

Compulsory Hijab in Iran

Women's Choice

Or a State's Demand?

A study on compulsory Hijab in Iran as a violation of Human Rights, an exploration from the angle of sociology of religion and through the insight of the right bearers-Iranian women

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I dedicate this work to **Adele Che** who always opposed the imposed Hijab and is an essence of the struggle for freedom, happiness, well-being, and a better life. To Adele who has dealt with hindrances and difficulties along her inspiring journey of constant struggles for change and is a role model for winning over the difficulties. To Adele and all brave women in Iran who will win the battle *for* happiness, freedom, and equality and will once be able to transform the status quo into a higher level of standard of dignity, humanity, and equality.

Summary

This human rights study sheds light on the violation of human rights in Iran by exploring the question of compulsory Hijab law for Iranian women from the perspective of the sociology of religion. The study focuses on the social and cultural context in which compulsory Hijab law has been justified, legalized, and exercised by the government of the Islamic Republic of Iran. Whereas the Iranian government claims that Hijab is a part of Iranian people's culture and women freely choose to wear the Hijab (due to their personal beliefs), as will be demonstrated by this analytical study, it seems that the majority of Iranian women disagree with compulsory Hijab law and do neither recognize Hijab as their cultural lineament nor a personal choice. For examining the claim of the Iranian government and exploring the question of (compulsory) Hijab in Iran, through interviews with women who reside in Iran, this study brings the insight of the right bearers-Iranian women into the debate. Therefore, instead of mere legal analysis of the issue of compulsory Hijab in Iran, the focal point of this study - (compulsory) Hijab- is explored within the context of the cultural/societal realm, and by studying the personal insight of Iranian women upon the subject. The study adopts the lens of sociology of religion by which the right to freedom/distancing from religion and religious practices is explored. This research-oriented and analytical human rights study also calls upon human rights organizations and academicians for further research/studies/surveys on the question of (compulsory) Hijab in Iran from the perspective of right bearers – Iranian women and to examine the claim of the Iranian government.

Part 1

Introduction

Practicing Hijab was not compulsory until a few years after the 1979's revolution in Iran and there existed no particular law in favor of the Hijab in Iran. When some of the new regime's officials began to claim that women should wear Hijab since now the previous regime is gone and now it is the time of the rule of Islamic laws, demonstrations were held by women opposing legitimizing compulsory Hijab and any measurement in favor of compulsion of Hijab, and the protesting women demanded freedom of clothing. In 1981, governmental organizations enforced a regulation that only women wearing Hijab can enter and work in governmental offices. Finally, on November 2, 1981, the Islamic parliament passed the law in favor of compulsory Hijab, and it was enforced from that date onward, and Iranian women were forced to wear Hijab¹. Violations of the right to dress code and particularly compulsory Hijab for women are criminalized in Iran under the mentioned law and by Article 638 of the Islamic Penal Code².

Compulsory Hijab law is a violation of basic human rights, according to the Nobel Peace Prize laureate, Shirin Ebadi (who was interviewed for this study). However, Iranian authorities claim that Hijab is a rule of Allah, ordered in the Quran to be practiced by Muslim women, and is a tenet of Islamic principles. Additionally, they claim that Hijab is a substantial element of Iranian culture and a free choice of the majority of Iranian women and it should be compulsory by law and the state entities should safeguard this law. Some authorities state that only those few women who have been perverted by "enemies" are those who disrespect the Islamic principle of Hijab, do not practice full Hijab, and should be punished according to the law and by relevant authorities³.

This study/report –by adopting an empirical approach- focuses on the insights of the right bearers in Iran regarding freedom of dress code and therefore relies on the opinion/voice of Iranian women to examine the Iranian government's claim regarding compulsory Hijab. By conducting interviews with women who live in Iran, and b illustrating the situation of (compulsory Hijab) in the last five years, the study shall examine whether Hijab is a free choice of Iranian women, a part of their culture and whether they have freely chosen Hijab freely due to their opinion and with no coercion. Relying on primary data, the study also provides an answer to the question of whether Iranian women agree with compulsory Hijab, even if they personally believe in Hijab. The

obtained responses from these women shall be compared to relevant human rights standards to see whether compulsory Hijab accords with basic human rights and whether the Iranian government's justification in favor of compulsory Hijab is based on the demand, opinion, and insights of the right bearers or the contrary, it is merely the government's own demand.

Methodology

This empirical and analytical human rights study/report chiefly relies on primary data obtained from a survey and interviews. The survey was carried out among one hundred and core interviews with twenty women who all currently reside in Iran. The latter consists of nineteen interviews with “regular” women and one women's rights activist who all reside in Iran. Additionally, one extra interview was carried out with Shirin Ebadi, the Nobel Peace Laureate who resides in the US. Secondary data will be used to provide various parties' insights, and/or be compared with primary data. The method of gathering primary data will be clarified in the next sections.

National Legal/Practical dimension

On November 2, 1981, three years after the 1979's revolution in Iran, the Islamic parliament passed the law in favor of compulsory Hijab. Article 638 of this Islamic penal code addresses the subject of Hijab, it reads:

“One who practices a Haram action [(i.e., an action which is not in accordance with Islamic regulations)] in public and in the outdoors, in addition to punishment for the action, will be sentenced to 10 days to 2 months imprisonment or to 74 lashes. And if the person exercises an act that is not entitled to punishment but offends public decency, will be merely sentenced to 10 days to 2 months of imprisonment or 74 lashes. **Clause:** Women who show up in public without Sharia (Islamic) Hijab will be sentenced to imprisonment from 10 days up to 2 months or to a financial penalty of 50,000 up to 500,000 Rials/Iranian Currency”⁴.

