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THE COMPULSORY HIJAB IN THE ISLAMIC REPUBLIC OF IRAN



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GLOSSARY



CH: COMPULSORY HIJAB

CEDAW: CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN

CRC: CONVENTION ON THE RIGHTS OF THE CHILD

ICCPR: INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

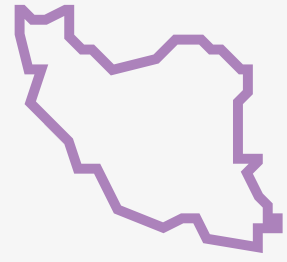
ICESCR: INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS

NCRI: NATIONAL COUNCIL OF RESISTANCE OF IRAN

PMOI: PEOPLE'S MUJAHEDIN OF IRAN

UDHR: UNIVERSAL DECLARATION OF HUMAN RIGHTS

EXECUTIVE SUMMARY



AFTER THE IRANIAN REVOLUTION, THE ISLAMIC REGIME PASSED A LAW IN FAVOR OF COMPULSORY HIJAB THAT REQUIRES ALL WOMEN TO WEAR HIJAB IN PUBLIC SPACES. THE LAW HAS SINCE ENCOUNTERED ENORMOUS RESISTANCE AS WELL AS OPPOSITION. TODAY, A MAJORITY OF THE IRANIAN PEOPLE WISH FOR THE LAW TO BE REMOVED. THE LAW IS NOT ONLY OFFENSIVE TO WOMEN IN THE SENSE THAT THEY DON'T HAVE THE RIGHT TO DECIDE HOW THEY WANT TO DRESS, BUT ALSO DUE TO THE FACT THAT THEY'RE ROBBED OF THE RIGHT TO SELF-DETERMINATION, FREEDOM OF CHOICE-, RELIGION- AND EXPRESSION. WOMEN'S RIGHTS IN IRAN ARE CRUCIALLY RESTRICTED AND DO NOT LIVE UP TO GLOBAL STANDARDS. FORCING WOMEN TO WEAR THE HIJAB IS AN OPPRESSIVE TOOL USED FOR DIRECT DISCRIMINATION, ERASURE OF BODILY AUTONOMY, AND AN INSULT TO WOMEN AS HUMANS AND THEIR IDENTITY.

IT IS, AMONG OTHER THINGS, THROUGH CLOTHES PEOPLE CAN EXPRESS THEMSELVES IN DIFFERENT COLORS, STYLES, POLITICAL STANDPOINTS, FAITHS, OR THROUGH CERTAIN HAIRSTYLES AND HAIR COLORS. THE COMPULSION OF THE HIJAB MAKES IT IMPOSSIBLE FOR WOMEN TO EXPRESS WHO THEY ARE AND DOES NOT PROVIDE WOMEN WITH CONTROL OVER THEIR OWN BODIES NOR THE FREEDOM OF CHOICE TO CHOOSE WHAT TO WEAR.

IRAN VIOLATES INTERNATIONAL CONVENTIONS TO WHICH IT HAS VOLUNTARILY RATIFIED AND THE REGIME USES BRUTAL METHODS ON WOMEN WHO DO NOT WEAR THE HIJAB IN A PROPER WAY ACCORDING TO THEM. WITNESSES AND VICTIMS INTERVIEWED FOR THIS REPORT HAVE RECOUNTED THESE ABUSES AND VIOLATIONS COMMITTED BY THE IRANIAN REGIME AGAINST ITS OWN CITIZENS. THERE IS A GENERAL UNDERSTANDING THAT THE COMPULSORY HIJAB IS ONLY ONE PART OF A TREMENDOUSLY COMPLEX STRUCTURE IN IRAN. TO IMPROVE THE SITUATION FOR WOMEN IN IRAN, THE WHOLE CONSTITUTIONAL SYSTEM NEEDS TO CHANGE.

ACCORDING TO THE RESPONDENTS IN THIS REPORT, THE REGIME NEEDS TO BE OVERTHROWN AND A DEMOCRATIC SYSTEM OF GOVERNANCE MUST BE INTRODUCED. THE COMPULSORY HIJAB LAW IS NOT GOING TO BE REMOVED AS LONG AS THE ISLAMIC REGIME HAS POWER AND SHARIA LAW RULES ABOVE EVERYTHING. THE FUTURE OF IRAN IS IN THE HANDS OF THE PEOPLE, BUT RESPONSIBILITY ALSO LIES WITHIN INTERNATIONAL ORGANIZATIONS AND OTHER STATES, TO PUT PRESSURE ON THE IRANIAN REGIME. ADDITIONALLY, WE FOUND THAT THERE IS PROBABLY NO ONE IN IRAN ONLY OPPOSING THE LAW OF COMPULSORY HIJAB, INSTEAD, PEOPLE ARE PROTESTING AGAINST THE WHOLE SYSTEM AND THE COMPULSORY HIJAB IS ACTING AS ONE OF MANY TOOLS OF OPPRESSION IN THAT SYSTEM.

GOALS AND OBJECTIVES

The aim of this report is to assess the current situation of compulsory hijab in Iran; how it's perceived, how it's challenged, and what mechanisms relevant actors believe are required for a change in the future. Throughout this report, an attempt is made to expose, amongst other things, the contradictions between the compulsory hijab and human rights law and incorporate findings and contributions from various sources when confronted with legal analyses. The report includes highlights on how advocacy against the compulsory hijab goes hand in hand with more severe accusations, how it leads to false imprisonments and long prison sentences for female activists amongst others. This report will provide both a historical and legal context in order to shed light on the subject of advocacy and the movement against the compulsory hijab while also illustrating the violations against the activists and the promotion of the freedom of clothing for women in Iran. The report will conclude with recommendations that are deemed fit and proposed.



