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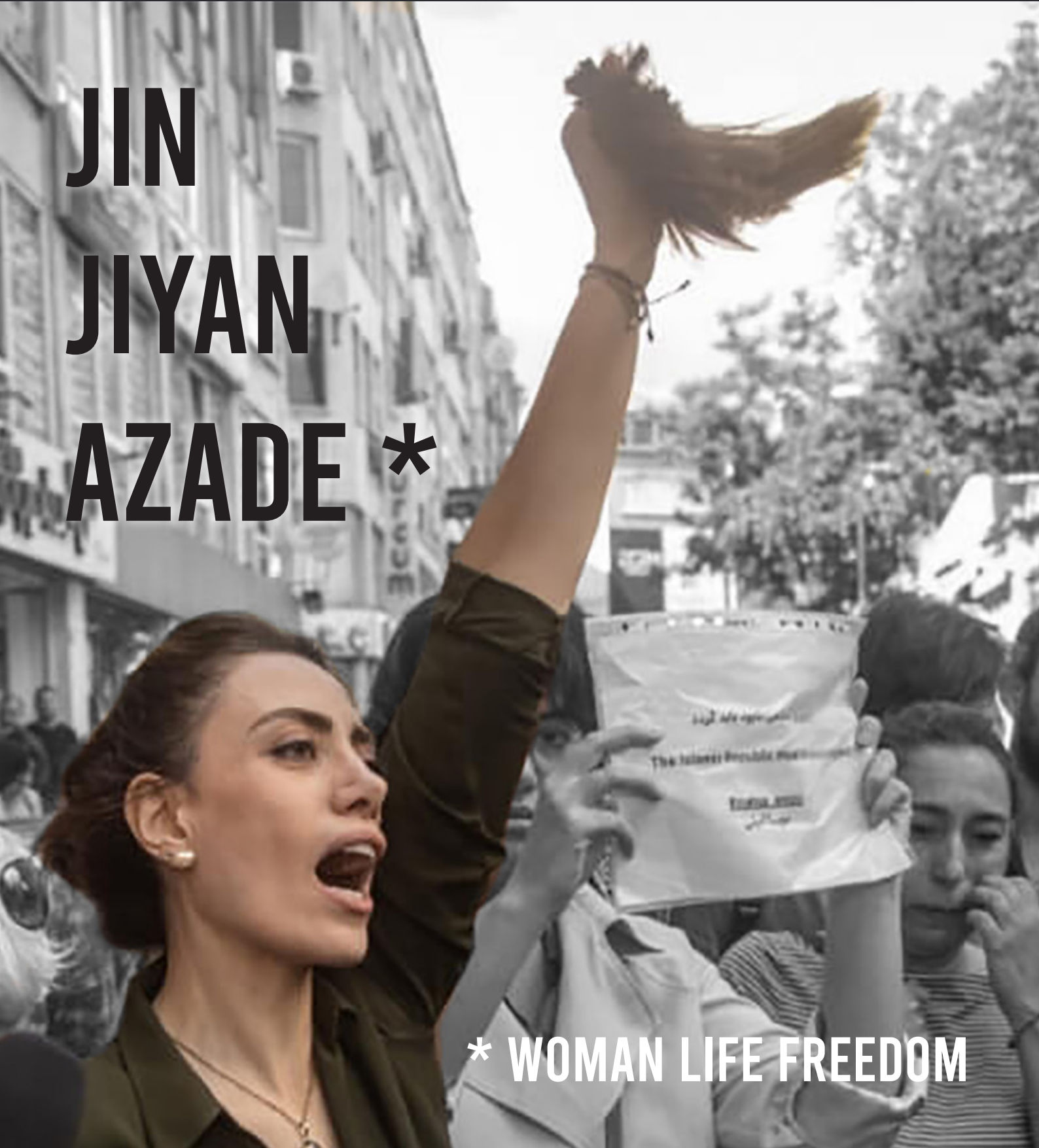
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* WOMAN LIFE FREEDOM





WOMAN. LIFE, FREEDOM

A BRIEF UPDATE ON CURRENT SITUATION OF IRAN AND WOMEN'S RIGHTS

The killing of Mahsa Zhina Amini initiated the contemporary revolution in Iran in September 2022. She was a 19-year-old Kurdish girl, traveling to Tehran with her family, and got arrested by the morality police, which led to her detention, torture, and her end. Her death unleashed people's rage and buried feelings toward the government, especially women's. Females in Iran suffer from a mixture of tyrannical regulations in numerous aspects of their lives, such as discrimination in marriage laws, gaining a passport, child custody, and so on.