As it can be seen in this article, women who do not practice Hijab in Public will be punished according to the Islamic penal code, which means that practicing Islamic Hijab is compulsory in Iran. Twenty-six ministries and official organizations have been officially appointed to safeguard the Islamic Hijab practice/law⁵. Moral Police officers are deployed to public spaces to identify women who do not wear full Hijab and instead wear “indecent”, “bad” or “immoral” codes of Hijab. These police officers undertake various actions including advising women who appeared in incomplete Hijab, detaining them if they do not accept to “correct” their Hijab, and initiating

measures required for beginning juridical cases upon women to be sent to the court⁶. Only in the capital city of Tehran and a few other big cities, 2000 women have been arrested per day by moral police concerning “bad Hijab” practice, and almost 100 women were detained and sent to court to be trialed and sentenced based on the Islamic penal code and concerning their Hijab⁷.

The issue of (the lack of) Definition of Hijab

Whereas in Iran there is a particular law in favor of compulsory Hijab, there is no legal and clear definition of Hijab in the civil code/law⁸. Therefore, the demanded Islamic dress code (i.e., Hijab) depends on the interpretation of each acting party including the moral police (Interview with Shirin Ebadi). Covering the head, hair, neck, chest, mid-body, and down to the knee by wearing long and loose outwear is a common dress code that is demanded by most clerics and recommended by various governmental actors as “acceptable” and “decent” Hijab⁹. Figure 1 demonstrates a sample of the desired Islamic dress code recommended by a governmental organization in Iran.



Figure 1, a sample of women’s dress code provided¹⁰ by one of the governmental organizations in order to promote what they define as the Islamic Hijab.

On the top of the image it is printed- in Farsi- that following Hijab is to respect Allah's reverence. The woman on the right side of the image wears Chador which is a long and loose black curtain that covers the whole body from head to legs. Only the front oval shape of the face and no ears nor hairs could be seen. Also, hands (only to the wrist and not more) are permitted to be exposed. The rest of the body should be completely covered. Additionally, under Chador a scarf is covering the head and neck so that only the face can be seen. Moreover, a long type of outwear called Mantua is worn. On the left, the woman is wearing almost the same dress, scarf, and Mantua but not a Chador. Since in both of the examples the head, the neck, the hairs, the legs, and the whole body is covered- which is in line with the religious order of the majority of Shia clerics-, this dress code is suggested by many Iranian authorities. However, none of such codes is defined within civil law. The supreme leader of I.R. Iran, Seyyed Ali Khamenei repeatedly addressed the subject of a proper and decent Hijab and suggested that Chador is the most proper type of Hijab¹¹. However, the way women practice Hijab is differ from what the authorities demand (Figure 2).



Figure 2, Two Iranian women who do not wear full Hijab (Image source: ¹²).

The dress code that women exercise also depends on the extent to which they practice religion. It also depends on other factors such as the city/region in which they reside. A woman might, for example, wear a full Hijab when turning to one authority office but wear a looser version of the Hijab when turning to another governmental office, which does not expect a tight code of Hijab. The same woman might wear no Hijab- if she does not believe in Hijab- in private ceremonies. In their homes, women do not wear the Hijab, and yet, when going out in public and outdoors, every woman –regardless of her personal beliefs, ethnicity, religion, and age, is forced to wear Hijab.

Compulsory Hijab, Violations of domestic/international human rights law

Violation of domestic laws

According to the lawyer, human rights advocate, and Nobel Peace Prize laureate, Shirin Ebadi (who participated in an interview conducted for preparing the study/report on compulsory Hijab in Iran), if one aims to introduce a contradictory and “bad” law, he/she can point to Iran’s laws. As a way of illustration, Ebadi explained that the law of compulsory Hijab is in contradiction with Iran’s constitution and its article 23. This article reads: “The investigation of the beliefs of persons is forbidden, and no one may be molested or prosecuted for holding a belief”.¹³ One of the implications of such an article is that women should be free to choose their own religion, beliefs, and opinions and be able to practice (or not) certain religious acts including wearing (or not) Islamic Hijab or any other type of dress code. Whereas in the constitution, people are granted the right to choose their religion and consequently religious practices, the Islamic Penal Code which grants the legislation in favor of compulsory Hijab violates the right of women to freedom of religion and religious practices including Hijab.

Violation of international laws

Iran is a party to two fundamental and international human rights conventions. These conventions are, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which both entered into force in 1966 to which Iran is a party without any reservations. Article 18 of ICCPR¹⁴ reads:

“1- Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either

individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.

2- No one shall be subject to coercion that would impair his freedom to have or to adopt a religion or belief of his choice.

3- Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”

According to article 18 of ICCPR, one should be free to choose her/his religion and beliefs and should be free to manifest herself/himself in a way she/he opts. Also one should be free to practice any religious code or distance to do such. Imposing Hijab is therefore a violation of such basic human rights. These sets of rights have been granted within the very international standard to which Iran is a party.

The Iranian government has repeatedly violated women's rights regarding the right to distance themselves from wearing Hijab and as explained, women who do not wear Hijab will risk being punished by the Islamic Penal Code. Moreover, those women rights activists who have merely expressed their thoughts regarding compulsory Hijab have been confronting another extra punishment, and have mostly been accused of action and/or propaganda against the state, national security, and Islamic norms. Many such activists have been sentenced to long-term imprisonment (including one of the interviewees of this study who is a women's rights activist and one who opposed compulsory Hijab, has been detained, interrogated, and sentenced to four years of imprisonment and is now temporarily released on a heavy bail)¹⁵. Even lawyers who simply acted in line with their profession of advocating for accused women have been also detained, tortured, and sentenced to long-term imprisonments¹⁶.