THIS REPORT'S MAIN RECOMMENDATIONS ARE AS FOLLOWS AND WILL BE FURTHER DEVELOPED DOWN BELOW:

NO. 1 WE ARE CALLING ON THE IRANIAN AUTHORITIES TO

ABOLISH ALL DOMESTIC LAWS THAT ENFORCE DRESS CODES LIKE COMPULSORY HIJAB, SINCE IT HAS DISCRIMINATORY EFFECTS ON WOMEN, AND TAKE EFFICIENT ACTIONS TO ENSURE WOMEN'S PROTECTION OF VIOLENCE CAUSED BY COMPULSORY HIJAB.

NO. 2 WE ARE CALLING ON THE UNITED NATIONS TO

PUBLICLY DENOUNCE ATTACKS ON WOMEN WHO DO NOT OBEY THE HIJAB LAW AND CALL FOR IMPARTIAL INVESTIGATIONS AND PROSECUTIONS OF PERPETRATORS.

NO. 3 WE ARE CALLING ON GOVERNMENTS AROUND THE WORLD TO

SEND A CLEAR MESSAGE ON THEIR OPPOSITION AND DISSATISFACTION WITH IRAN'S SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS. THIS IS SIGNIFICANT BECAUSE SILENCE AS A RESPONSE TO IRAN RISKS LEGITIMIZING THE REGIME'S TREATMENT OF WOMEN.

NO. 4 WE ARE CALLING ON HUMAN RIGHTS ORGANIZATIONS TO

PUBLICLY DENOUNCE ATTACKS ON WOMEN WHO DO NOT OBEY THE HIJAB LAW AND CALL FOR IMPARTIAL INVESTIGATIONS AND PROSECUTIONS OF PERPETRATORS.



INTRODUCTION

The hijab has a long and problematic history in Iran. In the 1930s, it was prohibited and the national police had a mandate to remove the hijab from any woman seen wearing it. After the Iranian revolution in 1979, it became compulsory in 1981 – and still remains today, 41 years later.

For over four decades, women have lived under these Sharia laws in the Islamic Republic of Iran where they do not possess rights to their own bodies as the latter is regulated by law. The compulsion has not emerged without resistance from civilian women and men, and in recent years, the activism and movement against the compulsory hijab have become larger than ever[1]. Women's rights, freedom of choice, and the rule of law are infringed upon in Iran. The regime harasses, arrests, and imprisons women's rights defenders who are peacefully protesting against Iran's humiliating and discriminatory compulsory hijab law[2]. Within a year, the Iranian government arrested 3,6 million women for not wearing the hijab in a proper, correct way, according to the plaintiffs[3].

The way women in Iran are being treated is not only frightening, but also inapprehensible, unequal, and disrespectful. However, these brutal circumstances have not stopped people from fighting against the government of the Islamic Republic of Iran - a dictatorship that cannot be normalized or legitimized, a regime that does not stand up for equality. Even though activists are aware of the high risk of getting kidnapped, thrown into prison without proper trial, being tortured, unfairly treated for their actions, and in worst cases, being killed - they are still not giving up[4].

According to surveys, 73% of Iranians oppose the compulsory Hijab[5], but the government still enforces it upon women via different means. Wearing the hijab should be a private matter and no one should be forced to wear it, neither by a government or another person. The compulsion of the hijab violates both fundamental human rights and international law. It robs women from their rights to private life, freedom, autonomy, freedom of expression, religion, and self-determination. But fighting for the removal of the compulsory hijab also includes protesting against the whole ideology the regime believes in. The fight for the removal of the compulsory hijab is about giving women their identity and dignity back.

METHODOLOGY

Whilst using the qualitative method for this report, we have gathered our data as primary sources under the form of interviews with Iranian citizens and activists living in Sweden. Semi-structured interviews have been conducted with four Iranians who are witnesses and victims of the Iranian regime's discriminatory laws. Allowing for targeted questions on a specific issue and towards a fixed population. The questions are identical for all the interviews and the people with whom they are conducted have similar profiles, predefined according to our issue and asked during in-person meetings. Our research included interviewing mainly female victims of the regime and activists exiled in Sweden in person or by email. We have additionally reviewed relevant legal documents and reports and looked for patterns when compared with our gathered material. In order to explore the bigger picture, questions were divided into two parts: the first one regarding their time and experiences in Iran prior to fleeing and the second one focusing on their views on the future of Iran.

HISTORICAL BACKGROUND & CONTEXT

After WWII, Iran went through various crises with other nations and the nationalization of oil, the government was prevented from establishing a foreign policy focusing on other matters besides the urgent and current concerns the country was going through. After these downturns, Iran abandoned its traditional neutrality and got closer to Western powers all the whilst maintaining good relations with its Russian neighbor. In the mid '70s, after years of strong economic growth and strengthening of its military capacities, the Shah's Iran was faced with a crumbling international position. Meanwhile, the opposition movement progressively became associated to Islam, thus leading to anti-Westerner and anti-imperialist feelings.

The interviewees were asked whether they wished to remain anonymous or not, as we wanted to maintain an ethical standard for this report. Two of them made the individual decision to share their name, Gisso and Mehranoosh and the other two wished to remain anonymous, we will thus use Amanda and Karim as pseudonyms to protect their identity. The interviews were carried out in Swedish and later translated into English. The material used in this report was collected between January and March 2022 in parallel to the writing of this report. Throughout this documentation process, one of the difficulties we have faced is the unfortunate inability to find more subjects to interview for this report, as getting in contact with Iranian nationals exiled in Sweden requires the possession of a network which we lacked.

The notion of "Western freedom" became a synonym for moral corruption and women's sexual liberation. The gender equality policies earlier established in Iran, which imitated Western conceptions of women's status, became the expression of Iran's cultural dependency on the West.

As a direct result, a revolution took place in Iran against the Shah dynasty's authoritative leadership and regime in 1979. It aimed to put an end to oppression and corruption as people hoped for democracy, freedom, and equality between the sexes.