Over these past few months, Iranians have revealed their conflict with a totalitarian regime via protests in the streets, withdrawing money from the bank and chanting slogans from their rooftops every night to not only display their discontentment with ruling this regime but also to obtain their long-gone freedom. The press is favorably controlled and manipulated through the demands of corrupt officials, the parties are limited to only 2 active ones who are led by the supreme leader, and access to the internet is significantly restricted. Meanwhile, women are resisting the suppression they have been facing by going to the streets without hijab. The young students at schools have chanted for liberty by taking pictures of themselves (from the back without faces due to security reasons) exhibiting their gorgeous hidden hairs and burning the images of the dictators. The government is now creating propaganda by poisoning the schoolchildren in chains to create dread. The news came out when some students at various universities reported food poisoning after eating university meals. Later on, more announcements popped up in the news, illustrating this horrible phenomenon began with smelling a stinky gas in the air, and as a result, hospitalization of a considerable number of girls.

“ A mysterious wave of illness gripped schoolgirls in Iran with many hospitalized after complaining of nausea, vomiting, headache, and breathing difficulties. Now a senior health official has said that the students could have been deliberately poisoned as some extremists sought the closure of schools.” (Iranianknows on IG)

It all started with the first school on reports dated 30th Nov 2022 - Honerestan Noor Yasdan Shahr.

The purpose is to lock down education for girls. Respiratory poisoning is now an ongoing distressing crisis, occurring predominantly in girls' schools as a form of retaliation provided by the government to function against the students' fearless actions of resistance and to construct more fear with the aim of depriving females of education in the end. According to the statements, parents have demanded an explanation from the authorities but as

expected, are faced with violence and threats to remain quiet.

Fatemeh Rezaei, an 11-year-old School girl in Qom, who was hospitalized after her school was poisoned, died after some days, and her parents were threatened to say her death has nothing to do with the recent dreadful circumstance.

The government has yet to form an investigation, and many people believe that the extremist group called “Hazareh-Gara” who are accused of the chain poisoning, are operating under the directives of the Islamic Republic government. Throughout the history of Iran, one can witness how the authority has always put the maximum effort to marginalize women and exclude them from actively participating in society by assembling criteria and rules to sustain their doctrine.

The Islamic Republic has done no good for the company of women, and all the voting rights and access to education rights have been there since before the revolution. They are patriotic propaganda, aspiring to neglect women as a significant part of society. However, times have changed. Women are now more conscious of their rights and what is going on in the world and to them, and this revolution has only shed light to intensify the battle for gender equality and liberation. Needless to say, the Iranian revolution’s main slogan is “ Woman, Life, Freedom” concentrating on the primary demands of Iranians and what they have been restrained from for 43 years.

It is true what they say that the darkest part of the night, is in the moments before the rising sunlight shines bright on the sky. Change is inevitable, and dictators always fall. Let us be the voice of brave Iranian warriors, especially women, who are fighting for a free Iran.

Woman, Life, Freedom.

Sajedeh Jalali

Sohyla Arjmand





STATES NEED CONSTITUTIONAL AMENDMENTS TO PROTECT ABORTION FROM RIGHT-WING JUDGES

Since the right-wing majority of the Supreme Court held in *Dobbs v. Jackson Women's Health Organization* that the U.S. Constitution does not protect the right to abortion, many states have restricted or outright banned the procedure. But some states, like California, are endeavoring to enshrine the right to abortion in their constitutions. Although the California Supreme Court has declared that the state constitution's right to privacy protects abortion, that safeguard remains ephemeral.

In 1973, the U.S. Supreme Court established in *Roe v. Wade* that abortion is a fundamental right and a state could not prohibit it before fetal viability (able to live outside the womb). Just as the U.S. Supreme Court retracted the abortion right when conservatives attained a majority, California's Supreme Court could likewise rescind the right to abortion if the court's membership were to shift to the right.

In August, Kansas voters rejected an amendment that would have explicitly excluded the right to abortion from its constitution.