Given the background and the context around the question of (compulsory) Hijab in Iran through part 1, in the next part of the study, it shall be demonstrated whether the Hijab is the choice and culture of Iranian women or it is more than anything a state's demand. The primary data obtained from a survey and interviews with women who live in Iran shall be utilized to shed light on these questions.

Part 2

Is Hijab a choice of Iranian women?

Over decades, and in order to promote the necessity of practicing Hijab, many Iranian officials stated that Hijab is necessary since it safeguards the chastity, decency, mental state, and psychological safety of women. It serves, they argue, also the mental and psychological safety of men of the society since wearing no Hijab and being able to see women's body makes women sexual objects for men while wearing Hijab leads to a better mental and psychological condition and state of mind for men since men's eyes won't see women's body and there won't be any sexual temptation for men. And consequently, men will not commit a Haram action (sin) by seeing non-relatives-women's hair and/or body. Not only clerics but also authorities claim that Hijab is a gift from Allah to Muslim women and men¹⁷. Yet, as illustrated, the issue goes beyond mere promotion and it accomplishes with coercion and repression. Hijab has been compulsory for decades and those who do not obey this law will be punished.

In response to the critiques raised by many parties including international human rights organizations who condemned the suppression exercised by the Iranian government regarding the subject of compulsory Hijab, some high ranking authorities stated that no other country, no international organization, and no party should criticize the subject of compulsory Hijab as a violation of human rights since Hijab is a cultural element of the Iranian society and that of Iranian women, and Iranian women wear Hijab due to their personal beliefs¹⁸. The supreme leader of I.R. Iran stated that Chador is the best form of Hijab and it is a national dress code and a cultural element of our society¹⁹. He stated elsewhere that those who disobey the practice of Hijab are those who want to be safe from western cultural "attacks" and criticism of the Hijab²⁰.

Ratification of ICCPR and ICESCR with no reservation implies that the Iranian government should respect and fulfill women's right to freedom from/of religion and religious practices. However, as mentioned so far, Iranian authorities justify the law of compulsory Hijab claiming that Hijab is a cultural element of Iranian society, a national identity factor, and a choice of women themselves who with no coercion chose to wear Hijab and only a minority of women disobey this law. In this part of the study, this claim of the Iranian government will be examined. Through

conducting a survey and interviews, the insight of women who currently reside in Iran has been taken into account. The next sections will provide and discuss the material gathered.

A Survey

A survey was conducted asking a hundred women who live in Iran whether they agree with compulsory Hijab. In order to carry out the survey, primarily ten women were selected through personal contacts. These ten women live in different regions in Iran and are diverse in age. Using the snowball method, these ten women introduced other women and the same process continued with other women which totally led to getting in contact with a hundred informants. Due to the lack of time and space, one core question was raised to be answered by informants. The question was asked to the informants via digital platforms (either WhatsApp or Telegram).

The question of the survey was: “Regardless of your own beliefs concerning Hijab –no matter you choose to wear Hijab or not-do you agree with compulsory Hijab law?” 78 % of women who participated in this survey (seventy-eight out of hundred women) responded that they disagree with the compulsory Hijab law.

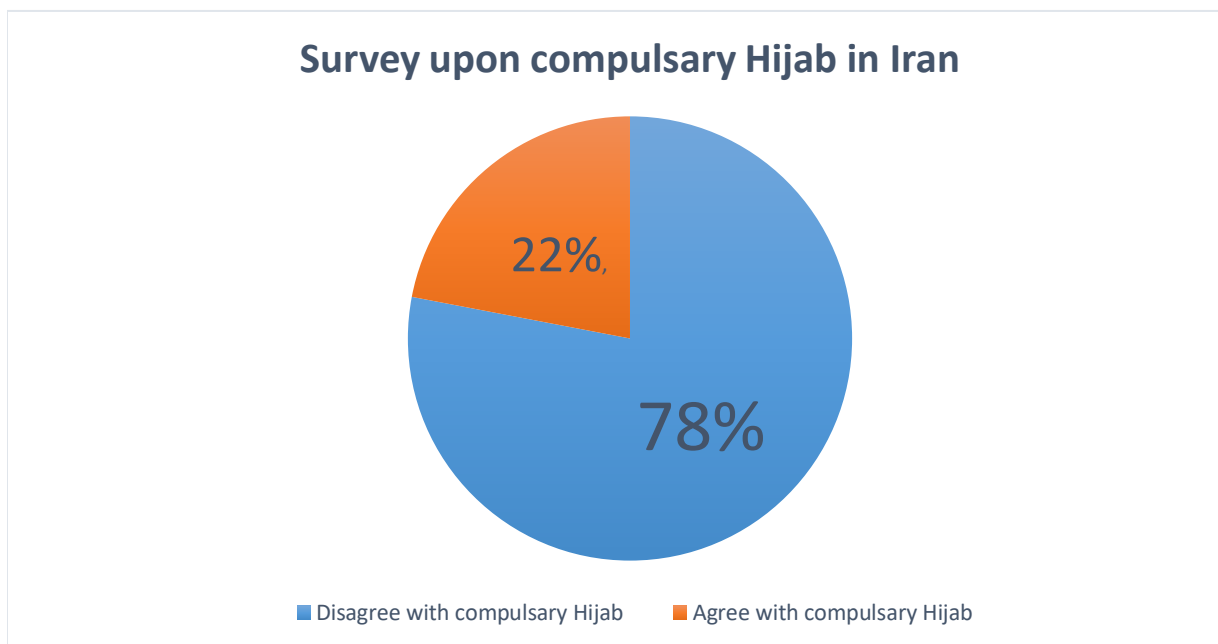


Figure 3. The survey among a hundred women whether they disagree compulsory Hijab.

