Domestic and International Mechanisms to Address the Inequities between Men and Women in the Criminal Provisions

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ABSTRACT

Women's rights are one of the most challenging issues of theoretical in the field of social sciences. Continuing violations human rights in women becomes apparent even in some of the penal laws and regulations. In order to deal with this phenomenon, should be employed appropriate mechanisms to be restored women's human rights in the long term and behavioral equal to they based on human dignity. In this paper, we will study and analysis the most important mechanisms in internal law and international human rights system. Also we will briefly describe the history, factors and the importance of reading in the end; we will provide a final conclusion.

INTRODUCTION

Justice and equality in the past to the present always has been one of the most challenging issues in the field of humanities. This matter arises from the fact that these two categories, namely, justice and equality as two eternal value and guarantee human happiness and the source interactions human dignity together and even they have been raised as ethical principles, behavior, beliefs and cosmological in religious texts such as the scriptures. For this reason, the concept of justice and equality are important in all fields of the humanities and even they have become as philosophy and origins some areas of the social sciences such as science of law.

Of course justice and equality are two different categories and functional definition and use them interchangeably in many documents, it is due to lack of understanding of the concept and nature of these two categories or from the negligence because equality does not always lead to justice and justice is not always meant equality. However, equality has a close relationship with Justice in many cases, especially as far as justice requests an equal treatment as with examples equal conditions or equal practical issue. For example, if a state law that whereby, each act of stealing, he was sentenced to one year in prison. Differentiate between men and women so as to be considered for each different punishment based solely on their gender this inequality will lead to criminal Injustice largely because gender criteria in no case cannot be justified punishment for the same crime as it is the psychological and material elements of thus the inequality leads to injustice.

In this regard, more attention to disparities emerged during human life, especially for women and the history of humanity. Including disparities unlike Justice and is a major factor gender differences and social and it has emerged as inequality and criminal Law after the progress made by countries in the area of legislation. In response to these inequities, Ideas, movements and various conventions have been ratified in the country and the world. In this article in addition, brief review of the concepts of justice and equality, we want to study and analyze factors inequality between women and men, necessity support of equality and finally, existing mechanisms in internal law and international law and we reach a final conclusion.

Section I: History of Inequality in rights of women:

History full of ups and downs human, it is reminiscent of the endless oppression and discrimination that needs to talk about each of them separately and pathology research that not limited in an article or a book. One of these inequalities is inequalities between men and women criminal law or in other words inequality between
men and women in criminal law. In history of human societies, great injustice has been on women. Some analysts and historians of human societies have said that "Even before the animals are domesticated and used for carry the load, women were the main porter in appliances and tools life. Women not only carrying raw materials used in its craftsmanship but they had moved all furniture and household furniture from one place to another [1]. Also in the field of criminal law and punishment, women have been subjected to discriminatory practices and unfair abundant in history even the old laws such as the laws of Hammurabi. Article 209 of the Code of Hammurabi: "If a man be beaten another man's girl and the girl dies as a result of the stroke, her next of kin should kill man assailant's daughter [2]". As can be seen here have not been met the principle of indivisibility of in the penalties and also the same punishment is not intended for men and it is a clear discrimination in the old penal code as it was implemented only in the rights of women. In addition, looking religious law among Islamic law, particularly in the blood money, if blood money is accepted as a punishment, since blood money woman is half Man, it is as one of the cases has historical roots imposition and enforcement in the criminal laws discriminatory about women as it is case consensus all new and old Islamic jurists. In the Brightness Dmshuyh explicitly states that “blood money woman is half the Man in the all of the blood money [3]”. Conversion compensation person to legal compensation, it is a characteristic of punishment in the course of retaliation. In the previous period, in cases where it was proposed the issue of compensation, other side should reached an agreement with each other the amount of the but in this period, compensation became legal in certain compensation as it is characterized by ruling regime. In many cases, such as the Islamic Republic, name compensation and damages was as blood money for special cases [4].

The Brief History of examples of discrimination and inequality of men and women in the criminal law that is referred to as the background for the introduction to subject of this paper, and importance of this topic, we will study, review various aspects of this subject in the future issues.

