

Declaration on the rights of women

Komala's Tenth Act of Congress

July & August 2002 [Persian: Tir & Mordad 1381]

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Komala's tenth act of congress hereby announces the Declaration of the rights of women in order to pave the way for the advancement of women's movement, so that the aims and aspirations of women for demanding equality between men and women may be realised. Undoubtedly the realisation of any clause or all of the demands within this declaration would depend on the level of unity, awareness and conscious action and involvement of the men and women, who are keen to have equality and freedom. The involvement in this cause is the agenda for various Komala administrative bodies. We call on all people who desire equality to continue their activities consistently, in order for the clauses in this declaration to move forward the movement of women, shoulder to shoulder with other revolutionary and radical movements in society.

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Economic Rights

1. Women must enjoy the right to work and the freedom to choose their employment.

To work and to have the choice in employment should be the right for every individual in society, the right of every man and woman. Any rules and provisions contrary to this right must be abolished. All statutory restrictions with regards to involvement of women in various fields and arenas must be removed. Employment of women must not be subject to having permission from husband, father or brother.

Women must be able to participate in the productive life of society and to enjoy economic independence. The government is required to facilitate employment of women in society and to consider special measures in order to remove social and cultural restrictions.

2. Gender discrimination in employment is strictly forbidden.

Practice of all gender discrimination and inequality in employment and capping promotion in employment posts must be banned. Job allocation and its provision according to gender must be abrogated. Men and women should enjoy equal opportunities for employment in various positions.

3. When job seeking women must benefit from equal opportunities and privileges to men.

In order to remove discrimination against men and women in the arena of occupation and work, the backward attitudes imposed on women by the social circumstances must be compensated. The level of education, skills and professional expertise of women must be promoted and advanced. The necessary social and cultural conditions must be provided so that any division of jobs into jobs for women and men are removed. To this end, firstly there must be provision of literacy, educational and specialised classes and courses for women; secondly, educational and media organisations should promote and encourage men and women to enter into the arena of jobs and professions which until now has been solely restricted to men.

4. All posts should be assessed and classified on the basis of objective and uniform criteria.

Often jobs and fields in which women form the majority of the work force, the level of pay seems to be lower than that of a similar field. Therefore, in order to remove this inequality, the basic level of pay and job benefits in all fields must be on the basis of objective and uniform criteria appropriated on hardship of work, intensity of work, experience, specialisation of staff and totally independent of gender of staff.

5. Equal pay in return for equal work

Women largely are paid less than men under equal work conditions. This discrimination must be scrapped completely. In order to achieve this in reality and practice, equal pay in return for equal work must mean that basic pay and all job benefits for every man and woman employed must be calculated equally. Other payments such as housing and child benefit, etc must be awarded to man and women equally.

6. Men and women should enjoy equal social benefits

Every individual in society must be eligible for unemployment benefits, pensions and disability allowance. Every individual over 18 years of age, who is able to work, whether man or woman, but is unable to find work, should receive unemployment benefits. Men and women over the age of 55 should receive pension payments. Those individuals under 55 who are unable to work due to disability should receive disability allowance. This should be awarded to women, independent of their jobs and spouse's level of benefits.

7. There must be special provisions in place when women have to work night shifts.

Night shift work must be banned for both men and women, unless when essential in duties responsible for social welfare or technical provisions. The government and employers are required to provide necessary facilities such as transport for women at night, under no circumstances, parents of children under 3 years of age, must be employed to work night shifts.

8. Women workers are entitled to 2 days leave every month.

Women are entitled to have 2 days off every month in order to rest during their monthly cycle without losing any pay or benefits.

9. Assigning harmful jobs to pregnant women or any work identified by medical authorities to be harmful to the health of the mother or the foetus is prohibited.

The employer is duty bound to assign appropriate work to women who are primarily employed to these posts without deducting any pay from them. If this is not possible, the women employed in this field must enjoy leave from work with full pay and benefits, during their pregnancy.

