

Women's Right to Work from the Perspective of Iran's Regulations and Women's Convention

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Abstract: This article seeks to examine the issue of employment or in another sense, incumbency of women on social and political positions in Iran regulations and provisions of the convention of eliminating all forms discrimination against women from a legal perspective. Comparative perspective of Iran's regulations and provisions of women's convention suggests that in legal system of Islamic Republic of Iran, women enjoy independent identity and all their basic and civil rights have been under consideration and there is a lot of evidence in verses and narrations and laws of Iran about this issue; but the context of convention's provisions under the guise of feminist rhetoric and west's approach suggests that women's character are fully equal to men without paying attention to their physiological differences. This is while that from the perspective of Iran's legal system which is derived from Islam's teachings, in transferring jobs we should pay attention to important points such as interest of society and the family, and circumstances of individual interests and priorities in work assignments of individuals. Actually, legal system of Iran applies equal rights for women and men with consideration of individual, family, social, political and religious interests of women as basis, while, the women's convention applies equal rights for women and men in this regard, regardless of individual, family and social interests and it will continue to insist about it.

Keywords: women, employment, Iranian civil laws, women's convention, political and social positions.

I. INTRODUCTION

Human beings have the same dynasty of rights in every condition and situation, regardless of gender race, color, and so on¹. In this meantime, one of the fundamental rights of women as half of human societies² is presence in the field of political and social contributions and authenticating macro and micro tenure. If that right will place next to the complex processes of human life in our current era, we will find that today, the most important development criteria is considered as credit and position which women enjoys in human societies; because not only women can play an important role in social and political realization of development, but also they can accelerate the process of economic development and social justice as an active and constructive force power. Accordingly, today the issue of women's employment have considered in terms of social prestige more than having economic aspect, and participation of women in social and political structures and through it playing a role on a par with men in jobs has become to a necessity today³.

¹ Tabatabai, Seyd Mohammad sadeq and others, evaluating the problem of women taking on the presidency In Islamic Republic of Iran, Journal of Political Science, Issue 1, 1387, p 149.

² Khosravi, Malek Taj, "women's political participation and political development", Specialized Quarterly of Political Science and International Relations, the first year, forth pre-number, 1386, p 102.

³ Navazany, Bahram & Yazdi, Aram, the management challenges of women in Iran, Imam Khomeini International University study as a governmental agency, Journal of Political Science, 1389, p 202.

Fortunately in Iran, women have been able to prove their capabilities and competencies and gain a lot of positions because the legal basis of Islamic Republic of Iran, which have derived from Islamic law have largely provide an opportunity to them; because Islam put women alongside with men in spiritual and material spheres of life, economic and social functions, scientific, legal and cultural aspects and etc. and honor their efforts in different aspects of life such as men's efforts⁴. Islamic religion asked men to take women's funding in order to they confidently able to pay their obligations at home by dominating equality between women and men in terms of human rights and respecting no point for men towards women in material and spiritual life from the perspective of gender, unless in a particular case, in addition to accepting economic and social presence especially the right to work. Accordingly, women do not need to work outside the home and employment for them is a selective and optional act and is not compulsory. The most important reason for the right to work in Islamic law is verses of the Holy Quran and Islamic traditions, so that, God says in holy Quran that: I do not negligible any brokerage from you - men and women - "⁵. In another verse says that: "Men benefits from what they have and women also benefits from what they have"⁶. The appearance of these verses is acceptance of men and women's efforts and consequences of ownership of that falls as a dramatic change in ignorance ages. Other verses that encourage people to work (both men and women), can refer to Sura Nahl verse 14, Sura Asra verse 66 and Sura Baqarah verse 185⁷. Several Islamic traditions have motivated people working in general and women working such as weaving, hairdressing, weeper and grocery has specifically approved⁸. Some Islamic writers refer to many cases about the role of work in psychological training of human, progress and public welfare, keep the faith, promoting culture and even accepting prayer due to religious documents⁹. In the era of final Prophet, peace of Allah be upon him, also have widely referred to women's employment and women's participation in common jobs of that time have confirmed such as crafts, medical, pastoral and livestock and also trade¹⁰.