Interviews

Method

In addition to the survey, a series of interviews were carried out with twenty interviewees to obtain more detailed and deep responses/insights from women who reside in Iran regarding compulsory Hijab's dimensions from 2017 onward. In order to conduct a similar sampling to the purpose population, the weight of distinct opinions regarding (compulsory) Hijab was taken into account. Therefore, based on the proportion of those who believe and those who believe not in compulsory Hijab (27 to 73 obtained from the survey), almost the same ratio applied to the number of interviewees. Consequently, four interviews were carried out with those women who agree with compulsory Hijab and sixteen with those who do not. Content-wise speaking, apart from the questions like do you agree with compulsory Hijab, other questions were raised to get to know their response to examine whether wearing Hijab is due to the interviewee's own choice, own culture, and own beliefs, or it is rather a practice that is imposed by the law and government. The core themes/questions will be provided in the following section. These twenty women (interviewees) were asked thirteen main questions/themes through standardized open-ended and structured interviews (see all interview questions in the appendix). The Interviewees are from a diverse range of categories of women, from 18 years old to 73 years old, 12 of which married. They are from various occupations and reside in different geographical locations in seventeen different provinces in Iran (of which three are from one most populated province) covering various cities in the north, south, center, west, and east of the country. One extra interview was carried out with Shirin Ebadi, the Nobel Peace Prize laureate to obtain an expert's insight on the subject.

Out of twenty women, one is a women's right activists who have a direct and first-hand experience of suppression, being detained, tortured, and sentenced to long-term imprisonment. The interviewees were selected based on the snowball sampling method and conducting multiple chain referral sampling. The interviews were conducted via WhatsApp in Farsi/Persian and lasted between seven to seventeen minutes and were carried out between February 15, 2022, and March 15th. 2022. Concerning the method ethics, the interviewer assured interviewees that they will be presented anonymously; their name and their voice will not be used in the study or for any other purpose and the recorded interview/conversation will be terminated after being transcribed. The transcribed data was translated from Farsi into English.

The results of the interviews

The data gathered from the interviews are provided below in short including both qualitative and quantitative data.

- 80% of the interviewees oppose compulsory Hijab law and believe that Hijab should be optional. Only 20% of them agree with the compulsory Hijab law.
- 100% state that the majority of the people they know disagree with compulsory Hijab law. Those who agree with Hijab, and even those who agree with compulsory Hijab law state that the majority of people around them (relatives, friends, colleagues, and so on) disagree with compulsory Hijab law.
- **70% of the interviewees state that they wear a looser type of Hijab (either of the two codes shown in Figure 2) than (as shown in Figure 1) what the government, moral police, and officials demand** (Figure 4).
- Only 30% state that they wear a full or almost full Hijab (of which half-15%-believe that although they believe in and practice Islamic Hijab, it should not be compulsory). Both figures 1 and 2 were shown to interviewees and almost all of them affirmed that figure 1 should be considered a full Hijab, while the dress code presented in Figure 2 could be called a looser version of Hijab which is not acceptable by the government.
- Whereas 30 % state that they would wear Hijab even if it was not compulsory, 60% stated that they wouldn't wear Hijab if it was not compulsory and 10% are hesitant and believe that they should decide upon this issue when it is the time to do so.
- 80 % of them believe that compulsory Hijab is against freedom of choice/opinion and therefore a violation of human rights.
- **30 % of them wear Hijab due to their own personal beliefs, and 70% do so due to other factors and chiefly because of the law and that Hijab is compulsory** (Figure 5).
- Only 5% of the interviewees know of the legal source of compulsory Hijab in Iran (i.e., Article 638 of the Islamic Penal Code). Others explain that Hijab is somehow related to Sharia and Islam. 50% believe that this is the government that relates Hijab to Sharia, Quran, and Islam and there is no such thing as the order of Islam in favor of Hijab.
- 50 % of the interviewees have been at least -in a personal capacity and not as an activist- engaged with discussion or sharing content against compulsory Hijab.

- 90 % of the interviewees - regardless of their own opinion/practice toward compulsory Hijab- have witnessed some sort of movements/actions by other people or groups of the society against compulsory Hijab (including activists' actions, campaigns, and also the daily resistance of ordinary women who do not wear full Hijab, social media contents, media reports and so on).
- 70% of the interviewees have directly witnessed the act and behavior of moral police. Some have direct experience of the police approaching them while others have witnessed that police approached others before their eyes.
- 60 % describe the behavior of the moral police as either: Impolite, brutal, inappropriate, or violent. 20% describe moral police behavior as appropriate, polite, and proper.
- 80 % of the interviewees believe that any change in direction of diminishing compulsory Hijab should be chiefly achieved by people themselves. Some state that other factors could co-impact as well (foreign pressure, human rights organizations, foreign government, UN, the international community, and so on). Even half of those who agree with compulsory Hijab state that if it is to be gone it only can happen by the will and pressure from people. However, the latter wishes that this would not happen.
- 90 % of the interviewees (of which 10 % agree with compulsory Hijab) believe that in the future there will be no compulsory Hijab.
- 100% of the interviewees (even those who agree with compulsory Hijab) believe that the full Hijab is already and practically gone since the majority of Iranian women already do not practice it and instead practice a looser Hijab. Those who wear a looser Hijab state that they do so only to escape the harassment/repression.
- Interviewees point to distinct factors that resulted in practicing Hijab in *earlier decades* and after the revolution (e.g., the new religious atmosphere in the society after the Islamic revolution, patriarchal structure in family, and society through which women were forced to wear Hijab, law, religious beliefs, culture/custom and so on). However, 70% of the interviewees state that whatsoever reason had the act of practicing Hijab in that era, nowadays (and particularly in the last decade) it is chiefly the force of law that makes them (and specifically the young generations) wear the Hijab.

