

The Dilemma of Iranian Women: From Position to Rights Restrictions

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Abstract

Iran's 1989 constitution expressly states that the state guarantees equal protection for the rights of its citizens (both male and female) before the law. Nevertheless, in practice, the policy products issued still show the patriarchal nature of Islam. As a result, the position of Iranian women is often at a disadvantage. On the other hand, the concept of universalism began campaigning by the United Nations to eliminate gender-based discrimination in various worlds, including Muslim countries. This article seeks to see the extent of the problems faced by Iranian women in realising equal rights following the mandate of the 1989 constitution and international human rights instruments. The method used is a qualitative method with a literature study. The findings in this article show that the struggle of Iranian women to promote civil rights as equal citizens often lead to arrest, intimidation, even the worst to the point of being killed by state security forces, as experienced by Mahsa Amini.

Keywords: *Iranian Feminism, Civil Rights, Political Struggle, Shari'ah*

Introduction

A new chapter of Iran's journey in history began when Ali Khomeini led the revolutionary movement in 1979. In this monumental event, there was participation from women's groups that could not be ruled out. Many of them took part in mass demonstrations and sympathised with armed

groups. The active participation of Iranian women was aimed at expelling the Western invaders who hid behind the political regime of the Pahlavi Shah for almost six decades (1925-1979). Not only that, but women are also active in spreading anti-Western propaganda in print, tapes, and billboards by utilising *Rawzeh* and *Jalaseh* networks.¹

¹ *Rawzeh* and *Jalaseh* were traditional religious gatherings of Iranian society but later turned into political meetings during the revolution, see Zahra

Kamal Khani, *Women's Islam: Religious Practice among Women in Today's Iran* (London: Kegan Paul International, 1998).



Unfortunately, the persistence they showed was not worth the consequences. Many women died on the battlefield, especially in front of *the Rex and Black Friday* cinemas.²

The efforts of women in helping to win the Iranian revolution, on the one hand, also have no impact on the social welfare they get. The leaders of the Iranian revolution did not want the traditional role of the male religion to dominate the social hierarchy to disappear if they elevated women. The rise of political Islam brought by Khomeini did seek to Islamize women from the Western world's influence. Since then, women are no longer encouraged to enter all "masculine" fields, such as sports, art, government, or education.³ In addition, to reaffirm Islamic identity and the purification of society from Western culture, the Iranian government also requires women to wear the hijab.⁴

The understanding of Islam after the Iranian revolution is arguably different because the Shi'a tradition influenced it centred on men or *the Imamate*. Khomeini and his network of local scholars later

institutionalised this element of Shi'a tradition into the state system of government. As is known, Iran has changed the state system from an absolute monarchy to a religious democracy.⁵ Changes in the country's system also led Iran to change its name to the Islamic Republic of Iran. The form and name of the new Iranian state are the result of Khomeini's political *ijtihad* in response to the world political situation, both in the West and the East. On the other hand, the idea sparked by Khomeini was also intended to develop Shi'a rule in the modern era.⁶

It should be noted that the Iranian government's concept built on Shi'a theology places *Rabbar* as the country's supreme leader. *Rabbar* is an honorary title obtained by a cleric in Iran because of his credibility in the *fiqh*, *siyasah* (politics), and law, and of course, he has excellent morality.⁷ A *Rabbar* has absolute rights to run the government of a country that some in Iranian society consider too authoritarian. The assessment, for example, came from gender activists and feminists who criticised several discriminatory policies

² Haleh Afshar, *Islam and Feminism: An Iranian Case-Study* (Great Britain: MacMillan Press Ltd., 1998).

³ Majid Mohammadi, "Iranian Women and the Civil Rights Movement in Iran: Feminism Interacted," *Journal of International Womens Studies* 9, no. 1 (November 2007): 1–21, <https://vc.bridgew.edu/jiws/vol9/iss1/1/>.

⁴ Afshar, *Islam and Feminism: An Iranian Case-Study*.

⁵ Yamani, *Antara Al-Farabi Dan Khomeini: Filsafat Politik Islam* (Bandung: Mizan, 2022).

⁶ Ahmad Sahidin, "Understanding Sunnis and Shias: History, Politics, and Ikhtilaf," *MAARIF: Islamic*

and Social Thought Currents 10, no. 2 (December 2015): 31–50, http://repository.instika.ac.id/id/eprint/23/1/Jurnal_Maarif_Volume_10_No_2_Desember_20.pdf#page=32.