10. Dismissal of pregnant women from work is prohibited.

Many employers for profit making and relinquishing their duty in observing the rights of pregnant women dismiss them under unreasonable excuses and as a result dismissal of pregnant women must be prohibited.

11. Women should be entitled to sufficient time for maternity leave.

Women are entitled to 16-week maternity leave, 8 weeks prior to birth and 8 weeks after birth. The period of maternity leave may be extended at the discretion of the doctor. During maternity leave full pay and benefits must be paid to women. Maternity leave counts as work experience period. Upon her return to work, the employer does not have the right to reduce her position.

12. Parents must have sufficient leave in order to look after their infant.

In addition to mother's maternity leave, until such time that the infant can go to nursery, mother or father of a new born should be entitled to 24 weeks leave, without deduction of pay, in order to look after their new born. Parents of the new born can agree to divide this time between the two of them, or that one of them should be entitled to the whole leave. Until such time when the child can go to nursery, the duty of caring for the child is with either parent and the pay should be provided from the budget of the employer or from the welfare benefits. In addition in order to facilitate the father to perform his duties at the time of birth, he is entitled to 2 weeks paternal leave with pay.

Parents' leave should count as their work experience and their position must not be reduced upon their return to work.

13. Mother employers who breast feed their infants.

They should be entitled to 2 half hour slots during the day. The working day of mothers who breast feed their infants should not exceed 6 hours.

Rights of women in the family

14. Women are free to marry and to choose a spouse

Marriage should be a voluntary union based on mutual wishes and interest of both parties. It is prohibited for the family to put pressure on their daughters to stop them from marriage or to force them to go through an unwanted marriage and it is considered to be a crime. Perpetrators may be prosecuted and penalised by law.

15. Making deals in marriage is prohibited.

All regulation, tradition and habits which change a marriage into a deal, such as milk money, dowry and any such traditions are prohibited.

16. In order for a marriage to be recognised, it is sufficient to have a civil marriage. Marriage ceremonies and traditions followed are left at the discretion of individuals.

In order for a marriage to be legally recognised, it is sufficient for it to be registered in the marriage register without the need to record one's faith and religion. Marriage conducted under Sharia law is not legally recognised and in order for marriage to be recorded in the register, there is no need for a religious marriage. Religious principles promote and encourage the patriarchal attitudes and discriminate against women in the family. By not recognising religious marriage, it helps to cut the hand of religion from the affairs of the family and in this way to establish equality among men and women.

17. Men and women under the age of 18 are prohibited to marry. Those individuals and religious personalities, who conduct the marriage ceremony for those less than 18 years of age, are considered to be offenders.

Prior to marriage, men and women should have the opportunity for growth and physical and emotional development. The reason for designating 18 as the minimum age is so that individuals and in particular women who do not have responsibility of bring up a family can have maximum opportunity to grow.

18. An adult (over 18 years old) is forbidden to have sex with girls under the age of 16.

Sex between people who are over 18 years of age and those under age of 16 is considered to be sexual abuse of children and youth and is considered to be an offence. In these cases, even if the girl agrees to have sex, it still will not be legally validated.

19. Polygamy is forbidden.

Polygamy is the remnant of old-fashioned traditions of tribal and feudalist governance which has been strengthened through patriarchal religion and culture and as such must be prohibited immediately.

20. Temporary marriage is forbidden.

Temporary marriage is a justification for religious prostitution and is an obscene act. Women are driven to temporary marriage for economic needs and religious authorities and organisers are the agents responsible for the spread of this obscene act. Temporary marriage must be strictly forbidden and those initiating it must be prosecuted and brought to justice.

21. All regulation which allows men to have a better position and the head of a family must be annulled.

Husband and wife must enjoy equal rights and responsibilities towards each other, toward their children and in all aspects of family life.

