birth to human beings who adhere to the ruling regime’s ideology, not as human beings with specific social, civil and political rights. According to the mullahs’ constitution, women are considered alongside men, not equal to them in social activities, but at the service of “life”! In this way, the Constitution also implies that family, as the founding unit of society must adhere to the ruling clerical regime.

This basic viewpoint on family and women sets the basis for all other legislation in the mullahs’ Constitution. It is clear that in such a misogynist culture, women do not have a place in management and leadership.

In Article 115 of the mullahs’ Constitution, it is assumed that the presidency itself is the sole right of men with religious and political background. Article 163 of the constitution specifically relates becoming a judge to the mullahs’ jurisprudential standards stating: The qualities and conditions of the judge are determined by law in accordance with the jurisprudential rules. The Law on the Conditions of Election of Judges (adopted in April 1982) states that judges shall be selected from among the “eligible men.” In 1985, with formal reforms to the law, women were allowed to appear in judicial advisory and investigative positions, but were still denied the right to make rulings.



## The Constitution

Principle 2 of the Constitution<sup>1</sup> institutionalizes a medieval religious dictatorship and places the mullahs' verdict and recognition above the law.

Principle 2 of the Constitution: The Islamic Republic is a regime based on faith in:

1. The one and only God (there is no god but God); sovereignty and canonization is His and everyone needs to submit to His command;
2. Leadership and its fundamental role in the advancement of Islam's revolution;
3. Man's dignity, lofty value and freedom coupled with responsibility before God, which is updated through continuous interpretation by jurists.

The principle takes advantage of the name of God and the need to submit to Him to portray the clerical regime as Islamic. Also by attributing leadership and interpretation to the supreme jurist and his associated mullahs, the principle allows them to commit any crime against the Iranian people and especially women under the name of Islam.

Principle 10 of the Constitution stipulates, "Since family is the fundamental unit of Islamic society, all laws, regulations and relevant planning must be directed at facilitating formation of family, safeguarding its sanctity and solidifying its relations based on Islamic rights and ethics."

Although it seems natural to emphasize sanctity of family, but safeguarding it on the basis of Islamic ethics is tantamount to the mullahs and their agents' use of force and interference in all details of people's private lives, particularly Iranian women. In the meantime, ethics is a relative term which could be interpreted

**Women are dominated by men, and in inheritance and testimony her value is half the value of a man.**

differently depending on the desire of the mullah or judge in charge.

The clerics understanding of the Islamic laws is merely a misogynist interpretation of its content where women are dominated by men, and in inheritance and testimony her value is half the value of a man.

Principle 21 entitled "women's rights", stresses "observance of Islamic standards" and reiterates: "Custody of children is granted to qualified mothers to protect the children's interests in the absence of a religiously-designated guardian."

Paragraph 5 of this principle legalizes an obvious discrimination against women in the most fundamental law of the country. Simply put, the paragraph states that despite all the endeavors of a mother for her child, a child's custodian is first, the father, then the grandfather. If they did not exist, and if the mother was qualified according to the mullahs' backward criteria, then she could become the custodian of her child.

Despite a mother's toil  
to raise her child,  
the law grants the  
**child's custody** to  
the **father** or the **grandfather**



## The Civil Code

According to Article 942 of the Iranian Civil Code,<sup>2</sup> men can have multiple wives, both permanent and temporary. Addressing the issue of inheritance after a man's death, the article says, "In case of multiple wives, one-fourth or one-eighth of the heritage which goes to the wife will be divided equally among them."

Other articles in the Civil Code, depicts women as men's captives or sex slaves.<sup>3</sup> Specifically, a nine-year-old girl who is forced into marriage by her father's permission, must live anywhere her "husband" wants and cannot leave home, go to work or travel without his permission.

Article 1041 – Note: Marriage before puberty is appropriate if permitted by the guardian provided that the interests of the girl under custody is considered.

Furthermore, note to Article 1210 sets the age of maturity and legal accountability for girls at nine lunar years,<sup>4</sup> a measure that exposes girls to maximum social and legal vulnerability.