⁷ Muhammad Anis, "Shia Political Thought: A Perspective of Al-Faqih Region," *MAARIF: Islamic and Social Thought Current* 10, no. 2 (December 2015): 84–115, http://repository.umy.ac.id/bitstream/handle/123456789/32463/Syiah_Sektarianisme_dan_Geopolitik-jurnal_maarif.pdf?sequence=1#page=85.

against women, especially regarding their position in the eyes of the law. In addition, other discriminatory rules also appear to restrict women's civil and political rights in public spaces.

The Iranian constitution, amended in 1979-1989, states that the state must guarantee equal rights and legal protection for all levels of civil society, both men and women.⁸ Women in Iran often launch criticisms and protests against the government because they know the country's legal hierarchy is inconsistent. So far, research on gender issues in Iran tends to be seen from the perspective of Islamic politics and law, as has been very well studied by Mikail,⁹ Daud & Rosadi,¹⁰ and Wijayanto & Ulinnuha¹¹. Therefore, the presence of this article can be of substantial value because it seeks to expand gender discourse in Iran by offering historical perspectives and factual case studies of gender violence. For the discussion to be structured, the author begins by explaining the position of Iranian women in the country's constitution, the restrictions on civil rights they receive, and how they seek justice.

⁸ "Iran (Islamic Republic of)'s Constitution of 1979 with Amendments through 1989" (constituteproject.org, 2022), 11, https://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en.

⁹ Kiki Mikail, "Politics and Women: Women's Political Struggles in Iran After the 1979 Islamic Revolution," *ADDIN* 9, no. 2 (August 2015): 253–276, <https://journal.iainkudus.ac.id/index.php/Addin/article/view/615>.

¹⁰ Fathonah K. Daud and Aden Rosadi, "Dynamics of Islamic Family Law and Gender Issues in Iran: Between the Thought of Secular Elites and Islamic

Method

The method used by the author in this study is qualitative, while the approach uses a literature study. Literature research can be interpreted as a research procedure taken through the use of literature, or in this context, as a source of information related to gender issues in Iran, whether in the form of books, articles, field research and the like. The use of this method is to enrich theoretical studies and offer the latest logical methods without the direct involvement of researchers in the field.¹² Nevertheless, the work of the literature method can still be accounted for academically.

As a material, the author will collect various information about the issue of gender equality in Middle Eastern Muslim countries and the problems faced. In this context, the author divides reference material into two sources, namely primary and secondary. Primary sources relate to the position of women from the point of view of Iran's 1989

Scholars," *Volksgeist* 4, no. 2 (November 2021), <https://ejournal.uinsaizu.ac.id/index.php/volksgeist/article/view/5258>.

¹¹ Nabilah Wafa Wijayanto and Roma Ulinnuha, "Iranian Women's Resistance to Compulsory Hijab Policy in Hassan Rouhani Era," *Musawa* 21, no. 2 (July 2022), <https://ejournal.uin-suka.ac.id/pusat/MUSAWA/article/view/2705> <https://ejournal.uin-suka.ac.id/pusat/MUSAWA/article/view/2705>.

¹² Mestika Zed, *Literature Research Methods*, 2nd Ed. (Jakarta: Yayasan Obor Indonesia, 2008), 1–3.

constitution, the products of policies issued (laws) and international human rights instruments. Meanwhile, secondary sources are related to case studies of gender violence that occurred later. By combining the use of these two sources, the author hopes that the presence of this article is not only theoretical but also more factual until, able to enrich the treasures of Islam in the contemporary world.

Discussion

Women's Position

Iran's legal system changed drastically when the Pahlavi regime (1920-1979) was overthrown. In many ways, this is the starting point of a reverse situation for women's rights. During the reign of Shah Reza Pahlavi and his son Mohammad Reza Pahlavi, the position of women could be said to have reached a new form of respect. The state then did not hesitate to repeal regulations that hindered women's rights. For example, the ban on women's voting was removed, and women gained the right to run for parliament in 1963 despite strong objections from Ayatollah Khomeini.¹³

In later times, the most excellent step toward equality for women was made even more apparent with the enactment of the Family Protection Act in 1967, which gave

