

# **Legislative status of women, minorities, children and the handicapped**

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**In the field of legislative status of the women, minorities, children and the handicapped  
Summary:**

1. Respectfully, this report has been prepared by Muslim Women Justice Assembly regarding Islamic Republic of Iran enacted laws in the fields of women, minorities, children and the handicapped .
2. With regard to the fact that the said four groups are of the most important groups which are vulnerable, study on laws of each country and effort of their legislators for these classes imply look dominant system to special groups and indicate carefulness of systems in realization of the citizens' rights which can be clearly seen by referring to constitutional law as parent law and other ordinary laws of Islamic Republic of Iran .
3. Constitutional law of Islamic Republic of Iran directly referring to these groups in introduction of this law and different principles has considered some actions for suitable realizing rights of these classes for different sections of the dominant forces and this approach has been clarified in principles 13, 19, 20 and 21 and this indicates acceptable status of Islamic Republic of Iran Government.
4. In this report, the progresses including enactment of new laws or addendum to international laws are referred by giving status quo of these classes in constitutional law and ordinary laws of Islamic Republic of Iran and accessible opportunities are referred as suggestion and strategy through this route .

**Introduction of the organization :**

- Muslim women justice assembly is a non-profit, nongovernmental and nonpolitical organization which acts by aiming at preservation of family foundation, making contemporary and introduction of perfect model of Muslim women to Iran and the world in accordance with Islamic models and concepts and scientific strategies in the field of women and family issues .
- This assembly has performed different activities in this regard in the training and research fields .
- Because the handicapped and religion minorities are regarded as vulnerable classes of the society like women and children, the assembly has given the following report as progress report on status of these four groups (women, minorities, children and the handicapped) in Iran to Human Rights council of United Nations Organization. This organization has been established
- in 2006 and has received activity license from Islamic Republic of Iran Ministry of the Interior under Registration No. 23788 in 2008 and its financing sources is membership fee of the members for performing research projects and educational and educational and public contributions .

## **Methodology:**

- Muslim Women Justice Assembly has taken action regarding investigating the status quo and providing the desirable opportunity in order to show legislative status of women, minorities, children and the handicapped in Islamic Republic of Iran and the achieved progresses in these fields with use of legislative analysis method for the present laws with national or international sources .
- Performance of the dominant system for the women, minorities, children and the handicapped can be surveyed in three levels. The first level is a legislative field and approvals of legislation associations, the second level is executive field and action method of the associations executing the laws and the third level is a judiciary and supervisory field which can be seen as the judiciary and its affiliates. Our discussion in this report is focused on the first level i.e. legislative field .
- The reason for selection of the said four groups is their similarity in their vulnerability and more serious need to support than other groups .
- In spite of emphasis on approvals relating to the subject in the last four years , the related terms have not been ignored in time intervals after Islamic Revolution up to now and have been referred commensurate with the subject matter .

## **Statement of the status quo (indices analysis):**

**Minorities:** from the beginning of Islamic Revolution in 1978 and in principle 13 of Constitutional Law, religious minorities have been recognized formally to enjoy all rights of citizenship along with Muslim citizens. It has been stipulated in principle 13 Zoroastrian, Jewish and Christian Iranians are recognized as the only minorities who are free in limits of law to perform their religious ceremonies and act in personal status and religious learning in accordance with their rules. It has been also stipulated in principle 19 people of Iran of any tribe have equal rights and color, race, language and the like will not be considered merit. It has been stipulated in principle 20 that all people of a nation including women and men are equally supported by law and enjoy all human, political, economic and cultural rights in accordance with Islamic rules. On this basis, we see enactment of Islamic Republic of Iran addendum law to international convention for Apartheid crimes prohibition and punishment on 12 Feb. 1985 by Islamic Consultative Assembly and its confirmation by Guardian Council .

Appendix No. 1: we see religious equality of religious minorities with Muslims on 27 Dec.2003 with enactment of Expediency Discretion Council of the Regime (appendix No.2). It is good to mention that article 64 in constitution considered 5 seats in Iranian parliament for the representatives of the followers of the religious minorities regardless to their small population; and it has been increased to 7 seats in recent years.

**Women:** with regard to emphasis of Holy Quran as main source of legislation in Islamic System, women play role in creation and continuation of Islamic society the same as the men do and separate section has been designed for women in introduction of Islamic Republic of Iran law (appendix No.3)

In principle 21 of Constitutional Law, it has been stipulated that: the government is obliged to guarantee rights of the women in all aspects in accordance with Islamic rules and perform the following affairs :

1. Providing the opportunity for growth of woman's personality and reviving her material and spiritual rights
2. Supporting the mothers especially during pregnancy and custody of the child and supporting unsupervised children
3. Creating peace court for survival of the family
4. creating special insurance for the widows, and old and unsupervised women
5. granting custody of the children to the qualified mothers

In different principles of Constitutional Law and ordinary laws, the women have rights and duties such as: right to be selected, right to select, to select the religion, wife and job (appendices No.18 and 19)

Due to accidental responsibilities out of duties of the woman such as supervision of the family, separate laws have been enacted for realizing rights of the women including:

- Law for financing the unsupervised women and children enacted on 15 Nov.1992 by Islamic Consultative Assembly (appendix No. 4)
- Another case of women protection and responsibilities law in the national and international fields enacted on 4 Feb 2007.by Islamic Consultative Assembly (appendix No. 5)
- Another law regards increase in coverage of the handicapped and supervising women rehabilitation and protection by State Rehabilitation Organization enacted on 26 June 2008 (appendix No. 6)
- By approving third party compulsory insurance law on 7 July 2008 in Islamic Consultative Assembly, the paid price to parent of the woman and man killed due to accident became equal. Issue of blood money difference for the man and woman was solved .