But if Islamic law approach to the issue of women employment will be placed next to Western approach which is based on human rights conventions such as women's convention and compare them, some apparent differences between the two approaches is detectable; because the West's approach to this issue is based on more profitability since that Western human will be respected when they carrying more profit and capitalist society; in this meantime, women are not out of this view. Western consuming culture have assume principle as women's employment outside the home and considered maternal assignment as a marginal and peripheral issue and if a woman is a housewife, she will be considered as retarded. Therefore, women must sacrifice their mothers and wives roles to their social roles. The present research by studying Islamic Republic of Iran's regulations and provisions of the convention on eliminating discrimination against women in United Nations (known as the Women's Convention), seeks to describe and assessing the issue of women's incumbency on political and social jobs, or in other words, the right to work for women.

II. THE APPROACH OF IRAN REGULATIONS TO RIGHT OF WOMEN'S EMPLOYMENT

The laws of the Islamic Republic of Iran's found cases where the right to employment (both for men and women) is emphasized; among these laws is the Iranian constitution in which employment has been raised as a fundamental right, so that principle of Twenty-eight in constitution said in this regard that: "Everyone has the right to choose a job which isn't contrary to Islam and the public interests and other rights." Following this principle, the government is obliged to create opportunity to work and equal conditions for authenticating jobs for all individuals given the need of various jobs. This principle will express a general rule by interpreting "everyone" and have not distinguish between woman and men¹¹. In addition, article 43 of the constitution, put Islamic Republic's economy to ensure economic independence of the society and the eradication of poverty and deprivation as some basis that including them in Article 2 says that: "Securing conditions and opportunities of work for all is in order to achieve full employment "and said in paragraph 4 that:

⁴ Tabatabai and others, *op. cit.*, p 151.

⁵ Quran, Sura Al-Imran, verse 195.

⁶ Qur'an, Surah Nisa: Verse 32.

⁷ Taheri Nia, Ahmad, economic activity of women in the perspective of Quran, Journal of Marefat, No. 83, 1383, p 72.

⁸ Ibid.

⁹ Hakimi, Mohammad Reza, Al-Hayat, translated by Ahmad Aram, Qom, Dalile Ma publications, 1384, pp 435-487.

¹⁰ Khorsandyan, Mohammad Ali, employment legal status of couples in Iran's regulations and family protection proposed bill, jurisprudence and family law, No. 54, 1390, p 3.

¹¹ Hedayat Nia, *op. cit.*, p 17.

"Respecting freedom of choosing job and not compelling anyone to do something specific." The word "all" used in text of this law suggesting all persons whether men and women and indicates that both women and men have the right to work.

If we put Article 21 of Iranian constitution next to other mentioned principles which says that: "The government must ensure the rights of women in all aspects by observing Islamic criteria, including the creation of favorable ground for growth of woman's personality and revival her spiritual rights." And interpret the legal provisions, what is conclude will indicate that the interpretation of "women's rights in all directions" is general and encompasses the right to work for all women. Because the right to employment and the right to choosing job like the right to choose accommodation and the city are natural and initial rights of each individual which everyone took up to live; therefore, anyone can choose a job that wants and naturally not be in contrary with the public interest and the Islamic system¹². Although in constitution of Islamic Republic of Iran, women in terms of participating in political and social affairs and tenure positions, have equal rights with men, but as Article 115 of the constitution said, in important and sensitive management positions in country including presidential and leadership which are the highest official tasks of the country after Supreme Leader, gender will involve and therefore women can't be responsible for them¹³. Beside constitution, in ordinary laws of the legal system in Islamic Republic of Iran, we will face with some cases concerning women's employment which among them is Article 1117 of the Civil Code of country in which it is say that: "Husband can prohibit his wife from any profession or industry that is incompatible with interests of family or their dignity." According to appearance of this article, the basic principle of existing the right of employment for women is approved, but in contrast it have made an option for men to prohibit his wife employment in special circumstances; this means that husband in otherwise of above conditions, hasn't the right to prohibit his wife's employment.