Article 1075 through 1077 of this law essentially embraces Khomeini's interpretations, legalizes temporary marriages. (Khomeini's Tozih-ol Masa'el, questions 2413, 2424, 2425, 2493...)

Article 1105 – The family is headed by the husband and the woman may not leave home without the husband's permission.

**Women  
are practically  
defined as  
men's slaves**

- Girls even under 9 years of age can be forcibly married upon her father's decision with the approval of a judge
- She must live wherever the husband decides
- She is not allowed to leave home, work or travel without her husband's permission

Article 1117 - The husband can prevent his wife from engagement in any profession or industry that contradicts family interests or his own or the wife's dignity.

Article 1108 - If a woman refuses to fulfill the duties of a wife without any legitimate excuses, she will not be entitled to alimony.

Article 1114 - The wife must reside in the dwelling that the husband specifies for her.

According to Articles 1122 through 1130 men can divorce their wives for many reasons, including various illnesses or blindness in both eyes. Even though these issues were pre existing prior to the marriage. In contrast, under the civil law of the regime, women





are faced with complex and taunting terms when applying for a divorce.

Under Article 1169 of the Civil Code, custody of children older than 7 years is with the father when the couple are separated.

Moreover, based on articles 861 – 949 of the Civil Code on heritage, the wife and daughter's share of heritage is half that of the husband and son.

Another example is Article 907 of the Civil Code – in the event of multiple children where some are boys and some are girls, the boys will inherit twice as much as the girls.

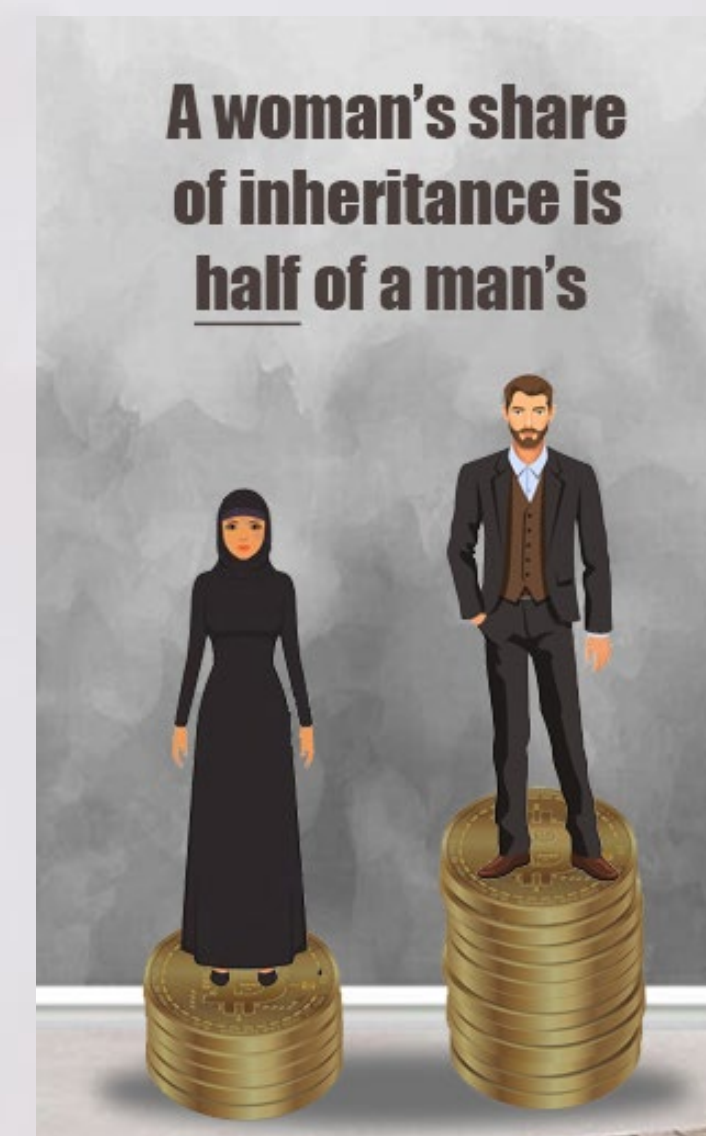
One of the most important articles of Iranian law, that is a blatant insult to the dignity of women, is the issue of polygamy, permanent or temporary.