- The home must be chosen with the agreement of both parties. The law which only recognises the rights of men to assign a place of residence must be abolished.
- The right of women to work or to travel must not be subject to the consent of their husbands.
- The surname of husband does not necessarily have to be the surname of the family. After marriage, husband and wife have equal rights whether they wish to keep their surnames or to change it and to choose their children's surname.

22. All acts of violence and domestic abuse, including physical abuse is forbidden.

Domestic abuse against women is a social offence and irrespective of whether the woman complains or not, should be prosecuted.

23. All Sharia law and common law which under the pretence of preserving honour and dignity, is applied to reduce the sentencing of those who commit violence against women, should be abolished.

Cultural backwardness and religious prejudice under the heading of preserving honour, will pose a risk to the mental and physical security of women. Religious governments and many of the Sharia law and common law somehow supports these backward attitudes and prejudices.

These rules must be abolished immediately so that the human rights of women are preserved and to assign severe penalties to the crimes committed by fathers, brothers, husbands or any other person against women, claiming to be preserving their honour.

24. All discriminations and inequality among men and women in relation to inheritance law must be abolished.

Religious and Sharia law in relation to inheritance upholds discrimination against women. These laws are strictly invalid.

25. The legal privileges of men and paternal ancestry in relation to guardianship and custody must be abolished.

Father and mother are entitled to equal rights and responsibilities with regards to guardianship and custody. If the father is deceased, guardianship and custody would be the right of the mother and if both parents are deceased, the court will make a decision taking into account the interest of the children.

26. Inequalities which exist between husband and wife in relation to divorce must be abolished.

Men and women must be entitled to equal rights with regards to divorce. If either are interested in divorce, the law should acknowledge their separation, whether divorce lodged by the husband or wife.

- The privileges and rights assumed for men with regards to guardianship and custody of children after divorce must be abolished. Husband and wife should enjoy equal rights and duties with regards to their children. Following separation, a competent court should on this basis of ensuring the best opportunities for the development and education of children; make decisions with regards to their care. If the mother is willing and eligible, she should have priority in caring for her children. The

government must financially assist the father or the mother who accept the responsibility of caring for the children.

- All prejudice in relation to division of assets during a divorce, which is to the detriment of women, must be abolished.

27. The rights of motherhood must be officially recognised, irrespective of marriage.

Women who have children outside of marriage, should be entitled to the rights of individuals and social rights of mothers, subsequently their children should also benefit from all social rights.

28. Private affairs of husband and wife is respected and must be protected from all harassment and abuse.

Any interference from government, individuals or other authorities in the private affairs of husband and wife is forbidden.

Social and political rights

29. To elect and to be elected must be an equal right of men and women.

Men and women must be entitled to equal rights in election and appointments to legislative, judicial or executive bodies, whether at a local or national level. All regulations which restricts this right should be immediately abolished.

30. All rules and regulations which bind the freedom of women in manner of clothing and dress must be abolished

Choosing one's clothing is a private matter for individuals and no authority or organisation, whether state or private, should have the right to interfere. Women have absolute freedom to wear what they choose. Choosing the type of dress for women and forcing them to have compulsory head-cover [veil], is strictly forbidden.

31. Segregating men and women in public gatherings, venues and on public transport is strictly forbidden.

All restrictions inflicted on individuals must be abolished immediately.

32. Gender discrimination with regards to education must be abolished.

Courses of study and training in schools and higher education establishments must be equal for boys and girls. Statutory division of fields of study into men and women must be abolished. Classes in all levels of education must be mixed. Women are free to participate in all sports and to be able to take part in all sport opportunities.

33. Special provision and facilities must be made available so that women can gain literacy skills and to be educated.

Majority of women have been deprived from gaining literacy and further studies due to their circumstances and their social status. In order to rectify this lagging behind, in addition to establishing free and compulsory education for all under 18, there must be special provision of adult literacy programmes at various levels and to facilitate widespread participation by women in these programmes through free state provisions.