The revolution came to fundamentally change the whole constitutional system, but not in the way people wished for. Only a few months after the revolution, Islamists took power and The Islamic Republic of Iran was thus created.

The freedom that was promised before the revolution never came to fruition and instead, disappointment followed[6]. Only one month after Khomeini took power the first protest against him took place. The regime started to restrict, alongside other groups, women's rights.

Yet at the time, no law existed regarding the hijab, but the dress code for women started to shift. In public authority offices, women were obliged to wear covering clothes called tchador. The tchador, most often in black fabric, is the traditional Iranian veil, it covers women from head to toe and is generally worn by women from religious and traditional families.

Before the 1979 revolution, the black tchador was associated with special occasions such as mourning or was considered as a mark of adhesion to religious orthodoxy.

After the revolution, it came to a widespread use by becoming one of the means through which the Muslim woman showed that she was following the Islamic dresscode.

In November 1981, the Islamic parliament passed a law in favour of compulsory hijab and it was enforced from this date onward, in accordance with Sharia laws[7].

In the historical context of ideological confrontations, as much cultural as political with the West, the hijab became a symbol of political resistance and cultural belonging used to preserve the social status of Iranian women as well as their values and traditional, religious and political identities[8]. Human Rights activists, of both sexes, who are protesting the compulsory hijab are very vulnerable in Iran. Authorities respond to protesters with unnecessary use of force during peaceful assemblies against the compulsory hijab, and many activists are often violently arrested for their peaceful protesting[9]. Reports from various human rights actors show that Iran has a history of criminalizing human rights defenders by prosecuting them under so-called "national security" charges, which is far from being a protector of rights as required under the treaties ratified by Iran.

DOMESTIC LEGAL FRAMEWORK

The Iranian constitution is based on an Islamic fundamentalist interpretation of the Quran, thus, it is no secret that the Iranian government is inherently conservative. The main domestic law in the Iranian judiciary system to which compulsory hijab relates is the clause under Article 638 of the Iranian "Islamic Penal Code".

It reads:

One who practices a Haram action (i.e., 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 which is not entitled to punishment but offends the 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.

Although there is a special law regarding the compulsory hijab, there is no law or regulation that legally defines what explicitly an 'Islamic hijab' is. Different women practice different types of hijab and its style has drastically changed over time, influenced by various factors.

At the beginning of the revolution and particularly when the law of Hijab was enforced, the majority of women wore the full Hijab (tchador), but three decades later the majority of the women in Iran did not wear full Hijab. In public, Iranian women are enforced to cover their head, neck, arms, and legs - all year round without exceptions.

Many of the women in Iran wear traditional forms of the hijab, but many also have chosen to interpret the enforced dress code in other, lighter ways. This choice has often put women at risk and led to them being harmed, verbally attacked, and taken into custody[10].

In 2013 the Iranian regime started to draft a bill called the Bill on the Protection of Women against Violence. The bill can be seen as an attempt and a step forward in addressing women's rights in Iran, but it has encountered various resistance and critique from different non-governmental organizations. Even though there are some positive aspects in the bill, it doesn't include any articles regarding the compulsion of the hijab. Human Rights Watch has criticized the Bill for not reaching satisfactory international standards since it does not e.g., cover and criminalize child marriage and marital rape. Therefore, further action and activism are still needed to improve, secure, and protect women's rights in Iran[11].

INTERNATIONAL LEGAL FRAMEWORK AND OBLIGATIONS RATIFIED UN TREATIES AND RESPONSIBILITIES AS A UN MEMBER

The United Nations (UN), plays an important role in the work of protecting and securing human rights. Within the UN, there are diverse bodies monitoring human rights issues. Hence, it's important to make a separation between treaty-based human rights bodies and charter-based human rights bodies. The former means that states must accept, sign and ratify a specific convention for it to be legally binding. If they ratify a convention and do not follow it, sanctions can be issued. The latter one is essentially moral recommendations that all states should follow, but sanctions cannot be issued if the state does not follow charters, even though they should. The Human Rights Council is a charter-based body in the UN and is responsible for strengthening the promotion and protection of human rights all around the world. Their mandate concerns addressing situations of human rights violations and creating recommendations for the state community to take after and follow[12]. International human rights law rests on obligations that states are compelled to respect.

Iran has been a member of the UN since it came into existence on October 24th, 1945, and is part of the two human rights covenants, the International Covenant on Economic, Social and Cultural Rights (ICESCR) & the International Covenant on Civil and Political Rights (ICCPR). They have not made any reservation to any of the articles in the two Covenants and are therefore obligated to promote and respect the people of Iran's human rights. This implies that Iran is not only morally bound to follow human rights, but also legally bound to do so, which means that the compulsory hijab is a legal violation of human rights. These covenants were ratified by the previous government before the Iranian Revolution, but the present regime has not made any attempts to withdraw from them[13]. Since the Iranian Revolution, the government has ratified the Convention on the Rights of the Child (CRC), with the reservation that the articles only apply when it is compatible with the Islamic Laws[14]. Iranian authorities are using this reservation to justify their domestic laws and as argument to why international treaties are not applicable. According to Iran's Civil and Penal Code, children who reach puberty can legally be tried as an adult. Girls reach it before boys, at the age around 9 years old, which means that a girl who is not wearing hijab can be judged like a woman, without any special protection for being a child. They are not only facing the risk of being relegated out of school, but they can also be arrested, punished, or even killed for not wearing the compulsory hijab[15].

It can be claimed that this domestic law cannot be covered by any reservations of the CRC, since it goes against the core value of the convention; namely “the best interest of the child” and the purpose of ensuring equal enjoyment and protection of rights for all children (Article 51, CRC). Even though Iran is not part of CEDAW it does not mean that they do not have any legal obligations to protect women’s rights. Article 3 of both ICESCR and ICCPR states that “the State Parties of the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all (...) rights set forth in the present Covenant”.

