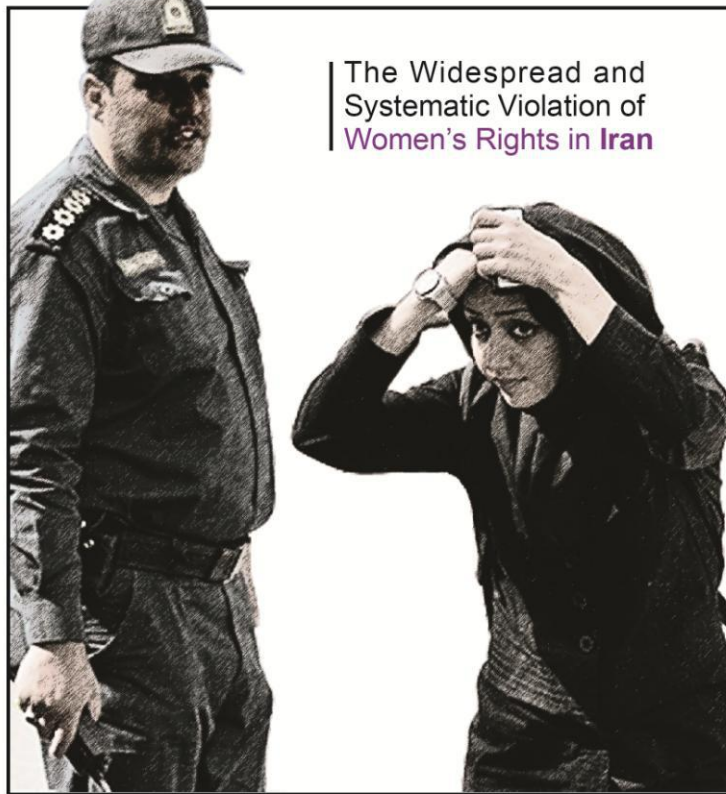




Thirty-five Years of Forced Hijab



Justice For **Iran**
عدالت برای ایران

Thirty-five Years of Forced Hijab:

The Widespread and Systematic Violation of Women's Rights in Iran

Justice For Iran

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email: info@justiceforiran.org

website: www.Justiceforiran.org

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Introduction

On the eve of International Women's Day, just 24 days after the 1979 revolution was declared victorious and a constitution was yet to be adopted, the revolutionary leader, Ayatollah Khomeini banned the entry of women without hijab¹ into government offices. Although thousands of women in Tehran showed their opposition through three days of demonstrations, by 1982 Islamic hijab was in full enforcement.

Iran is the first country where all women are forced by law to observe hijab laws. Without espousing a clear definition of hijab, Islamic Republic laws consider women who lack "Islamic veil" in "public" as committing a crime punishable by imprisonment and fines.² Based on Sharia laws, Islamic hijab implies covering hair and the entire body except for wrists and hands. However, a failure to observe hijab as determined by security or other official forces involve many other instances. For instance, certain choices of clothing colour, the tightness of outfits and even boots have been deemed as violations. However, these are not the only criteria, and the standards have varied from time to time. In fact, most forms of fashion that are in season are considered violations of Islamic hijab and are banned.

While Sharia laws exempt girls below the age of 9 as well as aged women from observing hijab, Islamic Republic laws force all girls above the age of 7—the age young girls begin their formal education, to observe full hijab. Schoolgirls from the age of 7 must cover their hair with Islamic scarves that also cover their head and chest, wear long Islamic uniforms that cover the entire body to below the

¹ Literally means 'cover' in Arabic; a scarf or veil designed to cover the head and neck of a woman; religious covering; modest attire and a headscarf.

² Article 638 of the Islamic Penal Code approved in 1996 states: "Women, who appear in public places and roads without wearing an Islamic *hijab*, shall be sentenced to ten days to two months' imprisonment or a fine of fifty thousand to five hundred Rials."

knees, and wear long and loose trousers. Hijab laws must be observed at all times, even in classrooms where both students and teachers are of the same gender. The same strict hijab rules apply to aged women regardless of exemptions under Sharia law.

