

Somaye Dehban  
UU Student number: 0493066  
[somaye.dehban@gmail.com](mailto:somaye.dehban@gmail.com)  
+31 (0) 629723257  
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**Women of Parties or Parties of Women:  
Ratification of  
Convention on Elimination of all forms of Discrimination Against Women  
(CEDAW)  
in Iranian Context**

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## Acknowledgements

I only wonder to what extent someone's life can change throughout writing a thesis or rather throughout completing a study program. Since September 2007 when I started this masters program many things have changed in my life, for better or for worse. Yet, that's not the issue! The issue is the "change" and its consequences. And I am glad that I have learned how to deal with the "change" and its consequences through the education I received and by standing on the shoulders' of the scholars and activists in the field of gender and ethnicity. I remember once I wrote:

### *Women's Studies: Beyond Your Imagination*

*When I started "Comparative Women's Studies in Culture and Politics", I would have never imagined facing so many challenges and at the same time so many opportunities. The first and the most necessary requirement for being a Women's Studies student is - by default- to be able to think out of the box. In this field of study you should be able to question the status-quo even if it has been internalized in your mind since you can remember...Growing up in Iran, in a traditional and Islamic but at the same time old and rich culture, provided me with beliefs and structures which were, simultaneously, reliable support but heavy burden for development and improvement. "Women's Studies" is my blessing for my self-empowerment. I trust in my abilities and my knowledge and I truly believe that I can make "it" happen... "Women's Studies" is for the ones who want to go beyond their imaginations and are not afraid of change...<sup>1</sup>*

This quote summarizes the extent of 'change' that I went through while completing my master program; the fascinating part for me is that 'the' change is a dynamic, an on-going and a vibrant one which has not stopped ever since and has shaped my life and my philosophy.

During completing this master thesis which took me 50 months to finish, there have been many teachers, (ex) boy-/girl-/ friends and (former) colleagues who have supported me and advised me on how to finish this program. Some suggested me to quit my studies which would have made my life - and probably many others – a lot easier. Although, the temptation has been there throughout the way, I am glad to be writing these lines on the last few days of my thesis i.e. I ain't no quitter!

---

<sup>1</sup> This is part of my note for Gender Studies Year Book 2009.

I have written these lines being aware of the fact that I am a female researcher;

“And this is me,  
A woman, alone  
At the sill of a cold season,  
At the sill of perception of the contaminated existence of the world,  
And the plain but gloomy desperation of the sky.”<sup>2</sup>

And I am rooted in a background that pictures the life of many women as dreaming about the notion of equality. Yet, I have studied in a global context where equality was a given fact (and maybe not necessarily fully achieved in all dimensions). Thus, I wanted to see myself in my local context within these global standards. And there have been other women who had the same desire and have worked throughout history and their efforts have turned into a convention at the United Nations, and that convention is CEDAW – Convention on Elimination of all forms of Discrimination Against Women. The hope is that if CEDAW is truly implemented by all countries who have ratified the convention, then the status of women will be improved. However, in the Iranian context the debate has been on two very different levels: the content of CEDAW does not fit the Constitution; Ratification is a means to reach an end which is not necessarily related to women.

I have also written these pages from a feminist perspective; however, this is a big, and to some extent wrong, statement to make: “Feminist Perspective” as if it is possible to define such a perspective! As Harding mentions in her book *The Science Question in Feminism*, “can there be a feminist standpoint if women’s (or feminists’) social experience is divided by class, race and culture?” (1986: 26) One of the first notions that I learned as a Women’s Studies student was that there is not just “one” feminism; hence, there are feminism’s’. Having said this, what I refer to as feminist perspective is an ‘analytical’ view on issues related to gender and ethnicity, which expects to be ‘objective’ and provides ‘constructive criticism’ on different levels. This is indeed my understanding of feminism and feminist perspective. Accordingly, from a/my feminist perspective I have looked at my interviewees’ comments on ratifying CEDAW and tried to objectively analyse their comments and constructively evaluate their standpoint on ratifying CEDAW.

I would also like to take this opportunity to express my sincere gratitude to the staff and teachers of Utrecht University Department of Gender Studies: Without your non-stop support and patience, I would have never been able to finish this program. Thank You!

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<sup>2</sup> Excerpts from one my own writings titled “Rehab” presented at Noise Summer School in 2007. The piece is inspired by a contemporary female Iranian poet and includes translations of some of her works.

## **Women of Parties or Parties of Women: Introduction**

“Women of Parties or Parties of Women” is my MA Thesis in which I explore and investigate the current debate on the political presence and participation of women in the Iranian context. I inspect views on and stances towards women’s political presence in Iran by analysing the debates and arguments related to ratification of the United Nations’ Convention, CEDAW – Convention on Elimination of all forms of Discrimination Against Women – in Iran. My aim is in particular to find out whether and how public discussion of the ratification of this Convention is an indication of improvement of women’s status in the country. To determine this I investigate the arguments and opinions of a selection of representative individuals who are publicly or professionally debating and discussing the issues related to women surrounding the ratification of CEDAW. By contextualizing, comparing and critically analysing their arguments I want to find out whether they, in the end, aim at bringing women to the status of “Women of Parties” or “Parties of Women”.

I explore this question, firstly, by *contextualizing* and *reviewing* the current status of women according to the Iranian Constitution through cross-comparing the articles of CEDAW which have been labelled as ‘problematic’ with the conflicting articles of the Constitution. Secondly, through *analysing* the content of the interviews that I conducted with the proponents and the opponents of ratification of this Convention, I look for indicators and signs of different intentions for ratification of CEDAW. Lastly, by *close-reading* of the ways that each interviewee presented her/his arguments for and/or against the ratification, I situate their ‘standpoint’ towards this Convention in particular, and the improvement of the status of women in general. I am borrowing the term standpoint from Susan Harding (1986); she defines ‘standpoint’ as “an indication of a morally and scientifically preferable grounding for interpretation and explanation of nature and social life” (1986: 26). Accordingly I look at the arguments the interviewees presented which justified – in their opinion – their choice of being in opposition to or in favour of the ratification. I am also using the term standpoint in this context since I am analysing the arguments of the proponents and the opponents for ratification of CEDAW from a moral/religious/cultural and political perspective and how the interviewees used these perspectives to interpret and explain their views on women and women’s status in Islamic Republic of Iran.

For my thesis, I review, summarize and analyse the previous reports on status of CEDAW’s ratification both in English and Persian produced and published both by the opponents as well as the proponents. Moreover, I bring together the two ends of the spectrum on ratification of

this Convention by interviewing well-known and famous figures from different political orientations and parties active in women's issues in Islamic Republic of Iran. This quest of mine in reading and interviewing the involved parties on the matter included both the parties in favour of ratification, either with or without reservation right, and also those against ratification. It is necessary to mention that there is one exceptionally thorough publication in Persian regarding CEDAW in Iran by Mehrangiz Kar<sup>1</sup> in 1999 (twenty years after the Convention was introduced) titled 'Elimination of Discrimination against Women, Comparison between Convention on Elimination of Discrimination against Women and Iranian Constitution'. In her book, Kar reviews CEDAW's articles from numbers 1 to 16 and compares them with the Iranian Constitution which is based on Shi'a Fiqh<sup>2</sup> and points out the articles of CEDAW which are in contradiction with the Constitution and proposes either changes in the Constitution or usage of reservation right. The aim of Kar's book is at two levels: first, providing a comparative study between the Convention and the internal Iranian law i.e. the Iranian Constitution; and second, evaluating the possibilities of the Iranian government to join this convention. The book also reports on the discourse of human rights evolution in the 20<sup>th</sup> century. Additionally, the book expands on the capabilities and capacities of Shi'a Fiqh which is the basis of Iranian Constitution. Based on these capacities and the Constitution, Kar also proposes possibilities of correction and/or change in the Constitution to resolve the points of difference and/or contradictions between the Constitution and the Convention.

The main point of difference between Kar's book and my thesis is that my thesis brings together the opinion of the proponents to ratification as well as the opponents to ratification. I can claim that this is one of the unique features of this thesis, meaning, there is no other document/report/article that has brought together both ends of the spectrum on this matter. Also, the other point of difference between Kar's book and my thesis is that I do not consider CEDAW as the Convention where its "ratification" would bring about change in women's status; whereas Kar's analysis is based on the assumption that CEDAW's ratification would directly affect the status of women and the changes/corrections that she proposes are in the

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<sup>1</sup> Iranian lawyer, journalist, women's right activist; <http://www.mehrangizkar.net/english> [date of access: 13<sup>th</sup> January 2010]

<sup>2</sup> "*Fiqh*, literally, means understanding; it refers to the study of the law in Islam and is usually defined in jurisprudence textbooks as the knowledge of the rights and duties whereby human beings are enabled to observe right conduct in this life and to prepare themselves for the world to come. Whereas *Sharia* refers to the divine law itself, *Fiqh* denotes the human interpretation of the divine commands." Kamali, M. Hashim (1991) *Principles of Islamic Jurisprudence*. Cambridge, U.K.

direction of convincing the government to ratify the convention. In other words, I do not necessarily consider ratification of CEDAW – or any other convention for that matter – as a means to improve the status of women or any other group targeted in the content of the convention; yet, in Kar’s book CEDAW’s ratification has been considered as the means for improving the status of women. Moreover, to my knowledge, there is no other work that has actually analysed the intentions of the proponents and the opponents of ratification to a deeper level than listing their arguments for their standpoint.

Based on the provided information, I phrase my research question as follows:

“To what extent do the proponents and opponents of the ratification of CEDAW in Iran aim to improve the status of Iranian women towards equal political presence and participation?”

To answer this question, I explore the answers to these sub-questions:

- What is the history of CEDAW and what does its content entail?
- What is the historiography of CEDAW in Iran?
- What are the articles of CEDAW that are in contrast with Iranian Constitution? And why are those articles in contrast with the Constitution?
- What stand do the proponents and the opponents take towards CEDAW and its ratification?
- What does ratifying a convention in general and CEDAW in particular mean for each of these groups?

