

ТРУДОВЕ ПРАВО, ПРАВО СОЦІАЛЬНОГО ЗАБЕЗПЕЧЕННЯ

**ESHAGHI SEYYEDNASER
MIRALINAGHI,**
Postdoctoral student
of Department of International Relations
and International Law
of Institute Philosophy and Law
(Azerbaijan National Academy of Sciences)

UDC 316.614.5:34(476)

LABOR LAWS RELATING TO WOMEN IN IRAN WITH REFERENCE TO ILO

The article explores the problem of freedom and women's rights in the Islamic Republic of Iran. It is comparative analysis and notes, that despite the fact that according to Shariat, women and men have equal rights but in fact women have less rights than men. Most women are deprived of their rights to express their will and they were deprived of the right to get higher education, and could get only primary education. According to the Koran, the equality of women and men is provided, but in fact in the Islamic society, women are deprived of many rights and do not have the right to hold certain government positions on legislation. The interest of this paper is that in the West and the former Soviet Iranian studies this issue has been studied, but is studied in Iran for the first time.

Key words: *woman, rights, individual, social prosperity, education development, organization, position of woman.*

У статті досліджуються проблеми свободи і прав жінок в Ісламській Республіці Іран. Відповідно, було проведено порівняльний аналіз, завдяки якому автор зробив висновок, що, незважаючи на те, що згідно з Шаріатом жінки і чоловіки мають рівні права, на практиці перші бувають обділені. Більшість жінок не наважується висловлювати свою волю, наприклад, в отриманні вищої освіти, тому має лише початкову освіту. Священний Коран проголошує рівноправність жінок і чоловіків, але на практиці в Ісламському суспільстві жінки обділені в правах і за законодавством не можуть займати деякі державні пости. Ця тематика була розглянута в західній і колишній радянській іраністиці, проте в сучасний період питання дискримінації жінок Ірану залишається відкритим.

Ключові слова: *жінки, індивідуальні права, соціальне благополуччя, розвиток освіти, організація, позиції жінок.*

В статье исследуются проблемы свободы и прав женщин в Исламской Республике Иран. Соответственно, был проведен сравнительный анализ, благодаря которому автор сделал вывод, что, несмотря на то, что согласно Шариату женщины и мужчины имеют равные права, на практике первые бывают обделены. Большинство женщин не решается выражать свою волю, например, в получении высшего образования, поэтому имеет лишь начальное образование. Священный Коран провозглашает равноправие женщин и мужчин, но на практике в Исламском обществе женщины обделены в правах и по законодательству не могут занимать некоторые государственные посты. Данная тематика была рассмотрена в западной и бывшей советской иранистике, однако в современный период вопрос дискриминации женщин Ирана остается открытым.

Ключевые слова: *женщины, индивидуальные права, социальное благополучие, развитие образования, организация, позиции женщин.*



Introduction. In February of 1979, after victory of Islamic Revolution of Iran a new community is established on the basis of Shia sect of Islam (first time in the world). One of the main duties of this community in modern era was provision of human and women rights on the basis of international law. Provision of women rights has always been arguable point throughout the history [3]. Though the slogan “Paradise is under the mother’s feet” is very popular in Islamic world, the lack of women rights is widespread in entire Muslim society [9]. That is why, Iran society paid special attention to this issue from the first days of victory of Islamic revolution in Iran, because according to orders of the leaders of revolution the woman should find her complete rights in this society [13]. According to Islamic law [12] woman has some rights such as, right of being mother, right of virginity, right of milk which are not reflected in international law [10]. that is why, according to human rights convention of UN, research of women rights is especially urgent [7].

Today the women form nearly one half of the human community and naturally, they should have rights and duties suitable for them as a perfect human beings, but during the history, because of enumerable reasons, they have been put on a lower position and they haven’t had complete individual and social prosperity and benefits. Of course during the recent centuries especially by development of social movements for equality of women’s rights, more efforts have been made to revival of their rights. But the results of these efforts have not had the same and equal benefits all over the world [14].

Mental and cogitative sediments of the past centuries and natural resistance of men against the re-establishment of women rights, are still as obstacles and difficulties on the way of vindication of their whole and complete rights.

Glancing over the situation of education and employment indifferent societies nicely reveals this point that, the level of intermediate literacy and higher education, significantly is less than men’s education and this factor causes this class’s cultural weakness on proceeding, seriously to restore their social state and equality with men.

Employment is also considered as an important factor in elevation of social, cultural, political and economic awareness, so considering the low level of employment of women, especially in the under developing and undeveloped countries has caused that the women of these societies couldn’t have a desirable level of necessary social information.

The lack of this information and awareness has caused the inactivity or at least less activity for getting the equal rights among women.