Section II: The emergence of inequality in women's rights:

With an overall view of the emergence of inequality in women's rights it can be divided them into different categories so that each of them has led to the emergence and institutionalization of inequality and discrimination against rights of women and especially in the criminal law, either alone or in conjunction with other factors. So that it is includes physical factors, social and economic and legal factors and each of these factors may contribute to in the emergence of other factors. Therefore, subject of this issue will be studied in the three paragraphs.

Speech I: Physical factors:

Some experts believe that, the physical differences between men and women and physical strength of men, it is a manifestation of inequality rights of women in the criminal provisions. Before the Renaissance era, woman was an existing quadratic and she was vulnerable and marginalized and as inventory that should always was in the protective umbrella man. If the support Man was removed from the woman, she was withered like flower and fell into the hands of bandits like a jewel. So she should be always under the protection of man, father, brother, husband and son. This is a trend that can be observed in most communities. Where a woman is ruler, we must not think that this is the exception. Pre-modern era was a time when had special significance physical strength and the force of arm most important of all. If we look to the war past, physical strength was a key element. Also in the past, were punished by physical and psychological punishments were not known at the time. It is clear that in a society where physical strength is the first letter, woman not has Great position in the community [5].

Speech II: economical and social factors:

Social and economic factors other than the rise in inequality between men and women So that adverse effects can be seen in all legal areas. About social factors the emergence of inequality can be said that all the women in the first year of life are trained to believe that their desired character is precisely in contrast to male characters; they must not be follow of their will but should surrender to the will of others. Conventional morality tells them that women duty it is show always sacrifice for others and life and shall make manifest all her existence in compassion and common sense and also the purpose of this kind should be someone that others set for him the man who has ties with her and the children they create additional and integral link between her and the man (Jan Stiwartmil, 2006). But economic factors are often the root cause of the enslavement of women and women's work in harsh conditions with very low wages. In ancient societies, and even during the advent of Islam, there were a large number of women as slave and today, although there is no system of slavery, but in many communities, many women are working with minimal rights due to poor economic conditions. However, "we can not ignore the fact that women's rights are still missing. So we must try to restore it properly" [6].
Speech III: Legal Factors:

The legal factors are factors that rooted in ineffective and discriminatory laws so that it has led to the emergence and institutionalization of inequality in the areas of women's rights and give it legally. Differences such as half of female hand over hand man, women's testimony was not accepted and proven in some of their crimes, no prediction mechanism to support women during the trial and execution of sentences, these examples, results in the appearance of this inequality with certain conditions and a weak economy, many of these women than men and all of them due to the lack of legislation in different countries. This is despite the fact that even "criminal women differently than men, not only in numbers but also in terms of motivation" [7] and it seems, is in need of special protection rules because "women have completed crime, sexual, emotional and hormonal" [7].

In this context, some authors believe that the Islamic Law "the differences, such as differences in the blood, it never means the difference in the male and female gender credibility and does not imply any preference [8], and the superiority of men over women" and have suggested that the reason is not very convincing because their reasoning is consistent with the result of judgment. They believe that 'compensation legislation and determine its value, is primarily aimed at providing value to each human waste and so with regard to the dignity of human thought, without a doubt, the legislation Diego else except the calendar dignity and respect people's property". Also in support of their arguments, according to verse 32 of Chapter Mobarakheh Maedeh has stated that: "whoever kills another, not as a punishment without crime and corruption, it is so that he has killed all the people everyone alive has a soul, it is so that he has lived all his people". So when is the value on the sanctity of human dignity; other times is considered a criminal waste of breath to destroy and damage the international community each man or woman is no difference between them" [8].

The premise for this argument focuses on the equality of the men and women value and claim that there is no question of any physical value then, on what basis is justified compensation inequality between men and women? It seems, this group of lawyers to comply with jurists dogmatisme who have accepted the inequality of women and men in amount of blood based on the fatwas of jurisprudence and not based on the text of the Qur'an and as jurists, they are caught in traditional dogmatism and dogmatic view to category and processes to fit the rules of social conditions.

