

The Principle of Non-Discrimination in Public Services and the Realization of Educational Justice: A Comparative Study of the Legal Systems of Iran, the United States, France, Türkiye, and Japan

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1. Round 1

1.1. Reviewer 1

Reviewer:

In Section 2.1, the paragraph stating that “This approach is incompatible with the universality of human rights” should be revised to avoid presenting universality as a self-executing answer to the public-private divide. The authors should explain how universal rights are operationalized through specific positive obligations and domestic institutional duties. The discussion would benefit from identifying the legal mechanisms by which rights to life, dignity, security, and physical integrity become enforceable in family relationships, including preventive legislation, emergency protection, effective investigation, and access to remedies. The current paragraph is normatively persuasive but requires a stronger doctrinal bridge between the abstract universality of rights and the concrete responsibilities of state authorities.

In Section 2.2, the paragraph beginning “The 1979 Convention on the Elimination of All Forms of Discrimination against Women, although it did not provide an independent definition of violence,” should distinguish more carefully between the treaty text and the subsequent interpretive practice of the Committee on the Elimination of Discrimination against Women. The manuscript should explain the legal status of General Recommendations Nos. 19 and 35, including their non-binding but authoritative interpretive function. It should also discuss the extent to which these General Recommendations can be regarded as clarifying existing treaty obligations rather than creating new obligations. This distinction is highly relevant to the article’s broader treatment of the interpretive authority of GREVIO reports and recommendations.

In Section 6.2, the paragraph asserting that GREVIO reports have “a specialized supervisory and interpretive character” should analyze their legal authority more carefully. The authors should distinguish GREVIO’s evaluation reports, general recommendations under Article 69, findings adopted through baseline and thematic procedures, and recommendations issued

by the Committee of the Parties. The manuscript should clarify that these documents are not treaty amendments, judicial precedents, or formally binding interpretations in the same sense as judgments of an international court. At the same time, their persuasive and expert authority should be explained by reference to GREVIO's treaty-based mandate, independence, methodology, and repeated practice. This legal characterization is central to the article's stated objective of examining the "validity" or authority of the GREVIO mechanism.

In Section 7.3, the discussion of practical effectiveness correctly notes that increased reporting may produce higher recorded rates of violence, but the proposed indicators require further methodological development. The authors should distinguish input indicators, such as funding and personnel; process indicators, such as police response times and risk assessments; output indicators, such as protection orders and shelter placements; and outcome indicators, such as repeat victimization, homicide rates, and victim safety. They should also discuss the challenges of cross-national comparability, underreporting, inconsistent definitions, missing disaggregated data, and causal attribution. Without a more rigorous indicator framework, the article cannot confidently distinguish the effects of the Convention from broader social, legal, or institutional changes.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the paragraph comparing the Declaration on the Elimination of Violence against Women, the Convention of Belém do Pará, the Maputo Protocol, and the Istanbul Convention, the comparative analysis is too compressed. The authors should identify the specific dimensions along which these instruments differ, such as geographical scope, binding force, definitions of violence, recognition of due diligence, availability of individual complaints, reporting procedures, monitoring bodies, and treatment of public and private violence. The current paragraph characterizes the Istanbul Convention as an "advanced stage" without fully substantiating that conclusion. A more structured comparison would allow the authors to demonstrate precisely where the Istanbul Convention is more comprehensive and where other regional instruments may provide stronger or differently structured protections.

In Section 3.2, the paragraph stating that "By July 2026, 39 Council of Europe parties had ratified the Convention, while six additional states had signed it" should be carefully verified and reformulated. The terminology "Council of Europe parties" is ambiguous because the European Union is also a party, while Türkiye has withdrawn. The manuscript should distinguish among Council of Europe member states that have ratified, signatory states that have not ratified, the European Union as a separate contracting party, and former parties. The authors should also state the precise cut-off date for treaty-status information and ensure that the figures are consistent with the official treaty database. Because treaty participation is central to the article's assessment of legal reach and contemporary relevance, numerical and terminological precision is indispensable.

In Section 3.3, the paragraph beginning "The Istanbul Convention addresses these gaps by linking human rights, criminal law, judicial procedure, social protection, and public policy" should explain more fully the legal nature of the Convention's obligations. Some provisions require criminalization, whereas others permit non-criminal sanctions, establish policy obligations, or require the provision of services. The authors should classify the obligations according to their normative structure—for example, obligations to legislate, obligations to establish services, obligations to coordinate, obligations to investigate, and obligations to monitor. Such classification would prevent the article from treating all Convention provisions as equally specific or directly enforceable and would improve the later analysis of implementation and effectiveness.

In Section 4.2, the sentence "The concept of gender in the Convention refers to socially constructed roles and expectations that may reproduce women's inequality and vulnerability" requires more exact treatment. The authors should quote or closely paraphrase the definition in Article 3(c) and distinguish the Convention's use of "gender" from biological sex, gender identity, and the non-discrimination grounds listed in Article 4(3). The manuscript should also explain why the definition has generated legal and political controversy, particularly in Türkiye, while avoiding reproducing polemical claims without legal analysis. This clarification is necessary because disputes over the term "gender" are central to the withdrawal debate and to the article's discussion of the Convention's possible implications for Iran.

In Section 5.3, the paragraph stating that support services “must not depend on the victim’s willingness to lodge a complaint or testify against the perpetrator” should distinguish between unconditional access to protective services and the procedural rules governing public prosecution. The Convention does not require all offences to be prosecuted identically regardless of victim participation. The authors should explain the relationship among Article 18(4), Article 48 concerning mandatory alternative dispute resolution, and Article 55 concerning ex parte and ex officio proceedings. This distinction would make the analysis more legally precise and would be especially useful for the later recommendations concerning victim autonomy, withdrawal of complaints, and state intervention in high-risk cases.

In Section 5.4, the sentence “Article 36 also defines sexual violence on the basis of the absence of freely given consent” should be expanded to address the Convention’s specific understanding of consent. The authors should explain that consent must be given voluntarily as the result of the person’s free will, assessed in the context of the surrounding circumstances. The manuscript should also distinguish consent-based legal models from force-based or resistance-based models and discuss the implications for evidentiary assessment, prosecutorial practice, and victim protection. Since the article identifies consent as one of the Convention’s major normative innovations, this issue deserves more than a brief statement.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.