Throughout the thesis I refer to the implication of ‘representation’ as a concept defined within Gender Studies. By ‘representation’ I am referring to the concept that became part of the second wave of feminism which claimed that ‘the way women perceived themselves and were perceived was ineluctably shaped by the ways in which images of women were constructed and communicated to the population at large’ (Pilcher & Wheleham, 2004: 135). Representation is not just about how women present themselves in the public sphere but also about how they are expected to present themselves based on the social norms. ‘Representation as presence and appearance has an implied visual component as well; moreover, representation can never be real or objective since it is constructed images, images that need to be interrogated for their ideological content’ (Ann Marie Baldonado, 1996). Gayatri Spivak

as one of the most dominant theorists in post-colonial studies makes a distinction between the two definitions and the implications of representation: *Vertretung* as ‘stepping in someone’s place’ or ‘speaking for’ which has a reference to political representation; and *Darstellung* as ‘re-presentation-portraying’ or ‘placing there’ (Spivak, 1988). In my MA thesis, I refer to two different representations: ‘political representation’ and ‘religious representation’. By ‘religious representation’ I am referring to the way in which women in the Iranian context are perceived from a religious perspective, i.e. from an Islamic perspective. This representation is in line with the definition of Spivak’s *Darstellung* since the religious representation refers to how an Iranian woman is portrayed based on the religious understanding. By ‘political representation’ I am using Spivak’s *Vertretung* definition since I am referring to the presence and appearance of Iranian women in the political sphere as they ‘speak for’ all groups of Iranian women. The political representation that I am referring to is the representation that supports and gives benefits to the party’s agenda and image.

To answer my research question(s), I divide my research into the following sections:

*First:* in order to provide a background for the reader regarding this Convention, in the section “CEDAW in a Glance” I provide a short introduction to the content of CEDAW, with a touch to the historical background of the Convention and some information on how many nation-states have (and have not) ratified the Convention. I also have provided a brief historiography of CEDAW in Iran.

*Second:* I elaborate on the articles of CEDAW which have been categorized as ‘problematic’ and a burden to ratification of the Convention since they are in contrast with the segments of the Iranian Constitution. This section is based on the Persian report by Mehr White House and analysis made on this topic as well as Kar’s book. In this section I mainly use the theoretical frameworks: difference, equality and citizenship.

*Third:* I present the arguments of the proponents and the opponents of ratification on CEDAW in Islamic Republic of Iran, and by reviewing and analysing the content of their statements and narratives I situate their standpoint towards the ratification. In this section I use the theoretical frameworks: political versus religious representation and double standard.

*Fourth and last:* by comparing and correlating the findings from the *second* and *third* sections I demonstrate that the ratification of CEDAW in Iran – at least in Iran – is not a sign of willingness of the ratifying state (the proponents of ratification here) to improve the status of woman per se.



As mentioned above, there are different theoretical concepts that I put into practice in my work, to name some: political versus religious representation, family, difference, equality versus equity, citizenship, standpoint, double standard, dichotomy of private and public and their link to masculinity and femininity. The three concepts of difference, equality and citizenship are the core concepts in the second section of my MA thesis. I have extensively elaborated on these concepts in my MA internship report. Moreover, some of the concepts mentioned above, have been used exactly as they have been defined in theory but some others I have ‘borrowed’ part of their theoretical definition and associated/created new definitions which serve better in the Iranian context.

In this MA thesis, I do not investigate the actual consequences of CEDAW’s ratification and for this reason I excluded part of my original draft of the thesis which focused on comparing and evaluating the status of women in countries that have ratified the Convention, 5 years before and 5 years after that their respective governments have ratified the Convention; I also do not investigate the contradictions between the Convention and the Constitution from the religious perspective.

It is necessary to mention that in many languages and cultures there is either no distinction between the two concepts of ‘gender’ and ‘sex’ or the distinctive line is very fine and to a great extent confusing. The Persian language and culture also lacks active<sup>3</sup> literature about the two concepts of sex and gender. On the one hand, the literary translation of sex and gender in Persian are very close to each other and even confusing and, on the other hand, the word ‘sex’ has entered the vocabulary of this language with just one of its definitions which refers to sexual intercourse. Lack of active literature and vocabulary is indeed a barrier in communication especially on such a sensitive topic. During my stay in Iran for my internship, I even heard a narrative that the first time the word ‘gender’ (*jensiat* in Persian) was used in the literature it was written as *jensi* which literally means ‘sexual’. This mistake caused a great sensitivity among the governmental, religious and political authorities. Anything and any concept linked to sex and sexuality is a forbidden topic, a taboo, to discuss in the Iranian culture, and hence not spoken of in the public sphere. Therefore, when gender was introduced

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<sup>3</sup> What I mean by ‘active’ literature is the literature that is used in everyday life. I believe in the rich and prosperous Persian Literature Heritage, there are words and vocabularies that refer to these concepts; however, as over time they were not part of the usual and used vocabularies, they have been buried in the books. Certainly, a close look at the literature will bring those words back to life.

with such a direct link to sexuality it caused heated negative debate and as a result was hushed back to the closet.

In the next section, Methodology, I elaborate on the ways that I conducted my research and explain the theoretical frameworks that I used to construct/deconstruct the content of my interviews.

## Methodology

In this section, I explain the methods that I used to conduct my research.

I studied texts (in English and Persian), secondary literature (in Persian) and I review almost all the publications in Iran about CEDAW. Therefore, a *literature review* was one of the main methods of data gathering used for this thesis. The translation of CEDAW from English to Persian is very precise and leaves very little (and almost no) room for different interpretation other than what can be interpreted from the original text in English. Yet, the interpretation of certain concepts in specific contexts, such as Iran, depends on the intentions of the interpreters; for instance, on the topic of equality, the opponents of the ratification claimed that if we are about to treat women as equal to men, then women are also allowed to have 4 husbands at a time since men are allowed to have 4 wives. And they set this interpretation as one of the main reasons for not ratifying the convention.

Beside Kar's book, that I introduced in the previous section, another secondary literature that I use for my research is the report of a one-day seminar organized by 'Mehr White Home-Human Rights' on 18th February 2001 about ratification of CEDAW. This seminar invited experts from different fields from lawyers to parliamentarians to faqihs to look for solutions for ratification of CEDAW either through using reservation right or proposing changes in the Constitution. The participants of this seminar were divided into work-groups based on expertise and at the end of the seminar each work-group presented solutions based on their field of expertise.

In order to understand the current status of women in Iran and to provide context on the issues which urges the opponents to be in opposition of ratifying CEDAW, I cross-compare the segments of the Iranian Constitution which are considered in contradiction or contrast with the Convention.

I conducted interviews with 12 prominent and/or influential key figures involved with the issues related to women in Iran. I particularly chose the interview method as I wanted to hear different narratives and by using content analysis I can find the intentions of the interviewees for (not) ratifying CEDAW. I used both *face-to-face* interviews and *telephone* interviews method, the latter was just in two cases. There is one main point that I had in mind while making my list of interviewees: making sure that I have interviewees from both perspectives

i.e. both the proponents and the opponents for Iran joining CEDAW. As a *qualitative research*, I use open-ended questions to have the chance to explore interviewees' words, thoughts and intentions; while keeping a systematic way of asking the questions from my interviewees I look for the differences between the narratives; almost all the interviews start by asking about the history of status of CEDAW in Iran, and the procedure that it went through from the beginning until the time that the interviews were conducted (October-December 2008). As I was expecting, the narratives differ from the beginning: the proponents have a very clear time-line of history of CEDAW in Iran and point out different instances that the ratification of CEDAW is debated among different political parties; whereas the opponents do not refer to these instances and instead start off by criticizing the Convention. I already knew which interviewee is for and which is against the ratification; however, by the way they start their narrative and set their standpoint, it was not always a wise or even necessary question to ask 'why they hold that position towards the ratification'. I elaborate on this point in section Proponents and Opponents when I present the data and analysis of the interviews. Moreover, I provide the space for my interviewees to explore and discover new possible paths, by telling any 'behind the curtains' narratives<sup>1</sup> related to CEDAW. I analyse the content of each and every interview and situate each statement in the context that it is told and draw conclusions based on the context and not only the content, since the context provides clues and information that are not explicitly mentioned in the content.

Another point related to the methodology section is about *translation* of the texts. There are no English texts about status of CEDAW in Iran; therefore, all the literature used from Iranian context is in Persian. I translate all the literature I use for my thesis and also all the interviews myself from Persian to English. I faced two challenges for this part: the grammatical structure of some of these Persian reports is not correct and while translating them to English I made corrections for these errors. The other challenge is related to the hidden meaning of the content and the context that it is used which again by situating the content in the context and translating it as a whole I try to minimize the chance of 'losing' meaning in the process of translation.

While I was working on my research I heard so many narratives and stories just about my own topic let alone the politics surrounding the matter; narratives and stories which could

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<sup>1</sup> "Behind the Curtain" is a literary translation of a Persian proverb, referring to an incident and/or story which has happened secretly and no one has seen it, though there are speculations about it-of course without any evidence.

shed light on my research. Different people with different political orientation might mention different points which some might be towards criticizing the government; yet, in public sphere they might not speak out and mention what they have said before in private sphere. I am *partially* borrowing the term ‘public sphere’ from the social contract theorists such as Hobbes and Rousseau. According to their writings there are two spheres: ‘public and political’ (which is referred to in CEDAW’s article 7) and ‘private and removed from politics’. By *partially* I mean that I am using the term not in the exact definition that they have used: by ‘public and political’ I am referring to the public sphere that someone’s comments are considered as political statements and this sphere is not necessarily associated with masculinity. Accordingly, by ‘private and removed from politics’ I am referring to the private sphere that someone’s comments are merely personal statements regardless of the person’s political orientation and this sphere is not necessarily associated with femininity.