Such strict rules and constant supervision of its implementation is not exclusive to Muslim women. In fact Islamic Republic laws apply to all women who reside in or even travel to Iran regardless of their personal beliefs and religious adherence. The same body of laws enforce Islamic hijab on Christian, Jewish, Zoroastrian, and Baha'i as well as atheist women, none of whose belief systems require hijab.

Although since 1984 all women have been forced to observe hijab in public spaces, based on official statistics, every year thousands of women in Iran are reprimanded, arrested or prosecuted simply because they may have failed to observe hijab properly as defined by the authorities.

Findings of this report point to the fact that the harassment and abuse of women who may not observe hijab is not limited to warnings by street patrol officers. In reality, many are forced to face arrest and prosecution for violating hijab laws and consequently face limitations and deprivations in relation to their careers, education, public services and participation in cultural or recreational spaces. When examined in their totality, violations of the civil rights of women at the hands of state authorities and justified in the name of a lack of or improper hijab, subjects those women who oppose hijab to the most severe and extensive forms of harassment.

However, the Islamic Republic's enforcement of hijab laws over women in Iran during the past 35 years, in comparison to other laws and code that subjects women to gender-based discrimination in their family, at office, university and public, or additional criminal penalties, receives less attention among human rights activists and researchers.

This report, marking the 35th anniversary of Ayatollah's Khomeini's order enforcing Islamic hijab, is the first examination of the oppression of women in Iran justified in the name of non-compliance with mandatory hijab laws, within a human rights framework. It shows the manner in which over the past three and half decades the fundamental rights of thousands of women who have refused to observe laws forcing them to cover their heads and bodies have been violated in a widespread and systematic manner.

Sources used in this report include statistics and official reports published by the Islamic Republic of Iran. It also draws on reports in independent media, blogs and social networking fora, publications and interviews with 18 women who have been persecuted because of hijab. Accessing official Islamic Republic publications from outside Iran proved to be a challenge. Every effort was made to conduct extensive and comprehensive research, however, some issues such as compulsory hijab in prisons and violations of rights of female prisoners, especially political prisoners, or more detailed analyses and collections of stories covering other forms of violence and human rights violations resulting from the enforcement of hijab laws, especially in the 1980's, will be covered in upcoming research and publications.

The body of evidence collected in this report illustrates the widespread and systematic human rights violations of women through compulsory hijab laws since the inception of the Islamic Republic of Iran. Although no official records have been collected, the findings of this report demonstrate that over the past ten years alone, more than thirty thousand women have been arrested in different cities of Iran. Official statistics also reveal that 460,432 women have been warned by public patrol officers, resulting in at least 7,000 women being forced to sign a statement promising to observe hijab, while at least 4,358 cases have been referred to judicial authorities.³ These statistics alone indicate the widespread nature of oppression of women because of forced hijab laws. However, the report also shows how women's rights in other areas, including employment, education, access to health care, cultural, recreational

³ Please see the second chapter for further explanation.

opportunities, have been severely violated due to compulsory hijab laws, or how in many cases, torture or other forms of harassment has accompanied forced hijab.

In light of the wide range of mistreatment of women involving improper hijab during various periods after the Islamic Revolution, this report points out that that at no time has the government's policy of violence as a means of forcing women to observe laws has come to a halt. In fact, despite the current wave of optimism regarding Mr. Rowhani's presidency and Iran's human rights record both in and outside of Iran, this policy continues.

The first part of this report covers a historical and legal review of the process of enforcing Islamic hijab after the Islamic Revolution in Iran met with victory. In addition to investigating the official and unofficial suppression that has resulted from the imposition of Islamic hijab over women in Iran, the report also looks at the body of laws and the role of various arms of the administration charged with implementing Islamic hijab.

Last but not least, the report reviews the role of extremist groups in their harassment of women without hijab during the last few months of the revolution and the first few years of the Islamic Republic, stages and steps taken by the state between March 1979 and June 1983 to enforce hijab, and the consolidation of Islamic hijab and the opposition of women who have refused to comply with these forced measures over the past three and half decades.