The human right movements on the international and regional levels, especially the suitable and effective efforts of the international labor organization have retrieved this deficiency. The efforts of these movements and this organization has made its member countries and the other countries which have accepted its protocols and contracts, to enter ILO standards into their law collection in spite of the lack of regional and national motions and activities. But how much these countries are practically bound to restore the women’s rights, needs multilateral and causal studies and researches.

Setting objectives. The importance of this subject comes from several main factors. The first factor is the humanistic and validity factor. Meanwhile the women are half of the human society; they are as the complementary of the men as well.

Supposing a society of men without women is impossible and such a society would not be a natural and active one. From this point of view, we should consider the human community a natural and beautiful combination of men and women who establish an emotional and sentimental connection with each other, while trying to make their society [16].

The next factor is the factor of development. Today development on both its horizontal and vertical forms is planned and done on the basis of human forces. If we want to program for the development of the whole world, we should count on the whole people of the world containing both men and women.

Both in the field of labor and workmanship and in the intellectual and cultural forces, especially in the field of professional and management forces, we should estimate both men and women and take them into account equally. We can courageously say that, at the present situation and in the course of programming quantity and quality indicators, there is not an equal look at women in com-



parison with men [11]. Again we can strongly declare that, development program without paying careful attention to the women's overflowing talents in the workmanship, cultural and directorship areas will not be a balanced and resistant program and surely will not be successful.

Results of the study. Meanwhile the women are active in all of social areas, they are also responsible for running the household affairs and bringing up the children, so they have the double position and rank, that is, the social rank and educative rank. This double position brings about the necessity of paying attention to this gender more seriously. If we look at this matter from the educative point of view, we'll notice that one of the main keys of the third millennium is honoring and praising the dignity of the educative position of women.

Bringing up healthy and responsible children, who are also active and happy, is a very hard task that the women of a society are responsible for. Although in some of the countries the governmental (public) training is prescribed and recommended but it is not in harmony and company with the cultural constructions (structures) of the most countries which will join the development caravan in future. The women should necessarily do this double or even multi task (duty) in future in order to get to a balanced and over all development.

In Islamic Republic of Iran which is one of the earliest countries to join the ILO, most of the protective laws and rules have been taken into account in labor laws, social security and employment laws, without minding gender and even particular concessionary laws for women, have been approved as a special points in order to protect (support) the women even more.

Considering the new political and social atmosphere of Iran and its forerunning on the civilization discussion and its brilliant history of urbanity and civilizing, it is necessary to restudy the women rights status in company with the awakening and awarding movements of women of this territory. It also should be restudied comparatively in accordance with international standards in order to re-recognize and re-study the position of Iranian women's rights.

Some claim that the complete and equal vindication of women rights in Islamic Republic of Iran is impossible as a result of cultural limitation on one hand, and the religious discriminations doubts, because during the history of Iranian civilization, the women have always had a high and elevated place and they have played their role in most of the mental and social movements very well. For example in Islamic Revolution of Iran, we can see that the women's part is more important and colorful that that of men in several cases.

From the religious point of view because the whole addresses of Koran – heavenly and holy book of Islam are kind addresses not gender addresses, it means that Koran addresses the mankind without regarding them as man or woman, (male or female) on the other hand [1]. In this research we'll look for answers to these.

According to the certainties and commandments of this book – that is Muslim's greatest documentation, there is no difference between man and woman in social status and both of them are under the religious trainings and commands as addresses. Of course the protective aspect available in book or in narration is another discussion matter that its contents require supportive look in favor of women [15].

In this section we will also survey and analyze the verses of the heavenly book, religious elder's statements and the judgments of the religious jurists [19].

As an innovative and inventive discussion we want that the housewives, who are busy with child bringing up (child training) in families, are identified as active social factors. In this way they are known as a social basis, requiring particular legal leading and special social rights [4]. It means that our society should be responsible for women's material and spiritual rights (or financial and non-financial rights) in return for their efforts in the families [5]. The house wives should be given guarantees to prosper at least the minimum of social security act [6].

Recognizing the right of benefitting from educative rights and the right of proportional social security during the active period and disabled and retirement period, would also be some of the side necessities of this research [6].

Conclusions. As far as I have surveyed and examined there is no similar study and research about this subject, except the one titled "Women in Iran's labor market".



Library and another research by Mr. (Murtuza Fahim Kermani, Position of woman in Islam, Tehran Publish in house Ferhenge Islami, 1366, (1987) 72 pages. under the title of. چهار هز ندر آئینه ی اسلام – مرتضی‌فهی‌مکرمانی دفتر نشر فرهنگ اسلامی-تهران 1366ص72

“Conventions for the prohibition of discrimination against women”, which she has mostly worked within the frame of the work of UN’s conventions for the prohibition of discrimination but so far no research has been done specifically or partially like the suggested one [18].