Thus, my interviews are *conducted* in ‘private and removed from politics’ spheres where the interviewee could express her/his opinion without necessarily making a political statement; yet, I have to *treat* the comments as if they are made in ‘public and political’ sphere. And therefore, that results in using the policy of “off the record”. The policy of “off the record” is applied to my data gathering procedure in one way or another. I am asked – or better to say told – by the interviewees that I have to pre-check with them what part of the gathered data I want to use in my written<sup>2</sup> report and thesis to make sure that I am not going to use the information which was “off the record”. The problem is that the real story, the true narrative<sup>3</sup> was told and unveiled at the phase which is “off the record”. To overcome this dilemma I have not referenced any of my quotes directly, i.e. instead of saying that Mrs or Mr X says this or that, I have said that ‘interviewee # 1’ said this or that. Throughout the thesis I cite the quotations consistently i.e. all the citation from one interviewee is associated with only one number. I leave no trace of which interviewee corresponds with which number in this thesis. In this way, I take the liberty to use all the information that I gather to provide a bigger and a better picture of the matter, and at the same time keeping my promise to the interviewees that I will keep ‘that’ part of the interview “off the record”. I also use both pronouns i.e. she/he to refer to all the interviewees regardless of their sex. I conduct twelve interviews, two of which are phone-interviews. Below is the list of my interviewees in alphabetic order:

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<sup>2</sup> Anything which has been written is evidence; therefore, it is possible to refer to it and be considered as a basis for a judgement – positive or negative – about the person and as a result can be a source of problem and viable threat.

<sup>3</sup> I am aware of the fact the concept of ‘*true narrative*’ is problematic though it is used to merely put emphasis on the fact that what was essential to be unveiled was told during the off the record phase.

1. Zahra Davar – teacher at Free University of Tehran;
2. Faezeh Hashemi Rafsanjani – Director of Mehr White Home;
3. Dr. Elaheh Koulaee – Teacher at Tehran University, former member of the Parliament;
4. Dr. Nasrin Mosaffa – teacher at Tehran University;
5. Shahindokht Moulaverdi – International Office of Women’s Participation;
6. Dr. Mohamad Pour Najaf – Head of the Office of Women’s International Affairs and Human Rights – Ministry of Foreign Affairs;
7. Nahid Rampanahi (Phone Interview) – member of Muslim Women Community, member Socio-Cultural Women’s Committee;
8. Shadi Sadr – Lawyer/Women’s Rights Activist;
9. Dr. Jaleh Shadi Talab – Teacher at Tarbiat Modares University, initiator of Women’s Studies Centre in Iran;
10. Dr. Zahra Shojaee – teacher at Tehran University, President Khatami’s consultant in Women’s Affairs;
11. Taheri, Director of International Sector of Women and Family Affairs;
12. Vali Morad (Phone Interview) – Member of Zeynab Community.

Before moving to the next section, I do find it necessary to refer to the intersectionality of class and ethnicity with gender/sex since one of the essential aspects of gender/women’s studies and feminist perspective is to look into and address the intersectionality between these concepts. In Iranian society *a person’s occupation* is often used as an indicator of her/his class position. For instance, farmers in Iran are among ‘rich’ groups since they own land and cattle; however, the farmer’s occupation is not considered as a high class occupation. Conversely, teachers in Iran are among ‘low-income’ groups; however, the teachers’ occupation is considered as middle class. Although ‘capital’ still plays a role in defining someone’s class in the Iranian society, it needs to be associated with an occupation that is categorized as ‘high class’ occupation. At the beginning of 90s there were many farmers who sold their lands and properties in their rural regions and moved to the big cities, bought big houses and expensive cars – which are symbols of richness and high class in classical definition of ‘class’ – nevertheless, they were not perceived by the society as high class group since there were no high class occupations attached to their capital. Class analysis has the tendency to ‘ignore gender relations’ as Sylvia Walby (1990) mentions in her book *Theorizing Patriarchy* (1990: 8). Harriet Bradley (1996) in reviewing the defence of the Conventional position on class and gender mentions that “[since] women took their class from their husbands or fathers...or that women’s social roles were primarily domestic, occupational class was not relevant to women” (1996: 15). Yet, this explanation is applicable in an Iranian context: women do take their class from their husbands or fathers and their personal occupation – even if it is non-domestic – is not considered in categorizing their class position. For instance, a housewife with no

occupation whose husband is a doctor has a higher social class than a housewife with a teaching occupation whose husband is also a teacher. Walby in same book refers to Shulamith Firestone's (1970) efforts to reconceptualise class away from usual economic indicators. Firestone locates men and women in a different 'sex-class' on the basis of their relations to the means of reproduction. Taking this definition into account, we can define another class-division within women in Iranian society: women, who are not fertile and cannot reproduce<sup>4</sup>, are categorised on a lower class compared to other women who can reproduce. These women are at risk of losing their marriage or being subject to accepting the presence of a second-fertile-wife.

In discussion about *ethnicity* I take the definition provided by Anthias and Yuval-Davis: "Ethnicity at its most general level involves belonging to a particular group and sharing its conditions of existence...being able to muster ethnic resources which can be used for struggle, negotiation and the pursuit of political projects, both at the level of individuals making their way but also for the group as a whole in relation to other groups" (1992:8). Although there are many different ethnic groups either in different parts of the country or in different parts of big cities such as the Capital, Tehran, the government attempts to emphasize the notion of nationality more than ethnicity. Nevertheless, different governmental officials refer to their ethnic background whenever appropriate to further their political agenda such as collecting more votes in elections. In the segments of the Iranian Constitution that I review in my work, there is no reference to ethnicity. I have to mention that I am making a conscious distinction between ethnicity within Iranian political borders and non-Iranian nationalities out of the Iranian political borders. The articles related to the nationality that I review in my work concerns any man or woman with Iranian nationality regardless of their ethnicity.

There is no explicit reference to intersectionality of gender/sex and class and ethnicity in the segments of the Iranian Constitution that I analyse for my thesis. Moreover, none of my interviewees refer to this topic. If I replace the concept of nationality/citizenship with ethnicity, then I can refer to its intersectionality with sex (and not gender). I elaborate on this topic extensively in my MA internship report and also in the Problematic Articles section while reviewing article 9 of CEDAW. In the next section, CEDAW at a Glance, I provide a historical background about CEDAW and its core content, and also a historiography of CEDAW in Iran.

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<sup>4</sup> The option of not having a baby as a choice is not discussed in public and private in Iranian society as if it is not a 'real' choice; couples which decide to choose not to have a baby are frowned upon both by families and society and it is usually assumed that the woman (and not the man) is not fertile.

## **CEDAW at a Glance**

This section presents a short history of CEDAW and the articles that it entails. The complete version of CEDAW can be found on the UN Website.<sup>5</sup>

In 1975, the First World Conference on Women was held in Mexico City. This Conference which was sponsored by United Nations called for a treaty on women's rights. This was the first step taken towards the creation of the Convention on the Elimination of all forms of Discrimination Against Women, also known as CEDAW. This was adopted by the General Assembly of the United Nations on 18 December 1979 and it became effective on 3 September 1981.

Until 1999, this Convention consisted of a *preamble* and thirty articles in 6 parts. In same year, the General Assembly adopted an *optional protocol*. According to CEDAW "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."<sup>6</sup>

The signers of the Convention also require taking action against the trafficking of women.

The 'Introduction' section clarifies the status of the two other Conventions regarding women's rights which were adopted in previous years, namely the Convention on the Political Rights of Women in 1952 and the Convention on the Nationality of Married Women in 1957; the introduction section, furthermore, elaborates on how their provisions have been integrated in articles of this Convention. Moreover, it introduces the content and significance of the Convention by reviewing some historical background of the Convention and situating the content of the Convention to the goals of United Nations and Human Rights Charter:

The Spirit of the Convention is rooted into the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women<sup>7</sup>.

Article 1 (in Part I) of the Convention is dedicated to defining the term 'discrimination' which is an asset for the whole Convention:

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<sup>5</sup> The text can be found on the following website: <http://www.un.org/womenwatch/daw/cedaw/>

<sup>6</sup> <http://www.un.org/womenwatch/daw/cedaw/> [date of access: 20<sup>th</sup> August 2013]

<sup>7</sup> <http://www.un.org/womenwatch/daw/cedaw/text/eConvention.htm> [date of access: 20<sup>th</sup> August 2013]



For the purpose of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.<sup>8</sup>

Articles 2 to 6 are the other articles in Part I, which cover the following subjects: policy measures, guarantees of the basic human rights and the fundamental freedoms, special measures, sex role stereotypes, prejudice and prostitution. This part deals with reproduction rights and the link between discrimination and women’s reproductive role. It advocates “a proper understanding of maternity as a social function”.<sup>9</sup> This definition of maternity is among the problematic aspects of the convention which I have reflected upon in the first part of the problematic articles’ section.

Part II, which contains articles 7, 8 and 9, is about political and public life, representation and nationality. These are the articles which restate the terms of the two former Conventions regarding women’s rights. Article 9 declares that “state parties shall grant women equal rights with men to acquire change or retain their nationality...and the nationality of their children.” All the articles of Part II are among the Problematic Articles and I have referred to them in my MA internship as well. In the related section, I have analysed these articles in detail.

Education, employment, health, economic and social benefits and the rights of rural women are the topics that have been covered by articles 10 through 14 in Part III:

*“...the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas...”* (CEDAW, Article 10.a),

*“...provide special protection to women during pregnancy in types of work proved to be harmful to them...”* (CEDAW, Article 11.2.d),

*“...the right to bank loans, mortgages and other forms of financial credit...”* (CEDAW, Article 13.b).

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<sup>8</sup> Quoted from the UN Website at <http://www.un.org/womenwatch/daw/cedaw/text/eConvention.htm>

<sup>9</sup> I particularly took this quote from article 5.b. of the Convention since it is one of the most problematic articles of CEDAW. I elaborate on this article in the section “Problematic Articles”.