34. Nursery and pre-school facilities must be established on a wide scale in cities and villages.

In order to facilitate active participation of women in social life, increasingly, the care and support of children must be assigned to society. Therefore, the workplace, localities in towns and villages must establish nurseries and pre-school facilities on a large scale. Parents should have easy and free access to nursery and pre-school facilities. The state and employers are obliged to provide and to financially maintain these establishments.

35. Women should be freed from the pressures of house work and their participation in social circles must be facilitated.

Doing house work and taking care of the family takes up the majority of time and physical and mental energy of women and significantly prevents developments of their skills and seriously restricts their presence in society. Women's individual and social freedom and rights can only be realised when they are relieved from house work.

House work is a joint effort for men and women. In order for men and women to be able to participate in social life and to have individual pass time, in addition to managing their house work, it is essential that society should do some of the house work.

Today, the majority of house work must be organised and undertaken by society. This can be facilitated through more appropriate production and supply and other products and facilities to manage the affairs in the house and also better organisation of social services.

Therefore, the following actions must be undertaken by the state as a matter of urgency:

- The state is responsible to establish public dining and laundry facilities everywhere; these facilities should be easily accessible and usable by all.
- The state must put in place provisions for services, products which simplify house work; without considering their profits.
- The state is required to provide products which facilitate the care of children at home, bearing in mind all health and safety standards and regardless of profit margin considerations. The state must also establish special health and medical centres for children at local level; these centres can advise on nutrition, health of children and caring for them during illness; it even provides services and advice to parents at home.
- The state is required to create playing fields for children in all localities in towns and villages bearing in mind standards of health and safety.
- The state is required to modify and expand the public transport network, building construction and town planning in a way that caring for infants and children can be facilitated everywhere in a safe manner. This facility can ensure that parents while taking care of their children are not forced to stay at home.
- The state is required to establish local shopping centres in villages and towns, so that buying basic supplies and home appliances can be bought easily in a reasonable time by men or women.

36. Men have to undergo special training in order to challenge patriarchal culture.

In order to challenge attitudes and traditions which promote inferiority and humiliation of women, it is necessary for men to have special education in this respect. Therefore, patriarchal attitudes and traditions must be continuously challenged in education materials and media and to promote and spread the thought and tradition of equality of men and women. It is also necessary that men are encouraged to complete training courses specific to women such as dressmaking / tailoring, cooking and child care which have traditionally been specific to women. This would help men to share in the house work.

37. Special measures should be put in place to improve the situation of women in villages.

In villages, due to lack of basic facilities and lack of production, women are forced to take on hard and physically intensive work. In addition to doing all the house work, the village women have the duty of providing and preparing basic supplies under difficult circumstances with the most primitive tools, not to forget their role in production. All of this creates a difficult life for the women in villages.

Therefore, in order to improve the situation of women in villages, the state must put in place specific measures to widen the electricity, water network in villages, creating public bakeries and provision of suitable fuel which can be easily accessed by all, to be established in all villages.

38. Women must be entitled to special health services.

All should be entitled to free health and medical treatment care. In addition, women should be entitled to specific health services and as such immediate action is required with regards to:

- Examinations specific to women should be done at least once every year, in order to prevent illness or to promptly treat various conditions.
- Maternity wards with advanced facilities should be set up nationally, so that pregnant women can give birth under the supervision of medical practitioners and midwives, in a safe and healthy environment.
- Pregnant women should be under regular monthly examination until their delivery. These examinations should continue after giving birth, until such time that it is deemed necessary by the medical professionals.
- Family planning centres should be established in every town and village. These centres should be managed by experienced professionals and to have adequate equipment. These centres should provide guidance and education and to provide clients with free contraceptives. Production and import of contraceptives should be under full supervision of medical experts.