The last case is manual issued by Great Leadership regarding license of women heritage from the site (immovable properties) on which basis women will inherit from immovable properties of the deceased in addition to movable properties.

**Children:** with regard to emphasis of Islam on family foundation and its importance, Constitutional Law stipulates in principle 10 that since family fundamental unit of Islamic society, all laws and planning should be based on Islamic rights and ethics for facilitating formation of family , protecting its holiness and stability of family relationships.

In addition to emphasis and special attention to family of which important function is to prepare and train the children for entering life areas properly , a series of special laws has been enacted for dealing with children's rights including:

- Law for financing the women and children enacted on 15 Nov. 2007 which was described before.
- Law for permission of Islamic Republic of Iran to adjunct children's rights law enacted on 20 Feb. 1994 (appendix No. 7)
- Law regarding acceptance of amendment of children's rights convention enacted on 10 July 2001 (appendix No. 8)

- Law for enacting convention of prohibition and immediate action for removing the worst forms of child's labor and supplementary letter of recommendation on 30 Oct. 2007 (appendix No. 9)
- Law for Islamic Republic of Iran adjunction of voluntary protocol for child's rights convention regarding sale, prostitution and pornography of the children enacted on 31 July. 2007 (appendices 10 and 11)
- Bill for unsupervised children and adults protection enacted on 24 Feb. 2007 (appendices 12 and 13)

### **The handicapped :**

The handicapped are supported especially due to deprivation and lack of some physical abilities. In Islamic Republic of Iran, those injured in war have been added to the handicapped population of the country due to imposition of 8 years of war by Iraq invading country leading to more serious protection of the special class in accordance with different laws including:

- comprehensive law for protection of the handicapped rights enacted on 6 May 2004 (appendix No. 14)
- Law for increase of rehabilitation and protection of the handicapped and women by State Rehabilitation Organization enacted on 26 June 2004 as described before.
- Law for enactment of the handicapped rights protection convention enacted on 4 Dec 2008 (appendix No. 15)
- Law regarding requirement of the government to follow rights of the crippled and victims of chemical war against Islamic Republic of Iran enacted on 26 Jan. 2009(appendices No. 16 and 17)

### **Challenges:**

What can be referred as incoming challenges for all four groups emphasize on the issues of that special group.

**Women:** with more attention to women and their rights, potential hazard includes excessive litigation and asking for similarity (similarity means considering mental and physical characteristics of men and women the same and consequently, asks for similar rights and duties) and matriarchy leading to some problems such as formation of male front against the women ,increase in violence against the women in the family and society , increase in family conflicts and divorce statistics, increase in statistics of children with no parent , destruction of economic support which should be observed by the men for women , men not assuming responsibility to wives and children, forcing the wife to work permanently . Therefore, one should note that their differences from men and their rights and duties should be considered for realization of women's rights.

**Minorities:** regarding rights of the minorities, it is necessary to note that any minority person is an Iranian in the first instance and has national rights and duties regardless of the religion and religious tendencies and his/ her national identity nationality should not be ignored in study on his/ her condition. Then one should note that in many national and public cases, minorities are not different from other citizens and have some differences in some personal issues and religious rituals which should be considered.

**Children:** effort to achieve rights of the children whether in the family or society may be threatened by extremes and here we face aspect of excess. If we weaken or destroy role of the parent in the children training with regard to rights for children in the family or neglect his/ her offences and crimes in the society , the result will be a weak , indecisive , lazy , exigent and lawbreaking generation which will consider itself absolute holder of right and free from responsibility. Then one should be careful about misbalance between child and family and society .

**The handicapped :**

All people in the society are responsible for taking care of the handicapped, but we should try to prevent from showing their conditions as special cases and introduce them as part of the society so that they don't feel isolated from others and their social harmony can be expedited and they don't feel deficient in comparison to others and special legislation for them doesn't lead to their complete separation from other people in the society because they have spirit which is more sensitive than that of others in addition to their handicapped body different from that of others .

**Suggestions and strategies :**

- strategy of this assembly is comprehensive and through official medium of Islamic Republic of Iran for minimizing problems available in the field of women, formal and serious training about rights of the men and women their responsibility to each other so that violation of rights can be prevented and the persons enter society and life while being aware of these issues .
- This assembly suggests that family consulting unit be commissioned for all Iranians by faculties of Medical sciences and psychology before, during and after marriage and free and compulsory classes be held for training them about life skills in age of marriage so that they can be familiar with marital life and its requirements and its certificate is necessary for official registration of marriage .
- Muslim Women Justice Assembly believes that any proposed strategy for realization of women's rights in Islamic Republic of Iran should be qualified for two important conditions including requirements of the Iranian woman and Muslim woman , otherwise, nonnative versions will not be accepted by the women and other people in the society .
- In the assembly's view, the most important work for realization of children's rights is to reinforce family foundation as the primary and important ground for child training and teaching him/ her about life and the next step is to make penal laws and procedural law consistent with personal and personality characteristics of the children and adults .
- Muslim Women Justice Assembly suggests Human Rights Council of United Nations Organization to take action regarding preparation of the report on their status by the impartial persons for real information far from political grudges about condition of the minorities in Islamic Republic of Iran in different periods or in special time intervals and special rituals of these classes so that the published reports on minorities can not be rejected even by their delegates .
- This assembly recommends Islamic Republic of Iran to make double effort to legislate some

- Laws facilitating life for the handicapped and those injured in war with regard to their high number due to imposed war of Iraq and to apply social equipment such as recreational and tourism centers for promoting their morale and their hope for living .