

THE NATIONAL POLICY OF IRAN TOWARD VIOLENCE AGAINST WOMEN

A POLÍTICA NACIONAL DO IRAN PARA A VIOLÊNCIA CONTRA AS MULHERES

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Abstract: Iran's 20-year Economic, Social and Cultural Development Perspective started in 2005 and will continue to 2025. It has outlined developments in the field of society, economics, politics and culture for the next twenty years. Unfortunately, it is not an overreaching plan, particularly in the area of violence against women. Although the government has considered different strategies in this national plan to confront and reduce this problem, it is not enough and this problem is still prevalent, especially in the rural areas. The aim of this literature review is to analyze the policies of the long-term economic and socio-cultural perspective of Iran to determine whether the national plan could meet its objectives in the field of violence against women. The findings of this study shows a lack of information pertaining to women and girls, their legal rights as stated in the Constitution and, Civil Laws and, particularly, in Iran's long term development plan, which lead to mental and physical vulnerability. The ignorance of women concerning their rights due to the neglect of the legislative, executive and judicial authorities, and related organizations, such as the Center for Women's Participation and women's NGOs, in educating the women about this vital issue.

Keywords: Violence. Women. Policy. National Plan.

Resumo: Os 20 anos de Perspectiva de Desenvolvimento Econômico, Social e Cultural começou em 2005 e continuará até 2025. É um plano que traçou desenvolvimentos no domínio da sociedade, economia, política e cultura para os próximos 20 anos. Infelizmente, não é um plano muito ambicioso, particularmente na área da violência contra as mulheres. Embora o governo tenha considerado estratégias diferentes nesse plano nacional para enfrentar e reduzir esse problema, as soluções propostas ainda não são suficientes e o problema ainda continua, especialmente nas áreas rurais. O objetivo deste artigo foi analisar as políticas do ponto de vista econômico e sociocultural de longo prazo do Irã para determinar se o plano nacional poderia cumprir os seus objetivos no domínio da violência contra as mulheres. Os resultados deste estudo mostram uma falta de informações relativas a mulheres e meninas, seus direitos como indicado na Constituição e leis civis e, em particular, no plano do desenvolvimento em longo prazo do Irã, que levam à vulnerabilidade física e mental. O desconhecimento das mulheres sobre os seus direitos em razão da negligência das autoridades judiciárias, legislativas, executivas e outras organizações afins, tais como o Centro para a Participação da Mulher e mulheres de ONGs, em educar as mulheres sobre essa questão vital.

Palavras-chave: Violência. Mulheres. Política. Plano Nacional.

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Introduction

National policies are formulated in the form of long or short plans to promote basic changes in the domestic areas to increase the welfare of the people. Accordingly, in 2005, the government of Iran issued its 20-year Outlook Plan for economic, social and cultural development, and, the completion of four -five year plans, Iran would be an advanced country in the Middle East and Southeast Asia (AMUZEGAR, 2009). The role of women in each of the five-year plans and the laws support the promotion of their positions are the challenge.

The definition of violence against women according to “The Declaration on the Elimination of Violence against Women” of the United Nations based on Article 1, includes all types of gender-based violence. It mentions “the term “violence against women”, which means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” Article 2 generalizes violence against women in three parts under two broad categories of physical and mental violence, such as female genital mutilation, rape, ignored by the State whenever it happens, intimidation at work, and so on (UNITED NATIONS, 1993).

The significance of the study on the performance of Iran’s 20-year plan can be analyzed to identify ways to improve the policies of anti-violence toward women, to inform women about their legal rights and to consider additional laws for their active participation in various socio-economic and cultural areas. The aims of this study are to analyze the laws in the area of violence against women in each short-term plan and to ascertain whether or not this objective could be met based on Iran’s 20-year Perspective.

1 Previous Studies about Violence against Women in Iran

Most of the studies about violence against women were conducted during the last decade. For example, the study by Nojoumi and Akrami (2002) was about domestic violence against 406 pregnant women, who were referred to the Akbarabadi Hospital, and the consequences of the violence on their infants. In the same year, Aqakhani and Chehree (2002) conducted research on violence against wives, who were referred for forensic medicine in Tehran in the Fall of 2000. In 2003, a study was undertaken on 1800 pregnant women who experienced domestic violence and were referred to certain university hospitals in Iran, particularly the Tehran University of Medical Sciences (JAHANFAR; MALAKZADEGAN; JAMSHIDI, 2003), while another was conducted in one of the cities of Iran (Babol) on domestic violence against women who were sent for forensic medicine in the city of Babol (BAKHITIYARI; OMIDBAKHS, 2003).