Articles 75 to 78 of the Labor Law also stipulates women's right to work and of course, it has mentioned the rules concerning prohibition of women's employment in difficult and hazardous jobs, pregnancy and maternity vacation. Thus, the wife's employment rights in labor law is certain and this law is referred to the rights of working women. In addition to above laws, the law of women's part-time serving enacted in 1362 have emphasized that: "Ministries and institutions subjected to the law of state employment and public companies and institutions that are requires to mentioning their name could determine women's serving as part-time in the case of demanding women's officials and constant and also approving the highest authority." Article 32 of Islamic republic of Iran's Army approved in 1366 said that: "The army can only hire women for health care jobs. Transferring women should even subjected to the conditions of their husbands serving circumstance"; Article 20 of employment regulations of Iranian Islamic Revolutionary Guards, approved in 1370 say that "the army will hire women for jobs that requires using them, and changing the place of women's employment should be subject to conditions of their husbands work"; Article 20 of Islamic Republic of Iran's police employment regulations approved in 1374, say that: "police can only apply for jobs that require women and hire them as employees." Including Islamic Republic of Iran's laws surrounding the issue of women's employment and jobs is the political and social situation.

III. EMPLOYMENT RESTRICTIONS (MEN AND WOMEN)

What is conclude from evaluating laws relating to the rights of women's employment in Iranian law, is that women are face with few legal barriers in political and social jobs, which some of them are implicated not only on women but also on men. But others are directly dedicated only to women. Article 28 of constitution have considered two prohibition about the right of employment for men and women which in practice, their freedom of choice in the field of employment is faced with some limitation:

A) Non-opposition with Islam: Selected job should not be opposite with Islam. Employment to harmful and foul substances (unclean)'s transaction, such as purchase and selling alcohol, pork, dead animals and etc., or engagement in selling misleading books are such jobs which are contrary to Islam's provisions and principles.

B) Non-opposition with public interest: Selected job should not be opposite with public interest and others' rights. Employment to selling weapons to Islam's enemies who are fighting with Muslims or contribute the thieves and

¹² Yazdi, Mohammad, the constitution for all, the first edition, Tehran, Amir Kabir Publications, 1375, p 282.

¹³ Tabatabai and others, *op. cit.*, p 150.

highwaymen or engage in buying and selling drugs is not only contrary to Islam, but also is harmful to society and is in contrary to public interest and rights of others¹⁴.

IV. EMPLOYMENT RESTRICTION FOR WOMEN

But the prohibitions and restrictions which Iran's laws have expressed solely around employment of women, is raised as follows:

A) Employment in harmful, dangerous and difficult works and transporting exceeded cargo:

The only mentioned limitation in labor law, which is in favor of women, is prohibition of hard, harmful and dangerous work for women. According to Article 75 of Labor Law, "doing dangerous, hard, hazardous works and transporting exceeded cargos by hand and without using mechanical devices is prohibited for female workers"¹⁵.

B) Employment in jobs incompatible with family's interests, or women's dignity:

Employment in jobs incompatible with family's interests is prohibition of some jobs due to religious-ban or in terms of national and security interests and respecting the special status of women¹⁶.