MATERIALS AND METHODS

Section III) The necessity to protect the rights of women in the criminal provisions:

After a brief survey of the history of inequality between men and women in the first section of this article and the emergence of these inequalities in the second, in this section we want to study and examine the necessity of protecting the equal rights of men and women in the criminal provisions before addressing the main issues and key topics of future research. The main topic of discussion is the answer to the fundamental question; which of necessity must give importance to the equalization of rights of men and women in the criminal provisions? Or more simply, why should such men as women are equal under the law and the penal code? Is it not the case that women and men are different from each other in terms of the creation of the physical and emotional characteristics? So why should we believe that under the law and regulations, including those organisms that are similar to unequal conditions?

To answer this question we must say that first, although men and women have major differences with each other in terms of physical and mental so on that basis, the different assignments are required for each however, since the rules and regulations is nothing criminal justice response than actions that was an offense in terms of the act and criminalization of them by the legislature, the main criterion punitive reaction (punishment), it is the nature and relevance of crime and losses from it, the discrimination and discrimination based on differences between men and women in the field of physical, mental as in other areas of the normative is not justified. In addition, the main criteria punish offenders, and runs regardless of their gender and it is obvious that the discrimination against women in the regulations governing criminal, it is contrary to the principles of punishment.

"The humanitarian or human oriented schools, it is believed that even when the accused was sentenced to punishment should be reserved his inherent dignity as human beings" [9] and no doubt for this purpose it is necessary to be considered a criminal response to crime branch unit as a result, the same deterrent effect of criminal law. Also, we are seeing increasing in the developed world and the establishment of universal rules of international human rights law, another difficulty can be deprived nation, gender or ethnicity of the rights recognized by international and will trample them under the pretext of human rights against local laws or religious traditions. Today, the human rights violations faced with mixed reactions among the international criminal court and even military intervention by the international community of nations however, the lack of precise criteria and the impact of political relations were somewhat involved in these issues. That justify the need to protect the equal rights of men and women in the criminal law and regulations, violence against women is increasing. In many less developed countries, women are the types of abuse by men and even society blank so that the penalties imposed on them. For example, in some tribal and ethnic communities, if a girl establishes a
liaison, he is killed by family members or close relatives and murderers of their sense of honor and dignity of a crime while there are no such penalties unwritten or less for men. In this section, we will study the necessity of protecting the equal rights of men and women in three words which include the proliferation of violence against women, human rights, justice and human dignity binding rules.

First speech: proliferation of violence against women:

Violence against women is a universal phenomenon of late years, and that women are the victims of violence simply because of their gender. Roots and causes of such a phenomenon is mainly arising from the culture and traditions of the community relations regardless of the type of system in all human societies, governments have a key role in the survival or destruction of the place. Thousands of women were burned in Europe for alleged witchcraft Christian era. In India, many widows were burned on the wood burning bodies of their husbands. In China, over the centuries, the women will be closed from childhood to bookmark originality and beauty [10]. "Inequality between men and women afflicted and afflict the lives of millions of women and sometimes it ends prematurely" (Amartia Komarsen, Translated by Movaseghi). Even with the expansion and development of schools of liberal ideologies of liberalism and secular values in many thriving communities, some experts believe, again, liberalism has failed to prevent violence against women. This group believes that "liberalism does not tolerate the freedom to choose not to people of other cultures, and this is evident in his dealing with issues such as female genital mutilation, child marriage, polygamy and incest" [11]. In fact, even schools libertarian who believes in the freedom of unlimited, they can not provide grounds to protect women against violence. For example, female genital mutilation and incest, which is a form of violence against women, since there may be ethnic and cultural roots and are satisfied, from the perspective of a liberal school, which no critic, and this percentage is much needed remedy to protect women against all forms of violence. Obviously, the existence of discriminatory laws and discriminatory penal provisions will result in the consolidation and institutionalization of increasing violence against women or at least it would impede the movement traditionalist societies in the proliferation of violence against women because it is thought to induce citizens that violence against women is an intolerable thing to do with them being males.