This means that Iran is obligated to act in accordance with the principle of the treaties and by that ensure gender equality. The law on compulsory hijab does not only violate women’s rights on discriminatory terms, but it also leads to great violence towards women. Women who oppose the forced veiling and choose freely on what to wear are actively risking being attacked by both civilians and authorities.

It’s common that unveiled women are attacked with acid, which has not only led to great harm, but has also had fatal outcomes[16]. Iran has, as a duty bearer, responsibilities as a member of the UN and as part of the human rights treaties, meaning that Iran must take accountability for violations and enforce changes to ensure people’s freedoms and rights are guaranteed. As a member, they also have a responsibility to take action to reach the Global Goals and goal 5 is to achieve gender equality and empower all women and girls. Included in Goal 5 is to end all forms of discrimination and eliminate all forms of violence against women in the public and private sphere. This implicates even further Iran’s obligation to fulfill, respect, and protect Iranian women’s human rights.

CUSTOMARY LAW UNDER THE UNITED NATIONS LEGAL SYSTEM

After the second world war and the creation of the UN, the state-society came together and agreed on the Universal Declaration of Human Rights (UDHR), which entered into force in 1948. The UDHR contains the most fundamental human rights and freedoms no matter gender, race, sexual orientation, nationality, religion, language, and so on. It determines all individuals as equal and free and prohibits torture and discrimination. Despite it not being a legally binding agreement, many would argue that it’s customary law due to the fact that almost all states around the world have accepted it and because it is charter-based[17]. The UDHR is also seen as one of the most essential pillars when it comes to the UN, which substantiates the notion of the document being viewed as customary law[18]. Customary law exists for many reasons and one of them is to protect humans[19]. Even though a certain state has not signed or ratified a particular convention, humans must still be safe and protected. Only by being human, we possess certain rights no matter which state an individual is born or is resident in. So it could be argued that Iran has a responsibility to live up to the obligations in the UDHR since it is customary law and a primary source of human rights standards[20]. Yet, many of the articles are violated by Iran and forcing all women to wear hijab is not in accordance with international law nor international customary law.

HIGHLIGHTS FROM STATE PARTY PERIODIC REPORTS AND ALTERNATIVE REPORTS

The Iranian regime has a history of being resistant towards the UN and is often late with submitting their state reports. The state party's report of the 3rd reporting cycle on ICESCR was due on the 31st of May 2018 and Iran has still not submitted it. The latest periodic report on ICCPR was due 2nd of November in 2014 and they submitted it on the 22nd of June in 2021, almost 6 years late. This was their 4th periodic report, and in the report, they do not take accountability for any of the human rights violations that are happening in Iran. The Iranian state party report does not mention anything about fundamental rights for women, nor does it address any situations linked to compulsory hijab or what they can do to better the situation for women in Iran. Their report could be seen as a denial to all the violations of women's rights linked to the compulsory hijab. Human rights issues are blamed on the US and that the "illegal" sanctions toward the Iranian regime is the only thing hindering Iranian people's enjoyment of human rights[21].

Iran proposes flexibility on the human rights principles and claims that the UN needs to rethink the universalist approach and consider religious, cultural, and traditional aspects of the state's realization of human rights. In other words, this is another attempt by the regime to put the blame on other actors instead of taking responsibility to protect everyone's individual human rights. They do not contemplate that the government is violating any of the human rights, stating in their periodic report that every person has the right to freedom of expression and freedom of assembly. Iran claims that human rights activists can work freely, but simultaneously they also claim that the term "human rights defenders" are used by people for political purposes who commit antisocial and terrorist acts against the country. The regime uses this argument to justify the arrests and violations towards activists who are, according to the authorities, a threat to the security of the society. Linked to compulsory hijab, this implies that activists who are part of social movements surrounding peaceful acts of protests against the compulsory hijab like "Girls of Revolution Street" and "White Wednesdays" are not considered by the regime to have the free right to express and assemble their opposition toward compulsory hijab without being seen as a threat toward the state[22]. Iran does not consider the systematization of human rights violations, such as the compulsory hijab as violations, referring to the sharia laws as being the highest law (Ne plus ultra) of their governance. This is also why they propose flexibility on the human rights treaties in all their reports to the UN.

However, the dominance of sharia law over human rights treaties that the government has ratified without reservations is a big issue. Iran's mental reservations on ratified conventions does not justify the absolute law and means of upholding the compulsory hijab or any other sharia law that violates women and the people of Iran's enjoyment of human rights. To make matters worse, Shabnam Moinipour states in her research about the human rights dialogue between the UN and Iran that in recent years Iran has been better at cooperating with UN bodies and have adopted the human rights language. But this is not an attempt to respect, protect and fulfill human rights, instead it is to be better prepared, to adopt and adapt the language to deny the human rights violations and to sidetrack the world's attention from the violations committed by Iran[23].

The alternative reports submitted to the UN Human Rights Committee on the 3rd and 4th periodic report on ICCPR are in contradiction with the Iranian government's reports. A pattern in these reports, constructed by different NGOs, is a great and widespread concern about the different human rights violations happening in Iran. Amnesty International states in their report that the compulsory hijab is a humiliating practice and violates several of the fundamental rights like right to self-determination, freedom of belief, religion and expression and the right to equality and privacy when women cannot freely choose if they want to wear the hijab or not. Women's right to freedom of movement is also violated on arbitrary terms when government bodies deny unveiled women entry into public spaces like universities, airports, hospitals, and government offices[24]. The organization Lawyers for Lawyers highlights Iran's failure to ensure the right to a fair trial and are concerned about Iran's arbitrary arrests of activists and others who are demonstrating against the Iranian constitution. They state that Iran violates lawyers' professional rights under article 14, as well as their rights to security and freedom of expression. The organisation highlights that the criminal prosecution of human rights lawyers like Nasrin Sotoudeh who are defending social activists and other human rights defenders, is not only a violation of the individuals' rights, but also a threat to the fundamental function of the rule of law in Iran[25]. The government of Iran claims that freedom of religion exists within the country, which is also stated in their domestic law, but the compulsory hijab is one example of how Iran fails to protect people's right to freedom of religion. Women who do not want to wear hijab due to religious terms (or due to other beliefs), cannot manifest it in public, causing women's right to freedom of religion to be deprived by Iranian authorities. The organisation UNPO is very concerned about the restrictions on freedom of religion since it puts greater challenges toward women from marginalised ethnical groups[26].