Next, the report investigates the human rights violations against women due to Islamic hijab laws. Based on the report's findings, the enforcement of such laws are grounds for gender-based discrimination, as well as clear violation of fundamental rights such as the right to freedom of opinion and religion. In addition, they expose women to violent encounters justified in the name of enforcing hijab laws.

Evidence presented in this report shows that a high number of women are not only exposed to insults, harassment and physical abuse at the hands of the authorities, but that they also face detention and various forms of torture, including lashing. The report describes the process of arrest and prosecution of women based on the charge of improper Islamic hijab as well as the resulting unjust sentences. It also presents an overview of the psychological abuse, where in some cases women have faced death or suicide.

In addition, the report investigates official statistics, reports by human rights organizations and victim statements describing various forms of harassment, such as expulsion of women from governmental offices, refusal to grant promotion on the grounds of lacking proper Islamic hijab, banning access to education, summoning female students to disciplinary bodies and expulsion from dormitories.

The next part of the report looks into the violation of women's civil rights resulting from a refusal to observe strict hijab laws. Over the past 35 years, many women have been deprived of driving, travelling by air, access to public medical services as well as cultural and recreational facilities. At times it is because of these deprivations that they have had to flee Iran. Another important issue covered in this report refers to instances involving arrest and other violations of the articles of the Convention on the Rights of the Child through imposition of hijab rules on young girls.

In addition, the conclusion of each section embodies a comparative look at the Islamic Republic's effort to enforce hijab laws and its international commitments. As a signatory to the International Bill of Rights and the Convention on the Rights of the Child, Iran is duty bound to implement the articles. However, many of its domestic codes and procedures on hijab violate its international commitments and the Islamic Republic policies enforcing hijab on women in Iran violates these four internationally recognized documents.

Chapter 1: A review of the history of hijab enforcement in Iran

The first steps in enforcing hijab on women who did not cover their hair involved harassment at the hands of religious revolutionaries. A review of news reports published during the months leading up to the revolution in February 1979 revealed "harassment" and even exclusion of women lacking hijab from ranks of the anti-government protests.

The first official response to the issue of hijab was on March 7, 1979. Less than a month after the revolution, while public harassment of women lacking hijab at the hands of religious revolutionaries continued, Ayatollah Rouhollah Khomeini, Iran's supreme leader, referred to unveiled women as "naked" and demanded that they observe Islamic hijab at offices and places of work. It was during his speech at the Refah School that Khomeini stated: "At Islamic ministries women should not appear naked. Women can be present so long as they are with hijab. They face no barrier to work as long as they observe Islamic hijab."⁴

The next day, which coincided with International Women's Day, thousands of women marched in the streets of Tehran to protest against organised attacks against women who opposed hijab. Their slogans during the demonstrations against "those who have attacked women without the veil"⁵ are indicative of the continued violent attacks against women without hijab. According to reports on events of the day by Kayhan newspaper, "a group of men at Valiahd Square attacked a number of women without hijab and when they threw stones at men several women were injured."⁶

In 1979, while there were no compulsory hijab laws in place, informal pressures, informal decisions and decentralized decisions by the government, forced some

⁴ Kayhan Newspaper dated 7 March 1979, Nr. 10655, p. 1.

⁵ Kayhan Newspaper dated 8 March 1979, Nr. 10656, p. 2.

⁶ Ibid.

working women, including TV announcers, to resort to Islamic hijab while others were banned from attending public spaces and workplaces.

However, the first government directives concerning Islamic hijab and forcing women to observe it, was issued in July 1979 at the same time as Ayatollah Khomeini's warning about the future Islamification of offices. Following this warning and the ten-day deadline he set to fully enforce "Islamification of offices," starting on the 14th day of July of that same year, government offices, schools and public spaces such as markets issued separate calls requiring Islamic hijab, and in many cases even specified the details of the type of hijab and covering required.



Announcement regarding colour and shape of school Islamic uniform for female peoples, Kayhan Newspaper, 24 July 1980

Following the implementation of these policies, many women working outside of home faced expulsion or early retirement on the basis of failing to observe hijab laws. They also faced numerous instances of violence and deprivation in other public spaces.