C) The ban of women's tenure in certain jobs:

In Iran, women can't be a leader or member of leadership council, up to now no woman haven't been selected as member of guardian council or the expediency council; although the law does not explicitly exclude them. Also it is worth noting that, in Iran the President is particular for men and women have not the same right, because Article 115 of Islamic Republic of Iran's constitution says that: "The president should be selected among religious and political personalities who are eligible as follows: Iranian-born, Iranian function, manager and strategist, having a good reputation, trustworthiness and piety, faith and believes in principles of the Islamic Republic of Iran and having official religion of the country"¹⁷. The Arabic word of "Rajol" is plural of "Rejal" means men and in concept is opposite of word "Nesa" and means that the president should be elected among men and women who do not have tenure in this position. However, another interpretation of the phrase "religious and political statesman" is saying that the purpose is prominent religious and political characters that if really it was taken as the legislator, it could clearly use interpretations as "great men" or suffice the phrase "religious and political personages", not to seeks ironic or virtual meaning of the word "Rejal"¹⁸. On the other hand in 1376 and in sixth presidential election, a lady has enrolled as a presidential candidate. Her reasoning was that the word "Rejal" mentioned in Article 115 of the constitution doesn't refers to men, and this term refers to the celebrities. The guardian council in rejecting this idea, said that: "The purpose of word "Rejal" in article 115 is men, and women can't be responsible for the presidential post"¹⁹.

Thus, with regard to interpreting Article 115 of the constitution and informal interpretation of guardian council, we will find that the presidential post is dedicated to men and women can't be a candidate for this important post. It should be noted that regarding the basis of this constitution principle, such a belief exists that the presidential is in fact a kind of supervision on affairs and according to Islamic law, the sovereignty especially at the level of state head has not been prescribed for women. Of course, for that reason that the interpretation of being a man won't causes problems and make the subject to criticize others, this interpretation was selected that president shall be elected among religious and political personalities²⁰. So, it will be obvious that formulating and adopting such provisions is based on the basic principles of jurisprudence and religious beliefs. Unpleasantness participation and women's low and poor turnout in compare with men in various fields of management in society occurred for women while that Imam Khomeini, the founder of the Islamic Revolution, have emphasized on effective participation of women in all aspects of society many times in his public lectures and his famous expression that "women should intervene in destiny of their country's constitution"²¹. Imam

¹⁴ Sajadmanesh, Lotfallah, a critique of accession, Tehran, Imam Khomeini Education and Research Institute 1383, p 179.

¹⁵ Hedayatniya, *op. cit.* p13.

¹⁶ Ibid.

¹⁷ constitution Law, Article 115.

¹⁸ Ebadi, Shirin, women's rights in Iran's legislation, Tehran, Ganje Danesh publishing 1381, p 36.

¹⁹ Ibid.

²⁰ Yazdi, *op. cit.*, p 581.

²¹ Imam Khomeini, Sahife Noor, Volume 5, Tehran, Islamic publications 1363, p 153.

Khomeini suggests the considering of women's role in advancing the Islamic Revolution's goals. Elsewhere he states that: "Men and women have their own specific provisions, but specific provisions of men are fits them. A special provisions for women is proportional to them. This does not mean that Islam has put any differences between male and female"²².

Article one hundred and sixty-three of the constitution, have put duty of determining conditions and qualifications as responsible of ordinary law and Islamic consultative assembly under the Sharia and religious judgments. Islamic consultative assembly regarding to implementing this principle in 14/2/61 under mentioned matter stipulates that: Judges will be selected among eligible "men":

- Faith and justice and practical commitment about Islamic principles and loyalty to the Islamic Republic of Iran
- Cleanliness of productive
- Iranian citizenship and doing military service, or having the legal exemption
- Correctness of temperament and ability to work and lack of drug addiction
- Having jurisprudence