The research will be done in the form of library research by reference to the Iran’s issued laws containing civil laws, labor laws, merchant law, social security act and special regulations and decrees on the basis of women’s labor rights and of course collecting international conventions about women’s labor laws is also in the research schedule as a comparison and adaptation indicators [2].

If we succeed in discovering women’s right and privileges in Iran’s labor laws and comparing it with international conventions, innumerable questions will be answered naturally, such as:

- 1) What is the women’s position in Iran’s issued labor laws? [8]
- 2) What deprivations do women have relating to labor rather than men?
- 3) To what extent or (How) women protective laws in Iran’s labor laws differs from the criteria and minimums of I.L.O? [17].
- 4) To what extent is Islamic Republic of Iran bound to international conventions relating to labor laws?
- 5) Which of the international conventions and agreements haven’t been considered in Iran’s labor laws?
- 6) What are the defects relating to women’s rights in labor law and social security act?

List of sources used:

1. 77ص مقتدرت عرشین 1 هف‌ی‌رش‌ه‌ی‌آ‌س‌ن‌ه‌روس- دی‌چ‌م‌آ‌رق
2. -هداوناخ قوق‌ح‌ش‌خ‌ب- شن‌اد‌ج‌ن‌گ‌ت‌ا‌ر‌ا‌ش‌ت‌ن‌ا -ی‌ف‌ر‌ش‌ا‌ت‌ج‌ج- نار‌ی‌ای‌م‌ا‌س‌ای‌ر‌و‌م‌ج‌ی‌ن‌د‌م‌ن‌و‌ن‌ا‌ق 1118ه‌دام
3. 86ص 1374م‌ق-ار‌د‌ص‌ت‌ا‌ر‌ا‌ش‌ت‌ن‌ا- یر‌ه‌ط‌م‌ی‌ض‌ت‌ر‌م‌ر‌ت‌ک‌د - م‌ا‌ل‌س‌ا‌ر‌د‌ن‌ز‌ق‌و‌ق‌ح‌م‌ا‌ظ‌ن
4. 132ص 1368 نار‌ه‌ت-م‌ه‌د‌پ‌ا‌چ- یم‌ا‌ل‌س‌ا‌گ‌ن‌ه‌ر‌ف‌ر‌ش‌ن‌ر‌ت‌ف‌د- یر‌ه‌ط‌م‌ی‌ض‌ت‌م‌ج‌م - م‌ا‌ل‌س‌ا‌ر‌د‌ه‌داوناخ