Second Speech: Justice and Human Dignity:

Human dignity is the second category that reveals the need for more support for the equality of men and women in criminal law due to the extreme nature. Dignity that has been used in the meaning of generosity, dignity, it demonstrates the high human dignity. Islam there are two types of human dignity, as one of the inherent dignity and other natural or human dignity. In the first case it is said that has essentially human dignity, honor, because God placed Adam in the beginning and the availability of land and sea, he has established good day and thereby lead them to have a lot of things. One result is that the inherent dignity of all human beings in society has the right to equality. It is regarded as a universal concept and the Universal Declaration of Human Rights has also insisted on it [12]. But the dignity type II (acquired), it is the result of human effort to climb much perfection and standing as it is the only criterion of Islamic piety. As a result of the acceptance of the principle of human dignity and the Qur'an "single soul" all rules and regulations that relate to the physical integrity of human society and the human personality should be enacted and enforced equally and without discrimination so that justice prevails in the society. Some experts believe that the idea of human dignity is one reality show concept (monotheism) in Islam as stability because first and foremost "the Islamic culture is based on monotheism and strongly believes in the oneness of God and on Android, he is so determined the destiny of the universe and everything" [13] and accordingly, the concept of human dignity and the need to adhere to it is one of the symbols of unity inherent in human beings and their inherent superiority over each other.

But in fairness it should be noted that the concept of equality and justice has led to sometimes used in a sense. The difference lies in the concept of equality and discussion of justice arises when there is a difference. An absolute equality is inconsistent with reality. Humans are born unequal, both in terms of shape and appearance, as well as the talents and capabilities, and therefore not prejudice any thinker or school of absolute equality even those who do the same door as the Socialists, they are aware that absolute equality is unrealisable in practice [14]. But it should be noted that this definition of justice and equality, it is valid only in areas where there is essentially an unequal conditions however, in cases where the issue is resolved unequal conditions such as human dignity and worth of the human soul and body, assumption of unequal conditions, the above comment is not relevant and generally rejected and not even justify it, according to those who have accepted the Aristotelian definition of justice and it is "equal treatment of unequals equally in equal and unequal treatment of unequal conditions" first is the notion that there is an unequal situation is false and baseless in the context of the inherent dignity and worth of human beings (as happened in the previous section) and secondly, with the assumption that these inequities exist diagnosis criteria may seem so elusive. The human justice and equality in the sense of equal or lack thereof, the need to address the inequities between men and women in the criminal provisions that are effective in relation to the physical and psychological human dignity, it is an obvious fact and an undeniable necessity.
RESULTS AND DISCUSSIONS

Section IV: Internal mechanisms to address the inequities:

In previous discussions, we have studied the history of the emergence of the legal inequalities between women and men and the need to protect the equality of women and men in various areas of social and entered into the views of the most important issues in a comprehensive, yet concise. In this section, we will study the mechanisms or, better legal tools to address the inequities and we’re going to learn how to use the legal capacity by analyzing the existing legal mechanisms in civil law countries, and finding ways to address the inequities. Therefore, we studied the topic in 4 words and internal mechanisms will be subject to eliminate inequalities between men and women in the criminal provisions contained

1. Sync domestic law and human rights standards
2. Creation of new and ongoing reading of religious beliefs
3. Forecast of penal provisions to protect women before and after
4. Equality with the law

First Speech: Sync domestic law with human rights standards:

Human rights belong to the rates set forth in the rules of a society and the reputation of being human so that those enjoyed in its relations with the community and with power by the necessary safeguards and protections. A prominent human rights in the legal system, the strength of the protective measures so that it can be applicable in international and domestic realm. In the realm of international, inter-governmental normative support (UDHR) and regulatory (Human Rights Commissions and Committees) independent (like Amnesty International) in total can be an effective step to develop and guarantee human rights [6]. However, many countries have hindered the acceptance and practice of human rights treaties in domestic law to justify their opposition to the human rights principles and rules or necessary or mandatory supervision domestic institutions such as legislatures ratified the human rights treaties. On the other hand, countries that opposed the admission of reservations to human rights treaties to know part of its internal rules it has led to the exclusion of women from the full protection of human rights. With all the benefits that the acceptance and practice of other treaties. The importance of human rights treaties should be noted that because of the nature of support and exchange the exception is the 1969 Vienna Convention on the issue of human rights treaties, termination or suspension of two or multilateral treaties on human rights treaties. According to Article 60 of the Convention, violation of the treaty to allow a rebuttal to the other side by a member and can thus terminate his contractual obligations against the offending party or suspend it.