NGOs are not only concerned about Iran's violation of rights within the ICCPR, but also violations of rights in ICESCR. Amnesty International brought up great concerns about the discrimination towards women in the education and working field[27]. The compulsory hijab leads to violations of economic, social, and cultural rights as refusing to wear hijab in Iran deprives women's right to education, health, and work, since they can be refused to enter or get kicked out from these essential public spheres if they are not wearing hijab.

The Human Rights Council has recalled Iran's lack of cooperation and has thus called upon the government to fully cooperate with the UN's Special Rapporteur, to authorize access to visit Iran and to provide all information that is necessary[28].

The General Assembly has additionally expressed great concern about the limitations and violations of the right to freedom of thought, religion, and belief. They strongly wish Iran to eliminate in law and practice all forms of discrimination and human rights violations against women and girls, and that Iran respect the right to freedom and protect women against violence[29]. The latest report from January 2021, submitted to the Human Rights Council by Special Rapporteur on Iran, Javaid Reehman, emphasized great concern about the ongoing arbitrary detentions of women human rights defenders and cases of judicial harassment against lawyers.

Reehman recounts that there has not been any progress in the adoption of the bill on preserving the dignity of women and protecting them against violence. He states that Iran must take accountability for the serious human rights violations since it is a core obligation of States under international law, and that Iran must make changes to ensure women's rights[30]. From our study of Iran's reporting to the UN, of the alternative reports and of documents from UN bodies, we have noticed that almost no one is directly highlighting the compulsory hijab as a violation of human rights. Amnesty International is clear in their statement that compulsory hijab is a violation of human rights, but in most reports, it is only stated that women are suffering from violence and discrimination in Iran, without mentioning underlying structures or going deeper into analysis. The reporting regarding women's rights is distinctly different when it comes to voices from grassroot organizations, who are not reporting to the UN. From the grassroots level we can see a pattern of compulsory hijab violating human rights - that it is a tool of oppression and a structural attempt to control and undermine women. The law of compulsory hijab enriches the patriarchal view of women as a sexual object, and is commonly described as "gender apartheid" or "gender segregation"[31].



ANALYSIS

THE COMPULSORY HIJAB IN IRAN: THROUGH THE IRANIAN WOMEN'S EYES

Although challenging, wearing the mandatory hijab in Iran was a daily occurrence for our interviewees - an act which was constantly tainted with fear. After being baited with false hope and illusions of freedom and democracy after the revolution, Iranian women have been hit by the reality of dictatorship and religious authority. Living through restrictions on their human rights and being forced to wear the hijab has inevitably led to resistance from Iranian women and social mobilization against the autocratic government.

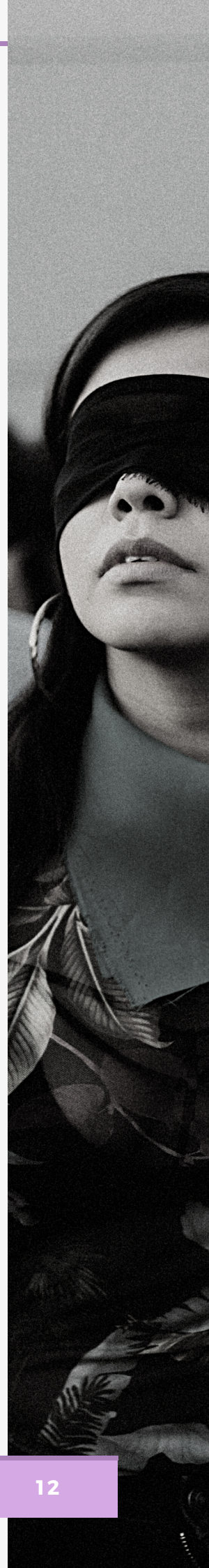
When asked about the compulsion of hijab in Iran, those interviewed have unanimously preached their disagreement and opposition to it, not only as activists but as women. This fundamental violation of women's bodily autonomy and freedom is only a fraction of a deeper social and political flawed system and regime. In order to undermine women as part of society, taking away their bodily autonomy by regulating their bodies and coercing them into following rules is perceived by our sample of interviewees as not only an outrage but a clear constraint by an oppressive rule and male gaze.

In the context of a patriarchal society, the compulsory hijab is one of many representations of the degrading vision of women which is intrinsically linked to their public and private degradation; whether it be in their own household with apparent impunity or in the public sphere through legal and political restrictions upon them.

Interviewees recount a society in which women's roles are archaic and do not permit the advancement of their rights, demoting women to roles of child and house care and a view of men's power over women as a natural phenomenon which cannot be refuted. Iranian women believe that all individuals are equal and should be offered the same opportunity and more specifically, not be forced to wear anything.

Wearing the hijab has for Iranian women meant a lot of things. Since there is no clear definition of the hijab, women have worn it in various different ways, but according to the regime, most of these self-chosen ways of wearing the hijab were and still is seen as wrong and as going against Islam, even though the regime's interpretation is very narrow. When asked about the wearing of the hijab and its mandatory aspect, answers regarding the factors influencing their wearing all converged towards coercion. Indeed, the Khomeini party's rule enforces this compulsion and that is the reason our sample justifies their veiling.