Part IV which contains articles 15 and 16 is concerned about the law and marriage and family life.

*“...the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile...”* (CEDAW, Article 15.4).

*“...the same rights and responsibilities during marriage and at its dissolution...”* (CEDAW, Article 16.1.c).

Part V and VI (articles 17 through 30) are about the Committee on the Elimination of Discrimination Against Women, the reports by the state parties and the committee and rules of procedure. These two parts mainly deal with administration of the Convention and the commitments that the signers of the Convention have agreed upon, among others:

*“...a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and the progress made in this respect: (a) Within one year after the entry into force for the State concerned; (b) Thereafter at least every four years and further whenever the Committee so requests...”* (CEDAW, 18.1)

The Committee on the Elimination of Discrimination Against Women is one of the eight UN-related human rights treaty bodies and was originally established as a sub-commission of the Commission on Human Rights; however, due to pressure by women's rights activists, it quickly granted the status of full commission. This committee not only monitors the progress of implementation of the Convention but also reviews reports submitted by signatory nations sent every four years. The committee meets twice a year and is composed of 23 experts (CEDAW, Article 17.1) “of high moral standing and competence in the field covered by the Convention (CEDAW, Article 17.1)” from different UN member states in such a way that a “balanced geographical representation and the inclusion of the world's different forms of civilization and legal systems (CEDAW, Article 17.1)” have been taken into account.

The *optional protocol* to CEDAW is a side-agreement to the Convention and it gives the permission to the Committee to consider complaints from individuals; however, “before a complaint is considered, the Committee must determine that all available domestic remedies have been exhausted and the complaint is not, nor has been examined by the Committee or has been or is being examined under another procedure of international investigation or

settlement (Optional Protocol to CEDAW, Article 4)” Nevertheless, this may only be raised if member states have signed both the Convention and the protocol.

On 8 January 2011, out of 192 Member States of United Nations, 185 countries have signed and ratified CEDAW (with and without Declaration/Reservation and Objections<sup>10</sup>); the United States of America is the only country that has signed the Convention but has not ratified it; the Islamic Republic of Iran (from West Asia/Middle East), Nauru, Palau and Tonga (from Asia Pacific/Central Asia) and Somalia and Sudan (from Africa) are the last six countries which have not signed or ratified the Convention on the Elimination of all forms of Discrimination Against Women.

And as I mentioned in the introduction section, the ratification of CEDAW in Islamic Republic of Iran has been on the political agenda of the proponents few times. Therefore, it is necessary to mention that the 7<sup>th</sup> parliament and the government of President M. Khatami did ratify this Convention but the Guardian Council rejected the ratification since they considered it as being in contradiction with the Islamic law and practice and, hence, the Islamic Republic of Iran could not officially ratify CEDAW. The Parliament and the Guardian Council disagreed with each other on this point and could not reach a resolution. Therefore, the decision regarding the ratification was moved to another council named ‘Expediency Discernment Council of the System’ which was originally set up to resolve the differences and conflicts between the Parliament and Guardian Council. Up until the time of finishing my thesis no decision has been made.

In the next section, I review the problematic articles which are a burden to ratification as they are considered to be in one way or another in contradiction or contrast with the Iranian Constitution.

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<sup>10</sup> For complete list of Declaration/Reservation and Objections please refer to [UN Website](#).

## Problematic Articles

As I mentioned in my introduction, in order to answer my research question, I *contextualized* and *reviewed* the current status of women according to the Iranian Constitution through cross-comparing the articles of CEDAW which are labelled as ‘problematic’ with the articles of the Constitution with which these problematic articles are in contrast. In this section I discuss those articles of CEDAW that are labelled as problematic.

Prior to naming the ‘problematic articles’, it is necessary to mention and clarify two points:

The proponents of ratification have divided the problematic articles into three categories in order to be able to offer solutions for ratification based on the type of the problem. These categories are: (a) the articles which are found completely against the Sharia and hence the Iranian Constitution; therefore, it is necessary to use ‘reservation right’ for them since it is not possible to change Sharia; (b) the articles that are found in contrast with the Constitution but according to Sharia it is possible to amend or abrogate the law and, therefore, the problem could be solved; (c) the articles which are found in contrast with the Constitution because the (text of the) law in the Constitution is not clear and with clarifying the law, the contrast will be eradicated as well. Since it has been mentioned explicitly in the content of CEDAW that the governments which ratify this convention are obligated to take immediate measures to eliminate discrimination against women in all forms through different means including adjusting their internal law (or constitution), the proponents made this division to lobby with the parliament and the other councils accordingly.

Secondly, to compile this section I use different sources some of which were also a combination of other sources. Despite my attempt to make a first and secondary list of sources, it is very difficult to make the distinction; the main sources that I use are (a) the report of a workshop organized by “Mehr White Home Human Rights Organization” on 18th February 2001; (b) a book by Mehrangiz Kar published in 1999 titled *‘Elimination of Discrimination against Women-Comparison between Convention on Elimination of Discrimination against Women and Iranian Constitution’*; These sources in addition to the common knowledge about the constitution provided the basis for this section. It is necessary to mention that I only refer to the arguments about each article that are used in both sources and are significantly similar to each other. Moreover, only for article 5, I add the comments of the interviewees for my research. The reason for this difference is that this article was more

general than the other articles and the interviewees actually did not refer to any article except article 5.

As mentioned at the beginning of this section, the aim of this part is to have a better understanding of what is the current status of Iranian women according to the Constitution and what limitation they are facing compared to an international convention such as CEDAW.

## ***Is Maternity a Social Function?***

### Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function<sup>1</sup> and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 5 (b) considers maternity as a social function which has raised concerns and resistance for ratifying CEDAW not only among the opponents but also among the proponents of ratification in Iran. According to them, becoming a mother is considered as one of the most ‘natural’ behaviours for women and by considering it as merely a social function, women are being ‘distanced’ from their nature. One of my interviewees (# 9) even named this consideration and approach as a reason for the ‘high rate of suicide among women in Nordic countries’ since she/he believed that ‘this approach has distanced women from their natural desire/strive for being a mother’ and hence ‘losing the goal of life’ and consequently ‘committing suicide’. Interviewee # 4 also considered the ‘ability to become mother is a blessing/a given gift from God’ that should be appreciated and acted upon. Although by reviewing statistics provided by World Health Organization, it is possible to prove or disapprove this statement - which is not the aim of this thesis - nevertheless, this example shows the differences in understanding and perceiving the concept of maternity and/or motherhood. Moreover, it is believed that by ‘not prioritizing the role of motherhood and wifehood for women’ (Mehr White House Report, 2001: 45), the involved parties [or groups in involved in women’s issues] are implying that ‘the male identity [i.e. role] is the supreme role’ [since men do not become pregnant by nature and will not become mothers], hence accepting the higher role/position of the men. The person who made the above comment also mentioned that ‘we [involved parties in women’s issues] either accept that there are differences between men and women or we don’t; if we claim that there are no differences

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<sup>1</sup> The underlining of part of the sentences in this section is my emphasis in the text.

between men and women, then why does the Convention mention that women should have privileges that come with pregnancy like maternity leave? And if we claim that there are actually differences between men and women, then we should accept that being a woman is equal to being a mother and therefore, maternity is not a social function.’

The structure of this line of reasoning might – and just might – seem correct; however, the conclusions are not: in the first part regarding the maternity leave, the Convention wants to ensure that maternity is not considered as just women’s responsibility and as a social function men are also responsible for the upbringing of the children; moreover, the ideal situation is that the father also benefits from paternity leave, which is actually the case in a few countries, among them in Sweden. In the second part, equalizing womanhood to motherhood is problematic – even if we assume that these two concepts are equal – since it automatically excludes women who cannot get pregnant – for medical or mental reasons – or women who do not want to be pregnant. Moreover, this assumption/definition also indirectly excludes young girls from the category of women and also women who have passed their fertility period and are menopausal.

## ***Can Women run for Presidential Elections?***

### Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

In the discussion about this article, 7 (b) and (c) are not the problematic ones, and even 7 (a) is also not problematic directly since there is no law in the Constitution that directly prohibits women from running for the presidential election. However, in the eligibility criteria listed for prospective candidates for Presidential Elections, mentioned in the Iranian Constitution, there is a word that has caused confusion in the interpretation and as a result a problem for ratification. This word is Rajal. Rajal [rædʒəl] which is an Arabic word which entered the Persian language that means men, but the same as the word ‘men’ in English, this concept also refers to both men as ‘male’ human beings and also men as human beings in general. Therefore, this is one of the articles that can be unproblematic only if the law in the Constitution is clarified through the Guardian Council. In all the sources that I used for this section of my work, another point has also been raised in relation to this article of CEDAW which is not directly in contrast with CEDAW but with its implication: according to the Iranian Constitution women can become judges but they cannot make convictions since being male is a pre-condition for this position<sup>2</sup>. This article has been also discussed under article 16 of CEDAW.

It is necessary to mention that the term ‘public and political’ that is referred to in article 7(c), is different from the definition that I have used in my methodology. My reference to public and political does not have a direct link to masculinity, whereas this article in particular and

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<sup>2</sup> Shirin Ebadi the winner of The Nobel Peace Prize in 2003 is one of those women who was discriminated by this law after the revolution, since before the revolution she was a judge and after the revolution she could just be a lawyer. More information can be found on the Nobel Prize website:  
[http://nobelprize.org/nobel\\_prizes/peace/laureates/2003/ebadi-autobio.html](http://nobelprize.org/nobel_prizes/peace/laureates/2003/ebadi-autobio.html)



this Convention in general tries to ensure women's participation in areas and spheres that have been traditionally a masculine domain.

