

Crimes against Women in Iranian criminal law from the Perspective of the Convention on the Elimination of All Forms of Discrimination against Women

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The present study aimed to examine crimes against women in the Iranian criminal justice system from the perspective of the criteria and requirements of the Convention on the Elimination of All Forms of Discrimination against Women. The main issue of this study is to what extent the rules, institutions, and criminal procedures of Iran in protecting women victims are consistent with international standards and in what areas divergence is observed between them. The research method is descriptive-analytical and survey type. In the theoretical part, legal texts, international documents, and legal perspectives were analyzed, and in the field part, data were collected through a researcher-made questionnaire. The statistical population included law professors, attorneys, judges, and graduate law students in Tehran, from whom 210 people were selected through purposive sampling. Descriptive statistics including frequency, percentage, mean, and standard deviation were used to analyze the data. The findings showed that from the respondents' perspective, Iran's criminal laws are somewhat aligned with international standards in criminalizing some forms of violence against women and providing some form of support to female victims, but there is a significant gap in areas such as equality in criminal proceedings, women's judicial employment, how to deal with domestic violence, and eliminating structural discrimination. The majority of respondents also believed that jurisprudential, cultural, and legislative barriers are among the most important factors in perpetuating this gap. Overall, the results of the study indicate that achieving effective criminal protection for women requires legislative revision, modern jurisprudential interpretations, and strengthening political will to further align with international standards.

Keywords: Crimes against women, Iranian criminal law, Convention on the Elimination of Discrimination against Women, Gender discrimination, Criminal protection

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1. Introduction

In various societies, women, as half of the social fabric, play a fundamental role in cultural, social, and economic development. Consequently, preserving women's human dignity, security, and legal rights has consistently been among the pivotal concerns of legal

systems worldwide. Within this framework, crimes committed against women occupy a distinctive position in criminal studies because of the particular nature of these offenses. Due to women's physical and psychological characteristics, as well as their specific social positions, these crimes have distinct effects on victims. Thus, legislators must demonstrate heightened



sensitivity toward such crimes through targeted criminal policies and protective legislation.

In the legal system of the Islamic Republic of Iran, numerous laws have been enacted to protect women and ensure their safety. Key legislative instruments include the Islamic Penal Code (2013), the Act on Aggravating the Punishment for Acid Attacks (2019), and various provisions of family law and criminal protection, all of which are intended to maintain social order and support vulnerable groups, particularly women. Nevertheless, given rapid global transformations and shifting international paradigms concerning human rights, analyzing the current state of these laws from the perspective of international instruments has become an urgent academic necessity.

One of the most significant international instruments concerning women's rights is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the United Nations General Assembly in 1979. As a cornerstone human rights treaty, CEDAW seeks to guarantee the principles of equality and human dignity for women in all spheres of life. Although the Islamic Republic of Iran has not yet acceded to this convention, conducting a comparative analysis of its provisions and domestic criminal law provides a constructive basis for evaluating the theoretical and practical foundations of criminal law concerning women.

The author's decision to pursue this topic stems from an academic interest in criminal law and criminology, with a particular focus on social and humanitarian issues, especially the legal protection of women against specific offenses. In recent years, alongside increased public awareness and the expansion of academic, legal, and media discourse on women's rights, the need for a rigorous, systematic, and scientific analysis of this issue has become increasingly apparent. Using a legal perspective and credible scientific sources, this study seeks to provide an objective and evidence-based account of the current situation, thereby contributing to the enrichment of legal scholarship in this field.

As a foundational pillar of society, the family relies heavily on the role of women. Harmonious coexistence between men and women remains a universal societal ideal that contributes to healthy family structures and, consequently, stable societies. However, gender-based violence—acts of violence directed against women

because of their gender—constitutes a global challenge. Although the international community commemorates November 25 as the International Day for the Elimination of Violence against Women, domestic abuse and its severe manifestations, such as honor killings, in which women are killed by male relatives under the pretext of protecting family honor, continue to persist across various cultural contexts and demand rigorous legal scrutiny.

Following the Islamic Revolution, women's rights have been addressed in the Iranian Constitution, including Articles 3, 20, and 21, as well as in civil, criminal, and labor regulations. For example, the Civil Code provides remedies for domestic disputes. Article 1115 allows a wife to leave the marital home without being considered *nashezah* (disobedient) when she faces physical, financial, or reputational harm, while preserving her right to alimony (*nafaqah*). Similarly, Article 1130 permits a wife to petition for divorce in cases of severe physical abuse. In criminal law, Article 619 of the Islamic Penal Code criminalizes the harassment of women in public, while Articles 42 and 66 of the Criminal Procedure Code grant standing to nongovernmental organizations to report offenses and support victims.