Hijab laws in Iran

According to Article 102 of the Penal Code approved by Iranian Parliament on 9 August 1983 "Women who appear in public without religious hijab will be sentenced to whipping up to 74 lashes." The same Article requires Islamic Revolutionary komitehs to arrest and transfer those women who do not conform

to Islamic hijab as outlined in this Article. It was then that specialized “anti-vice” Jundullah patrols were tasked with patrolling the cities, in order to confront women who did not observe hijab laws as indicated by the state. After komitehs were disbanded in 1992 this mandate was handed over to the police force.

Since 1985, following the severe repression of women’s opposition to Islamic hijab laws, the expression of ‘improper hijab’ entered official state vocabulary. As reflected in Jomhuri Eslami Newspaper, the public prosecutor of Tehran ordered disciplinary forces to arrest all “improper hijab” citizens.⁷ From that year on, women whose hair was not fully covered by their headscarves, whose Islamic uniform and trousers were tight or short, wore makeup, etc., were considered from an official standpoint as failing to observe hijab laws.

The law on “Procedures on infractions and penalties for retailers who stock clothes that violate Sharia and morality in public” came into effect in 1986. Although it did not include the expression “improper hijab,” it did subject women who donned “improper” clothing and makeup to punishment. According to Article 4 of this law, “those whose clothing and makeup in public is against Sharia, promotes corruption or violates public morality, will be arrested and prosecuted on a first come first serve basis at a competent court in order to receive one of the penalties indicated in Article 2.” This particular Article enumerates the different stages of reprimanding violators as follows: 1. Warning and guidance, 2. Rebuke and condemnation, 3. Threat and blame 4. Ten to twenty lashes or a fine of 20 to 200 thousand Rials, 5. Twenty to forty lashes or payment of a set fine.⁸

After the approval of the constitution in 1996 and abolition of Article 102 of the Penal Laws, Article 638 of the Islamic Penal Code addressed the issue of

⁷ Jomhuri Eslami Newspaper dated May 26, 1985.

⁸ Article 638 of the Islamic Republic Penal Code states: “Anyone in public places and roads who openly commits a *harām* (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months’ imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public prudency, they shall only be sentenced to ten days to two months’ imprisonment or up to 74 lashes. Note- Women, who appear in public places and roads without wearing an Islamic *hijab*, shall be sentenced to ten days to two months’ imprisonment or a fine of fifty thousand to five hundred Rials.”

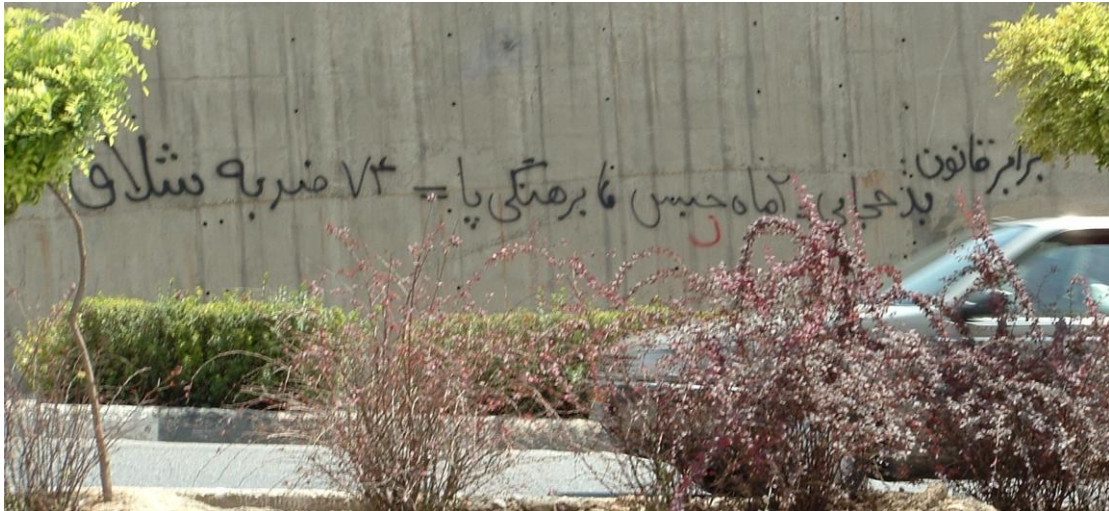
women's coverage. Based on the note in this Article, "Those women without Islamic hijab in public will be sentenced to imprisonment between 10 days and two months or payment of 50,000 to 500,000 Rials."