## ***Can Women be Diplomats?***

### Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Before the revolution in 1979, both women and men were sent to different countries as diplomats. Since early 1980s until 1998 the Constitution prevented women from becoming country representatives in other countries for long-running projects. In 1998 this law in the Iranian Constitution was changed giving the women the opportunity to serve as country representatives; nevertheless, still no women were chosen for the positions based on the fact that they did not have the experience in the international and diplomatic environments despite their high-quality education. Then again, by law there is no discrimination, yet in practice due to the lack of given opportunities there is discrimination. It is necessary to mention that the possibility for being a diplomat – for both sexes – is only available to married men or women. Nevertheless, married women need their husbands' permission to accept the job – if they get the position in the first place – since the husband decides where the wife is allowed to take residence and even whether a woman is allowed to be in possession of a passport. The point being repeated over and over again is that there is no direct discrimination in the discussed law in the Constitution but there are other laws in the Constitution that prevents women from applying for diplomatic positions and the combination and the implications of those laws are discriminatory.

This discrimination and influence of patriarchy can be explained by work of Walby and Millet. An illustration of patriarchy and its shift from private sphere to public sphere has been elaborated by Sylvia Walby (1990). In her work *Theorizing Patriarchy* she claims that patriarchy changed from the 'private' form to the 'public' form. Although women are not excluded from public life, they face inequality within it. Therefore, although the women are not excluded from the opportunity to apply for becoming representatives for the country at the international level, the men in private sphere – i.e. home as husbands or fathers – can rule out the available opportunities for women. Moreover, the definitions provided by some of the feminists are more applicable to define patriarchy in Iranian context: in some feminist analysis such as Millet's work in *Sexual Bodies*, the 'family' is the means through which men's domination is achieved (1977) and this is an example of this domination. The

government made the husbands – the man in the family structure – dominate and as a result discriminate the woman.

In addition, the Iranian Constitution does not allow single women or men to even apply for these positions. I came across a very interesting reading of this law by the group which was analysing the articles of CEDAW in one of the workshops of the Mehr White House. They reasoned that since both sexes are prevented from this position, women are not discriminated at all (Mehr White House, 2001). Therefore, there is no contradiction between the Constitution and CEDAW, and thus there is no need for reservation to this article.

## ***Whose Nationality? Whose Children?***

### Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

This article is among the most problematic ones. The first section of Article 9 is in direct contradiction with article 967 of the Iranian Constitution, and second section is in contradiction with articles of 963, 964 and 965 of the Iranian Constitution.

According to the Convention nationality is a political/legal matter; therefore, women have the ‘right’ to choose/keep their nationality according to freedom of choice. In Persian there are two terms that have been used for this concept: *Meliyyat* [meli:jæt] (in Persian ملیت) and *Taabeiyyat* [ta:bei:jæt] (in Persian تابعیت). *Meliyyat* is derived from the word *Melli* [meli:] which means ‘national’, which is a relatively new<sup>1</sup> concept in political and legal matters in Iran; however, the word *Taabeiyyat* is derived from the word *Taabe*<sup>2</sup> [ta:bə] which means ‘follower’ and/or ‘subordinate’, which is rooted in the history of every nation. In the Iranian Constitution *Taabeiyyat* is the term that has been used to refer to the matter discussed in Article 9. That has its own problematic implications since the Constitution – here the State – considers the nation as *followers* of the State who are *subordinate* to the State and consequently do not have free choice. Moreover, the Constitution puts forward ‘the man’ as the main means to control the rest of the nation i.e. ‘the woman’ on this matter, in order to pretend that it is not directly controlling the nation/society. Making ‘the man’ the controller changes the status of control from a state-/political-oriented control to a family-/cultural-oriented control. Therefore, throughout the Constitution, the man (and his blood) has been considered as the link between the family and the children; his status – here nationality – defines the status and the nationality of the family and the children. By definition of the Constitution, this kind of nationality is *Taabeiyyat Tahmili* for the wife and the children,

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<sup>1</sup> ‘Relatively new’ here refers to the last 150-100 years when Reza Khan/Shah – the father of last King of Iran - introduced the term to the Iranian Constitution; this concept was not mentioned in Quran or other religious sources on which the Constitution is based.

<sup>2</sup> Both noun and adjective.

which is determined by the husband/the father<sup>3</sup>. *Tahmili* literally means ‘imposed’ and/or ‘forced’. Additionally, in cases that the man fails to fulfil his responsibility for controlling the woman in this respect, the State through the Constitution has considered the right for itself to prevent the woman from dropping her nationality; in article 988 in Iranian Constitution it has been mentioned that if an Iranian man drops his Iranian nationality, his family – his wife and his children – will not automatically lose their nationality; rather, the family needs the permission of the Ministerial Staff to drop their nationality. The double sidedness of this article in Iranian Constitution is remarkable: at the same time that it pretends supporting the woman – and also the children here – it also takes up even the last bit of freedom left for the woman.

There is a discussion between different parties whether to consider nationality as a religious matter related to *Fiqh*<sup>4</sup> or related to the State. The parties that consider this as a religious matter claim that although there is no direct mention of nationality in Quran but it has been mentioned that ‘the man’ is the decision-maker in the family and hence his decision, choice and blood will determine the status of the other members of the family. The parties that consider nationality not as a religious matter, believe that since this is a new concept which has entered the vocabulary of legal matters, there should be specialized lawyers involved in writing – rewriting – the Constitution. Interviewee #6 explicitly supported this approach: “The time we are now is not the same as the time of the Prophet Mohammad. There are many issues that were not raised at all during his prophecy and as a result there are no hadith to shed light on the issue. Therefore, it is necessary to have experts who can adopt the already existing guidelines to the recent issues.”

There is a detailed list of contradictions between the Iranian Constitution and Article 9 of CEDAW, which mainly boils down to the fact that the nationality of the woman – and the children – are linked and subjected to the nationality of the man - husband and/or the father.

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<sup>3</sup> A devastating example of the application of this kind of *Taabeiyyat* is the case of Iranian women marrying (illegally) Afghani men in the mid 1980’s. There were about 670,000 children from these marriages which were left without nationality and the right to citizenship. These Iranian-born women could keep their nationality as long as they stay within the borders of Iran and as soon as they leave the country and go to their husbands’ country they need to drop their nationality. [Point of clarification: there are two steps to get married in Iran: 1. being pronounced as husband and wife by the religious authority; 2. being registered officially as husband and wife. By illegal marriage here, I am referring to the marriages which have not followed the second step.]

<sup>4</sup> “*Fiqh*, literally, means understanding; it refers to the study of the law in Islam and is usually defined in jurisprudence textbooks as the knowledge of the rights and duties whereby human beings are enabled to observe right conduct in this life and to prepare themselves for the world to come. Whereas *Sharia* refers to the divine law itself, *Fiqh* denotes the human interpretation of the divine commands.” [Kamali, Mohammad Hashim. *Principles of Islamic Jurisprudence*. Cambridge, U.K.: Islamic Texts Society, 1991]

## ***Is Not Having Coeducation a Type of Discrimination?***

### Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

The main discussion on this article revolves around the coeducation article 10 (c); according to the Iranian Constitution schools<sup>1</sup> at all levels should be separate for males and females. Schools in rural areas can be mixed if the number of male and female students per class does not reach the number that makes running of the school cost ineffective.

The question that rises here is whether not having coeducation, by default, constitutes a discriminatory act or not having equal types of education for both sexes is a discriminatory act. If the idea behind having coeducation is to prevent discrimination by offering the same

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<sup>1</sup> The private educational centres can be an exception from this regulation under specific conditions and monitoring; and it also used to be the case that universities were an exception to this rule but gradually this exception is begin eradicated and over the last years has been enforced in universities, meaning the from entrance doors to classrooms men and women are separated from each other.

type and quality of education to both sexes at the same time, then this kind of discrimination can be prevented by making rules and regulations that assure the type and kind of education for both sexes would be the same and equal. With this interpretation, there are no laws in the Constitution that directly discriminate against either of the sexes; hence, this section of this article is not problematic.

However, if coeducation is, by default, part of a non-discriminatory education as it provides space for the students, male and female, to learn from the other sex, then this section of this article is problematic as the Iranian Constitution prohibits coeducation.

Article 10 (d) which refers to having equal opportunities to benefit from scholarships and study grants used to be a problematic article in the past since single women<sup>2</sup> did not have the permission to go abroad to study. However, over the last ten years this regulation has changed and both sexes have equal opportunities. What is meant by equal opportunities is that there is no law that prevents women to apply for scholarships or grants; nevertheless, single women – or, more specifically, virgins – still need to have their fathers' or their male guardians' permission to apply for a passport which is a requirement for travelling. This later also applies for married women. Thus, again, this law does not directly prevent women – single or married<sup>3</sup> – from having equal opportunities to apply for grants or scholarships but the other laws do and yet again this is another example of using 'family' as a mean to control women. Statistically about 32% of the students in vocational schools are female<sup>4</sup>; this lower percentage is due to the fact that there are not enough schools that offer vocational education for females which implies a segregation of education between females and males. There are no laws in the Constitution that prevent the authorities from creating more vocational education for women or better to say more suited for women, according to Iranian/Islamic standards and culture. Hence, from a legal perspective there is no discrimination and, therefore, no burden for ratifying this section of the article. The same line of reasoning is

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<sup>2</sup> There are a few points that need to be mentioned here to provide a context for this law: 1. a single woman is a woman who lives under the custody of her father or her male guardian; 2. a single woman is considered/assumed/believed to be a virgin; 3. the main reason for not letting the single woman go abroad – or anywhere out of the surveillance of the male figure – is the fear of losing the virginity of the woman which is a property of the man; 4. this law does not consider the married woman since the husband has the authority to decide where his wife is allowed to reside, i.e. this law does not directly discriminate the married woman but the other law does so by making the husband the authority to choose the place for living.