Under Article 942 of the Iranian Civil Code, a man can have multiple wives. This article, which is about the inheritance of the deceased man, states: "In the case of a multiplicity of wives one

fourth of the inheritance belonging to the wife shall be divided among all of them equally."

Another way of violating women's rights is through direct government involvement in their private lives.

According to Article 1060, marriage of an Iranian woman with a foreign national even though it is not prohibited by law it is still subject to permission from the government.



**The testimony of a woman  
is worth half or less than half of a man's**



## Islamic Penal Code

The mullahs vision women as weak and second-class beings who are not entitled to human rights. Their medieval Penal Code<sup>5</sup> is therefore more vicious towards women.

Women are considered half-human when they are witnesses, but for punishment, they have to bear more extreme consequences.

The age of maturity for boys is 15 lunar years, whereas it is 9 for girls.

According to Article 382 of the Islamic Penal Code, if a Muslim man deliberately murders a woman, he will not be punished in kind (as called for by the principle of Retribution) unless the victim's parents pay half of the man's blood-money to his parents. While if a woman murders a man, she may be executed upon request of the victim's parents.

Article 550 of the Islamic Penal Code – The blood money for murder of a Muslim woman (whether deliberate or undeliberate) is half of the blood money for a Muslim man.

**Fathers and  
grandfathers  
are considered  
owners of blood  
and they are  
entitled to the  
right to kill their  
children.**

Based on Article 716 (c) of the Islamic Penal Code, from the fourth month on, the blood money for a female fetus is half of the blood money for a male fetus. Therefore, if a pregnant woman is killed, the blood money for her 4-month-old male fetus is twice that of hers.

According to Article 718 of the Islamic Penal Code, abortion is considered a crime and if a woman has an abortion, she must pay the blood money for the aborted fetus.

It should be noted that fathers and grandfathers are considered owners of blood and they are entitled to the right to kill their children.

According to the Iranian Penal Code, testimonies of two women are equal to the testimony of one man and are not considered at all if not accompanied by a male witness.

Article 301 states: Retribution is carried out if the perpetrator of the murder is not the father or grandfather of the victim.

According to the Article 220 through 225 of the clerical Penal Code, adultery is considered a crime, depending on its degree, carries the

### Age of accountability before the law





punishment of stoning, execution or lashing.

However, there is no law to prohibit violence against women, and Iranian women are completely unprotected against sexual violence and rape and the court's misogynist laws not only do not protect them, but add to the severity of the punishment.

An example of this is Rayhaneh Jabbari a 26-year-old interior decorator who was hanged after serving 7 years in regime's prisons.<sup>6</sup> When Rayhaneh was 19 years old she defended herself in face of rape by a 46-year-old member of Ministry of Information. She was convicted of murder.

Also, a 36-year-old Soghra Khalili, mother of 2, defending herself against a rapist, was sentenced to death despite her husband's testimony.<sup>7</sup>

Such collection of violence also includes women like Farzaneh Moradi and Razieh Ebrahimi<sup>8</sup> who were victims of violence twice, first by being forcibly married as children and second by being executed.

In Article 199 of the Penal Code, in defining

punishments for chastity offenses, we see that they are pointed more toward punishing women regarding them as the perpetrators rather than the victims. According to Article 19 of this law female victims will face 31 to 99 lashes.

The first crime of chastity in the mullahs' culture, is practically non-observance of the compulsory hijab.