**“COERCION IS
ALWAYS A
VIOLATION OF
HUMAN RIGHTS,
THERE IS NO WAY
AROUND IT”**



ANALYSIS

WHY IS THE COMPULSORY HIJAB A VIOLATION OF HUMAN RIGHTS?

Religion being a personal matter, our respondents campaign for freedom of expression, and the compulsion of hijab goes against that very principle. Karim says anything that is forced on people and implies a restriction of their freedom is clearly a violation of human rights, especially since many Muslim countries traditionally wear the hijab but do not enforce it. It is commonly believed that it is the right of the Muslim woman to wear whatever garments and headgear she wishes to wear.

TORTURE AND IMPRISONMENT: VIOLENCE AS A MEANS OF OPPRESSION

Recollections of violent arrests, torture, as well as imprisonment, are common factors among our respondents. Whether it be acid attacks directed towards women daring to wear a loose hijab or plunging the nail polished hands of women who were caught - in bags full of cockroaches - threats and use of violence as tools of pressure come under different shapes and forms and all violate and participate to create an unsafe and scary environment for women in public spheres. Additionally, the respondents recall that judicial corporal punishments are extensive and systematic during interrogations and also involve imprisonment for actions that are preserved under international human rights law. In many cases, floggings are common occurrences.

In more recent occurrences, our findings consisted of, for example, this case in January 2022. An Iranian radical cleric Ahmad Alamolhoda, the father-in-law of Iran's president Ebrahim Raisi, openly said after a prayer sermon that women should not feel secure in public if they wear a loose-fit hijab.

He further stated that women wearing loose hijabs "should feel the hatred" and emphasized that "expressing hatred and disgust for a woman without hijab is a divine duty"[32]. This statement could be seen as an approval and justification for conservative Islamists to confront women who wear loose hijab in the streets which could cause danger, injury, and put women at even more risk on a daily basis. Additionally, in February 2022, a 17-year-old woman was beheaded by her husband in what is called honor killing, after escaping Iran and her husband's violence. In a video taken after the horrible event, the husband is walking around in the city with her severed head. The girl was forced into marriage at the age of 12 and had a three-year-old son. In 2020, a father who beheaded his 14-year-old daughter got sentenced to prison for eight years. A woman who protested and removed her compulsory hijab was sentenced to prison for 24 years[33].

MORALITY POLICE/GUIDANCE PATROL AND VIOLENCE

Encountering the morality police was a repeating occurrence in our interviewees daily lives while they were living in Iran, and acted as a great source of fear and exhaustion as the officers were violent and intimidating. Interviewees recall that the morality police are a group of mostly young men with guns and weapons who patrol the streets in search of women who they think wear their hijab too loose, while also checking if women who are in public spaces if they are with male relatives, since women can't go out alone or with male company unless it's their husband or male relatives. There was no sense of freedom due to these groups of morality police since they were, amongst other types of harassment, persistently stopping cars and people for checks and for those of our interviewees who verbally opposed the policing of their bodies learned quite quickly the dangers of doing so and recognized it was best to not argue with them for their own safety and survival.

Instances also occurred involving the subjects' exposed ankles as they were yelled at with derogatory terms such as "whore" and threats of killing her, a threat not taken lightly as these morality police rest their system of oppression on the view of women as having no value. Testimonies from the subjects furthermore paints a picture of the public sphere acting as a facilitator for torture like treatment from the morality police towards women. For the subjects, there was always the use of curse words and threats of violence. Furthermore, if women were found wearing lipstick the morality police would wear hidden razor blades around their knuckles and would cut the women through their lips with the razor blades. As previously mentioned, women were also exposed to the risk of having acid thrown on their faces.

As with all controlling powers and authoritarian environments, fear is the most efficient tool used by the morality police, rendering the politically active actors much more vulnerable. That is reflected in respondents as one of the reasons for Merhanoosh's fear of association with activists was that it was deemed too risky. She also mentions the frequent and heavy toll that verbal abuse has on citizens, as she risks going to jail for simply questioning the hijab. In the streets of Iran, hearing and seeing citizens being ordered into cars for trespassing various rules is a common occurrence and female morality police officers can be anywhere under disguise. Fear keeps taking a toll on Iranian citizens who defy the government even after they flee the country, indeed, threats continue towards them even in Sweden.

The government manages to remain in such control thanks to complicit elites and citizens, denunciations and whistleblowing are enough of a threat to enforce this terror regime, so much that the majority of Iranians could not tell which law exactly enforces the compulsory hijab. Contradictions between interpretations of the Quran and the supposed punishments leave our respondents baffled and they argue that stone punishments and floggings are not once mentioned in the Quran and are but a mere excuse for archaic retributions.

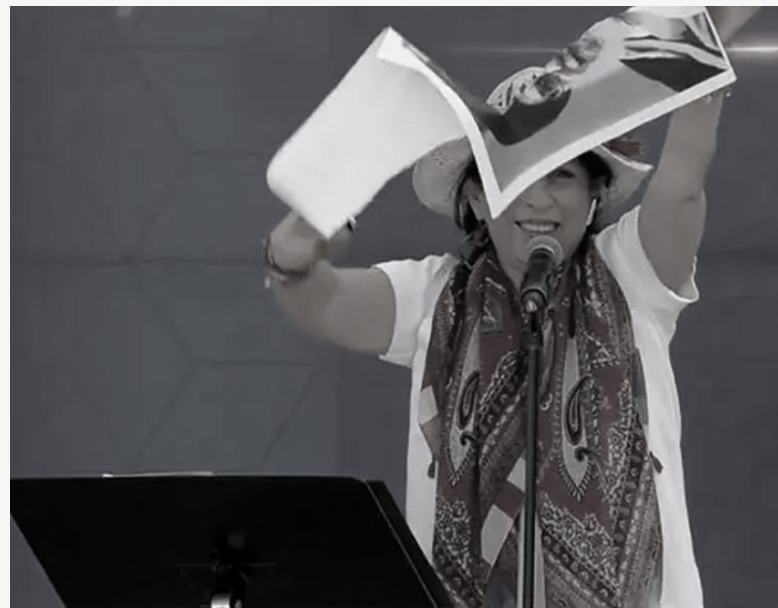
WHEN DEMOCRACY AND COMPULSORY HIJAB CONVERGE: A CLASHING OF MORALS

Disagreements about the compulsion of the hijab are virtually hard to record as statistics on the citizens' broad opinions are unreliable and non-existent. However, in the context of this report, accounts about the subject have been provided and all confirm that only the regime supporters agree with the coercion of the hijab and most of that category benefit from the protection of their privilege in the Iranian society.