Academic discourse in this field includes substantial domestic and international contributions. Domestic studies have examined violence against women through legal, sociological, and criminological perspectives (Shakeri, 2020), while other works have analyzed domestic legislation to identify gaps in the legal protection of women (Alavi, 2016). Internationally, scholars have emphasized the role of law in addressing gender-based violence (Freeman et al., 2012), while CEDAW has been examined as an instrument for dismantling structural discrimination against women (Freeman et al., 2012). Research has also highlighted the potential application of international women's rights standards within diverse legal and religious frameworks, suggesting that modern and dynamic jurisprudential interpretations can help bridge the gap between Islamic law and global human rights standards (Al-Zahrani, 2014; Cook, 1993).

This research employs a descriptive-analytical and survey-based methodology to systematically compare crimes against women under Iranian criminal law with the standards established by CEDAW. By examining the points of convergence and divergence between these

two systems, the study seeks to identify legislative gaps, structural barriers, and jurisprudential opportunities within domestic law. Ultimately, it aims to propose practical legal and policy-oriented recommendations to strengthen the protection of women, mitigate gender-specific victimization, and promote a more equitable criminal justice process in Iran.

2. Research Method

This research is applied in terms of purpose and descriptive-analytical in nature, employing a survey approach. In the library-based component, Iranian criminal laws, relevant jurisprudential sources, international human rights instruments, and reputable scientific works concerning women's rights and criminal policy were examined. In the field component, a researcher-made questionnaire was used to measure experts' views regarding the degree of conformity between Iranian criminal law and the indicators of the Convention on the Elimination of All Forms of Discrimination against Women. The questionnaire was designed using a five-point Likert scale ranging from "completely disagree" to "completely agree" and consisted of 28 items across four main dimensions: criminal protection of women, equality in proceedings, legislative and jurisprudential obstacles, and the feasibility of legal reforms.

The statistical population consisted of law professors, judges, attorneys, and master's and doctoral law students in Tehran in 1404. Using Cochran's formula, the sample size was estimated at 210 participants, who were selected through purposive and convenience sampling. Of the 210 questionnaires distributed, 203 analyzable questionnaires were returned. The sample comprised 52 professors and faculty members, 41 judges, 56 attorneys, and 54 postgraduate students. The inclusion criterion was professional or academic familiarity with criminal law and women's rights.

The face and content validity of the questionnaire were assessed based on the opinions of eight professors specializing in criminal law and international law. The reliability of the instrument was also calculated using Cronbach's alpha coefficient. The coefficient for the entire questionnaire was 0.87, indicating satisfactory instrument reliability. The data were analyzed using SPSS software and descriptive statistics, including frequency, percentage, mean, and standard deviation.

3. Research Findings

The descriptive findings indicated that, of the 203 respondents, 61.6% were male and 38.4% were female. Regarding occupational groups, attorneys-at-law constituted the largest group of respondents (27.6%), whereas judges constituted the smallest group (20.2%). Moreover, 68.5% of the respondents had more than five years of academic or professional experience in law, indicating that the collected data reflected relatively specialized and experience-based perspectives. The respondents' overall mean score for the conformity of Iranian criminal law with the standards of the Convention on the Elimination of All Forms of Discrimination against Women was 2.74 out of 5, indicating a moderate-to-low level of perceived conformity.

Regarding the analytical dimensions, the highest mean score was recorded for the "necessity of legal reforms for more effective protection of women" (mean = 4.31), whereas the lowest mean score was recorded for the "full realization of gender equality in Iran's criminal justice process" (mean = 2.21). In addition, 72.9% of respondents believed that cultural and jurisprudential barriers played a substantial role in perpetuating discrimination against women, while 76.4% emphasized the need for legislative revision concerning crimes involving violence against women.

Table 1

Distribution of Respondents by Gender

Gender	Frequency	Percentage
Male	125	61.6
Female	78	38.4
Total	203	100

The gender distribution of the sample indicates that, although male respondents constituted the majority, the participation of women at 38.4% was substantial for the analysis of expert perspectives on issues related to

women's rights. This composition provides a relatively balanced basis for interpreting professional attitudes toward the status of women under criminal law.

Table 2

Distribution of Respondents by Occupational Group

Occupational Group	Frequency	Percentage
Academics and Faculty Members	52	25.6
Judges	41	20.2
Attorneys-at-Law	56	27.6
Postgraduate Students	54	26.6
Total	203	100

The findings presented in Table 2 demonstrate that the study sample consisted of four principal professional groups within the legal field. This occupational diversity ensured that the research findings did not reflect a single

perspective but instead represented a multidimensional assessment involving academic, judicial, professional, and educational actors.

Table 3

Distribution of Respondents by Academic/Professional Experience

Experience	Frequency	Percentage
Less than 5 years	64	31.5
5–10 years	73	36.0
More than 10 years	66	32.5
Total	203	100

As shown in Table 3, more than two-thirds of the participants had at least five years of academic or professional experience. This enhances the credibility of the responses because participants' assessments of the

legislative and judicial status of women were largely informed by practical experience or sustained specialized study.