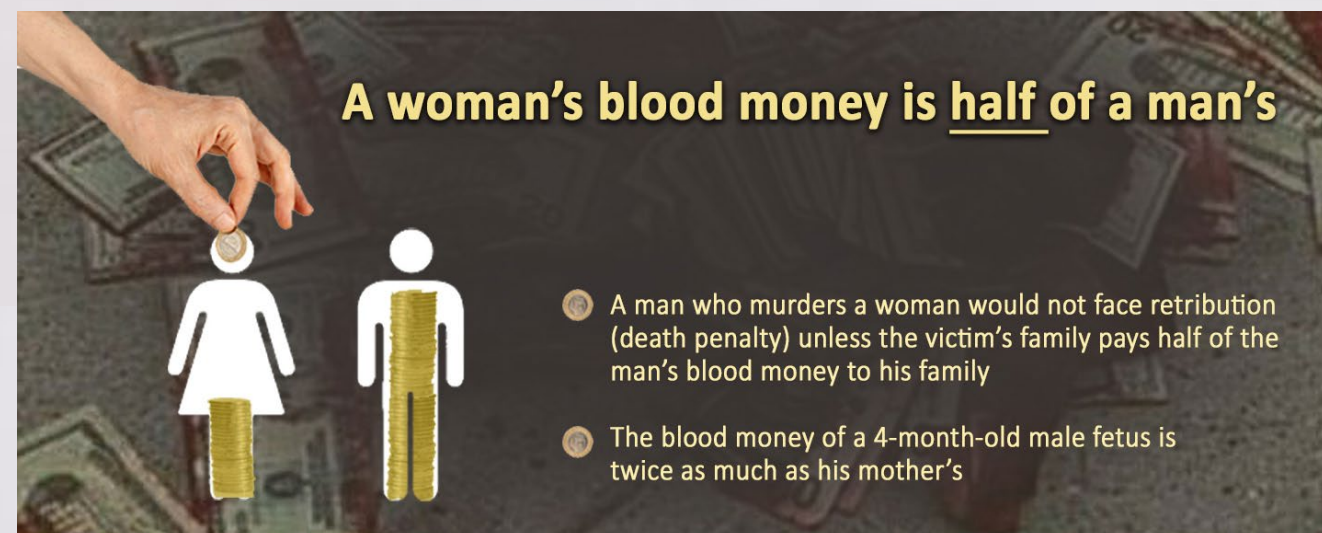
In addition to the aforementioned law, other plans such as "Protection of Chastity and Hijab" have been adopted by the Islamic, Legal and Cultural Committee of the Parliament and executed by the regime, leading to widespread abuse of women through fines and dismissal from employment.

It is noteworthy to point out that in Chapter 18 of the Book 5 of State Punishments,<sup>9</sup> which describes offenses against chastity, public morality and mal-veiling of women, in Article 638 states: Women without religious veil in public will be sentenced to imprisonment from ten days to two months or will be fined fifty thousand to five hundred thousand rials. Despite all, the mullahs' authorities are not satisfied and use every means and threats to impose their criminal law in regards to compulsory veiling.

In August 2019, Musa Ghazanfarabadi, the head of the Tehran Revolutionary Court, announced that "those who make and send videos of themselves and others in connection with the removal of their veils are subject to Article 509 of the Islamic Penal Code, which carries a sentence of up to five years in prison."<sup>10</sup>

The article, however, deals with the dissemination and propaganda of prostitution and does not refer to the veil in the criminal laws. It specifically states: "Someone who encourages or causes corruption or prostitution."

**There is no law to prohibit violence against women, and Iranian women are completely unprotected against sexual violence.**





## Supplementary Bills to Institutionalize Misogynist Laws

The articles of the Constitution, the Penal Code and the Civil Code are not the only laws that sanction subjugation of women. The regime's officials admit that they have passed some 350 pages of laws and bills to-date to help enforce the veil on women. At the same time, 25 various agencies in addition to the State Security Force are in charge of controlling women's veils everywhere.

The bill to support those enjoining good and forbidding vice was ratified in June 2014.<sup>11</sup> This bill allowed for extra-judicial enforcement of the compulsory veil and gave an open hand to hoodlum gangs to commit any crime against women under the pretext of improper veiling.

The regime's objective is clearly stated in the introduction to this bill: "The eighth principle of



**The traffic police can deal with those drivers who take off their veils in their cars and write a 100,000RIs ticket for them.**

the Constitution sanctions enjoining good and forbidding vice as a general duty for all citizens and obliges all to be responsible towards the behavior of one another... The present plan merely attempts to lend legal support to those who enjoin good and forbid vice and to fill the legal vacuum (in this regard)."