Observations can be concluded regarding the link between possessing wealth and being an accomplice with the oppressive regime. Comfort and privilege are often the common points between the support

As pointed out by Amanda, the hijab is not the only problem in Iran and is but a mere extension and illustration of more deeply rooted issues. Killings, tortures, and unfair executions are common under the mullahs' ideology where the parliament plays the role of decor to the outside world.

"They execute, kill, torture - this is the problem, this dictatorship regime", she says. The ideology of the mullahs is called belaliat fadhi - means - one person, right now called Khomeini, the biggest leader of the mullahs, gets to rule over a few billion Muslims in the whole world. Especially in Iran. Whether people like it or not. They say he is called by a special term that means he understands better than others. This is the problem, which is in the laws of the mullahs. He is the one who decides. The parliament is but a mere decor for the outside world.



“THEY EXECUTE, KILL, TORTURE - THIS IS THE PROBLEM, THIS DICTATORSHIP REGIME”

THE FUTURE

The respondents of this report made one thing very clear about the future of the compulsory hijab in Iran: the root cause is the regime and for as long as the regime remains in power, the compulsory hijab will continue to be part of the reality in which Iranian women live. When asked about which actor is the most important in supporting Iranian women in their struggle against the compulsory hijab, the people, the women, and other civilians were emphasized as the root source of change.

Meanwhile, international bodies like the UN or other governments were viewed upon with high or medium skepticism amongst the respondents. While western governments and the UN are not put on a pedestal, they are seen as actors who need to condemn and support the oppositional movement for freedom and democracy in Iran and not do the opposite. The respondents argue that these actors usually have economic interests in Iran and thus they will not and cannot be the source of change, when they have other interests in their priorities. The regime's power can only be truly challenged first and foremost through the Iranian people inside of Iran and Iranian people living in exile, as they can show, expose and bring to attention issues that can be brought to higher political levels. Simultaneously, it was reiterated amongst the respondents that the Iranian people need help and support from people and entities outside of Iran to pluralize the pressure against the autocratic regime.

Furthermore, when envisioning the future of compulsory hijab in Iran, the interviewees point to the larger picture in which the compulsory hijab is one of many tools used to control, shape and intimidate the people and essentially the women in Iran. The regime executes and tortures people drowning in poverty but Gisso repeats that the women in Iran are not giving up, they are still fighting and struggling. Overall, the general call from our respondents is one rallying for the overthrow of the regime, with women at the forefront of a possible Iranian revolution.



CONCLUSION & RECOMMENDATIONS

THE SITUATION FOR WOMEN IN IRAN IS BOTH CURRENT AND URGENT, THEREFORE OUR RECOMMENDATIONS ARE AS FOLLOWS:

WE ARE CALLING ON THE IRANIAN AUTHORITIES TO:

- OBEY INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, ESPECIALLY TO FULFILL THE OBLIGATIONS THEY HAVE ACCEPTED UNDER THE CONVENTIONS THEY ARE A PART OF. ENSURE THAT ALL PEOPLE, NO MATTER GENDER, ETHNICITY, OR RELIGION, HAVE EQUAL ACCESS TO THEIR ENJOYMENT OF HUMAN RIGHTS.
- GUARANTEE PEOPLE'S RIGHT TO EXERCISE FREEDOM OF EXPRESSION AND FREEDOM OF ASSEMBLY AND BY THAT GUARANTEE THAT NO ONE CAN BE DETAINED OR IMPRISONED FOR USING THEIR VOICE IN PEACEFUL PROTESTS.
- RATIFY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) AND REVISE ALL LEGISLATION THAT DISCRIMINATE AGAINST WOMEN, ESPECIALLY PRACTICES THAT STRENGTHEN THE IDEA OF MEN AS SUPERIOR TO WOMEN.
- ABOLISH ALL DOMESTIC LAWS THAT ENFORCE DRESS CODES LIKE COMPULSORY HIJAB, SINCE IT HAS DISCRIMINATORY EFFECTS ON WOMEN, AND TAKE EFFICIENT ACTIONS TO ENSURE WOMEN'S PROTECTION OF VIOLENCE CAUSED BY COMPULSORY HIJAB.
- IMMEDIATELY LIFT JUDICIAL CHARGES ON ACTIVISTS WHO HAVE BEEN ADVOCATING FOR THE RIGHT TO FREEDOM OF CLOTHING AND SHOULD UNCONDITIONALLY RELEASE THOSE WHO HAVE BEEN IMPRISONED DUE TO THEIR ADVOCACY ACTIVITIES.