So, according to this single article, only "men" can have judgments job, and women can't take this job. Of course accordance with the law approved by Islamic consultative assembly in Farvardin 1374, under amendment of Article 5 of the law, judges selecting conditions in fifth note is as following: "The head of judicial faculty can employ women who are eligible to select judges proved in 2/14/61 based on judiciary issue in order to tenure counseling posts, administrative justice court, civil court and research judge and legal studies offices and also drafting Justice laws and department of minors supervision and advisor of legal department and other departments which have judicial posts"²³. The point that should be noted is that if we say women could not judge, this is not the reason of women's weakness, humiliation or insulting them and Islam doesn't want to detract dignity of women by this non-permission or deprive her from her right; but also what is raised from Islamic view is that men and women aren't similar to each other biologically and this will causes that they do not like each other in many rights, duties and etc. women are emotional and they will be under their emotions influence faster than men. So, what is need strengths doesn't assign to women, and judgments are such things. But on contrary, things are more tied to emotions and feelings have been transferred on them; so that responsibilities such as education, business, medicine, nursing and so that isn't compatible with emotions intervention not only Prophet Mohammad (PBUH) did not ban women from these things, but his character has acknowledged many of these jobs for women²⁴.

Although in constitution of Islamic Republic of Iran and rules about army staff regulations and Iranian revolutionary guards there is no prohibition for employ women in general conditions of employment; but there are some limitations in this regard, so that, pursuant to Article 32 of the Army Act in 07.07.1366 "The army can only employ women for health-care jobs"²⁵. In addition, Article 20 of the law and regulations adopted by the Islamic Iran's revolutionary guards in 21/07/70, say that "Guards can employ women for jobs that require using them"²⁶. Thus, women can only and limitedly employ in health-care and therapy jobs and jobs like them in military authorities. But in hard job they can't be employed. Enacting these kinds of laws is for consideration the specific situation of women; means that by regarding this fact that women are weaker than men in terms of physical strength, that's why they can't employed in hard jobs of military; although we can't deny the power and physical strength of some women, however, the legislature take majority into consideration, not specific individuals.

D) Restrictions on employment after marriage:

Generally, the legislator has tried to regulate couples relations in the field of employment in Article 1117 of civil and family law. Article 1117 gives men opportunities to prohibit their wife from doing some jobs in certain situations. This article creates some job limitations for married woman, but it doesn't refer to absolute dominated of married woman and

²² Mosaffa, Nasrin, political participation of women in Iran, Tehran, the Office of Political and International Studies 1381, p 115.

²³ Official newspaper, dated: 02/27/1374, No. 14621.

²⁴ Tabatabai, Seyed Ali (1420 AH), Riyadh catechism, Qom, Islamic publishing firm, p 347.

²⁵ Official newspaper, dated 08.21.66, No. 12441.

²⁶ The official newspaper, dated 27/8/70: No. 13602.

preventing them from employment; but also restricting women from some jobs by husband have been permitted in terms of importance and credit that have given to families and to preserve family interests. Of course Article 18 of family protection law passed in 1353 have some restrictions for men and said that: "A man can prohibit his wife - with the approval of court - from incompatible jobs to their dignity or their family interests. Women can also make such request to the court. If disorders doesn't create in family's livelihood, court will prohibits men from engaging in mentioned occupation." It is observed that the first part of this article is concerning the right of couples to prevent the woman's job and the last part is related to the wife rights in men's prevention from jobs²⁷. In fact, by adopting this law, in practice, Article 1117 of the Civil Code was amended in two aspects: One is reference to being inconsistent of women's job with family interests and the other is in order to granting the same right to women and in fact establishing equality between husband and wife in other's prevention from employing jobs incompatible with family's interests or couples dignity²⁸.