Table 4

Mean Scores of the Main Research Dimensions

Dimension	Mean	Standard Deviation
Level of Criminal Protection for Women	2.89	0.81
Equality in Criminal Proceedings	2.21	0.76
Impact of Jurisprudential and Cultural Barriers on the Continuation of Discrimination	4.08	0.69
Necessity of Legislative Reforms	4.31	0.64

Table 4 demonstrates that the lowest mean score was related to equality in criminal proceedings, reflecting respondents' relative dissatisfaction with the current situation in this area. By contrast, the high mean scores for the necessity of legislative reforms and the impact of

cultural and jurisprudential barriers indicate that most experts consider the principal challenge to lie not in identifying the issue itself, but in the structures that impede the realization of equality.

Table 5*Respondents' Views on the Conformity of Iranian Criminal Law with CEDAW Standards*

Level of Conformity	Frequency	Percentage
Low	69	34.0
Moderate	88	43.3
High	46	22.7
Total	203	100

According to Table 5, the largest proportion of respondents assessed the conformity of Iranian criminal law with CEDAW standards as "moderate." Nevertheless, the proportion of respondents who regarded conformity

as low was also considerable, indicating that, from the perspective of a substantial group of legal experts, the current legal framework remains noticeably distant from desirable international standards.

Table 6*Respondents' Views on the Need for Legal Revision in the Protection of Women*

Response	Frequency	Percentage
Agree	67	33.0
Strongly Agree	88	43.4
Neutral	21	10.3
Disagree	17	8.4
Strongly Disagree	10	4.9
Total	203	100

The findings presented in Table 6 indicate that 76.4% of respondents agreed or strongly agreed with the need for legal revision in the field of criminal protection of women. This result suggests that the predominant tendency among legal experts favors legal reform and greater alignment with contemporary protection standards.

4. Discussion and Conclusion

The first major finding of this study is that Iran's criminal justice system demonstrates a dual condition regarding the protection of women. In some areas, existing legal and protective mechanisms have responded, to a certain extent, to the needs of female victims. However, significant legislative and practical shortcomings remain in several fundamental areas. This duality resulted in experts assessing the overall level of conformity with international standards as moderate and tending toward low.

Second, the findings revealed that equality in criminal proceedings was the weakest dimension examined from the respondents' perspective. This result indicates that women's legal challenges are not limited to the criminalization stage; rather, substantial barriers also

exist in adjudication, legal interpretation, implementation, and equal access to justice. Therefore, any assessment of women's legal status that overlooks criminal procedure would be incomplete and reductionist.

Third, the results showed that, according to the majority of respondents, cultural and jurisprudential barriers play a decisive role in perpetuating discrimination and inequality against women. This finding suggests that legislative reform alone, without consideration of cultural and interpretative contexts, cannot independently guarantee the effective realization of equality. Accordingly, re-examining jurisprudential capacities and offering interpretations more compatible with gender justice are of particular importance.

Fourth, respondents strongly emphasized the need to revise laws concerning the criminal protection of women. This indicates a relative consensus among legal experts regarding the inadequacy of certain existing regulations and the need for their reform. Such consensus may provide a scientific and professional foundation for future legislative proposals and policymaking initiatives.

Fifth, the research findings confirm the existence of both points of convergence and divergence between Iranian

criminal law and CEDAW standards. Certain legal protections in Iran may be regarded as indications of relative convergence. However, divergence remains evident in areas such as eliminating structural discrimination, ensuring equal opportunities, promoting women's participation in judicial positions, and providing criminal responses to emerging forms of violence against women.

Sixth, and in conclusion, the present study demonstrated that Iran's legal system converges with international standards in some areas and diverges from them in others. Despite efforts to strengthen women's rights, jurisprudential and cultural limitations continue to contribute to widespread inequality and discrimination in legal and social spheres. Nevertheless, greater convergence between Iranian laws and international standards is possible, provided that jurisprudential and legislative reforms are seriously pursued and political commitment to realizing women's equal rights in all areas—particularly criminal justice, employment, and participation in judicial institutions—is strengthened.

5. Limitations

One limitation of this study was that the statistical population was restricted to legal experts in Tehran; therefore, the generalizability of the findings to other provinces and social groups may be limited. In addition, because of the normative nature and legal-cultural sensitivity of the topic, some participants' responses may have been influenced by social desirability considerations. Limited access to certain judicial precedents and official statistics concerning crimes against women constituted another limitation of the present study.

6. Suggestions

It is recommended that future studies examine crimes against women using mixed-methods approaches and include samples of judges, law enforcement officers, social workers, and female victims from different provinces to provide a more comprehensive understanding of practical realities. It is also recommended that legislators revise certain criminal provisions concerning violence against women to ensure more effective protection and reduce structural discrimination. Strengthening specialized training for

judges and attorneys in the field of gender justice, as well as drawing upon modern jurisprudential capacities, may also contribute to bringing Iran's legal system closer to international standards.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

The authors report no conflict of interest.

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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