Iranian women the power to seek divorce, deny their husbands' desire to marry again and win custody of their children in the event of a divorce. The law also raised the minimum age of marriage for girls from thirteen to fifteen. Moreover, at that time, Islamic law and its discriminatory laws against women still did not appear, especially regarding law and criminal procedure provisions. However, this progress seems "unsafe" for the journey towards faithful women's emancipation and lasting gender equality. Instead, this was part of a long-term process during which the Shah's reign slowed down, in some ways regressed, and others after the Islamic regime took power.¹⁴

Since the 1979 Revolution, several achievements, including several laws supporting women's rights, have been unceremoniously destroyed by hardline clerics in power. A new constitution was adopted, placing Islam as the state's foundation. The new constitution also pays special attention to women, allegedly because of the "massive oppression they suffered under the old regime". However, if we look closely, the product of the law issued goes off the path of the mandate of the 1989 constitution, which only views women through the lens of Islamic ideology alone. That all kinds of provisions in

¹³ She argued that "*giving a voice to women is a violation of Islamic principles, and an attempt to undermine our holy women*", See Mohammad H. Nayeri, in *Gender Inequality and Discrimination: The Case of Iranian Women*

(USA: Iran Human Rights Documentation Center, 2013), 3.

¹⁴ H. Nayeri.

the law are likely not to recognise gender equality. Because the position of women in classical Islamic law is often seen as part of the "family" or as "mother and wife" rather than as independent individuals.¹⁵

Meanwhile, the international community began campaigning for various instruments on human rights in the 20th century. For example, contained in Article 2 of the Universal Declaration of Human Rights (UDHR) and Article 2 of the International Covenant on Civil and Political Rights (ICCPR) protects every human right "without distinction of sex." Both instruments continue efforts to uphold humans on the principle of "equality before the law". It is necessary to examine to what extent Iran can realise equal human rights through legal products and policies. In this context, the author finally establishes two laws regulating women's rights in Iran: criminal and family law.

Under classical Islamic law (as under other pre-modern legal systems), the principle of legal equality of people was not recognised. The Iranian government imposed the Islamic penal code immediately after the 1979 Revolution, followed classical Islamic legal doctrine and violated the principle of legal equality with provisions that discriminate based on sex—for example, seen in the case

of the testimony of a woman in a criminal act. According to the old Penal Code, women's testimony in Iran was inadmissible to prove any crimes, such as pimping (in Article 137) and consuming liquor (in Article 170).

Several women's rights lawyers criticised this exclusion of women, giving birth to the new Islamic Penal Code. Women's testimonies of any crime have been declared acceptable. However, two conditions must be met: there must be at least one male witness, and back to the old rule, every two female witnesses counted as one male witness according to Article 198:

"may also be proven by the testimony of one man and two women".¹⁶

Although this rule may seem new, it does not change anything about a woman's testimony, where a woman's testimony is still worth half that of a man's.

Then, in the context of family law, adult Iranian women are not entirely free to marry. There are still restrictions that affect their freedom of marriage as long as they are virgins. The marriage of a virgin girl (even after puberty) requires permission from the *vali-ye-qabri* (natural guardian: paternal father or paternal grandfather). On the other hand, there is no such restriction for boys; they can marry once they reach the age of puberty without permission from *vali-ye-qabri*.

¹⁵ H. Nayyeri, *Gender Inequality and Discrimination: The Case of Iranian Women*.

¹⁶ H. Nayyeri, 14.

However, the authority of the natural guardian over the marriage of his virgin child is not absolute and can be challenged if he abuses his rights. In such cases, the court can grant permission to the woman to perform the marriage if the guardian refuses to give her permission without a valid reason, as in Article 1043 of the Iranian Civil Code. Besides, Iranian women are not entirely free to marry any man. District courts in Iran prohibit the marriage of their women to foreign men. Article 1060 of the Civil Code states:¹⁷

"Marriage of an Iranian woman with a foreign national, even in cases where there is no legal impediment, is dependent upon special permission of the Government".¹⁸

The article's sound limits the choice of the spouse of Iranian women. Even if they want to marry other nationals, it depends on the government's permission.

Despite all this, there still seems to be a fighter in some reformist circles to reconcile Islam with modernity through a new interpretation of the normative text. Some of them successfully campaigned to abolish stoning as a punishment for adultery. Women's lawyers and human rights activists demanded its repeal because no Quranic verse provides for such punishment in cases of adultery.¹⁹ Of course, this aligns with the fundamental rights of every human, with the right to a decent life on earth.