V. APPROACH OF WOMEN'S CONVENTION IN THE ISSUE OF RIGHT TO WORK

One of the rights that convention of eliminating discrimination against women raised for women and have addressed it almost in different aspects of it in detailed, is the right to work. From the convention on eliminating discrimination and its marginal documents, such as the Beijing document, it will be found that women's employment is consider as the most important and the most loneliest solution to poverty problem of women and reducing their dependencies on men and families; because that poverty has special effects on women and is the factor that can enters women to infected and fraught cycle of prostitution, drug addiction and etc. Accordingly, paying attention to resolving financial needs of women by giving them the right to work, is an important fact that Article 11 of the convention have exclusively devoted to explain this right. Mentioned article has three clauses; which its first clauses addressed to women's rights with respect to employment after recalling the duty of states about taking all appropriate measures to ensure the same rights for women based on the principle of equality between men and women with the aim of eliminating discrimination, and the second clause have mentioned the obligations of member states and measures that government should do regarding the works of pregnant women; and finally, paragraph 3 refers to the fact that the rules mentioned in Article 11 should be in line with science progress and will be supported and reviewed and if necessary revised, canceled or be renewed. Regarding to Article 11, what is important is addressing the rights referred in paragraphs 1 and 2, which are as follows:

(A) The right to work as an inherent right of human:

Part (a) from paragraph 1, Article 11 considered the right to work as one of the fundamental and intrinsic and inseparable rights from the human being and as mentioned later, wants member states to ensure the right of employment for women on the basis of equality between men and women.

(B) The right use the same employment opportunities:

Part B from paragraph 1, Article 11 of convention gives women's the right to use equal employment opportunities, and has demanded the same criteria for hiring them. The mentioned part states: "right to use the same employment opportunities, include applying the same criteria for employment."

(C) The right to free choosing employment:

Since that human have right to work, the necessity of that right is freely choosing that. It is obvious that this right is not absolute, but countries are placed some restrictions for individual's employment which certainly some of these limitations is necessary in order to respecting individuals or society' interests. The convention demands for respecting these rights about women.

(D) The right to promote authority:

Who has occupied a job, will certainly achieves a lot of valuable skills and experience over the years regarding his/her job; so these individuals that have found this experience by their effort, they will have the right to be promoted, and sometimes a person who have employed as a simple employee in an office achieves skills that will be deserved as office

²⁷ Khorsandyan, *op. cit.*, p 8.

²⁸ Mehrpour, Hussein, look at the financial rights of women in Islam, *Dadgostari journal*, No. 22, 1377, p 24.

head and more than in due to her/his own efforts. Convention of eliminating discrimination have said regarding promoting officials in part (C) from paragraph 1 of Article 11 that women should enjoy this right like men.

(E) The right to have all benefits and conditions of employment:

Certainly, people who are employed have some rates and conditions such as: entitlement vacation (with payment), reasonable limitation of working hours and etc. The convention of eliminating discrimination against women demands rights equally with men.

(F) The right to having equal treatment:

Part d from paragraph 1 in Article 11 demands for equal treatment of women and men working in the field of wages, benefits and using judgments in evaluating the quality of work. This means that for example if a man and woman are engaged in similar work in an office, and there is no differences between them except for gender, they should enjoy the same rights, benefits and judgments about assessing the quality of work, and also treatment with women will be the same with men and there won't be any discrimination in their treatment.

(G) The right to preserving health:

A person can deliver useful work that is in good health; if a person is expected for doing mental works, it is necessary to be healthy in terms of mind, intellect and memory; or if someone is expected to do something that requires physical strength, it is necessary that he/she be healthy in physical and body terms. If a person is in a good health and doing some specific works, have rights to right to maintain his/her health; this means that take care to not losing her/his health and also employer is responsible for providing the necessary means to maintain his health. Hence, jobs that requires observing safety, should be observed by employers. Regarding women who are responsible for reproduction task, compliance with safety rules and through it, enjoying the right to preserve health in workplace becomes more important. Convention in the last part, in section 1 of Article 11 refers to this right and dictates that including women's rights: is "the right to preserve health and observing safety at work place, include supporting the task of reproduction".

