

# URGENT ACTION

## IRANIAN BILL A THREAT TO WOMEN'S RIGHTS

**A discriminatory bill in Iran, that undermines women's right to decide freely whether and when to marry, divorce and have children, and further entrenches domestic violence as a private "family matter", has moved one step closer to becoming law after its general principles were passed by an overwhelming majority in Parliament on 2 November.**

The **Comprehensive Population and Exaltation of Family Bill (Bill 315)** sanctions discrimination against women in the labour market based on their marital status and whether they have children or not. Article 9 of the Bill mandates that all private and public entities give hiring priority, in sequence, to men with children, married men without children, and women with children. Articles 10 and 16 prevent unmarried women and men from assuming teaching positions or obtaining a licence to practice family law.

The Bill also creates barriers to divorce. Article 21 presents divorce as "an anti-value with socially harmful consequences on spouses and children". Articles 19 and 20 provide lawyers and judges with positive performance reviews and special bonuses in divorce cases that result in marital reconciliation. This will compound the discriminatory impact of Iran's existing Civil Code wherein the grounds for divorce are not the same for men and women. Men can divorce their wives without giving any reasons but women must prove that they are living in conditions of severe hardship that make the continuation of marital life intolerable.

The Bill also raises concerns that state institutions will deal with cases of spousal/domestic violence through reconciliation rather than prosecuting and punishing perpetrators. Articles 17 and 18 call for the "de-judicialization of family disputes and crises" with a view to preventing divorce, and for their "peaceful settlement" through a specialized police unit staffed with "married, mature and well-trained" officers. The bill has no regard for whether reconciliation may put women at higher risk of re-victimization in abusive relationships.

### **Please write immediately in English, Persian, Arabic or your own language:**

- Calling on the Iranian authorities to withdraw the provisions of Bill 315 that sanction employment discrimination on the basis of gender, marital or parental status, including against teachers, and lawyers practicing family law, and ensure that men and women enjoy equal employment opportunities in law and practice;
- Urging them to repeal the provisions of Bill 315 that undermine the independence and impartiality of judges and lawyers by giving them financial incentives and promotional opportunities to favour reconciliation over divorce, and ensure that women and men have equal right to divorce, in law and practice;
- Adopt comprehensive legislation to criminalize all forms of domestic violence, including marital rape, with proportionate penalties, and ensure that survivors of domestic violence have effective access to justice, redress and support services, including shelters, without facing pressure to "reconcile" with their abuser.

### **PLEASE SEND APPEALS BEFORE 30 DECEMBER 2015 TO:**

#### Head of Parliament

Ali Ardashir Amoli Larjani  
Majles-e Shoura-ye Eslami  
Baharestan Square  
Tehran  
Islamic Republic of Iran

#### Secretary

Parliament's Cultural Commission  
Laleh Eftekhari  
Majles-e Shoura-ye Eslami  
Baharestan Square  
Tehran  
Islamic Republic of Iran

#### **And copies to:**

President of the Islamic Republic Iran  
Hassan Rouhani  
The Presidency  
Pasteur Street, Pasteur Square  
Tehran, Islamic Republic of Iran  
Twitter: @HassanRouhani (English),  
@Rouhani\_ir (Persian)

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



# URGENT ACTION

## IRANIAN BILL A THREAT TO WOMEN'S RIGHTS

### ADDITIONAL INFORMATION

The general principles of Bill 315 were passed in Parliament on 2 November with 144 votes in favour, 25 opposed and 6 abstentions. The bill will now move to Parliament's Cultural Commission, which will analyse the budgetary costs to be incurred in operationalizing the bill's incentive schemes aimed at families with three or more children. These incentives include extensive maternity leave benefits (Articles 24-25) and flexible working arrangements for pregnant women and nursing mothers (Article 27); 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 such benefits are not in and of themselves harmful and in fact may be beneficial, they should not be in any way coercive and must 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.

Bill 315 is aimed at boosting Iran's population growth through encouraging early marriage, repeated child-bearing and lower divorce rates. The bill was introduced by 50 members of Parliament in May 2013, a year after Iran's Supreme Leader Ayatollah Syed Ali Khamenei denounced Iran's family planning and population control policies and exhorted the authorities to double Iran's population to between 150 to 200 million (from around 78.5 million). The Supreme Council of the Cultural Revolution adopted a binding resolution in this relation that called for an increase in Iran's fertility rate, including through the abolition of Iran's Family and Population Planning Programme and the creation of financial incentives for men and women to marry and procreate before the age of 25. Funding for Iran's Family and Population Planning Programme, which has significantly increased women's access to modern affordable contraception over the past two decades, was cut shortly thereafter. (For more information see Amnesty International's March 2015 report *You Shall Procreate: Attacks on women's sexual and reproductive rights in Iran* <https://www.amnesty.org/en/documents/MDE13/1111/2015/en/>)

Excluding women from the labour market on the basis of whether they are married or have children constitutes discrimination on the basis of sex, maternal and parental status, which is prohibited by the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which Iran has ratified. It also interferes with women's right to privacy as protected by Article 17 of the ICCPR, and their right to work as protected by Article 6(1) of the ICESCR.

As a state party to the ICCPR, Iran is obliged to treat men and women equally, with regard to marriage and its dissolution. This includes ensuring that the grounds for divorce are the same for men and women.

The UN General Assembly's Resolution 58/147, entitled '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"(UN Doc. A/RES/58/147). The UN General Assembly Resolution 67/144, entitled 'Intensification of efforts to eliminate all forms of violence against women', 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." (UN Doc. A/RES/67/144). In a report issued on 14 May 2013, the Special Rapporteur on violence against women, its causes and consequences raised concerns about legal responses to domestic violence that prioritize family reconciliation over the individual human rights of women survivors to seek justice and redress, including through prosecution and punishment of perpetrators (UN Doc. A/HRC/23/49).

Name: Comprehensive Population and Exaltation of Family Bill (Bill 315)

UA: 260/15 Index: MDE 13/2884/2015 Issue Date: 18 November 2015