Article 638 of the Islamic Penal Code accommodates judges to sentence whoever violates Sharia laws to 74 lashes. Therefore, this punishment applies to many cases involving women's coverage or accessories that are beyond the definition of Islamic hijab.

On February 5, 1997 the High Cultural Revolutionary Council approved a new set of regulations entitled "Principles, definition and implementation of a chaste culture." However it was never enforced. Soon after, Cultural Council, an organisation associated with the Ministry of Islamic Guidance approved the "Implementation procedures for promotion of a culture of chastity" on February 4, 2005. It mandated the disciplinary forces with the task of "Declaring the limits and legal definition of modesty and standards of improper hijab in society with the aim of recognising its manifestations" as well as "taking legal steps to confront individuals with improper hijab."

Based on this document,⁹ disciplinary forces were charged with the task of announcing the limits of modesty and standards of improper hijab in society with the aims of recognising its manifestation and hold unions, guilds and associations responsible to combat improper hijab practices and individuals. Among the other responsibilities allocated to disciplinary forces was "warning individuals with improper hijab and confronting them in public in accordance with the laws," "proposing bills to policymakers regarding proper coverage while driving a vehicle" and "supervision as well as legal and fundamental supervision of recreational and public spaces such as parks, cinemas, sports facilities, mountains, beaches, islands, free trade zones, airports and terminals.". Furthermore, the regulations hold the forces responsible for "full supervision over legal limits of chastity in residential complexes, high rises and gated developments."

⁹ The entire text of the new law was published in Siyasat Newspaper on May 19, 2010



Slogan on a wall in Qeytarieh, in north Tehran, 1988: “According to law: improper hijab= 2 months in prison, bare feet= 74 lashes”

Since 2007, disciplinary forces established “guidance patrols” to monitor the streets and public spaces, functioning as one of the organs charged with the enforcement of this Act, in this manner determining the criteria of the concept of “improper hijab.” These criteria change on a regular basis and in many cases vary in accordance with the personal preferences of the patrol officers. In this vein, officers frequent busy streets and crowded areas in order to identify those women who in their opinion do not observe hijab laws in a proper manner, reprimand them and in some cases detain them in their SUVs and after a few hours, have them pledge to observe full Islamic hijab laws at all times. In other cases, family members of detained women are instructed to provide Islamic uniforms that are longer or clothing that is deemed more Islamic before they are released. Some women are transferred to police stations and held for a number of hours while those among them who have a previous record of improper hijab or refusal to cooperate with the police are transferred to the judiciary.

Despite these tough measures, Iranian women’s opposition to hijab has never dissipated. Their rebellion against observing hijab laws their its entirety continues on. Arrest and other forms of state violence have failed to force the masses to accept the policies and practice of hijab as intended by the Islamic Republic of Iran.



A scene from the movie *offside* produced by Jafar Panahi about girls who by wearing boy's clothing plan to enter Azadi stadium

A few young women continue to seek ways and means of appearing in public without hijab. Some show their opposition by wearing men's clothing in public. Others resist the laws by simply not wearing hijab when outside. Some who are homosexual or transgender refuse to wear a headscarf or Islamic head cover but instead put on men's clothing, hat or even shave their heads. There are also women who disregard gender-discriminatory codes and with the purpose of entering male-only spaces, such as sports facilities, wear men's clothing. Research carried out for this report shows that many of these citizens face severe forms of violence at the hands of security and disciplinary forces, or even fall victim to physical violence.¹⁰

¹⁰ Reference to *Off side* film or White Scarves Campaign

Chapter 2. Violation of women's rights due to non-compliance with hijab laws

During the first six years after the establishment of the Islamic Republic (1979-1985) Iranian media widely reported news of arrests and expulsions of women due to their lack of hijab. This served as a symbol of the new government's stance against all things deemed "un-Islamic." Women's objection and resistance against oppressive and violent measures aimed at silencing the masses, was one of the causes for such extensive coverage.

