

Expanded Capacity of Imamyieh Human Rights to Support Wives' Sexual Rights

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Abstract

Criminalization of some sexual relationships constitutes a part of criminal rights, and even after French Great Revolution and expansion of individual rights, though some countries have tried to limit sexual crimes, by the way, description of rape crime principle has been established in sexual relationships of many countries including England and most states of America; the issue which is evident in law and Imamiyeh jurisprudence and its historical roots are several times deeper than West, but has been ignored in Iran laws; and nowadays, sexual crime is just approved when there is no matrimonial relations or such.

Although rights' abuse is definitely different from adultery, but considering principle 167 of constitutional rights and referring to principle 4 of constitutional rights as the source of Iran law, possibility of criminalizing this behavior in the frame of discretionary crime is considerable; in the case that spiritual or physical persecution, or any other mental and legal barriers is realized, wife will have the right to deny from obedience and this may provide conditions to criminalize "imposing sexual relations by husband against wife".

Keywords: Wife Sexual Rights; Iranian Law; England Law; Sexual Right Offense.

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