WE ARE CALLING ON THE UN TO:

- ADVOCATE FOR POSITIVE CHANGE WITH THE IRANIAN REGIME, TO MAKE THEM LIVE UP TO INTERNATIONAL STANDARDS OF WOMEN'S RIGHTS.
- CONDEMN THE COMPULSORY HIJAB LAW AND ENGAGE IN DIALOGUE WITH IRAN AS A DUTY BEARER FOR ALMOST 84 MILLION PEOPLE, TO MAKE THEM RESPECT, PROTECT AND FULFILL INTERNATIONAL LAW AND ALL HUMAN'S EQUAL WORTH.
- ESTABLISH SANCTIONS TO THE IRANIAN GOVERNMENT FOR VIOLATING BASIC HUMAN RIGHTS, E.G., TARGETING SANCTIONS SUCH AS TRAVEL BANS AND ASSET FREEZES AGAINST INDIVIDUALS IN HIGH POSITIONS.
- CONDEMN THE ELECTION OF IRAN INTO THE UN'S COMMISSION ON THE STATUS OF WOMEN. WE ARE CONCERNED ABOUT IRAN'S CAPABILITY TO CONTRIBUTE POSITIVELY TO THE WORK TO PROTECT WOMEN'S RIGHTS, DUE TO THE SYSTEMATIC VIOLATION OF WOMEN'S RIGHTS IN IRAN, BOTH IN LAW AND PRACTICE.
- EMPOWER THE SOCIAL MOVEMENTS AGAINST THE COMPULSORY HIJAB AND RAISE ATTENTION TO THEIR VOICES.
- ENCOURAGE BOTH THE UN BODIES AND HUMAN RIGHTS ORGANIZATIONS ON ALL LEVELS (INTERNATIONAL, NATIONAL, REGIONAL, AND LOCAL) TO OBSERVE AND HIGHLIGHT COMPULSORY HIJAB AS A VIOLATION OF HUMAN RIGHTS, AS WELL AS ALL VIOLATIONS LINKED TO THE DOMESTIC LAW ON COMPULSORY HIJAB.
- REGULARLY RAISE THE SITUATION FOR WOMEN IN IRAN AND WORK TO IMPROVE AND PROTECT WOMEN.

WE ARE CALLING ON GOVERNMENTS AROUND THE WORLD TO:



- ENCOURAGE GOVERNMENTS TO SEND A CLEAR MESSAGE ON THEIR OPPOSITION AND DISSATISFACTION WITH IRAN'S SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS. THIS IS SIGNIFICANT BECAUSE SILENCE AS A RESPONSE TO IRAN, RISKS LEGITIMIZING THE REGIME'S TREATMENT OF WOMEN.
- SAFEGUARD IRANIAN PEOPLE'S ENJOYMENT OF HUMAN RIGHTS OVER THE GOVERNMENT'S OWN ECONOMIC RELATIONSHIP (AND OTHER STATE INTERESTS) WITH IRANIAN AUTHORITIES.
- PRIORITIZE HUMAN RIGHTS INSTEAD OF BUSINESS AND MONEY.
- COUNTRIES THAT HAVE AN ECONOMIC OR/AND POLITICAL RELATIONSHIP WITH IRAN SHOULD IMMEDIATELY NAME AND SHAME IRAN FOR ITS HUMAN RIGHTS VIOLATIONS.
- CONDEMN THE COMPULSORY HIJAB LAW.
- WE SPECIFICALLY EMPHASIZE THE SWEDISH DIRECTORATE, THE SELF-PROCLAIMED 'WORLD'S FIRST FEMINIST GOVERNMENT', TO FOLLOW THESE RECOMMENDATIONS AS IT HAS PREVIOUSLY FAILED TO DO SO.

WE ARE CALLING ON HUMAN RIGHTS ORGANIZATIONS (WHETHER INTERNATIONAL, INTERGOVERNMENTAL, TRANSNATIONAL, OR NATIONAL ONES) TO:

- PLACE MORE FOCUS ON THE VIOLATIONS MADE BY IRAN IN THE FIELD OF COMPULSORY HIJAB.
- PUT PRESSURE ON THE IRANIAN REGIME WITH REGARDS TO SUPPRESSED WOMEN AND ACTIVISTS WHO HAVE BEEN SUBJECTS OF VIOLATIONS COMMITTED BY IRAN.
- CONDEMN THE COMPULSORY HIJAB LAW.
- PUBLICLY DENOUNCE ATTACKS ON WOMEN WHO DO NOT OBEY THE HIJAB LAW AND CALL FOR IMPARTIAL INVESTIGATIONS AND PROSECUTIONS OF PERPETRATORS.
- CONTINUE TO PUBLICIZE, RAISE AWARENESS AND EDUCATE PEOPLE AROUND THE WORLD ABOUT THESE HUMAN RIGHTS ABUSES.



APPENDIX: INTERVIEW QUESTIONS.

1. DID YOU WEAR THE HIJAB IN IRAN?
2. WOULD YOU WEAR THE HIJAB IF IT WAS NOT COMPULSORY?
3. DO YOU BELIEVE THAT THE HIJAB SHOULD BE COMPULSORY?
4. DO YOU THINK THE MAJORITY OF THE PEOPLE YOU KNOW AGREE WITH CH?
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?
6. WHAT LEGAL SOURCES DO YOU THINK CH IS BASED UPON?
7. IN WHAT WAY DO YOU THINK COMPULSORY HIJAB IS A VIOLATION OF HUMAN RIGHTS/WOMEN'S RIGHTS?
8. HOW MUCH HAVE YOU BEEN INVOLVED IN THE MOVEMENT AGAINST THE COMPULSORY HIJAB? OR IN ANY TYPE OF ACTION OF OPPOSING CH?
9. WHAT IS THE MAIN TYPE OF RESISTANCE ACCORDING TO YOUR OPINION WITHIN THIS MOVEMENT?
10. IF YOU HAVE EVER ENCOUNTERED THE MORALITY POLICE, HOW WAS YOUR EXPERIENCE?
11. WHAT SUPPRESSION/VIOLATION HAVE YOU PERSONALLY EXPERIENCED DUE TO YOUR ACTIVITIES AGAINST CH? IF ANY.
12. WHO DO YOU THINK COULD PLAY THE MOST IMPORTANT ROLE IN HELPING IRANIAN WOMEN IN DIMINISHING CH AND WHY?
13. HOW DO YOU SEE THE FUTURE OF COMPULSORY HIJAB IN IRAN?