The bill then stresses on government and legal support for such crimes. In a single article it states: "Whenever an individual attempts to defend Islamic rituals by enjoining good and forbidding vice --provided that he does not use vulgar language-- but sustains physical or lethal damages in the course of doing so, he will be accounted for under relevant laws and regulations the same as guards wounded or martyred in the war."

This bill has inflicted enormous physical and psychological damage on Iranian women for example by acid attacks.

The mullahs' parliament adopted another bill on January 3, 2015,<sup>12</sup> entitled "Protection of Honor and Hijab (veil)". In addition to the points stressed in previous laws and bills, the new bill accounts for improper veiling as a driving violation and besides insults, humiliation and physical punishments like flogging, sets fine for those who do not observe the veil behind the wheels.

Article 8, Chapter II, lists the administrative offenses approved by the Parliament. In paragraphs 20-1 and 21, the non-observance of the Islamic veil and the non-observance of Islamic practices, are listed in the category of administrative offenses.<sup>13</sup>

"According to article 1 of the Chastity and Hijab Plan, the traffic police can deal with those drivers who take off their veils in their cars and write a 100,000Rls ticket for them. Of course in the case of these drivers, should these violations reoccur, the offenders would earn 10 negative points, their violation registered according to Article 7 of the law and their vehicle confiscated for 72 hours."<sup>14</sup>

According to Article 2 of the plan, female government employees who do not observe the compulsory veil will be reprimanded in writing and the instance registered in their employment record. If repeated, they will be deprived of receiving overtime wages and other similar benefits and one-third of their monthly salary will be deducted."<sup>15</sup>

In a note to this article, it is reiterated that these laws do not prevent legal prosecution of the offender.

Article 5 of the plan makes women's employment contingent on gender segregation at the work place and restriction of their working hours, from 7 a.m. to 10 p.m. Failing to observe this article will be considered a violation of the law and the business unit that commits this violation will be closed down for one week (and if repeated for one month) by the State Security Force.

According to Article 3 of the plan, all offices covered by the National Management Services Law are obliged to make the necessary arrangements so that the women who enter or are present at their businesses would observe the religious veil.

**The plan makes women's employment contingent on gender segregation at the work place and restriction of their working hours, from 7 a.m. to 10 p.m.**



To balance its repressive plans against women, the ruling misogynist dictatorship has tried through the media to announce measures supporting the role of women, none of which have come to fruition.

One of these proposals is the "Amendment to the Law on the Obligations of the Citizenship of Children in Marriages of Iranian Women to Foreign Men", which was submitted by the government to the Iranian parliament in November 2018.<sup>16</sup>

Under the plan, women could apply for Iranian citizenship for their children with a non-Iranian father so that they could obtain birth certificates and identity cards for them. The bill was rejected by the Guardian Council in June 2019 and then in July 2019 was approved by the Ministry of Intelligence under the following conditions: "Children born to Iranian women with foreign men as a result of a sharia marriage, before or after the





enactment of this law, at the request of the Iranian mothers before they reach 18 years of age and in the absence of a security issue (with the approval of Ministry of intelligence) can become Iranian citizens.”<sup>17</sup>

In December 2018 a bill to raise the age of marriage of a girl from 13 to 16 was rejected due to the opposition of male members of the Parliament and the parliamentary Judicial and Legal Committee. A similar plans was put forward by the regime’s parliament in 2001 but was rejected by the Guardian Council.<sup>18</sup>

A bill supposedly to safeguard women against violence, was debated during different periods of the mullahs’ rule. During Hassan Rouhani’s tenure as the mullahs’ president, the bill was once again brought up for debate. From the outset, there were various ambiguities and interpretations of the status of women.