On November 8, voters in California, Michigan and Vermont will decide whether to amend their state constitutions to enshrine the right to abortion. People in Kentucky, on the other hand, will vote on an amendment that specifically excludes the right to abortion from constitutional protection.

Enumerated and Unenumerated Constitutional Rights

The U.S. Constitution does not specifically mention abortion as a protected right. Freedom of speech, freedom of the press, freedom of religion and the right to a fair trial are examples of enumerated rights because they are listed in the Constitution. But the rights to travel, vote, use contraception, engage in same-sex sexual conduct and same-sex marriage, although not enumerated in the Constitution, have been held to be implied constitutional rights.

In *Roe*, the Supreme Court grounded the right to abortion in the Fourteenth Amendment's Due Process Clause that protects personal liberty. The *Roe* court ruled that it prohibits government interference in personal decisions about contraception, marriage, procreation, familial relationships, education and child-rearing.

But in *Dobbs*, Samuel Alito, joined by Clarence Thomas, Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett, wrote that the Constitution contains no reference to abortion



and there is no constitutional provision that implicitly guarantees it. In order to be protected by the Due Process Clause, Alito wrote, a right must be “deeply rooted in this Nation’s history and tradition” and “implicit in the concept of ordered liberty.” The majority concluded that there is no liberty interest because the law didn’t protect the right to abortion in the 19th century.

In essence, Dobbs left it up to the states to permit, restrict or outlaw abortion.

At least nine states provide a right to abortion in their state constitutions as interpreted by court rulings. They include Alaska, California, Florida, Illinois, Massachusetts, Michigan, Minnesota, Montana and New Jersey. None contain an explicit constitutional right to abortion but courts have implied the right by construing provisions that protect privacy, liberty and equality.

Abortion Is an Unenumerated Right in the California Constitution

Abortion is legal in California before fetal viability, and after viability when necessary to protect the life or health of the mother. In 1969, the California Supreme Court ruled in *People v. Belous* that women have “[constitutional] rights to life and to choose whether to bear children.” The court stated that “the fundamental right of the woman to choose whether to bear children follows from the Supreme Court’s and this court’s repeated acknowledgment of a ‘right of privacy’ or ‘liberty’ in matters related to marriage, family, and sex.”

In 1972, California voters approved Proposition 11, the Constitutional Right to Privacy Amendment, which made privacy an inalienable right in the California Constitution.

In 1981, the California Supreme Court held in *Committee to Defend Reproductive Rights v. Myers* that “the protection afforded the woman’s right of procreative choice as an aspect of the right of privacy under the explicit provisions of our Constitution is at least as broad as that described in *Roe v. Wade*. Consequently, we further conclude that the asserted state’s interest in protecting a nonviable fetus is subordinate to the woman’s right of privacy.”

The California State Legislature declared in the 2002 Reproductive Privacy Act that women have a “fundamental right to choose to bear a child or to choose and to obtain an abortion.”

But in spite of judicial and legislative protections, the California Constitution does not explicitly contain the right to abortion. A future California Supreme Court could overrule *Myers* and hold that the constitutional right to privacy does not extend to abortion.

Thus, California voters will decide whether to amend their state constitution to clearly protect abortion. Proposition 1 says: “The state shall not deny or interfere with an individual’s reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives.” Proposition 1 states that the rights to abortion and contraceptives are specifically grounded in the California Constitution’s right to privacy and right to not be denied equal protection.

Although Alito specified that the Dobbs ruling applies only to abortion, the court’s holding is based on the same precedents as the rights to contraception, same-sex sexual conduct and same-sex marriage. California’s Proposition 1 would also enshrine the right to contraception in the state constitution.

A recent poll showed that 71 percent of registered California voters plan to vote for Proposition 1.



On June 27, California Governor Gavin Newsom issued Executive Order N-12-22, in which he proclaimed that all state agencies are prohibited from providing patient medical records relating to reproductive health care services for any investigation. Newsom's order also says that his office will not honor arrest warrants from other states for individuals charged with criminal offenses for receipt of or assistance with reproductive health care services.