39. Prohibition of abortion must be abolished.

The capitalist society provides two options to women with unwanted pregnancies. To get rid of the foetus or to keep the foetus and put up with difficult emotional, economic and social conditions. Poverty and inability in providing for children economically, the real and practical barriers which having a child and caring and nurturing him will create for women; stopping them from participating in social, economic and political life and ultimately leads to dilemmas and social and economic and moral stresses for single women and their children. All of this can lead to women wishing to terminate their pregnancy. If this action is not legally permitted, they will arrange for abortion through unprofessional individuals, under insanitary conditions and by paying huge expenses. Therefore, bearing in mind this fact, abortion must become legalised for all women, if it does not pose a health risk for the woman and the foetus is not older than 16 weeks. Abortion must not be carried out with the permission of anyone or any authority except that of the woman.

Abortion must be carried out free of charge, in hospitals and public health clinics under the supervision of a specialist practitioner. Individuals, who perform abortions without having the necessary expertise, are treated as offenders and will be prosecuted.

40. Traditions and customs which expose women to insult, physical and emotional abuse must be prohibited.

In some economically and culturally backward parts, reactionary traditions, such as female circumcision and mutual trading of girls is common. These traditions must be banned immediately. The state must undertake necessary cultural and legal action in order to abrogate such traditions and the perpetrators must be prosecuted and severely punished.

41. Women must have legal and social security against rape crimes.

Committing rape is among the most barbaric and violent offences against the physical and emotional privacy of an individual. In society today, as a result of moral prejudice of male and patriarchal domination and religious beliefs, rape is a violation of honour and dignity of the family and as a result, it means that in many cases this crime is covered up.

Insult and abuse against women or physical abuse by men in the family or official authorities, family vendettas and in some cases, forcing the victim of rape to marry the offender, are some of the outcomes which can often follow rape.

These matters would result in women who have been raped to avoid complaining to the police and judicial authorities and they even keep quiet among their close relations. Therefore:

Rape must be sentenced in the same category as criminal offences. Seeking family revenge with the authority of moral and religious prejudice is prohibited and is an offence. Rape victims must have easy access to judicial authorities. Dealing with issues of rape must not include insulting and humiliating treatment and must be processed at the earliest opportunity. Rape victims must be entitled to receiving medical and psychiatric assistance.

42. Social aspects of prostitution must be challenged. In order for victims of prostitution to return to a healthy life, they must be provided with economic and educational facilities.

Prostitution is one of the forms of oppression imposed on women in a capitalist society. It is essential to fight against prostitution, in order to regain human respect and dignity of women in society. In present societies, poverty and lack of social security and legal and practical restrictions inflicted on women to work and to have financial independence,

alongside patriarchal attitudes and culture, are among the factors which preserve and promote prostitution. As shown by the example of Islamic Republic of Iran, religious prejudice and doctrine, in addition to strengthening patriarchal culture and confirming inferiority of women, is in itself the cause of prostitution in society.

Eradication of prostitution is through fighting against all the above factors, furthermore, in order to fight against prostitution, immediate action is required with regards to the following:

- The state is responsible to financially support victims of prostitution and to provide them with educational opportunities and finding appropriate employment.
- Prostitution agents must be prosecuted and sentenced to severe penalties.

43. Discrimination against women in political, trade and cultural organisations is prohibited.

Men and women should enjoy equal rights in membership and activities of such organisations.

44. Organising gatherings on demands and issues of women are free.

Holding gatherings to promote the rights of women and defending their rights and to address their needs; is free. The state is required to facilitate opportunities so that such gatherings can exist.

45. Holding gatherings specific to women is free.

Women have the right to hold independent gatherings in various arenas, discussing numerous issues.

46. Demands of women must be carried out democratically.

One of the necessary conditions for fulfilling the demands of women must be free from all distortion, and bureaucratic involvement and must be carried out through democratic participation of people and in particular by the wider participation of women, therefore:

- The state must recognise gatherings and public non-governmental organisations (including special women gatherings, or public organisations such as labour councils

and local councils) who work for improving the situation of women, as official executive bodies to monitor the fulfilment of the plight of women.

- The state is required to make available, resources and facilities necessary for advancing the work of these movements.

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