In 2004, research was conducted by some scholars on 375 victims of domestic violence who were referred for forensic medicine in Tehran and to five Family Courts, Married Women in Tehran and the Isfahan Health Center (AZADE; DEHGHANFARD, 2006; RABBANI; JAVADIAN, 2007; TEHRANI; TASHAK, 2007). In 2005, a study was undertaken by Ahmadi, et al. on 1189 married women in Tehran who faced domestic violence (AHMAD et al., 2006); and by Islamlou and Boushehri (2006), on 266 women who were referred for forensic medicine in Uroumeyeh city. In addition, in 2006, other studies that focused on violence against women, included the research by Ghahari et al. (2006) on 1186 women who were mentally abused by their husbands in Tehran, and the study of violence against married women by their husbands in the province of Chaharmahar Bakhtyari in which 380 victims were referred for forensic medicine in that province (MOEZY et al., 2008).

In the following year, Dolatian et al. (2008) conducted research on 500 pregnant women who faced domestic violence and were referred to the Ghassaran hospitals; another study was undertaken on pregnant women (290 victims) who faced violence and were admitted to the maternity wards of hospitals in Mashhad (BEHNAM; MOQADDAM; SOLTANIFAR, 2008). In 2008, Jafarnezhad, Hosseini and Soltanifar (2009) analyzed the connection between violence against women during pregnancy and its effect on the feeding of the infants. In addition, in 2009, research entitled “Prevalence and risk factors for domestic violence against infertile women in an Iranian setting” was conducted by Ardabily et al. (2011) on 247 women who faced violence because of their infertility.

Some studies attempted to provide a general review on domestic violence toward women by analyzing the studies of other research over a period of years, for example, the findings of Vameghi, Ardekani and Sajadi (2014) and his colleagues showed that from 2001 to 2008, the least prevalent type of violence against Iranian women was sexual abuse and that mental abuse was the most prevalent.

2 An overview of the Iranian policies on women

There are constitutional and, civil laws as well as national policies about the rights of women. Article 21 of the Iranian Constitution that the government should guarantee the rights of women in all fields in adherence to the laws of Islam. It follows that the government should provide a suitable platform for the promotion of the financial and moral rights of women to protect them during pregnancy. The government should protect the rights of mothers who do not have any support to keep and protect their children, and to create suitable courts for supporting these families. Additionally, it should provide insurance for old women who have no support and grant the guardianship of children to worthy mothers to protect them in the absence of a legal guardian (in Iran, after a divorce or the death of the father, the priority for keeping the children is given to the paternal family) (CIVIL CODE OF THE ISLAMIC REPUBLIC OF IRAN, 1928).

Under the Civil Law of Iran, Article 642, Chapter 19, “Crimes against Family Rights and Responsibilities”, if a man does not pay maintenance to his wife, he will be punished by law. “Anyone who fails to pay his wife’s nafaqa (maintenance), while he has the financial ability, subject to the wife’s tamkin (obedience), or fails to pay other members of his family that he is legally responsible to pay their nafaqa, shall be sentenced by the court to three months and one day to five months’ imprisonment” (ISLAMIC PENAL CODE OF THE ISLAMIC REPUBLIC OF IRAN, 2013). Furthermore, in Article 645, it has been emphasized that if a man does not officially register his permanent marriage, he will be imprisoned for one year. Article 619 states that those who bother women and children in public will be punished from two months to six months and receive 74 lashes of the whip (JAVANMARD, 2011). Meanwhile, some agencies have been set up to protect the rights of women and children in the courts of law in all provinces; in the province of Gilan, their duties include supervising the investigation of cases involving women, children and juvenile offenders to solve their problems as soon as possible, and to issue appropriate measures for improve.