Ballot Measure Would Enshrine Right to Reproductive Freedom in Michigan Constitution

Michiganders will decide whether to amend their constitution to provide a right to reproductive freedom, which is defined in Proposal 3 as "the right to make and effectuate decisions about all matters relating to pregnancy, including but not limited to prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care." The ballot measure states that Michigan can regulate abortion after fetal viability but cannot prohibit the use of abortion to "protect the life or

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THE ONLY WAY TO ENSURE THE RIGHT TO ABORTION IS BY A STATE CONSTITUTIONAL AMENDMENT. WE CANNOT RELY ON PROGRESSIVE STATE SUPREME COURTS TO INTERPRET THEIR CONSTITUTIONS AS IMPLICITLY PROTECTING ABORTION. SUBSEQUENT COURTS, LEGISLATIVE ENACTMENTS AND VOTER INITIATIVES CAN UNDO WHAT THE STATE SUPREME COURT HAS DONE.

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physical or mental health of the pregnant individual," as determined by the attending health care professional. Proposal 3 would also prevent the state from prosecuting anyone for having an abortion or miscarriage or from prosecuting an individual who assists a pregnant person in "exercising rights established by this amendment."

"Michigan is in a uniquely precarious position at this time in history," prominent Detroit civil rights attorney Julie Hurwitz told Truthout. A 1931 criminal statute prohibiting abortion in Michigan has recently been declared unconstitutional by the Michigan Court of Claims. The court held that abortion is protected under the Michigan Constitution's due process clause, as an implied right to bodily integrity. But the due process right was only recognized by the Michigan Supreme Court in 2021, in the context of the Flint water crisis.

"These court rulings, however, are subject to further appellate review and to the realities of the intensely political nature of our judicial system," Hurwitz said. "There is currently a Democratic majority on the court, but this could change at any time, which would open the door to a future Republican majority doing exactly what the U.S. Supreme Court just did with *Roe v. Wade*, in the infamous *Dobbs* decision."

Hurwitz added, "The historic success of the petition drive to get this constitutional amendment on the ballot — over 750,000 petition signatures, despite concerted efforts to block it — presents a unique opportunity to ensure that this fundamental right will no longer be able to be threatened in the State of Michigan."

A recent poll shows 67 percent of likely voters in Michigan support Proposal 3.

Vermonters Will Decide Whether to Create a Constitutional Right to Personal



Reproductive Autonomy

Abortion during all stages of pregnancy is legal in Vermont. In 2019, the Vermont State Legislature enacted a law that says, “The State of Vermont recognizes the fundamental right of every individual who becomes pregnant to choose to carry a pregnancy to term, to give birth to a child, or to have an abortion.”

However, like California and Michigan, the Vermont Constitution doesn't explicitly guarantee the right to abortion.

Vermont voters will decide whether to amend their state constitution to create a constitutional right to personal reproductive privacy that protects “every person's right to make their own reproductive decisions.” If adopted, the Reproductive Liberty Amendment would amend Article 22 to provide: “That an individual's right to personal reproductive autonomy is central to the liberty and dignity to determine one's own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.”

More than 70 percent of Vermonters support the amendment.

States With Constitutional Amendments That Say They Do Not Protect Abortion

Four states — Tennessee, Alabama, West Virginia and Louisiana — have constitutional amendments declaring that their constitutions do not protect the right to abortion. Arkansas has a constitutional amendment that states, “The policy of Arkansas is to protect the life of every unborn child from conception until birth, to the extent permitted by the Federal Constitution.”

Kentucky Is Poised to Outlaw Abortion in Its Constitution

On August 2, the Kentucky Court of Appeals reinstated a ban on abortion. On August 18, the Kentucky Supreme Court ordered that the abortion ban would remain in place while it reviews arguments by clinics that perform abortions which are challenging two state laws.

In 2019, the Kentucky State Legislature enacted a law prohibiting all abortions in the state if the U.S. Supreme Court overturned *Roe*. It would make performing an abortion a felony carrying five years in prison.

Kentucky voters will now decide whether to adopt Amendment 2, which would amend the Kentucky Constitution to say that it does not “secure or protect a right” to abortion.

Amendment 2 reads: “Are you in favor of amending the Constitution of Kentucky by creating a new Section of the Constitution to be numbered Section 26A to state as follows: To protect human life, nothing in this Constitution shall be construed to secure or protect a right to abortion or require the funding of abortion?”

The only way to ensure the right to abortion is by a state constitutional amendment. We cannot rely on progressive state supreme courts to interpret their constitutions as implicitly protecting abortion. Subsequent courts, legislative enactments and voter initiatives can undo what the state supreme court has done.