Figure 4 and Figure 5 demonstrate the result of the two core themes/questions out of various results of the interviews.

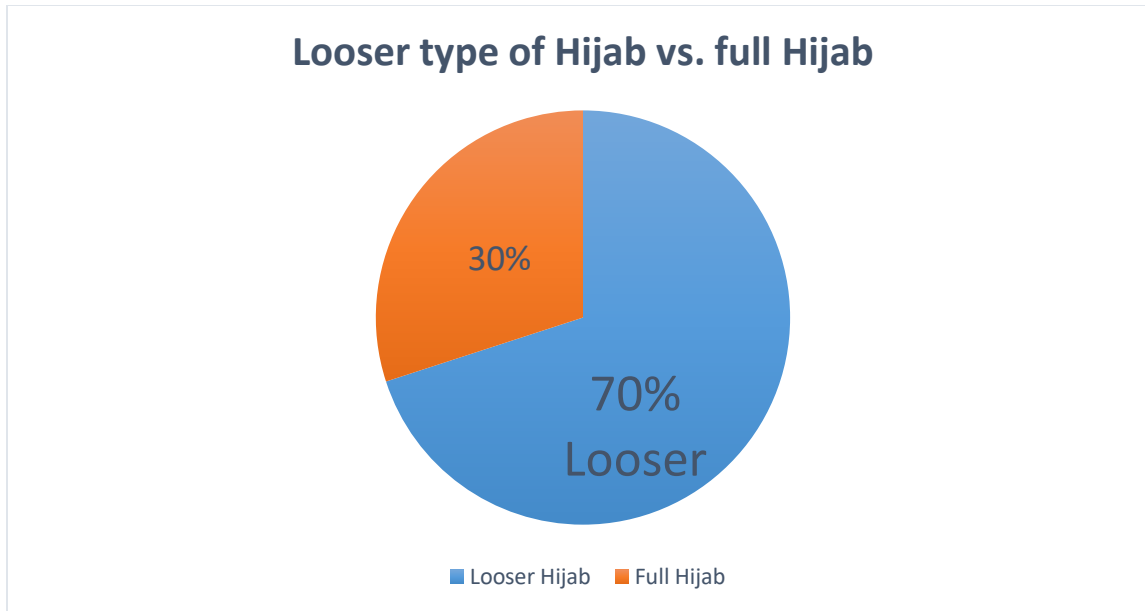


Figure 4. 70% of women wear a looser Hijab and not the one that the state demands.

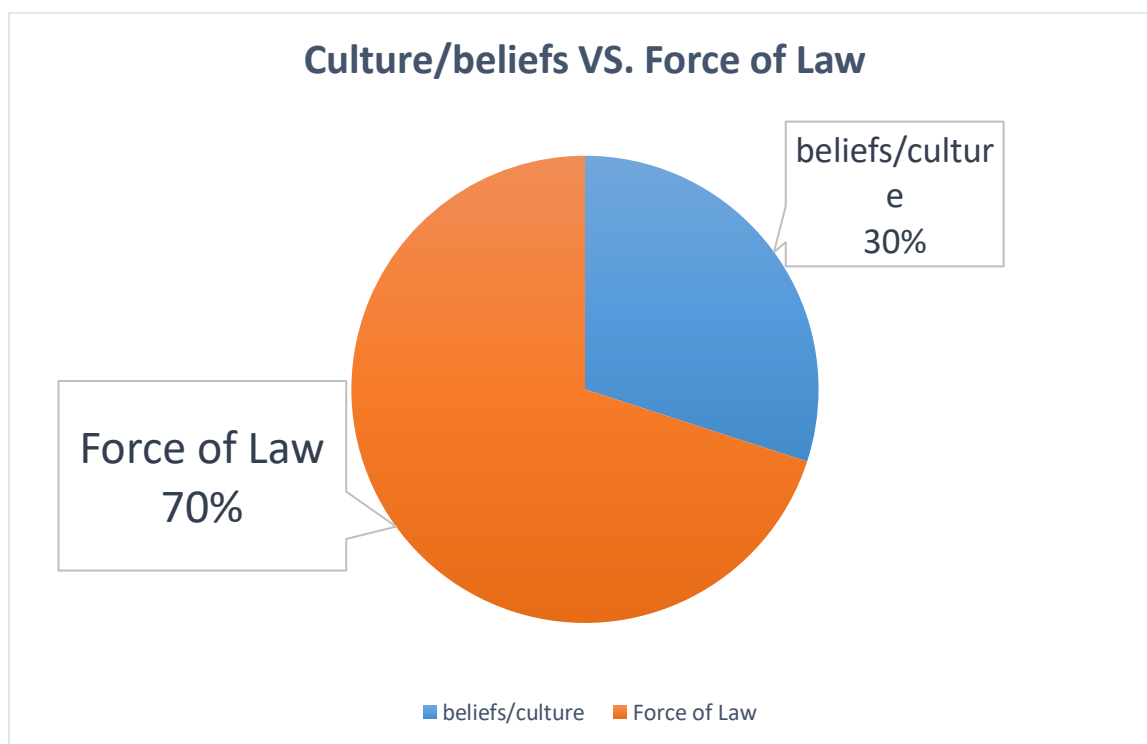


Figure 5. Why do Iranian women wear Hijab? Due to culture/beliefs: 30% and due to Force of law: 70%.