**A bill to raise the age of marriage of a girl to 16 was rejected due to the opposition of male members of the Parliament.**

Finally, on September 17, 2019, eight years after introduction of the bill, the Judiciary announced that it had approved the bill and forwarded it to the government. But before doing so, the Judiciary changed the bill’s title to “Securing, Dignifying, and Protecting Women from Violence”, while overhauling the purpose of the bill, stripping it of any possible effectiveness.

The changes were so bad that even Parvaneh Salahshouri, a member of the Parliament, compared the changes to a “toothless lion” which will not solve any of the problems facing women.<sup>19</sup> However, the bill has been stuck in the government and not passed to the parliament for final adoption.<sup>20</sup>

Also, the Child Protection bill --approved by the parliament in August 2018 after about ten years of delay-- was stonewalled with objections from the Guardian Council and referred to the Judicial Committee for reform, which is now pending approval by the committee.<sup>21</sup>

Instead, in July 2016, the state-run media announced the passage of a bill to cut working hours for women with special conditions. The bill, in the words of women’s rights activists, actually increases the unemployment rate for women. Because of job insecurity, women are virtually fired by employers for using this right to reduce their hours of work.<sup>22</sup>



## Conclusion and summary

This brief review reflects only a drop from an ocean. An in-depth study of the misogynous laws of the medieval regime ruling Iran requires books.

All the laws of the clerical regime are filled with a hysterical enmity towards women, in education, clothing and covering, marriage, divorce, inheritance and in the segregation of buses and work places and etc. One can see the fundamentalist mullahs trying to turn back the wheels of history.

There are also many issues regarding homeless girls sleeping on cardboard boxes in the streets, runaway girls, women who have to resort to prostitution to feed their children, which we have not touched on.

However, as a legitimate Resistance movement we have a plan for everything to annihilate oppression. The ten-point plan of Mrs. Maryam Rajavi, President-elect of the National Council of Resistance of Iran, is a sample of what the Iranian Resistance envisions for women in tomorrow's Iran.


## Endnotes


1. Constitution of the Islamic Republic, amended in 1989
2. Civil Code of the Islamic Republic regime, amended in 1991
3. References to articles 1105, 1108, 1114 and 1117 of the Civil Code and articles 861 and 949 as well as article 199 of the Penal Code.
4. The lunar year is based on the rotation of the moon. It means, unlike a solar year that is 365 days, a lunar year is 354 days.
5. The Penal Code of the Islamic Republic, amended in 2013
6. [Special report: Reyhaneh Jabbari's execution](#), Documents, NCRI Women's Committee website, November 26, 2014
7. [Soghra Khalili, mother of 4-year-old son, sentenced to death in Sanandaj](#), News of the NCRI Women's Committee website, June 27, 2019
8. [Exclusive report on child brides under the mullahs' rule in Iran](#), Documents, NCRI Women's Committee website, November 23, 2014
9. The State Punishment Book is a supplement to the Islamic Punishment Law. It was ratified in June 1996 and updated in December 2017.
10. The state-run Aftab website, July 29, 2019- referring to the second paragraph of Article 369 of the State Punishment Book.
11. Law of Protection of Promoters of Virtue and Forbidders from Evil, approved in October 8, 2014
12. Plan to Protect the Sanctity of Chastity and Hijab, approved on July 21, 2015
13. Law on Administrative Offenses, December 8, 1993
14. Young Journalists Club news agency, August 10, 2015
15. Young Journalists Club news agency, August 10, 2015
16. Website of the regime's Parliament, Nation's House, November 22, 2018
17. The state-run ISNA news agency, July 15, 2019
18. [Marriage age increase rejected by Iran parliament](#), News of the NCRI Women's Committee website, December 25, 2019
19. [What was the fate of the bill to prevent Violence Against Women in Iran?](#), Documents, NCRI Women's Committee website, February 11, 2020
20. [Provision of Security for Women will not be adopted in mullahs' parliament](#), News of the NCRI Women's Committee website, December 28, 2019
21. [Child Protection bill still in limbo after 10 years](#), News of the NCRI Women's Committee website, April 10, 2019
22. [Women's working-hour cut down approved by Council of Guardians](#), News of the NCRI Women's Committee website, September 19, 2016



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