However, according to paragraph 5 of this Article, "this shall not apply to the provisions relating to the protection of human so that it is stipulated in the agreements with humanitarian and human features and any special provisions that prohibit retaliation and revenge support of the treaty" [15]. However, there are laws like the Statute of the International Criminal Court is a very promising so that it has some crimes against women as crimes against humanity although there is a long way to ensuring the person. Among these are the crimes specified in Article 7 of sexual violence, forced pregnancy, rape, and so on. The purpose of this Statute, "crime against humanity" means any of the acts so that it is committed as part of a widespread or systematic attack against any civilian population (with knowledge of the attack) the persecution of any group or specific aspects of gender is one of the examples listed in paragraph (h) of Article 7 of the first component [16]. Seems to be the consensus of the international community to extend the jurisdiction of the Court can largely be forced countries to synchronize their internal laws with international human rights norms in order to deal with discriminatory legislation and the use of existing mechanisms in the UN Charter. It should be noted that it is important to respect human rights and promoting human rights in domestic law and domestic law, and it promotes a culture of equality and equalization. Today, there is discrimination against women in the criminal provisions, even in developed countries like America. In some states of America, rape of a white woman, the punishment is far heavier and more severe than the punishment for raping a black woman. Mrs. Crane Shaw cites a study that was conducted in the city of Dallas. This research shows that the average penalty for the rape of a black woman is in jail for two years while the average is five years for a female Spanish (Latin America) and for a white woman, it is ten years. In addition, due to confronting racism in America's justice system, black woman who is a victim of rape, she enjoys the prestige and honor of less than white women victims of sexual assault [17].

Second Speech: Offering the reading new and ongoing creation of religious beliefs:

In many societies today, adherence to religious traditions, lack of novelty and synchronize them with the demands of modern society has caused many critics to express an opinion on the subject. This criticism is more severe, especially in the area of criminal provisions. These groups believe that women need to be understood in terms of the provisions again, ijtihad in fundamentals, branches and according to rational principles of justice and genuine documents. Scripture and tradition can be read with these glasses. The issue of women's rights in society implies that women have a legal problem in the community. If we raised the rights of men, it implies
that men have a problem. Each segment is the failure occurred and discrimination in the law when paid to the design of their rights [5]. Believe that some of these groups, denial of rational conduct and invited the Prophet's mission, it is historically impossible. History tells us to be rational. We must accept that many of the provisions of the relevant provisions of the Prophet are goals and values of the second and per accidents and random both the Qur'an and the Hadith. This duality of purpose, values and judgments about them, Muhammad was not known to the audience and they were not attached to this resolution. This is perfectly normal. Today we are away with Prophet Muhammad fourteen centuries age. However, the distance of the historic and historic expansion that occurred at the invitation of his mission, it is enough for us to open our eyes and look at the invitation and Mission to show and primary and secondary dichotomy of purpose and values of interest to our Prophet. This duality is a product of the way we do it knowing that today [18]. Another group of modernists have gone even further, saying: "western democracies briefly respectable living conditions imposed politically correct, we have adopted many of the principles we have to fill the gaps caused by the rigidity of its jurisprudence. Males who are not successful in the field of freedom of religion, they do not deserve to stay in the field of leadership and authority" [19].