Elaborating on Data and Discussion

As explicitly illustrated by the obtained data on the subject of the (compulsory Hijab) and specifically within the last five years, the majority of the interviewees do not fully obey the compulsory Hijab and wear some sort of looser version of the dress code (Figure 4). This reflects the reality in the society about which Iranian officials claimed that the situation of Hijab is “acute”, “critical”, “red-tier”, and “unacceptable”²¹.

The majority of the interviewees oppose compulsory Hijab law (including half of those who believe in the Hijab and would practice it even if it were not compulsory to practice). The majority of these women who reside in Iran responded that if Hijab would not have been compulsory they would have not practiced it.

The majority of interviewees have somehow witnessed the behavior of moral police and describe it as either brutal or impolite. Half of these women have been active in some sort of discussion or resistance against the compulsory Hijab law. All of the interviewees (including those who believe in and practice the Hijab, and even those who agree with compulsory Hijab law) underscored that the full Hijab is already gone and most of the women wear some sort of looser Hijab and it is merely exercised as to escape the suppression. This nature of the response by the interviewees is in accordance with the situation on the ground about which some Iranian authorities claimed that now the situation of practicing Hijab had departed from “bad” Hijab to “no” Hijab²². Moreover, the majority of these women state that if compulsory Hijab law is to be eliminated it should only be achieved by the force, pressure, and will of the people. Perhaps it is an ironic situation since the representative of the supreme leader of I.R. Iran in Khorasan Razavi province (Alamol-Hoda) also stated that neither the government nor the police is able to safeguard the Hijab practice, and therefore he calls on people who -according to him- should step in and support the implementation of compulsory Hijab²³. Both (opposing) parties – people who oppose compulsory Hijab and authorities who attempt to force people to obey this law- emphasize that no governmental force, no law, and no more pressure is effective anymore²⁴, and if Hijab is to be respected/put away, it is only the force of people who can achieve this.

The Iranian government and various Iranian authorities usually claim that Hijab is a substantial segment of Iran’s culture, and women obey Hijab the law not under coercion but rather

because they personally believe in it. However, as clearly stated by the majority of the interviewees, these women currently wear Hijab neither due to their personal belief/opinion/choice, nor because it is a part of their culture, but rather because it is imposed on them by the force of law and the Iranian government (Figure 5).

As Iranian officials claim about the “acute” situation of the Hijab in Iran in which the Islamic dress code is not respected/practiced by women, they emphasize that Hijab cannot be merely respected and practiced by the force of police and law. They demand that Hijab should instead be socially institutionalized in the culture of the people. Many authorities claim that more cultural instructions and promotions should be undertaken so that Iranian women learn to respect and practice Hijab. They call upon a culture-building campaign in favor of the Islamic dress code²⁵. The Iranian police chief commander claimed that the “bad” situation of the Hijab in society is not the police’s failure. There are 26 various governmental ministries and organizations that are responsible to safeguard and promote the Hijab and generate the culture of the Hijab in society. If they have failed to produce such a culture, he adds, then why should the police be blamed? He explains that the police force is the last segment of this chain and it only enters the “field” when women are not obeying the law of Hijab. However, he claims, other segments of this chain should have acted better²⁶. Other officials emphasize that the situation of the Hijab is not what the state demands, and therefore the philosophy of the Hijab, its culture, and practice should be taught and promoted through culture-building projects (e.g., via movies, TV series, school education, and so on)²⁷.

Yet the question is, if Islamic Hijab is a cultural element of Iran’s society, then why Hijab culture should be built by the state and for the society? Why is Hijab needed to be institutionalized in the culture of Iranian society through culture-building projects? This study- based on evidences- suggests that the answer to these questions is the same as the interviewees underscored and Hijab is neither a part of the culture of Iranian women nor the practice of Hijab their choice/belief.

Now that this study/report demonstrated that Hijab is neither a culture nor it is practiced due to personal choice/beliefs/opinions of the Iranian women, then the Iranian government should not be allowed to justify the compulsory Hijab law by claiming that Hijab is an Iranian cultural element and has been chosen by Iranian women due to their personal opinion. Iran has ratified the two covenants of ICCPR and ICESCR without any reservation and therefore should fully respect the

right of women to freely choose their desired practice of dress code and the manifestation of their beliefs including wearing (or not) Hijab. Even if the Iranian government has had any reservations aiming to justify that some aspects of such covenants are not in accordance with the culture, belief, and norms of its society, as demonstrated by the data gathered through interviews with right bearers -women who reside in Iran-, Hijab is neither a culture of the society according to the majority of the right bearers, nor is practiced due to personal beliefs of the women. It is rather imposed on women by force of the government and law. Therefore according to the core articles of the two mentioned covenants (e.g., Articles 2, and 18 of the ICCPR), the Iranian government should fully undertake necessary measures to respect the rights of the right bearers. No justification and reservation should be accepted by the Iranian government regarding the coercive practice of the Hijab.