¹⁷H. Nayyeri, 23.

¹⁸ H. Nayyeri, 24.

Restriction of Rights

Since the election of radical populist president Ahmadinejad in 2005 and his contested re-election in June 2009, new restrictions have been imposed on women's rights. The government is trying to curb the increase in the number of highly educated women who are considered to have the potential to implement changes in gender power relations by imposing "special quotas" in favour of men in universities. In addition, measures are being taken to reduce women's employment in the public sector, which employs nearly 40 per cent of active urban women, to force women back into the household.²⁰

Every time a new academic year approaches, some universities in Iran try to implement so-called "gender segregation". However, the news in the media about restrictions on women's rights must ultimately drag Iran face-to-face with the international community. UN officials often condemn gender segregation in education, human rights lawyers and other opponents. They see the policy as part of the Islamic Republic's new efforts to return women to the private domain within the home because it cannot tolerate their passionate presence in the public arena,

¹⁹ Farideh Farhi, *Iran: A Revolutionary Republic in Transition*. (Paris: Institute for Security Studies European Union, 2012), 74.

²⁰ Farhi, 66.

as the Telegraph reported in a 2012 article, "*Anger as Iran bans women from the university*".²¹

In the same year, US State Department spokeswoman Victoria Nuland (2012) gave a statement calling on "Iranian authorities to protect women's rights and uphold the law of justice and abide by international obligations, which guarantee non-discrimination in all areas of life, including access to education." In response to the allegations, higher education officials and news agencies under the auspices of the Iranian government made defensive efforts, denying the existence of gender discrimination and stating that there is a trend towards "feminisation" of higher education as evidence of Iran's promotion of women's rights and "respectable" positions for women.²²

Another restriction on women's freedom in public spaces that is no less controversial and always invites debate is the mandatory hijab rule. This rule has been in effect since 1979. Women who disobeyed this rule were punished with 74 lashes. Then, in 1995, the sentence became more severe, with imprisonment for one month.²³ The existence of mandatory rules in hijab is considered too restrictive for women's privacy rights in

carrying out their religion. At the same time, they responded to the law by carrying out continuous demonstrations.

Iran's rejection of the mandatory hijab law means that the government's efforts, despite its radical ways, have not been able to change the dress style of Iranian women drastically. The phenomenon of loosely dressing in Iran today can still be witnessed. Iran remains less restrictive than the Saudis, who may soon impose harsh penalties if found violating religious rules. Despite the Iranian government's massive efforts to implement a mandatory hijab law, most women still refuse to abide by it. Because they consider choosing to wear or not to wear the hijab a private matter, and the state has no right to interfere with their freedom of choice.

The mandatory hijab policy continued until Iran was led by President Hassan Rouhani (2013-2021). Some see implementing Islamic law under Rouhani's leadership as having some leeway, just as it did during the Khatami era (1997 – 2005). Rouhani is known as a more moderate president and does not particularly like the existence of overly strict laws.²⁴ In fact, during his campaign, he promised to create a charter of civil rights of

²¹ Goli M. Rezaei-Rashti, Golnar Mehran, and Shirin Abdmolaei, *Women, Islam, and Education in Iran* (New York: Routledge, 2019), 84.

²² M. Rezaei-Rashti, Mehran, and Abdmolaei, 84.

²³ K. Daud and Rosadi, "Dynamics of Islamic Family Law and Gender Issues in Iran: Between the Thought of Secular Elites and Islamic Scholars," 217.

²⁴ Falka Haidar, "The Influence of Western Feminism on the Gender Equality Movement in the Islamic Republic of Iran" (Yogyakarta, 2020), 10.

citizens as proof of his partiality towards Iranian society in addition to the program of economic recovery and improved diplomatic relations with the West.²⁵ However, the relaxation of Islamic Sharia rules at that time did not mean giving freedom for women not to wear the hijab. It is improbable that Rouhani will remove the mandatory hijab rule, as it can only be done by a *religious man*. The mandatory hijab rule remains in place, but the intensity of arrests of those who violate it has decreased relatively much compared to previous times. Thus, it is a momentum for Iranian women to be more active in campaigning for equal rights in the public sphere.²⁶

Rouhani's era has been touted as the culmination of freedom movement activism for Iranian women. *My Stealthy Freedom* is one form of campaign they express to obtain civil rights as citizens, especially in matters of hijab.²⁷ This movement originated from the initiation of Masih Alinejad, which engaged in social media, such as Facebook. Alinejad is an