Starting in the mid-1980's and throughout the end of the Iran-Iraq war and the presidency of Ali Akbar Rafsanjani in 1989, confronting improper hijab practices continued on. Based on interviews conducted with women, patrols named *Tharallah* or *Jundullah* carried out these confrontational activities but received far less coverage in the media. Based on evidence offered by women whom at the time lived in Iran, forced hijab laws and careful monitoring over their implementation may have somewhat subsided but never stopped. At the same time, official organs and authorities were less inclined to announce statistics involving arrests and confrontation with women over the issue of hijab. In reality, this period was accompanied by relative freedom and less imposition on women on the streets. Instead, enforcing hijab measures was allocated to intelligence units in governmental offices and universities.

Starting in 2005 and during Ahmadinejad's first term in office, more strict measures regarding women and hijab were adopted and once again, the media included relevant reports. Statistics in this report based on information published by the judiciary and disciplinary authorities conveys a glimpse of the manner in which women who failed to observe hijab laws in their entirety were confronted.

Despite much optimism for an end to such oppressive measures against women at the beginning of Rowhani's presidency in July 2013, official reports as well as evidence collected for the purpose of this report highlights the fact that during the two-month long period before and after the presidential elections, violations of women's rights regarding hijab went on uninterrupted.

I. Violation of the principle of non-discrimination, the rights to freedom of expression and belief and access to security

According to this report's findings, state policies regarding the treatment of women, as well as their punishment and arrest when disregarding Islamic hijab laws has continued unabated throughout the entire duration of the Islamic Republic and throughout all parts of the country.

Despite vast socio-political changes, the considerable impact of the opposition, this trend has never come to a halt. Although statistics in this report fail to convey an adequate picture of the details pertaining to the manner of arresting women who disregard Islamic hijab laws, it does point to the judicial and security forces' systematic and ongoing mistreatment of women and their violation of women's most basic civil rights.

Arrest of women charged with failure to observe Islamic hijab laws during the first two decades of the Islamic Republic

The first instances of violent state action regarding women's coverage in public in 1979 began with the formation of the "Combating Evil Unit."¹¹ This Unit's first steps involved issuing warnings during the month of Ramadan banning women from "wearing racy and provocative" clothing. Violators were threatened with the charge of "disturbing public morals and Islamic ethics" and prosecution.¹²

¹¹ *Hijab va Roshanfekran*, by Noushin Ahmadi Khorassani, published by Moalef, Tehran, first edition 2011, p. 212.

¹² Kayhan Newspaper, July 15, 1980, Nr. 11043, p. 3.

The degree of intensity of encounters at the hands of the officers was as such that even a number of officials expressed their objections. Subsequently, during the autumn of 1980, the Unit was replaced by the “Promotion of Virtue and Prevention of Vice Organisation.” However, this body was no different than its predecessor. During a press conference, one of its officers highlighted the intensity of punishment for those detained by referring to a reported case where the “implementation of Sharia for pregnant women was such that one suffered a miscarriage.” While failing to deny the charge of lashing, he continued: “In one case a pregnant woman was sentenced to 70 lashes but we released her on bail and decided she must return in two months to face lashing.”¹³

Anti-vice patrols such as Tharallah began their operation after the autumn of 1983 and were in charge of enforcing hijab laws until the dissolution of the komiteh.¹⁴ The mistreatment of women was so severe that a number of authorities admitted to wrongdoing.¹⁵ Although there are no exact statistics on the number of women arrested during these two decades, especially since 1984 and the institutionalisation of hijab laws, reports published at the time and memoirs by survivors point to the important role of Tharallah patrols and komiteh forces in acts of violence carried out against women. Unofficial reports and rumours indicated that even wearing nylons and stockings were deemed unacceptable, resulting in a form of psychological and physical punishment where women’s bare feet were inserted into bags filled with cockroaches. Even if not true, the psychological impact of this punishment resulted in such an atmosphere of fear that taunted women and ended any thought of violating hijab policies even to the slightest degree.