(H) Observing the rights of pregnant employee's women:

Paragraph 2 in Article 11 of the convention on eliminating discrimination against women obliged member states to take measures in order to observing the rights of pregnant working women in order to prevent discrimination against women on the basis of marriage or pregnancy and to ensure their effective right to work, which the most important of these include:

1. Prohibition of dismissal because of pregnancy or maternity leave and discrimination in dismissals on the basis of marital status and applying legal punishment for this purpose.
2. Permission of maternity leave with pay or comparable social benefits without losing former employment, seniority employment or social benefits.
3. Encouraging to supply necessary support services, so that get parents (especially women) ability to coordinate family obligations with work responsibilities and participation in public life, in particular through the creation and development of facilities networks for child care.
4. Provide special protection for women during pregnancy in types of work that is considered detrimental to women (Office of United Nations High Commissioner for Human Rights with Cooperation of the International Bar Association, 1388: 625-707).

In addition to Article 11 which have been described, conventions in other materials such as Article 1, 2 and 3, implicitly have notes the rights of women's employment on social and political jobs, so that Article 1 have said that: The term "discrimination against women" in this convention refers to any distinction, exclusion (deprivation) or restriction based on gender that its result or purpose is impairing or cancelling the recognition, enjoyment or applying human rights and fundamental freedoms in political, economic, social, cultural, civil areas or any other field of women regardless of their marital status, on a basis of equality between women and men.

Article 2 have mentioned that: Member states condemned all forms of discrimination against women, and they agree that without any delay a policy of eliminating discrimination against women will pursue by all appropriate means with the

purpose of committing following items: **a.** including principle of equality between women and men in constitution or other relevant laws of each country, if it is will be no longer, will ensure the practical realization of this principle by legislation or other appropriate means; **b.** adopting appropriate legislation or other measures including sanctions where appropriate, to eliminate discrimination against women; **c.** to establish legal protection from rights of women on an equal basis with men and to ensure the effective protection of women against any act of discrimination through competent national tribunals and other public institutions; **d.** refrain to engaging any act or practice of discrimination against women and guarantee the compliance with these obligations by public authorities and institutions; **e.** Take all appropriate measures to eliminate discrimination against women by any person, organization or private companies; and **f.** adopting appropriate measures, including legislation, to modify or abolish laws, regulations, customs or available practices which are against discrimination to women. **g.** termination of all national penal provisions which cause to constitute discrimination against women.

Finally, Article 3 implies that member states should take all appropriate measures in all fields in particular political, social, economic, cultural fields including legislation, to ensure the full development and advancement of women and their enjoyment from human rights and fundamental freedoms on a basis of equality with men. Along to mentioned articles, from the conventions that explicitly (Article eleventh) and implicitly (article 1, 2 and 3) have emphasize on women's employment; Article 7 can't be ignored, because that this article is not only clearly and exclusively and implicitly, but also temporary have explained the employment right of women on political and social positions, so that this matter will be as follows: Member states to eliminate discrimination against women in public and political life of the country will take all appropriate measures, in particular, it will ensure following rights for women on equal terms with men: A) to vote in all elections and public referenda and having eligible situation for election to all publicly elected bodies; b) Participating in formulation of governmental policy and implementation thereof and holding public office and perform all public functions at all governmental levels; c) participating in non-governmental organizations and associations concerned with public and political life of the country. The outcome of studying convention provisions, surrounding the issue of women's employment can be summarized by saying that, the convention demands for respecting the right to work for women like men. In terms of employment, as a man have right to work a women should have this right; a women should work freely like men, they should have benefits like men in terms of rights and privileges for equal work, they should have promoting officials rights like men, they should have health and safety issues' right to work. Moreover, regarding to pregnant women who are working, the governments are responsible for specific tasks about them. Contemplation in mentioned matters represents an approach to women's convention or in other words, is the West's approach to the issue of women's employment in political and social positions.