Iranian female journalist who has protested against Iran's mandatory hijab law. In its movement, the online campaign uses hashtags to appeal to the sympathy of the Iranian people and the world to participate in solidarity actions. Some hashtags or hashtags they used at that time, such as *#WhiteWednesday*, *#MenInHijab*, and *#SeeYouIranWithoutHijab*.²⁸

The open space for women to express their rights as civilians does not seem to apply clearly to the next Iranian president. Later, the latest news emerged from a protest filed by a female activist named Mahsa Amini against the policies of the Ebrahim Raisi government (2021-Present), which were considered too restrictive for women's rights in public spaces. Ironically, the protests meant Amini had to be willing to lose her life due to violent acts perpetrated by Iran's morality police. They were launching from *the tempo.co* news channel, Amini was arrested for allegedly violating hijab rules while she and her family were on a trip to Tehran to visit relatives on Tuesday,

²⁵ Kiki Mikail, "Iran Amid Western Hegemony (Study of Iranian Foreign Policy of the 1979 Revolution)," *Tamaddun* 13, no. 2 (July 2013), <http://jurnal.radenfatah.ac.id/index.php/tamaddun/article/view/154>.

²⁶ Euan McKirdy, "Why Iranian Women Are Taking off Their Veils?," *The Economist*, 2018, https://www.economist.com/the-economist-explains/2018/03/08/why-iranian-women-are-taking-off-their-veils?gclid=Cj0KCQjwlpWgBhDHARIsAH2xdNf9YnW2WcLLEUAbwr-xjB0R57bdIAHhpAclUwDa8Kuplm4qEQrbq04aAutNEAL_wcB&gclidsrc=aw.ds. (accessed March 24, 2023).

²⁷ Farinaz Basmechi and Gabe Ignatow, "Forming an Effective Public Online: Aggressive Posts and Comments in the My Stealthy Freedom Move," *First Monday*, 2021, <https://firstmonday.org/ojs/index.php/fm/article/view/11471/10078>. (accessed March 24, 2023).

²⁸ Samira Ghoreishi, "My Stealthy Freedom Facebook Page: An Opportunity for the Current Women's Movement in Iran?," *academia.edu*, 2018, https://www.academia.edu/41444060/_My_Stealthy_Freedom_Facebook_Page_An_Opportunity_for_the_Iranian_Feminist_Movement. (accessed March 24, 2023).

September 13, 2022. According to the media, Amini's arrest was accompanied by repressive measures from the authorities that caused severe head injuries. Although Amini was rushed to the hospital because she was unconscious, her life could not be helped.²⁹

Amini's death drew massive protests from Iranians, who demanded that President Ebrahim Raisi take responsibility for the death of a human rights fighter. On the other hand, the wave of mass demonstrations managed to attract the attention of some European countries to join in condemning the Iranian government's violent actions against its people. From the rumours that developed, the news of Amini's death made Annalena Baerbock furious as the German Foreign Minister. He wants the European Union to impose strict sanctions on Iran for committing murderous acts against its people. Meanwhile, many mass sympathisers also reportedly surrounded the Iranian embassy in Oslo, Norway. In the action, at least two people were reported to have suffered minor injuries.³⁰

On another occasion, protests over Amini's death were also carried out by Iranians when their country appeared as a contestant at the World Cup in Qatar 2022. According to the news circulating, the Iran National Football Team chose to remain silent when their national anthem was played before the inaugural match against England on Monday, November 22, 2022. Iranians also carried *jerseys* bearing Mahsa Amini's number 22 as a tribute to her services in fighting for women's rights. The events that took place during the World Cup event immediately made the whole world grieve and disappointed.³¹

It seems to be a dilemma for Iranian women when choosing between obeying the country's rules or upholding human dignity. Both choices have their consequences. However, they still choose to follow the voice of conscience, even though they have to bear the heaviest risks that concern their lives. The events in Iran lead us to an important question, does Islam contradict the principle of upholding the rights and freedoms of its adherents as human beings? If so, is taking another person's life for violating certain

²⁹ Haris Setyawan, "Chronology of Mahsa Amini's Death That Triggered a Wave of Demonstrations in Iran," *tempo.co*, 2022, <https://dunia.tempo.co/read/1637763/kronologi-kematian-mahsa-amini-yang-memicu-gelombang-demonstrasi-di-iran>. (accessed March 24, 2023).