Third Speech: support backward and forward in criminal law for women:

To support backward and forward, it has the sanction and support that ensures equality of women with men in the criminal provisions according to legal regulations. For example, consider a woman who is tortured by a man and now he wants to sue the accused man. The assumption that women are the only witnesses who were present at the site there is no other man is not present and given that the punishment of torture is part of the penalties that can be proved only by the testimony of two men, possible to prove that the offense was not possible due to lack of legal protection of women's legal position to prove the crime. Therefore, on the basis of previous support, to prevent the legislature from imposing such a requirement may actually placed in situations of men than women and it is institutionalized discriminatory provisions in the Community and it is not indifferent to such discrimination. Also, poor economic status of most women than men, and their lack of facilities such as an attorney, it requires assistance to governmental and nongovernmental institutions have more activity in this area not to ignore or violate the legal rights of women in the criminal investigation process. The next order of protection, it is protections which is aimed at reducing the effects of discriminatory laws against women. For example, half of women in Islamic countries, the money men, should be considered a compensation fund for the support of women the difference this fund to pay full compensation to the family of the woman. In Article 551 of the Penal Code Act 92 Fortunately, new attention has been paid to this issue and it was decided that "all crimes" victim "is not against men, it is paid from the fund physical damage equal to the difference between money up to a man". As a result, this solution seems tenable, particularly due to the lower number of women than men killed. On the other hand, given the substantial tax of ten percent of the money each man his blood shall be paid for any reason and depositing it in the next compensation fund supporting women Diego, it is an important step in support of women's equality with men in the penal provisions as stated in this assumption, it does not seem to matter to the legal terms. The support comes forward as well as monitoring the implementation of the rules. For example, Iran's rights, Article 37 of the constitution originally put on as a general rule and absolute innocence. In appearance, this rule applies to the public and all other laws and the common law, the judgment can not be levied against the constitution as having the highest credit rating and the Guardian Council also acts as a reference to the constitution to recognize the normal rules do not conflict. Theoretically also be assumed that adopted legislation does not conflict with the constitution, as it has been approved by the Guardian Council [20].

Forth Speech: Equality with the law:

Perhaps the first aspect that becomes apparent in the application of the principle of equality among human beings, it is equality before the law. Equal rights and duties on equal terms to the same conditions, it has long been at the forefront of human aspirations. Therefore, this aspect of the first equality is reflected in the various communities. In other words, equality before the law, equality of rights was a major highlight. The definition of this concept is to say that legal scholars consider the various forms of law. Kelsen argues that the distinction between "equality before the law" and "equality under the law". In the first, the law enforcement agencies that should not be allowed to run their own differences between taxpayers subject to the rules in the second, he knows the correct discrimination on the basis of certain aspects of the law by the legislature. In other words, equality under the law relating to the institutions is responsible for the formulation and adoption of legal norms while equality before the law relating to the institutions has a duty to enforce legal norms. Of course it can be looked at this issue from another perspective. Equality before the law, equality under the law can be seen as a result. In other words, in the full sense, equality in law leads to equality before the law. If the legislation is included unjust discrimination in legal texts, for any reason, law enforcement agencies are unable to equality before the law [21]. It must be understood that the detection of criminal justice and its correct implementation with the aim of protecting the rights of the individual and society, it is so simple and easy. Experience has
shown that the detection of criminal justice in the real issue in any system, it will be possible only with the law rather; the judge must be able to interpret the texts of the Crime and punishment inspired by the rules detailed technical knowledge of the criminal law [22].

Section Five: International mechanisms to address the inequities:
Since the early twentieth century, public international law had witnessed a dramatic transformation in all fields and the development of a promising new chapter of legal and intellectual movement in the international community, particularly after the establishment of the United Nations 1945 and the subsequent activities of the International Law Commission and the emergence of promising institutions such as the International Criminal Court ICC in the late twentieth century, the 1998 and earlier, ratified the Convention on the Elimination of Discrimination against Women and the Convention against torture and cruel treatment or punishment. Undoubtedly, the main source of all these developments and international institutions that support equality and human dignity, the Universal Declaration of Human Rights of 1948 and the Convention on the civil, political, economic, social and cultural rights. However, despite the development of tools to guarantee the implementation of international rules, still feel the problem is the lack of institutional capacity to guarantee the implementation of the rules of international law. However, regardless of political considerations and interests in some countries, the international human rights system has played an important role in protecting and ensuring the implementation of an important part of women's rights and the need for equalization of rights between men and women. In the present discussion we will refer to the most important international mechanisms available in support of equal rights for men and women in the criminal law, and we will analyze them.