Religion-wise speaking, whereas clerics in Iran claim that Hijab is one of the tenets of Islamic principles and has been ordered by Allah, some of the interviewees who consider themselves Muslim women and believe in Islam and the Quran do not agree with this position/opinion. One of the interviewees who is a university lecturer and explains that she had studied the Quran and Islamic literature to be able to better understand Islam's principles, claims that:

- *You won't be able to find in Quran that Muslim women are ordered to wear Hijab. There are verses that address the prophet to call upon his wives to cover their chests. There is nothing more regarding Hijab and there is not a single verse ordering Muslim women to wear Hijab. This Hijab issue is a contradictory subject. However, Muslim people including Muslim women should be free to perceive and practice the religion as per their own personal interpretation. No one should be forced to follow others' insights and opinions.*

An old lady who is a grandmamma and believes in and practices Hijab, explains that she had Full Islamic Hijab even during the Shah (King)'s regime when Hijab was not compulsory. She states:

- *This is not only today that I am wearing Hijab, I do believe in it, I did so in an era in which Hijab was not forced or even praised by the government. It was instead considered a backward act. However, I am not happy that I am present in this era in which a government that labels itself as an Islamic government is forcing people*

to wear Hijab. No opinion and no religious practice should be obligatory. People should be able to freely follow their personal thoughts and opinions. I tell you it is not written in the Quran that one should impose Hijab or any other measure onto others. I am against this.

Not only interviewees but also many religious experts agree that Hijab is not mandatory in Islam. According to Islamic Research Foundation International, which is a non-Iranian Islamic entity, “[t]o wear the Hijab is certainly NOT an Islamic obligatory on women. It is an innovation (Bid'ah) of men suffering from a piety complex who are so weak spiritually that they just cannot trust themselves”²⁸.

Yet the question is if Hijab is not mandatory by Islamic principles, and most importantly as it is empirically demonstrated, if (compulsory) Hijab is not a free choice of Iranian women, is not their culture, and the majority of the Iranian people disagree with compulsory Hijab, why still Iranian government emphasizes on imposing Hijab onto women?

One of the interviewees believes that:

- *Hijab and compulsory Hijab is not about culture or collective or about personal choice and religious beliefs of women. If the authorities succeed to impose their demand on what you wear, they gradually consolidate this attitude and mindset that you are subordinate, not only your body should be controlled by men and by the state but also your thoughts, dignity, your power, energy, and your capacities and skills will be a hostage in their hand. Then you gradually and historically accept that you are subordinate, you are the second gender. Hijab is not a simple piece of the garment; it is rather a political weapon in the hand of the state to better control women. If a government could be able to control the power of the women of the society, then it can easily control and suppress the rest and therefore the whole society.*

It seems that not only critics toward compulsory Hijab, and not only the majority of Iranian women see the law of compulsory Hijab as a political instrument for controlling the (women of the) society, but also Iranian authorities categorize Hijab as a political phenomenon. While they

acknowledge that Hijab is not exercised as they wished, planned, and ordered, they repeatedly categorize this situation as a failure of the state within a conflict between the west and the Iranian state. They define Hijab as a “red line of” the state and that “no-Hijab demand is a trap by the” western “enemies to defeat” the Islamic state. The authorities classify one who disagrees with compulsory Hijab law as an agent of the west who “endangers the Islamic state by disobeying Hijab law” and therefore “should be fought back by the Islamic state”²⁹.

Others emphasized that compulsory Hijab is a “symbol of oppression and a way of excluding women from various areas of public life”³⁰.

Nonetheless, whether or not Hijab has been ordered by Quran or Islamic law, whether compulsory Hijab is a political instrument in the hand of the Iranian government, as demonstrated by this empirical human rights study, the majority of Iranian women disagree with compulsory Hijab and wear looser types of Hijab. They see this law as a violation of their fundamental Human Rights since compulsory Hijab law is against the right to freely choose your opinion and practice according to it. This is the choice of right bearers to not practice Hijab and therefore it must be respected by the addressee of the rights-Iranian government- and the law of compulsory Hijab should be lifted.

As demonstrated, in the period of the focus of this study/report (in the last five-ten years), the majority of Iranian women wear Hijab merely because it is compulsory and because they are forced to do so. They emphasize that they will not put on a veil if it was not compulsory. Also as demonstrated, the majority of the interviewees state that they do wear a Hijab, not due to their personal choice/opinion/culture, but rather due to the force of law/government. Hence, the Iranian government cannot claim exemption from international law regarding dress code and freedom of opinion based on its false claim that the Hijab is a culture and choice of Iranian women. These women –who disagree with compulsory Hijab-, are the right bearers and the subject of human rights law. The government should respect and fulfill these women’s rights. The addressee (the government) cannot choose and appoint religious beliefs on behalf of its people. The government should not impose its demand and introduce them as peoples’ demands/opinions.

Recommendations

To: Human Rights organizations, United Nation Human Rights Council, and academicians.

Considering the compulsory Hijab law in Iran, which is a violation of basic human rights, the right to freedom of opinion, manifestation, and dress code, and considering the justifications that are raised by the Iranian government which introduces the Hijab as a culture and personal beliefs of Iranian women, this study/report:

- a) Calls for further empirical and evidence-based research on the subject of (compulsory) Hijab, to examine the claim of the Iranian government. Academicians and the research committee/department of human rights organizations are recommended to undertake such research to shed light on the truth and the social reality of the subject to hear the voice of Iranian women who are right bearers and to negate the justification and false claims of the Iranian government.
- b) Calls for a joint project by academicians on one hand and on the other hand, a cluster of well-known and international human rights entities (e.g., Human Rights Watch, Amnesty International, United Nation Human Rights Council), in order to conduct a large-scale survey/interviews asking people of Iran and particularly Iranian women, whether they agree with compulsory Hijab law, Hijab is their culture/choice or has been imposed on them by the force of law/state. The involvement of such big organizations in such a survey can also attract the attention of the (mainstream) media. The latter can help with promoting/introducing the campaign so that millions of people inside Iran get to know about the project and participate in the survey/interviews. Such a big survey can be conducted via social media and digital platforms since more than 70% of Iranian people joined at least 1 social media, and 94% of the population use smartphones³¹.