<sup>3</sup> In Iranian society women are divided in two groups: single as defined above and married. There is no other option. A divorced woman or a widow gets the status of a single woman again with additional limitation. In the case of being single, the virginity of the girl was a burden for being involved in any form of sexual intercourse and acted as a control factor for the male guardian of the woman; in the case of a widow or a divorcee the virginity burden does not exist anymore hence there is no control factor to prevent the woman from being involved in any kind of sexual intercourse. Therefore, the male guardian of the woman applies other forms of control over his 'property' for instance by preventing her from being in public and accessible to other males.

<sup>4</sup> This number is taken from the report that this section is based on.

applicable to Article 10 (g): there is no law that prevents the authorities from providing equal opportunities for women to participate in sports and physical education; yet, women's participation has been limited to indoor activities and sports, since women are not allowed to do sport in public unless with Islamic covers.

Another point that can be mentioned here is about the female students who get married during their education: there are no limitations for these students to follow their education; nevertheless, they are not allowed to attend the same school that they used to as it is a law that only un-married students can attend regular schools; instead, they have to choose a night school. Furthermore, these students require their husbands' permission to follow and continue their education. Again, there are no laws that discriminate against women's education; yet, there are other rules and regulations that indirectly discriminate against women. The government has transferred part of its control mechanism to the man by making him the one who gives permission to the woman to follow her education or to choose her place of residence or accept a job.

The next article that is problematic is article 15. Before elaborating on this article I would like to point out that articles 11, 12 and 14 have also raised discussions; nevertheless, since these articles were not interpreted as being directly in contrast with the Iranian Constitution, no reservation right was recommended to be applied to them particularly.



## ***Are Men and Women Equal in Front of the Law?***

### Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Part 1 and 4 of Article 15 are considered as directly problematic and in contrast with the Iranian Constitution; nevertheless, part 2 has also been regarded (indirectly<sup>1</sup>/directly) problematic. This is the part that I also mentioned under the discussion about article 7.

By the Iranian Constitution, a woman is considered and valued as half a man meaning 2 women are equal to 1 man; for instance, if they are called for being a witness in a court, their testimony is considered half of a man's testimony; hence, has less value. There are many other instances in the Iranian Constitution where women are considered as half-men, such as in cases of payments for blood money (also known as wergild) and retribution. Therefore, part 1 of this article is clearly in contrast with the Iranian Constitution and either reservation right should be applied to this article or the Constitution should completely be changed in this regard, and since this part of the Constitution is taken directly from verses of Quran – and hence impossible to argue with according to the interpreters of Quran and Fiqh – the first option is the advised and the only option.

Regarding part 4 of this article, it is necessary to mention that the Iranian Constitution considers the 'man' as the head of the family and the decision-maker. Therefore, he determines where the family will reside. Nevertheless, in the marriage-agreement which is adopted from the Constitution, partners sign several items, among which the agreement of the place of residence. Although women do have the option not to accept this – or any other articles of the marriage agreements – this hardly has ever been done. In practice there are

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<sup>1</sup> *Indirectly* by the proponents who believe there are no direct law in the Iranian Constitution that is in contrast with this article; *directly* by the opponents who believe not only the interpretation of the law but also the implication of the law in the Iranian Constitution is in contrast with this article.

more than 40 articles in marriage agreements that husband and wife sign one by one; nevertheless, either they are signed before being thought through completely or it is frowned upon, by either of the families or society if a woman chooses to disagree with any of them. Knowing this, if a woman is being accepted for a job which is not in the same region as the family lives in, she runs the risk of not getting permission from her husband to actually take the job. The main argument presented to defend this tradition is that it is better for the stability of the family. The underlying argument is that in the Iranian culture and society the man – the father or the husband - has supervision over women's interaction with others; and others being her direct family members, neighbours, co-workers and so on. Therefore, if she resides in a city other than her husband's city of residence the supervision is not possible.

The example of the marriage agreement also shows that although there are items and options considered by law to protect and support women, the cultural barrier is preventing the women to benefit from those laws.

The next article, article 16, brings back a very basic debate: woman as an individual or woman as part of the family. By Iranian Constitution a woman as an individual does not have an existence. A woman is defined by her male-guardian within a family format on which the government can have control. Article 16, however, questions and disregards this format and calls for an individual consideration of woman.

## ***Should Women's Rights Only be Defined within Family Rights?***

### Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

To elaborate on the contradictions of this article with the Iranian Constitution, I list a few facts to better situate this article in the Iranian context, this situation will provide more background information and will shed light on understanding the roots of the acclaimed contrast:

1. The Iranian Constitution defines and considers two general spheres for implication of its policies: public and private. By public sphere the Constitution is referring to sphere where the members of 'the society' interact with each other and private sphere is where members of 'the family' interact with each other;

2. The presence in the public sphere is open to every member of the society; however, the Constitution has given the right to half of the members of the society – the man – to decide about the presence of the other half of the society – the woman – whether they can be present in the public sphere;
3. The policy makers of the Constitution do make laws and policies for both of these spheres but the main focus is on the public sphere, since this is the sphere that they have directly control over<sup>1</sup>;
4. While making the policies, the policy makers have the family as an entity in mind and the policy is directed at the family and not individuals within the family;
5. The Iranian Constitution follows this ideology that man and woman are created to complete each other and as an individual they would not be complete; therefore, as ‘one entity’ their rights are reserved within the family;
6. By the Iranian Constitution, man is the head of the family and hence, the representative of the family;
7. Since the representative of the family i.e. the man will be in the public sphere; therefore, although the policy makers consider the family while making the law, it is directed<sup>2</sup> at the man.

Having presented the Problematic Articles of CEDAW which are being considered in contrast with the Iranian Constitution, in the following section – Proponents and Opponents – I analyse the content of the arguments of each of my interviewees and have situated their standpoint towards ratification.

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<sup>1</sup> I even read a report which explicitly mentioned: ‘what is the point of making laws for private zone since we do not have control over it?’ This comment overlooks that importance of the law as a defender of individual rights.

<sup>2</sup> The law being directed at men, in most cases means being in favour of the man; moreover, the policy makers are almost always male experts.

## Proponents and Opponents

As was mentioned in the methodology section, in order to protect the identity of the interviewees and give myself the liberty of using all the gathered information, I have randomly assigned numbers to my interviewees. As such, throughout this section I will refer to them by those numbers, for example: ‘interviewee # 4 is in favour of ratifying CEDAW with a reservation right and she/he said: “...”’. Moreover, I have used this numbering system consistently meaning that the comments of an interviewee is always referred to by the same number

Only based on the data gathered for this research, I can claim that the opponents for ratifying CEDAW in Islamic Republic of Iran are exceptionally united in what they say and how they say it, they know exactly why they are against ratification and they all almost say the same thing and they are from the same political party; whereas, the proponents for ratifying CEDAW in Islamic Republic of Iran take two sides, most of them say ratification with reservation right - either general reservation or per article -, and the rest say ratification without reservation right; the arguments that they both offer are nearly the same in line of reasoning but they have their different perspectives for ratification, and also they have different political orientation which in essence are different from each other.

The opponents are structured, they are united; they have very concrete arguments against the ratification. Moreover, they start from the bigger picture and then narrow down their arguments to smaller and more detailed arguments, they all say the same thing and they do not contradict each other, they are not divided in groups and they have invested more energy and research in their work by producing more publications (both in English and Persian) for the target groups that have influence on ratification of this Convention. This point was even referred to by the proponents as well; interviewee # 12 mentioned that ‘the opponents mobilised people, the religious leaders and even the [Friday-Prayer] Imams [who are all influential in the process of ratification from a bottom-up perspective]’. Interviewee # 11 also referred to the fact that three Ayatollahs banned<sup>1</sup> ratification of CEDAW after being approached by the opponents; and when an act receives a ban from three Ayatollahs who are also interpreters of Quran (and the Constitution indirectly) then the chances of ratification lowers to almost zero . Moreover, the opponents do offer an alternative for this banned

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<sup>1</sup> Here banned is equal to ‘Haram’ which refers to forbidden food/acts by the Islamic Sharia.

Convention that they are rejecting, mainly not only do they know what they do not want but also they know what they do want<sup>2</sup>. The opponents offer a new Convention which in their words is a better, if not the best,<sup>3</sup> replacement for CEDAW; and additionally, they introduce a new concept to replace the ‘equality’ which is one of the main problematic concepts in CEDAW.

The opponents have 3 main points on which they base their arguments: 1. Contradiction of the content of CEDAW with the Constitution; 2. The concept of perfectionism and its association with the concept of responsibility; 3. Considering Islam as the ultimate religion for human beings which empowers women. I elaborate on these points in the next sections; however, the main point to take from these points is that the opponents focused on the content of CEDAW and its direct implications for women and society.

In contrast to the opponents, although the proponents have also invested time and energy in their structure, their arguments are divided based on (not) using the reservation right and therefore, their standpoint is weaker in comparison to the opponents. This was also pointed out by interviewee # 12. Moreover, there is a ground-breaking difference between the two groups: the opponents are against ratification because they consider the Convention against the Islamic values – and the Constitution which is based on Islamic values - in the first place; yet, the proponents are in favour of ratification because they want to improve the image of the country in the International Community and improving the status of women is, perhaps, a secondary reason. Therefore, the proponents’ arguments have a very different nature than the opponent: the proponents do not refer to CEDAW’s content and value but the effect of its ratification – not on women but on Iran’s image in the International Community – whereas the opponents direct their arguments on the content and value of CEDAW.

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<sup>2</sup> This point became clear to me while following the uprisings and springs in Middle East and North Africa in 2010-2011; knowing what you *do not* want is one side of the ‘game’, knowing what you *do* want is the other side which, I believe, determines whether one can effectively change the unwanted situation.

<sup>3</sup> This point was implicitly mentioned by few of the proponents; nevertheless, they did not capitalize it as such, to take the safe side, I believe.