³⁰ Selocahyo Basoeki Utomo, "Wave of Protests in Iran Over Mahsa Amini's Death Continues, Death Toll Rises," *Jakarta Newspaper*, 2022, <https://koran->

jakarta.com/gelombang-protes-di-iran-atas-kematian-mahsa-amini-berlanjut-korban-tewas-bertambah?page=all. (accessed March 24, 2023).

³¹ Rindi Salsabilla, "Iran National Team Refuses to Sing National Anthem at World Cup," *CNBC Indonesia*, 2022, <https://www.cnbcindonesia.com/lifestyle/20221122102412-33-390106/timnas-iran-tolak-nyanyi-lagu-kebangsaan-di-piala-dunia>. (accessed March 24, 2023).

religious boundaries justifiable? It would be difficult to answer this question if Muslims had not sought a dialogue between Islam and modernity.

Resistance and Efforts to Seek Justice

As mentioned earlier, Iranian women have gone through various forms of discrimination and restrictions on rights in the public sphere since the 1979 revolution until today. The product of discriminatory policies is considered to be the reason why women in the Iranian state continue to be at a disadvantage. However, this did not deter several women's groups who are members of NGOs and human rights defender activists from voicing their aspirations in public spaces. Although a series of protests and waves of demonstrations did not get a good response from the government, at least it was able to make the international community sympathetic to help resolve what is happening in the Iranian state by campaigning for international human rights instruments.

One hundred eighty-nine countries ratified CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) in September 2016. Most Muslim countries (in this case, members of the Organization of Islamic Cooperation (OIC)

other than Iran, Sudan and Somalia) have ratified the international covenant in their countries. Iranian authorisation and women activists have attempted to ratify CEDAW through its passage by the parliamentary assembly in 2003.³² However, this decision was soon overturned by the *shoray-e negahban* (Guardian Council), whose ranks were filled mainly by conformists.³³ It is essential that although Iran has not ratified CEDAW, the Convention is binding on all countries because it is the United Nations. Of course, this needs to be considered by Iran, considering that the covenant's primary purpose is respect for human rights.

Some women's rights activists firmly believe that the issue of gender inequality can be solved if Iran can ratify CEDAW without making any reservations. However, they also realised that by ratifying CEDAW, without reforming discriminatory laws at the national level, Iran would only present a paradox to the international community, just as other Muslim countries, such as Saudi Arabia, did. In addition, it must be recognised that legal reform alone cannot necessarily improve the position of women in society. To this end, Mehrangiz Kar underlined that the ultimate goal of international conventions is to

³²Miranda Eeles, "Iran Women's Bill Rejected," BBC News, 2003, http://news.bbc.co.uk/2/hi/middle_east/3145969.stm. (accessed March 24, 2023).

³³*Conformists* have always placed *fiqh-e sonnati* (traditional jurisprudence) in the legal construction of the land, which is why they reject any legal reforms that

are attempted, See Ziba Mir-Hosseini, "The Conservative-Reformist Conflict Over Women's Rights in Iran," *International Journal of Politics, Culture and Society* 16, no. 1 (2002): 37–53, <https://link.springer.com/article/10.1023/A%3A1016530427616>.

institutionalise equality and non-discrimination in states' social life and legal structures.³⁴

Iran's feminist movement is considered one of the most robust social movements in any Muslim-majority country. Women members in Iran's parliament, particularly those in the *majlis-e sheshom* (Sixth Parliament), have made some progress on women's rights in their country. However, Fatemeh Haghighatjoo, a member of the Sixth Assembly and Iran's supporter of ratifying CEDAW, points out that, despite the support given by reformists and activists to keep the debate on CEDAW alive in the early 2000s, there were also strong voices of female opposition against it. Therefore, according to Fatimeh, it is better to leave it alone until the national political atmosphere is conducive again.³⁵

The national debate over the ratification of CEDAW in Iran primarily began to lose momentum after the 2009 presidential election. However, before the elections took place, a civic coalition of the people was formed under the name "Coalition of Iranian Women's Movements to Voice Demands in Elections". The coalition

comprises 700 Iranian women's rights activists (both men and women) and forty campaign forms and organisations. The coalition aims to urge presidential candidates to actively join the Convention on the Elimination from all Forms of Discrimination against Women (CEDAW) and encourage parliament to include the principle of human equality in the country's constitution.³⁶