5. 22ص 1386- م‌ت‌ش‌ه‌پ‌ا‌چ-م‌ق‌ت‌ی‌ب‌ل‌ه‌ا‌ف‌ر‌ا‌ع‌م‌ر‌ش‌ن- یت‌ش‌ه‌ب‌د‌م‌ح‌ا‌ر‌ت‌ک‌د - نار‌ق‌ر‌د‌ه‌داوناخ
6. 383ص 1388-م‌ق- م‌و‌س‌پ‌ا‌چ-ء‌ا‌ر‌س‌ا‌ر‌ش‌ن- یم‌ا‌ی‌د‌ا‌و‌ج‌ر‌ت‌ک‌د - ل‌ا‌ل‌ج‌و‌ ل‌ا‌م‌ج‌ن‌ی‌ا‌ر‌د‌ن‌ز
7. -ی‌و‌ض‌ت‌ر‌م‌ء‌ای‌ض‌د‌ی‌س - نار‌ن‌ز‌ل‌ی‌ا‌س‌م‌ر‌د‌ی‌ت‌خ‌ا‌ن‌ش‌ن‌ی‌د‌ی‌ا‌و‌گ‌ل‌ا و ین‌ی‌م‌خ‌م‌ا‌م
8. 108ص 1380 نار‌ه‌ت- ه‌ن‌ز‌و‌ر‌ر‌ش‌ن- یت‌ش‌ه‌ب‌ن‌ی‌س‌ح‌د‌م‌ج‌م -یس‌ا‌س‌ا‌ن‌و‌ن‌ا‌ق‌ی‌ر‌ظ‌ن‌ی‌ن‌ا‌ب‌م
9. 117ص 1372- 27 دل‌ج- نار‌ه‌ت- ار‌د‌ص‌ت‌ا‌ر‌ا‌ش‌ت‌ن‌ا- یر‌ه‌ط‌م‌ی‌ض‌ت‌ر‌م‌ر‌ت‌ک‌د‌ر‌ا‌ت‌ا‌ه‌ع‌و‌م‌ج‌م‌ب‌ا‌ت‌ک
10. 72ص 1366 نار‌ه‌ت- یم‌ا‌ل‌س‌ا‌گ‌ن‌ه‌ر‌ف‌ر‌ش‌ن‌ر‌ت‌ف‌د‌ی‌ن‌ا‌م‌ر‌ک‌م‌ی‌ه‌ف‌ی‌ض‌ت‌ر‌م - م‌ا‌ل‌س‌ا‌ی‌ه‌ن‌ی‌ا‌ر‌د‌ن‌ز‌ه‌ر‌ه‌ج
11. 1380ح‌ب‌ص‌ر‌ی‌ف‌س‌ت‌ا‌ر‌ا‌ش‌ت‌ن‌ا-ن‌ار‌ه‌ت- ین‌ا‌ج‌ن‌س‌ف‌ر‌ی‌م‌ش‌ا‌ه‌ر‌ب‌ک‌ا‌ی‌ل‌ع - یر‌ع‌ا‌ت‌ج‌ا‌ت‌ل‌ا‌د‌ع‌و‌ن‌ز
12. یم‌ا‌ل‌س‌ا‌م‌و‌ل‌ع‌ر‌ش‌ن‌ز‌ک‌ر‌م‌-ن‌ار‌ه‌ت- د‌ا‌م‌ا‌د‌ق‌ق‌ح‌م‌ی‌ف‌ط‌ص‌م‌د‌ی‌س‌ر‌ت‌ک‌د - ه‌داوناخ‌ق‌و‌ق‌ح‌ی‌ه‌ق‌ف‌ی‌س‌ر‌ر‌ب
13. 489ص 1365
14. 32-1377 ه‌ر‌ا‌م‌ش‌ن‌ا‌ن‌ز‌م‌ا‌ن‌ه‌ا‌م‌ه‌ل‌ج‌م
15. 14ص 1352 م‌ق -شن‌اد‌ج‌ن‌گ‌ت‌ا‌ر‌ا‌ش‌ت‌ن‌ا- یر‌ق‌ذ‌ا‌ح‌ل‌ض‌ف‌ل‌ا‌و‌ب‌ا - نار‌ن‌ز‌ق‌و‌ق‌ح
16. 93ص 1389-ن‌ار‌ه‌ت- ین‌ر‌ش‌ن؛ یر‌ق‌ا‌ر‌ع‌م‌چ‌ن‌ه‌ژ‌ی‌ن‌م‌م‌ج‌ر‌ت؛ نار‌ن‌ز‌ی‌س‌ا‌ن‌ش‌ع‌م‌ا‌ج
17. 26ص 1388-ا‌ی‌ن‌ک‌ل‌پ‌ه‌ب‌و‌ب‌ج‌م‌و‌ا‌ه‌ی‌د‌ر‌م‌ی‌ض‌ت‌ر‌م، ین‌ر‌ش‌ن؛ س‌ن‌ج‌ه‌ر‌ط‌ی‌س
18. 1393-ن‌ار‌ه‌ت-ه‌ز‌ا‌ر‌ی‌ش‌ر‌ش‌ن؛ یر‌ق‌ا‌ر‌ع‌م‌چ‌ن‌ه‌ژ‌ی‌ن‌م‌م‌ج‌ر‌ت؛ یت‌س‌ی‌ن‌ی‌م‌ف‌ی‌ا‌ه‌ی‌ر‌ظ‌ن‌ر‌ب‌ع‌م‌ا‌ج‌ی‌د‌م‌آ‌ر‌د
19. 117ص م‌و‌د‌پ‌ا‌چ
20. نار‌ه‌ت- نار‌ن‌ز‌ت‌ا‌ع‌ل‌ا‌ط‌م‌و‌نار‌گ‌ن‌ش‌و‌ر‌ت‌ا‌ر‌ا‌ش‌ت‌ن‌ا؛ ید‌ر‌م‌ز‌ا‌ض‌ر‌د‌م‌ج‌م‌ه‌م‌ج‌ر‌ت؛ م‌س‌ی‌ن‌م‌ف‌ی‌ت‌س‌ی‌چ
21. 135ص 1385-
22. دل‌ج 1365- م‌ه‌د‌ز‌ی‌س‌پ‌ا‌چ- م‌ق‌ی‌م‌ا‌ل‌س‌ا‌ت‌ا‌ع‌ی‌ل‌ب‌ت‌ر‌ت‌ف‌د‌ت‌ا‌ر‌ا‌ش‌ت‌ن‌ا - ین‌ی‌ل‌ک‌خ‌ی‌ش - یر‌ف‌ا‌ک‌ل‌و‌ص‌ا
23. 238ص نار‌ق‌ت‌ا‌ب‌ا‌ط‌خ‌ش‌خ‌ب - 3