VI. A COMPARATIVE PERSPECTIVE OF IRAN'S LAWS AND WOMEN CONVENTION

Comparative perspective of Iran's regulations and provisions of women's convention suggests that in legal system of Islamic Republic of Iran, women enjoy independent identity and all their basic and civil rights have been under consideration and there is a lot of evidence in verses and narrations and laws of Islamic Republic of Iran about this issue; but the context of convention's provisions under the guise of feminist rhetoric and west's approach suggests that women's character are fully equal to men without paying attention to their physiological differences. This is while that from the perspective of Iran's legal system which is derived from Islam's teachings, in transferring jobs we should pay attention to important points such as interest of society and the family, and circumstances of individual interests and priorities in work assignments of individuals. Because the Iranian legal system, is a supporter of equal rights for men and women, but not in the sense that the convention is published and promoted, but to order to allocate work in harmony with nature and the physical and psychological characteristics of women; because transferring a groups of hands and difficult jobs to women is not compatible with individual, social and family interests. It is clear that this issue is one of the distinctions which convention doesn't consider it and its' directly contradicts Article eleventh of the convention. It is worth noting that, in addition to mentioned issue that have solely addressed to women's employment in convention, in practice, the first, second, third and seventh materials position there are also some differences. Because according to convention's provisions, although the right to work is recognized as one of the fundamental rights of women, but what is important is that what have constitutes convention's intellectual foundations is humanism perspective with human centrality which have led to ignore the gender issues and not only full equality of women and men in employment is concerned; but also women's employment is also considered as essential here. Establishing such responsibilities and heavy duties on women have caused that their roles of mother and wife have been forgotten which the result of this approach is entering much

damages to women which among them we should refer to increasing work difficulty for women and the disruption of families. This is while that on the basis of Islamic Republic of Iran's regulations, in addition to accepting the right to employment, some limitation have been considered that in fact, they are in interest of women and resulting from natural and physical characteristics of men and women, and all these tasks, duties and rights of human beings has been placed based on these innate differences.

VII. CONCLUSION

Describing and evaluating the regulations of Islamic Republic of Iran and the provisions of women's convention suggests that the present study sought to examine the issue of employment from a legal perspective or in other sense the incumbency of women on political and social positions. After a preliminary examination of Iran's regulations and provisions of women's convention concerning the rights of employment for women, what is comes in first step in mind is, legal system of Iran applying equal rights for women and men with consideration of individual, family, social, political and religious interests of women as basis. Actually, the convention of eliminating all forms discrimination against women applies equal rights for women and men in this regard, regardless of individual, family and social interests and it will continue to insist about it. For instance, Article 1117, which say about the ban on women's employment, are the Islamic Republic of Iran's regulations which some legal uncertainty is evident about the issue of women's involvement on social and political jobs. Articles 115 (based on the lack of incumbency on critical management positions (including the presidential for women), 75 to 78 of labor law (banning the use of women in difficult and hazardous jobs) and 32 of the Army Act (based on spending women's employment in certain occupations) are matters which are essentially unknown in the legal nature of Iran's regulations. Because in developing and adopting such legal matter what is taken into consideration to legislators is considering the differences between physical and mental and emotional things of women in compare to men, and it will affected this important such as some jobs, according to the terms of workspace, certainly emotional and physical health of women.

So we can conclude that if the legal nature of such matter will be understand, of course, the wrong interpretation based on the violation of women's rights about particular occupations incumbency in Iran, was not raised. In addition, it should be noted that Article 28 of the constitution expressing cases and conditions for prohibition of women's employment; but if we focus on this legal text more carefully, we will find that what is forward for us, in fact is a form of equal rights and common approach of constitution to employment rights of women and men and represent common cases of prohibition employment for men and women, not only women (selected job should not be contrary to Islam and the public interest). But the lack of awareness in legal equality of men and women in employment, enshrined in Iranian law, have caused that prohibition of employment for women compared to men have been discussed and criticized. Such situation regarding to Article 1117 of the Civil Code have gave husband this option to prohibit the employment of women; however, when we put Article 18 of the Family Protection Law which gives such a right for women about men in front of mentioned civil law, we will find that the legal equality about men and women has been observed in employment.

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