Furthermore, Article 1106 of Iran’s Civil Law states that in permanent marriages, the husband is responsible for the costs for the maintenance of his wife. Article 1108 further expands on Article 1106 in that those wives who do not perform their duties and have no legitimate excuse will not be entitled to receive the maintenance costs. Article 1111 states that in the event that the husband refuses to provide maintenance for his wife, the wife can seek the assistance of the court, and, in this case, the amount of money payable by the husband to the wife will be fixed by the court. Article 1129 places emphasis on the duty of a husband in paying the cost of maintenance; if he refuses and does not adhere to the judgment of the court to pay the costs, the wife can ask for a divorce and the husband will be obliged by the court to divorce his wife (CIVIL CODE OF THE ISLAMIC REPUBLIC OF IRAN, 1928).

Unfortunately, the first two development plans did not contain any Article concerning violence against women. The lack of supportive laws in these plans violence against women leaves a big gap in Iran’s 20-year economic perspective. In the third short-term plan, Article 56 states that interest free loans will be considered for female-headed households and those who are Female-headed households in rural areas. Article 158 has been considered to be the responsibility of the Center for Women’s Participation (In 1997, Khatami created the Center for Women’s Participation, which was affiliated with the presidency, and became the main institution responsible for handling women’s affairs in the country).

The duties of this center include organizing common research activities with related organizations in judicial power to prepare plans for facilitating and following up the legal affairs of women; to consider female-headed households a priority in using the different services in the fields of social, financial, legal, consonant, education and sport in the undeveloped places and the deprived groups (low classes) in the field of supporting nongovernmental organizations to prepare reports to update

the government concerning the achievements of the aims of the center through related organizations. to prepare the annual reports that are taken from the executive organizations to determine if they are ready for submission to the government (THE LAW..., 2014b).

Article 111 (3) in the fourth plan sanctions legal measures for the prevention of violence against women. Article 111 (4) supports the establishment of non-governmental organizations and civil institutions. Article 89 (5) has been prepared and approved a comprehensive plan for the empowerment of women and the support of women's rights in the social, economic, legal and executive fields. Article 100 (94) creates security and freedom for developing social movements in the field of supporting the women and children's rights (it did not specify which rights) (THE LAW..., 2014a).

In the fifth plan, Article 39 places, emphasis on the social and family center plans together with financial assistance from the government to empower groups and individuals, especially female-headed households and the handicapped (disabled). Article 230, mentions the cooperation of the center of women's participation with organizations and related authorities (MIRHOSSEINI, 2006).

In all the five year plans, comprehensive programs have been considered for female-headed households, which is defined as women who have lost their support because of divorce, or the death, addiction, disability, imprisonment or illness of their husbands women who never married, and women who bear all the responsibilities of the family (NAZOKTABAR; ALIABADI, 2011). The law supporting female-headed households was enacted in November 1983 and promotes the cooperation of certain agencies and organizations, such as the Ministry of Welfare, Insurance, Emdad Committee, Technical Education and Vocational Organization, and Municipals.

In response to the implementation of the Beijing Platform for Action (1995), which included the prevention of violence against women, the Iranian government passed policies, such as approving legislative amendments and projects authorizing a national research by Ghazi Tabatabaee and his team on violence against women, presenting a Bill about blocking the trafficking of women that is being studied by the parliament; and establishing female police centers and employing female police officers (THE ANSWER..., 2003).

The national review document provides some strategic objectives for preventing violence against women that includes the security of women and children according to Article 227, in the fifth short term plan, with the help of the Ministry of Interior in social relations continue (THE VICE PRESIDENCY FOR WOMEN & FAMILY AFFAIRS, 1995). Other measures include designing a Bill by the Ministry of Health for a national mechanism to protect women against violence, free consultation on legal or judicial issues pertaining to women, (counseling services for young couples, establishing permanent and temporary marriages in all provinces, empowering women to support themselves financially, and establishing pre-marital consulting courses to educate and inform men and women of their rights and responsibilities to each other (ASHTIANI, 2008)

Additional measures include a 24-helpline (129) for anyone to report or seek help for any violence against women; establishing Health Houses and temporary settlements for vulnerable females and victims of violence. Moreover, it is considered the responsibility of the institution to protect the rights of victims of violence in which the victims are cured through speech therapy and psychotherapy; furthermore; in each judicial purview, the judicial synergy is considered to improve the emotional depredation of victims. In addition, there are offices where the social workers try to help the victims of violence (ABRABABADI, 2004).