Both demands are essential for women's rights and are related to equality and eliminating all forms of discrimination in Iran. Unfortunately, the demands of the coalition were not met. In contrast, women's rights activists and civil society and political activists faced widespread threats and arrests following the election of Mahmoud Ahmadinejad as President of Iran. However, from the process of forming the coalition to its efforts in campaigning for gender equality, it turned out to be quite beneficial for the sustainability of the women's movement in Iran. Various feminist groups began to unite. As shown by secular feminist groups, such as Mehrangiz Kar and poet Simin Behbahani, united with Islamic feminist groups, such as Elahe Kolai and Azam Taleghani. They were proved to be

³⁴Mehrangiz Kar, *End Discrimination against Women: A Comparison between the Convention on Elimination of All Forms of Discrimination against Women and Iranian Laws* (Teheran: Nashre-e Qatr-e Publications, 2000), 53.

³⁵ Roja Fazeli, *Islamic Feminisms: Rights and Interpretations across Generations in Iran* (London: Routledge, 2017), 140.

³⁶Fazeli, 140–41.

one of the new forces of the women's movement in the modern era.

The penetration of the Iranian women's movement of the 21st century finally bore fruit with the passage of the RLaw on the Protection of Women from all forms of Violence in 2018. Previously, this bill has been submitted and undergone several revisions by the Minister of Justice and the House of Representatives since 2010. Only in late October 2018 did the Iranian government finally pass the bill after receiving approval from religious authorities in Qom (the world's most prominent Shia learning centre). The Iranian people can use this legal guarantee to demand justice; if that happens, the government must impose strict sanctions.³⁷

The long history of struggle among Iranian women to realise the country's 1989 constitution that guarantees equal rights can be inherited by future generations. In recent months, Iran's demands for justice against the country that has claimed the life of a women's rights advocate, Mahsa Amini, have not subsided. One of them is shown by a woman named Zara. In a media report, he said he would fight to the death for justice, although for months, he feared state authorities would

arrest him.³⁸ This demand seems to prove that women in Iran will never feel calm as long as the mandate of the 1989 constitution is not carried out correctly. To date, 27 women have been killed, and many women have been arrested in Iran for daring to oppose discriminatory state policies.³⁹

Conclusion

This article shows the difficulties experienced by some gender and feminist activists in Iran in fighting for women's rights. In the trajectory of history, they are often faced with conservative groups who always thwart efforts to create non-discriminatory legal products against women. It was as if there was no room for Iranian women to break out of the traditional values of a religion that maintained male dominance in social life. Their difficulties were made lighter by the presence of the ICCPR and CEDAW instruments proclaimed by the UN to the world. The existence of such instruments led the Iranian government to amend the constitution in 1989, which guarantees equal rights and standing of all citizens before the law.

³⁷R.R Melania Latuconsina, J.A Yvonne Wattimena, and Arman Anwar, "Protection of Women's Rights in Iran Under the Cedaw Instrument," *TATOHI* 1, no. 6 (August 2021): 552, <https://fhukum.unpatti.ac.id/jurnal/tatohi/article/view/638>.

³⁸ Mariana Daras, "Hari Perempuan Internasional: Perjuangan Panjang Perempuan Iran Menentang Wajib Jilbab Sejak 1979," BBC News

Indonesia, 2023, <https://www.bbc.com/indonesia/dunia-64873922>. (accessed March 24, 2023)

³⁹ Haleh Esfandiari, "Violence Against Women: A Never-Ending Story in Iran," Wilson Center, 2022, <https://www.wilsoncenter.org/blog-post/violence-against-women-never-ending-story-iran>. (accessed March 24, 2023)

However, the reality is different. The Iranian government continues to treat women as second-class citizens by issuing several discriminatory laws, such as the mandatory hijab. The Iranian people then realise this reality as the inconsistency of the state in carrying out legal products. Therefore, they again fought so that the country's constitution of 1989 was well realised. However, their struggles often lead to arrest, intimidation, and even the worst of which have been victims of murder by local security forces, as experienced by Mahsa Amini. Regardless of the element of intentionality, this dark event seems to prove that the Iranian state still justifies all means to uphold shari'a, which is contrary to human rights principles in modern civilisation. The presence of the law on the Protection of Women from all forms of Violence since 2018 is also still unable to guarantee a sense of security for Iranian women.

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