Appendix

Interview questions on the subject of (compulsory) Hijab in the last five years.

1-What degree and type of Hijab do you wear? That type that the state demands or a looser one? (Images shown in Figures 1 and 2 showed to interviewees and they affirmed that the former is what the government demands and the latter is what they consider a looser type of Hijab)

2- Would you wear Hijab if it were not compulsory?

3-Do you believe that Hijab should be compulsory?

4-Do you think the majority of the people you know agree with compulsory Hijab?

5-If you wear or have worn the Hijab in Iran, which of these factors would you consider as having played a more important role in your wearing of the hijab: your own faith/beliefs, familial and cultural values, or governmental laws?

6-What legal sources or any other justification do you think compulsory Hijab is based upon?

7-In what way do you think compulsory Hijab is a violation of human rights/women's rights? Based on what reasons and/or national/international legal sources do you think it is a violation? If you do not think it is a violation, what is your argument?

8-To what extent have you been involved in the movement against the compulsory Hijab? Or in any type of action of opposing compulsory Hijab?

9-What is the main type of resistance according to your opinion within this movement?

10- If you have ever encountered the moral police, how was your experience? What about incidents that happened to others by moral police (and you witnessed)?

11- What suppression/violation have you personally experienced due to your activities (or that of any friend/colleague of yours) against compulsory Hijab? If any. If you know violations exercised on others who have been active against compulsory Hijab, describe that.

12- Who do you think could play the most important role in helping Iranian women in diminishing compulsory Hijab and why? (e.g. Women themselves? Their male relatives? People? The Iranian government? The parliament? International organizations? UN? Western governments?

13- How do you see the future of compulsory Hijab in Iran?

Endnotes

Remark: All links accessed between March 4. and March 19th. 2022.

“In Farsi” in the beginning of endnotes means that the link leads to a website of which the content is in Farsi, and the selected part of the text translated into English to be used for this study/report.

¹ In Farsi <https://6rang.org/9183/>, and <https://kadivar.com/16363/>

² https://www.amnesty.nl/content/uploads/2017/02/womens_right_to_dress_boerkaverbod_3.pdf?x68187

³ In Farsi: <https://tinyurl.com/bppx387f>

In Farsi: <https://tinyurl.com/mvfsyf5c>

⁴ In Farsi: <https://bit.ly/3HYPYZB>

⁵ In Farsi: <https://www.radiozamaneh.com/459633/>

⁶ In Farsi: <https://tinyurl.com/59dcppeh>

⁷ In Farsi: <https://tinyurl.com/bddxcytm>

⁸ In Farsi: <https://tinyurl.com/59dcppeh>

⁹ https://www.amnesty.nl/content/uploads/2017/02/womens_right_to_dress_boerkaverbod_3.pdf?x68187

And, In Farsi: <https://tinyurl.com/59dcppeh>

¹⁰ In Farsi: <https://tinyurl.com/bdf9362m>

¹¹ In Farsi: <https://tinyurl.com/2p9aznr4>

¹² <https://www.pinterest.com/pin/758786237208924199/>

¹³ Islamic Parliament of Iran, <https://en.parliran.ir/eng/en/Constitution>

¹⁴ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

¹⁵ My Stealthy Freedom, 2021. *Islamic Republic's war on women as 6 women campaigners receive 109 years in prison*. <https://bit.ly/3n6Eqvg>

¹⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/258/96/PDF/G1925896.pdf?OpenElement>

Amnesty International (2018) *Iran: Arrests of lawyers and women's rights activists*.

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¹⁷ In Farsi: <https://tinyurl.com/yc6asu6p>

In Farsi: <https://tinyurl.com/2p8uhb7y>

In Farsi: <https://tinyurl.com/y2w667dz>

¹⁸ In Farsi: <https://tinyurl.com/3fkyby2c>

¹⁹ In Farsi: <https://tinyurl.com/2p9aznr4>

²⁰ In Farsi: <https://tinyurl.com/4mn4v6ru>

²¹ In Farsi: <https://tinyurl.com/ymks4m5t>, and <https://tinyurl.com/2p9e2vys>

²² In Farsi: <https://tinyurl.com/39tm4z72>

²³ In Farsi: <https://tinyurl.com/53xwefaz>

²⁴ In Farsi: <https://tinyurl.com/mvfsyf5c>, and <https://www.zeitoons.com/53504>

²⁵ In Farsi: <https://tinyurl.com/y9y985fc>

²⁶ In Farsi: <https://tinyurl.com/39tm4z72>

²⁷ In Farsi: <https://www.pcci.ir/fa/desision/dahehashtad/desision84/efaf> , <https://khabarban.com/a/33985259>, and: <https://tinyurl.com/mryjk6sb>

²⁸ https://www.irfi.org/articles/articles_1_50/is_hijab_compulsory.htm

²⁹ In Farsi: <https://tinyurl.com/mvfsyf5c>

³⁰ In Farsi: <https://tinyurl.com/4se9djvw>, and <https://www.zeitoons.com/44922>

³¹ <https://gamaan.org/wp-content/uploads/2020/08/GAMAAN-survey-on-religiosity-in-Iran-Persian.pdf>