## ***Analysis of the Content***

As I mentioned in the previous section, the opponents had three main points for not ratifying CEDAW: 1. Contradiction of the content of CEDAW with the Constitution; 2. The concept of perfectionism and its association with the concept of responsibility; 3. Considering Islam as the ultimate religion for human beings which empowers women. In the following lines I elaborate on these points:

The *first* and main point that the opponents focused on to build their arguments for not ratifying CEDAW was the content of the Convention in general and the concept of equality in particular. They claimed that the content of the Convention is in contradiction with Islam. Moreover, they claim that CEDAW has a western orientation and as a result does not adhere to Islamic values<sup>4</sup>; Interviewee # 9 believed that since the Convention is not in accordance with the Islamic ideology and culture<sup>5</sup>, the ratification is equal to contradicting Islam and as a result the Constitution. The opponents argue that even in case of using the reservation right to go around the problematic articles, due to the high number of these problematic articles, this right needs to be used very often and that is against the spirit of the Convention. There are two points regarding this comment from interviewee #9: 1. The opponents understanding regarding the use of reservation right: a convention should be accepted without reservation right since either a government agrees or disagrees with a convention and therefore, using reservation right is not acceptable; Nevertheless, the opponents were mainly not even in favour of ratification with reservation right since they considered the reservation right a step-by-step plan of the Committee on the Elimination of Discrimination against Women to put pressure on the country up to the point that the Convention is fully implemented in the country (interviewee # 12). This point was also referred to by interviewee # 6. 2. The proponents of ratification with reservation right did not share the same concern with the opponents regarding the use of reservation right and how frequent it is necessary to be used in case of this convention. However, the proponents of ratification without reservation right raised the same concern as the opponents did regarding the use of reservation right, how this is in contradiction with the spirit of the convention. Just the mere fact that the proponents of ratification with reservation right were not concerned about this matter can imply that the act

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<sup>4</sup> This assumption that Western ideology is against Islam is based on the dichotomy of West against Islam. It is out of the scope of this thesis to seek the roots of this dichotomy but the reference to the presence of this assumption deemed necessary to provide context for understanding the line of reasoning for the above mentioned arguments.

<sup>5</sup> The interviewee # 9 considered the Islamic culture the same as the Iranian culture and vice versa.

of ratification had a greater importance for them than the actual importance of ratification or women's status after ratification.

Interviewee # 9 also claimed that CEDAW has a materialistic background since it has been created by western ideology, and materialistic ideology does not take into account all aspects of human life. Interviewee # 5, as well as confirming the arguments of interviewee # 9, also added that the 'disagreement with CEDAW is not based on the content of the Convention or any other Convention but is based on the origins and foundations of other Conventions and CEDAW'. This interviewee believed that CEDAW is based and founded on individualism – male or female – whereas the notion of family – which according to Islam is the building block of society and space for the individuals to grow and develop – cannot be defined based on individualistic approaches. Interviewee # 11 indicated that the CEDAW is seen by the religious authorities – who are influential in process of ratification - as a means to take away the Islamic identity and westernizing the society, and historically there has been a resistance towards this change. Although the phrasing of the arguments by interviewees # 5 and # 9 has the tendency to divert the focus from contradiction of the content of CEDAW with Islam and the Constitution to the origin of the content from a western ideology, in categorizing their arguments, their point fell under contradiction of CEDAW with the Constitution.

The *second* point that the opponents focused on is the concept of perfectionism and its association with the concept of responsibility. The opponents believe that the Islamic rules and principles regarding the status of women defined within family structure are holistic – meaning that it considers both the material and the spiritual development of women in this world and the world after death - and situate women on a high level – meaning giving the status of child-bearing and raising a family - (interviewee # 9) and in comparison, the CEDAW is highly imperfect because CEDAW does not make any references to the spiritual development of women nor considers motherhood as a unique gift and status for women which would elevate their beings. Interviewee # 4 argued that CEDAW outlines what the status of women is thus far and it describes how women should not be treated. Yet, it 'does not delineate what should be the status of women and what defines the identity of women' and therefore not perfect. According to interviewee # 4, CEDAW had not described the 'good practice' and instead had claimed there should be no [form/kind of] practice; as a result CEDAW is a 'survival kit and not a guideline for life and living' (interviewee # 4).

Interviewee # 9 believed that if 'we ratify CEDAW and limit ourselves to what CEDAW dictates then we have prevented ourselves from empowerment and growth.' This interviewee



also claimed that there is a direct correlation between perfection and having responsibilities and since CEDAW does not give any responsibility to women it is imperfect. This imperfection of CEDAW and not mentioning any responsibilities for women was the main reason for the Iranian Socio-Cultural Women Council to prepare a new Convention (entitled The Convention of Rights and Responsibilities of Women) which is in accordance with Islamic culture and ideology and hence is not in contradiction with the Iranian Constitution. According to this Convention perfectionism is not obtained through equality but through elimination of oppression and not the elimination of discrimination (interviewee # 9). Interviewee # 9 mentioned an example as the problem with the elimination of discrimination and equality between man and woman: ‘imagine a situation that we want to treat a pregnant woman and a young man equally at work, and then they both have to work the same amount of hours; this is oppression. However, if we discriminate between the two then it would be better for the woman.’ This line of argument can be backed up by the emergence of the concept of ‘difference’ in feminist politics. After posing the question that with which men feminists should strive to be equal to, the simple difference that many women and no men give birth needed to be acknowledged (Pilcher & Whelehan, 2004).

However, interviewee # 6 stated that the new Convention proposed by the Iranian Socio-Cultural Women Council is of no use since the Islamic Human Rights Convention – which was proposed to replace the (Western oriented) United Nations Human Rights Convention - was also not useful and made no difference: ‘This [new] Convention is very general and broad; moreover, despite the similarities between Islamic countries, in practice there are many differences between them which makes it [almost] impossible to propose a common Convention [just based on their religion]’.

Moreover, interviewee # 3 not only seconded the opinion of interviewee # 6 but also indicated that the Convention of Rights and Responsibilities of Women is in contradiction with many international regulations. Interviewee # 3 believed that a Convention needs to picture what should be the status of women, rather than merely mentioning what the status is at the time of making the Convention. According to interviewee # 3, the Iranian Convention shows what the status is at that moment (winter 2008); therefore, is not valuable. Interviewee # 2 also seconded this claim by stating that ‘the proposed replacement of CEDAW is nothing but a list of tasks and responsibilities of women which is based on a) internal laws and regulations of Islamic Republic of Iran; hence, cannot be turned into an international Convention; b) initiator of an international Convention should be an international entity and not solely a state; and c) the Convention of Rights and Responsibilities of Women is completely based on Sharia Fiqh

interpreted by specific Shi'a believers and therefore, not necessarily even accepted by other Islamic believers'. Interviewee # 10 also had the same line of reasoning against the provided Convention.

The opponents believe that CEDAW considers women as 'creatures under oppression'; hence, they do not have [or are not supposed to have] any responsibility (interviewee # 9). The opponents' line of reasoning imply that having rights is equal to having responsibilities; assuming this assumption is valid and true, then the question is whether a Convention is about those rights or about the responsibilities that come with those rights; and none of the interviewees who had that claim made any comments about this question.

Regarding the responsibilities of women, interviewee # 6 stated that [in this culture] the main responsibility of a woman had been considered to be a mother. This is even the belief of 'male reformists in the previous<sup>6</sup> government and parliament but they do not show it explicitly'. It is believed that the woman belongs to the family and the private sphere. I have to mention that I encountered this understanding and positioning of woman in a meeting that UNGTG had with the Ministry of Foreign Affairs, even among the women who were highly ranked in their position. I clearly remember that one of the women present at this meeting who was the director of one of the international institutes for women's affairs stated that 'it would be her preference to stay at home, raise her children and prepare a warm environment for her husband and family'.

In a more conservative style the current government would have even changed the name of the 'Centre for Women and Family Affairs' to 'Centre of Women for Family Affairs' (interviewee # 6).

The *third* point that the opponents focused on was the belief that Islam is the 'ultimate religion for all humans and is the religion that empowers women.' As interviewee # 9 indicated, 'the Islamic culture takes into account the characteristics [such as the ability of giving birth] of the individuals – i.e. women - and according to that assigns responsibilities to them, which will lead them to perfection'. Interviewee # 4 referred to the status of the Prophet Mohammad's daughter<sup>7</sup> and the value that was associated to her through the religion as an example of Islam empowering women which is continuing the prophecy through giving birth to the grandsons of the prophet who became Imams later. Interviewee # 10 had the same, yet

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<sup>6</sup> *Previous* here refers to Mr. Khatami's period and 6<sup>th</sup> /7<sup>th</sup> Parliament.

<sup>7</sup> Point of clarification: Prophet Mohammad did not have any son with any of his wives; therefore, he was ridiculed by his oppositions that his name will not be continued after his death. Nevertheless, his daughter Fatima continued his path with her husband and their children.

more moderate, opinion as the interviewee # 9 regarding the religion. Interviewee # 11 – as a proponent – also supported this belief that Islam is the ultimate religion; however, she/he questioned: ‘which interpretation of the religion and Islam are we referring to?’ for which she did not provide an answer. Having provided these three main points presented by the opponents, I claim that the opponents had a well-structured set of arguments to be against ratification of CEDAW in Islamic Republic of Iran; whereas, the proponents merely seek ratification to improve the image of Islamic Republic of Iran in the International Community without presenting any concrete arguments for this ratification and its effects on women in the Iranian context. None of the proponents of ratification with reservation provided any arguments related to the content of CEDAW; their main focus was only on solutions that would remove the barriers of ratification. It seemed that they were very well aware that merely ratifying a convention would not have any (significant) impact on the target group of the convention. This point was referred to by interviewee # 8 who was in favour of ratification without reservation right; she/he referred to her/his previous experience with Convention on Child’s Rights.