“This is why it is so critically important for the right to abortion to be explicitly articulated in the language of our state constitution,” Michigan attorney Hurwitz said.

Marjorie Cohn

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COMMON POSITION PAPER ON GENDER

PROGRESSIVE LAWYERS ASSOCIATION

Prepared by the Progressive Lawyers Association (ÇHD), this position paper is adopted with the aim to raise awareness on the issue of gender inequality within the association. It is based on the provisions of the The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), conventions which Turkey became a signatory of in 1985 and 2011, respectively and on the experiences of years of struggle in this field and has been adopted with the aim of preventing male violence and all forms of violence stemming from hetero-patriarchal norms in all organs and branches of the association.

Based on the assessment that gender inequality is a fundamental problem widespread in all fields of social life, ÇHD is committed to carry out the following activities with the aim of implementing policies that would prevent male violence and all kinds of violence arising from hetero-patriarchal norms, protect the individuals in case they are exposed to such a violence and of creating an enabling environment that would take care of this social problem:

Struggling against gender inequality and carrying out awareness raising activities among its members in order to implement protective and preventive policies for the individuals exposed to male violence and all kinds of violence arising from hetero-patriarchal norms,

During the activities of the association and in the meetings and publication processes, taking the necessary measures and imposing the relevant sanctions to prevent members from using words and expressions that reinforce the gender norms and from displaying attitudes and behaviours in this direction,

Through conferences, seminars, meetings, etc, ensuring that educational activities are carried out to inform both the members of the association, its commissions and the society in general on the subject,

Fulfilling various requirements, including the establishment of easily accessible reference points for information, problem solving and solidarity on male violence, sexual harassment and sexual assault in all branches of the Association of Contemporary Lawyers, completing the processes following the applications quickly and by prioritizing them to avoid worsening the trauma of the survivor, and adopting and effectively implementing the principle of confidentiality in order to protect and take care of the exposed individual throughout the process,



* Women Together Strong

Making the necessary amendments and clearly defining male violence, sexual harassment, sexual assault and gender-based intimidation (mobbing) as crimes in the Association's Statute and implementing regulations that will make it a principle not to take decisions on all relevant issues before consulting the opinion of the Women's and Gender Studies Commissions,

Ensuring that the members of the association refrain from any practices that will empower the perpetrators of such offences, and if the act in question is male violence, making arrangements to prevent our members from defending the perpetrators regardless of the reason,

Sanctioning any sexist, misogynistic, homophobic, transphobic, transphobic discourse, mobbing, etc. attitudes and behaviours of members that will make the association an unsafe space,

Taking the election periods as a starting point, committing to develop methods of struggle against gender inequality, male violence and all forms of violence stemming from patriarchal norms, and to work on monitoring activities to this end,

Carrying out and supporting efforts to increase the proportion of women and LGBTI+ persons working within the organization and branches of the Progressive Lawyers Association; to encourage the active participation of women and LGBTI+ members, creating and operating mechanisms to eliminate the obstacles to their active participation,

Work to reveal and make visible the conditions that women and LGBTI+ members need in activities, to meet these conditions and to work to ensure their active participation in activities, including solutions such as daycare centers; providing supportive opportunities for them to balance their private and social life,

In all branches, working towards the establishment of Women's and Gender Studies Commissions, which will work in cooperation and coordination to fulfil these objectives, and strengthening their working style and functionality.

In the Progressive Lawyers' Association's General Assembly held on January 15-16, 2022, it was unanimously resolved that in cases of a conflict between the Statute and this common position document, or in issues that are not regulated by the Statute, it is the Common Position Paper that will serve as the basis.



IADL

The International Association of Democratic Lawyers is a global organization of lawyers' associations, individual lawyers and judges from over 90 countries committed to equality amongst peoples, the elimination of imperialism and colonialism and the protection of the rights of all. IADL is a Non-Governmental Organization accredited to ECOSOC and UNESCO.

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IADL, International Association of Democratic Lawyers, is a Non- Governmental Organization (NGO) with consultative status to ECOSOC and represented at UNESCO and UNICEF. The IADL was founded in 1946 by a gathering of lawyers who had survived the war against fascism and participated in the Nuremberg Trials. The International Review of Contemporary Law is a digital legal journal published by IADL. It does not follow the mainstream, but instead analyzes legal questions in their cultural, economical, political and social context.

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