First Speech: Universal Declaration of the Human Rights:
Universal Declaration of Human Rights as a milestone in the history of international law. The International Covenant on humanity in the beginning of the formation of the international system of human rights in the last century and the development and evolution of today. The declaration consists of 30 articles and it is the basis of equality and equality of all human societies and countries. As mentioned in the introduction to this topic, although the implementation of the Declaration on practically every single material is not possible in all countries however, it is important to minimize the impact on public opinion of the world community. What can be seen in the Declaration on the rights of women and men in all areas, that Articles 1 and 7. According to Article 1, "All human beings are born free and together they are equal in dignity and rights. They all have reason and conscience and should act towards one another in a spirit of brotherhood" and explicitly declares in Article 7: "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection of the law is against any discrimination in violation of this Declaration and against any incitement to such discrimination comes into operation". As you can see, the main axis of the Declaration, it is humans Equality and certainly commitment and acceptance of the declaration of the country, on the other hand, the international community in support of the Declaration can be a reliable mechanism for the equalization of women's rights in the criminal provisions.

In 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women. This convention is followed internationally accepted principles of the legal requirements on women's rights as it is for all women in all fields. Fundamental legal principles of the convention are the prohibition of all forms of discrimination against women. Article 2 of the Convention is the most important part, as it underscores the need for the country's commitment to equality between men and women. According to the article, "States Parties condemn discrimination against women in all its forms and they agree to follow a policy of eliminating discrimination against women by all appropriate means and without delay and thus to commit to the following:
A) The inclusion of equality between women and men in the constitution or laws of any country, if the has not been order and ensure the practical realization of this principle by legislation or other appropriate means.
B) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting or prohibiting discrimination against women.
C) To establish legal protection of the 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.
C) Take all appropriate measures, including legislation, to modify or abolish laws, regulations, customs and practices available so that it is discriminatory against women.

The importance of the Convention on the Elimination of All Forms of Discrimination against Women considered the fact that the basic provisions of the new document is added to other documents relating to equality and non-discrimination. Article 5 confirms that even if women's legal equality is guaranteed and special measures are taken to support the de facto equality, another change is necessary for the equality of women.
Governments to eliminate social patterns, cultural and traditional stereotypes that perpetuate gender roles, must try and establish a comprehensive structure to support the full realization of women's rights (United Nations Centre for Human Rights, 2004). Some believe that in any case, the Convention is not applicable to certain standards of responsibility for the violence that ordinary people are doing. However, some believe that convention on the Elimination of Discrimination against Women is not merely a passive provision for the prohibition of discrimination but it is a major step towards the preparation of active to redress historical inequities (Women's rights, human rights, 2006). Today, if a lot of discrimination against women is widespread it is a crime against humanity and offenders will be prosecuted in the International Criminal Court international criminal law. One of the most interesting developments in the field of crimes against humanity, it is the sex crimes. Nuremberg Charter was not even clearly exceeding the minimum as a form of crime against humanity although this defect was later modified by judicial interpretation [23]. However, although the International Criminal Court has no jurisdiction to deal with the existing legal discrimination laws in some countries directly however, since "offenses that the International Criminal Court has jurisdiction over it, it is a description of 'international' it seems that due to the existence of other international instruments such as the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women, Court's jurisdiction is extended to address discriminatory practices civil law countries as it puts women in a situation of inequality relative to men, however, such a change requires the consensus of the international community and the adoption of protocols and further in this direction.