Reading between the lines of my interviews with the proponents, they were all conscious about the fact that ratifying CEDAW per se is not going to improve the status of women in Islamic Republic of Iran. Nevertheless, none of them directly admitted this realization except interviewee # 1. Interviewee # 1 compared this ratification with ratification of the Convention on the Rights of the Child<sup>8</sup>, since Iran has ratified that Convention, with reservation right, however, its implications are not realized. The only change applied in the Iranian Constitution since the ratification of this Convention was setting the minimum age for girls’ marriage to 13, which used to be 9 years old. Interviewee # 1 argued that the Guardian Council rejected the ratification of CEDAW by the parliament since ‘the council considered the reservation right as a political game’. Moreover, there is a gap between proponents on usage of reservation right. Interviewee # 3 insisted on using the reservation right, for the contradictions that are not eradicable through making changes in the Constitution, whereas the other proponents were in favour of using general reservation right with the exception of interviewee # 1 who was against using reservation right in general, since it would leave lots of room for interpretation of CEDAW and alternatively not applying CEDAW. Interviewee # 2 also mentioned – as part of the narrative of the historiography of CEDAW in Iran – that at first

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<sup>8</sup> The United Nations Convention on the Rights of the Child (commonly abbreviated as the CRC, CROC, or UNCRC) is a human rights treaty setting out the civil, political, economic, social, health and cultural rights of children.

President Khatami's government wanted to ratify CEDAW with partial reservation right; nevertheless, to take the 'safe side and not giving excuses to the opposition', using general reservation right was applied to the Convention before sending it to the parliament for confirmation.

In the next section I elaborate on the two concepts of religious representation and political representation.

## ***Political Representation and Religious Representation***

In the introduction section, I made the claim that the proponents of the ratification are actually applying the political representation of women and the opponents are holding onto the religious representation of women in the Iranian context. The definition that I made for each these concepts - based on the concept of representation – are as follows: Religious representation refers to the way in which women in an Iranian context are perceived from a religious perspective, i.e. from an Islamic perspective. Political representation refers to the way that women in Iran are not only perceived and defined by the policies and the Iranian Constitution but also the way that they advance political agendas.

When the opponents represented CEDAW to the religious authorities, they capitalized the aspect of ‘equality’ that CEDAW mentioned regarding marital rights in articles 15 and 16. And they reported to the religious authorities that by ratifying this Convention, women in Iran will have equal rights to men in marriage. The context is that according to Iranian Constitution which is based on Sharia, any Muslim man – regardless of his social class and ethnicity – can have up to four wives. There are some specific rules and conditions which have been mentioned in the Constitution that would prevent the man from obtaining 4 wives but usually, almost always, the man can get through those rules and regulations. It is worth mentioning that number 4 relates to ‘permanent’ marriages and there is no limit on the number ‘temporary’ marriages that a man can have. Having this in mind, when the opponents presented CEDAW to the religious authorities they implied that by ratifying CEDAW and treating women ‘equal’ to men, women will also have the right to have four husbands on a permanent basis and unlimited temporary marriages.

Therefore, the religious authorities banned ratification of CEDAW by calling the act ‘haram’. In other words, the opponents of ratification chose specific interpretation of CEDAW which would target the religious authorities to ban the Convention and used the religious representation to control and limit women from having any kind sexual relationship out of a monogamous (heterosexual) relationship. Another point worth referring to here is the concept of double standard: ‘double standards’ implies that “sexual behaviour deemed inappropriate in a woman, and for which she is shown social disapproval, maybe regarded as appropriate and as praiseworthy in a man” (Pilcher & Whelehan, 2004: 34), and this double standard is most often used to the benefit of men as the provided example shows. In other words, the

religious representation applies a double standard when it comes to sexuality for men and women.

As I mentioned, the proponents' almost only reason for ratifying CEDAW was to improve the 'image', mainly the political image, of the Islamic Republic of Iran and - consequently the image of Islamic Countries - in the International Community. Interviewee # 11 reasoned that in the International Community 'not ratifying CEDAW is read and understood as Islam being against women's rights; and since Iran is an Islamic country, the Iranian governmental system would be considered as a system against women.' This point emphasizes that the proponents are holding onto the political representation of women in the Iranian context which is a means to improve the image of Iran in the International Community.

Interviewee # 2, in addition to improving the image of Islamic Republic of Iran in the International Community referred to globalization and the need to follow the international community in this regard: 'globalization is an undeniable fact...we have to familiarize ourselves with international rules and regulations [among which are the United Nations Conventions] and then accept them'. This means that ratification was deemed necessary in the light of globalization and not necessarily being considered as a Convention which provides guidelines for improving the status of women and, therefore, to be truly acted upon which again proves my claim about proponents' political representation of women and hence my hypothesis.

Moreover, the historiography of CEDAW in the Islamic Republic of Iran – narrated in details only by the proponents and not the opponents – declares the political representation of women by the proponents. The ratification of this Convention was raised at the times that a delegation of the Islamic Republic of Iran was about to attend an International conference and/or assembly. The delegation wanted to bring along the news of ratification of CEDAW with them to the conference and/or assembly with the intention of having a 'positive point' that indicates the Islamic Republic of Iran's willingness to cooperate with the International Community, and, therefore, removes the International pressure from Iran. However, having this intention means that, again, CEDAW was not considered as an instruction for improving the status of women; instead the ratification was intended to be used as a political means for the delegation and eventually for the government.

Interviewee #10 made a distinction between ‘Women of the Parties’ and ‘The Parties of Women’. According to her/his analysis ‘women of the parties’ are merely means for their respective parties – regardless of the orientation – to further the agendas and improving the status of women is not necessarily a priority or an end that is aimed for by their party. Interviewee # 8 also stated that in many countries – with different political structures – women and women’s issues are being used as ‘vote collectors’<sup>1</sup> at elections<sup>2</sup>.

‘Although the ‘Women of the Parties’ have voiced and brought to the table of discussion some women’s issues, the bottom line is that they are still a means to an end’, claimed interviewee # 10. Alternatively, ‘Parties of the Women’ have set women issues as their first – if not only – priority; yet, their movement is very slow and hence their achievements are very scarce. The interviewee # 10 had not specified whether ‘The Parties of Women’ have only female members or not; nonetheless, interviewee # 11 believed that it is not possible and even not useful to have an independent women’s movement [or party] since men need to support and accompany women.

Few of the proponents indicated that as long as women issues are categorized as political issues it is not easy to make changes and improve the status of women, since in this [Iranian] culture women are the main component of the ‘Iranian Man Dignity’ (interviewee # 3). Interviewee # 7, however, believed that the women’s rights activists have turned women’s issues into a sensitive issue and, therefore, it is now very difficult to even talk about the matter. She/he claimed that the women’s activists are also not representative of all Iranian women: they are usually from modern families from the middle/upper class. Interviewee # 7 also mentioned that women’s issues have been presented and/or voiced through reformations, and reformation is political; hence it is not surprising that women’s issues are considered as political. Interviewee # 8, though, claimed that women’s rights – and hence ratification of CEDAW – is political because ‘its consequences are projected into the family and would

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<sup>1</sup> This point was also mentioned by interviewee # 7.

<sup>2</sup> I encountered an awkward situation while interviewing this interviewee: she/he made this comment that in general the world is still not ready to accept women as political leaders, and to validate her/his point, she/he referred to the latest Presidential Election in United States of America which Barak Obama was elected over Hillary Clinton as the Democrats’ Candidate. Up until then, I had no particular judgment about this interviewee, but then she/he made this comment that ‘the Americans did not choose Hillary Clinton – a female, the wife of Bill Clinton (!) - and instead they chose a black (!) infamous senator. I wondered whether I can trust and value the input that this interviewee provided after not only such a racist comment but also a sexist comment (choose Hilary because she is the wife of a man who is famous). I eventually included the input of this interviewee in my report; although, I have not only professionally but also personally struggled with this inclusion.

agitate the family structure'. This interviewee also believed that 'there is no absolute equality, and we should accept that there are differences between the two sexes'.

If I compare Nancy Hartsock's (1998) features of standpoint theory, I cannot find a connection between the proponents' plans and the improvement of the status of women in Iran. Hartsock believes that in the process of struggle for the vision of oppressed to be heard, systematic analysis and education is needed and as a result of these, social change and liberation may result (1998: 107). The proponents have analysed the Convention but have not educated the target group, the society, about the Convention. Therefore, the consequences of social change and liberation cannot be met. Of course, if social change and liberation was what they were aiming for by ratifying CEDAW in the first place; nevertheless, I do not believe that besides improving the political image of Iran in the international community, there was any other plan.



## Conclusion

Through writing this thesis, I aimed at answering my research question which was to discover to the extent of which the proponents and opponents of the ratification of CEDAW in Iran aim to improve the status of Iranian women towards equal political presence and participation. To come to answer to this question, I tried to answer few sub-questions which dealt with the history of CEDAW becoming effective in 1981 and defining discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” I also referred to the history of CEDAW in Iran and when it was discussed among the involved parties on the occasions that a delegation from Iran needed to attend an international meeting. In details I discussed the articles of CEDAW that are categorized as “problematic” and are a burden to ratification of this convention. I cross-compared these articles with the Iranian Constitution and elaborated on the contradictions from a legal perspective based on Kar’s book (1999) and Mehr White House’ report (2001). I also looked at the basis of the Constitution in the Sharia. Through analysing the content of the interviews that I conducted with the opponents and the proponents of the ratification I contextualized their standpoint and how they reason for holding the perspective they have. Through this analysis I claim that the primary aim of the proponents for ratifying CEDAW is to improve the international status of Iran, and the equal political presence and participation of women is perhaps a secondary aim. I also argued that political presence of women in Iranian context is used as a political means to further the agendas of different political parties regardless of their orientation. I debated that the opponents of the ratification who cling to religious representation of women set their arguments based on the domestic division and belongings of women to the private and the reproductive sphere.

Lastly I reasoned that both political and religious representation of women, in the Iranian context, is aimed at directing the women to become “women of parties” rather than creating “parties of women”!

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