Meanwhile, family intervention centers have been established to solve divorce disputes (from 10 centers in 1999 to 143 in 2001) train assistants to mediate in family disputes, and manage formal or informal training programs in different areas, such as workshops for promoting a culture of tolerance in schools, providing life skills to increase the skills of families to solve their problems, increasing the knowledge of students about their rights and couples' responsibilities in preventing violence against women, and providing workshops with the aim of promoting the ethics and human values, particularly for women. This was followed by adding new courses in universities about the family and women's studies, and studies in the field of violence against women, as well as establishing human rights study centers pertinent to this issue in the universities with respect to the Islamic, judicial and international laws.

Other strategies include cooperating with Interpol to block the trafficking of women and protecting them from being forced into prostitution, and participating in the convention of anti-women-trafficking and obligatory marriage (THE VICE PRESIDENCY FOR WOMEN & FAMILY AFFAIRS, 1995); promoting the social and political rights of couples and children by using media, treatment services for women and women police forces; drafting the "Citizenship Rights" Bill and establishing family courts in which women counselors are employed (HUMAN RIGHTS IN IRAN UNIT, 2013), to amend the laws in the Civil Code, such as "increase in girls' marriage age"; creating a department in the Judiciary to support the women and children; organizing projects to address the shortcomings of women's rights in terms of all three powers (Executive, Judicial and Legislature); supporting women from religious minorities through their representatives or NGOs; establishing a "National Committee for Organizing Counseling Services as well as medical centers to deal with issues concerning the harassment of women and to refer them to the Judicial authorities and disciplinary centers in the country; considering a security plan in the "National Document on Domestic Violence Prevention", which is now ongoing (THE VICE PRESIDENCY FOR WOMEN & FAMILY AFFAIRS, 1995).

3 Criticism of the Policies Taken Regarding Violence against Women

Despite the various applied strategies of the Iranian government and the related organizations to reduce the problem of violence against women, why is it still

so prevalent? The primary reason could be that Iranian women are lacking information about their rights, the root cause of which is the neglect of the government educating women about their rights through the mass media, such as the television. As an example, to date, there is no advertisement informing the public, particularly, women, about the helpline (129) they can call whenever they face violence. Unfortunately, most of the strategies are useful after the violence has occurred and not before. For example, there are many offices in the judicial centers that offer consultation to the women who are victims of domestic violence; such consultations should be done before violence through mass media to reduce the number of victims. One of the main strategies that can potentially affect and reduce domestic violence is to educate all the females and males right from elementary school to academic courses about the rights of women. The laws about women to protect their rights are not sufficient and mostly concern female-headed households. In Iran's Constitution and Civil Laws, there are no Articles that clearly support the rights of women or prevent violence against women. Even in the first and second four-five year plans, there was no mention of this issue; the third plan, a center for women to address women's affairs was included. In the fourth and fifth plans, measures to prevent violence against women were incorporated although there was no mention of the process to be taken for their implementation. Unlike the measures that are applied by the government to reduce violence against women, the increase in the number of victims of violence indicates that the applied policies are not successful (THE ANSWER..., 2003), furthermore, this problem has not yet been solved or reduced.

Conclusion

Iran's 20-year Law of the Economic, Social and Cultural Development started in 2005 and would be completed in 2025 through four five-year plans. One of the objectives of this perspective is to make fundamental changes in the domestic fields. This review only focuses on the status of women in the area of violence against them in each of the five plans. To do this, the supportive laws and strategies are discussed.

Despite the many laws in the constitution, and civil laws, as well as the various strategies that are considered in the 20-year Law of the Economic, Social and Cultural Development of Iran, this issue is still a major concern in the society. The main reason is the ignorance of women about the laws and rules that support their rights concerning different kinds of issues. Another reason is the neglect of the authorities in upholding the status of women in the society. Finally, in Iran's 20-year Law of the Economic, Social and Cultural Development, the government only concentrates on the status of female-headed households, which is a small section of the large population of women, and, in all the four five-year plans, there is no clear law concerning the prevention of violence against women.

Some of the measures that would be effective to address this concern include educating society, particularly the women, starting from elementary school to

university about the rights of women and the responsibilities of both the males and females to each other. Another measure could be to provide complementary Articles in the civil laws to protect all women from violence against them.

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