Third Speech: The Convention against Torture and treatment or cruel, inhuman or degrading treatment:

The Convention was adopted in 1984 and entered it after the deposit of the twentieth instrument of accession or ratification in 1987. The Convention consists of a preamble and 33 articles. The important thing is to be monitored and substantially do the States Parties undertake to eliminate corporal punishment of criminal law, such as flogging, amputation and stoning or do not pass such laws? And the prohibition of torture, punishment, cruel, inhuman and degrading that are prohibited under this Convention, it includes the type of punishment or penalties prescribed by law, are excluded from the provisions of the Convention? The answer is that convention as the "Convention against Torture and any form of punishment or cruel, inhuman and degrading" the addition of the word "torture", the word "punishment" (punishment) is used. In Article 16, the tone and words in such a way that any sentence of torture and cruel and degrading it is also prohibited. The following exceptions apply to withdraw a painful matter that it is necessary to inherent or incidental to lawful sanctions the inclusion of torture, perhaps this view is justified but the forms of the word (punishment) that kind of cruel and degrading treatment in a row it has been banned torture (torture) of the Convention. Word (punishment) is a word meaning to the concept of punishment and called the principle of punishment and corporal punishment and it is roughly equivalent to " chastising" in our jurisprudence and it refers to physical punishment so that it runs according to the law and the courts [24].

Special Representative of the UN Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, Mr. Kopytorn in its report in 1997, fifty-second session of the United Nations General Assembly, referring to Article 83 of the Penal Code for the punishment of stoning for married women, he says: In his view there is no doubt that stoning is a cruel, inhuman and degrading and it is prohibited in the international instruments mentioned above. But with all the arguments and evidence and statistics mentioned, contrary to the claims of Mr. Kopytorn evident, the following words of paragraph one of Article One of the Convention leaves it doubtful that legal regulation and harsh penalties, even corporal punishment is prohibited in the Convention. Perhaps it was due to a reasonable suspicion that the Luxembourg Government has announced an interpretative declaration in ratifying the Convention on the Lawful Sanctions set forth in the following paragraph of an article in the Convention Punishment that would have been accepted by domestic and international law" (Multilateral Treaties, 1994). Sami Muslim scholar, author and human rights, with the following statement regarding the withdrawal of a Convention, he says with a critical expression: "the conditions and the following exception is shaking the foundations of the foundations of a prohibition as it speaks of sanctions because it is painful to even severe penalties laid down by law to find its legitimacy in fact, this kind of torture is prohibited. In conclusion we can say that according to the rules of the Convention, not only prohibits any form of discrimination and inequality of women in the criminal provisions but impose any rules with harsh punishments such as stoning and amputation is prohibited as the current laws in many Islamic countries and all the women should enjoy the same protection as set forth in this Convention. Indeed, the emphasis on monitoring and implementation of the Convention in all Member States and to join other countries, as an international mechanism, it is very important and effective and it is a step forward towards the equalization of women's rights in the criminal provisions.

Conclusion:

Due to the issues raised in this article, the following results are obtained:
1. Discrimination and inequality in the penal laws and regulations in some countries, it is often rooted in social and religious beliefs, irrational beliefs and this has made its way into the field of criminal laws and regulations and it became clear to institutions such as the denial of women's testimony in proof of the extent of crime and half of the blood money for women than men.

2. Factors include the lack of institutionalized inequality in social structures, women's economic weakness and lack of legal protections is necessary.

3. Areas such as human dignity, justice, human rights and the need for binding rules to protect women from violence these are the most important requirements justify the need for the equalization of rights for women and men in criminal law in the world.

4. Synchronizing domestic legislation with international human rights norms, internal reform of discriminatory laws and prescriptions, offering new readings and ongoing creation of religious beliefs and traditions, projected backward and forward in support of women in general and specific provisions of the Code and equalization of women's rights in legislation and its implementation these are the most important internal mechanisms to protect the equal rights of men and women in the criminal provisions.

5. In the international system, there are documents such as the Universal declaration of Human Rights of 1948 and the Covenant of Civil and Political Rights, Covenant on Economic Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or degrading 1984, these are as effective international mechanisms to eliminate discrimination against women criminal provisions and equalization of their position in the world. If the interpretation of them is not available to government and within mechanisms to eliminate discrimination against women criminal provisions and equalization of their position in the world. If the interpretation of them is not available to government and within them is accurate, clear and not distorted by the government.

REFERENCES