Maryam Ebdali,¹⁶ born in 1950 and arrested by the Komiteh in 1981 states: “In June of 1960, I went to buy milk from a shop on Naderi Avenue in Tehran. As soon as I reached the shop, I noticed the komiteh car. One of those riding in it

¹³ Ettela’at Newspaper, January 21, 1980.

¹⁴ Ettela’at Newspaper, December 19, 1983.

¹⁵ Article by Akbar Ganji called “Rooye Dokhtarha Acid Mipashid,” published in Mashreq News on April 20, 2011.

¹⁶ Maryam Ebdali’s testimony, on file with Justice for Iran, February 2013.

said: get in the minibus, you have improper hijab. I had an Islamic uniform and trousers on and my scarf had slipped back by just a bit, showing some of my hair, but I had no makeup on and did not set my hair in an attractive way. I was dressed simply, no sight of my neck or any other part of my body. My outfit was neither short nor tight. I said I have come to buy milk for my 8 month-old baby, why should I get on your minibus? But it was of no use, and I finally had to get on. They put a blindfold on me and had no idea where they took me. They made us walk through long hallways and enter into a room. There they removed my blindfold and kept us there without allowing us to contact anyone. Finally a mullah came over and said what did you do? I said I had gone to buy milk and they brought me here. He said: your hair could be seen, do you know on the Day of Judgment they will hang you by your hair? I had nothing to say to such creatures. I simply said I am sorry. I will do better next time. He said: you must sign a pledge. I did, and they let me go. When I got home, everyone was at the door worried about me.”

However, after the end of the Iran-Iraq war, or during the Rafsanjani and Khatami presidencies, harsh measures in enforcing of hijab policies remained confined to government offices and universities.

A cursory examination of statistics on arrests

With the election of Ahmadinejad as president and the High Revolutionary Cultural Council’s approval of “Strategies for the Promotion of a Culture of Modesty” in 2005, a more forceful and institutionalised effort to oppress women on the grounds of hijab went underway. It should be noted that after President Rowhani took office, despite earlier signs of hope, there have been no tangible improvements in the patrols’ treatment of women or number of cases involving arrests based on hijab laws.

The following statistics offer a glimpse into the pattern of mistreatment affecting women who failed to observe hijab laws: Over the past ten years (2003-2013), more than 30,000 women have faced arrest throughout Iran. In 2007, a deputy chief of Tehran police stated that in the capital alone an average of 150 women

are arrested on a daily basis. Official reports also point to at least 460,432 warnings issued against women and subsequently 7,000 women having been forced to pledge to observe Islamic hijab laws. A further 4,358 cases were referred to the judiciary.

The following are statistics published by the officials:

2003: 50 arrests and 43 sentences within 3 days. On September 20, 2003, Mojtaba Alizadeh¹⁷, a magistrate at Branch 64 of the area 4 of the judiciary in Mashhad, announced that within a three-day campaign aimed at “combating public cases of corruption” around 50 women were arrested, among whom seven were forced to pledge prior to release and 43 others were sentenced.

2004: 61 arrests within a month. During the month of August, the Zanzan Chief of Police, Tavakkoli,¹⁸ stated that 61 women were arrested due to charges involving improper hijab and 769 others received a warning.



Police officers patrolling cities warn and arrest women who have not fully observed hijab laws

2005: Arrest of at least 2,500 during two weeks. On June 27, 2005, Tehran Chief of Police, Reza Zarei¹⁹ reported that between April 22, and June 25, 2005 a large

¹⁷ ISNA, 20 September 2003

¹⁸ ISNA, 14 September 2004

number of women were arrested. While failing to provide the exact number, he stated that 2,500 among them were released after signing a pledge and the rest were transferred over to the judicial authorities.

2006: Arrest of an average of 150 women per day. In June 2006, Greater Tehran Deputy Chief of Police, Sajedinia²⁰ announced that on average, 150 women are arrested each day and 1,500 received warnings. Reza Zarei,²¹ Greater Tehran Chief of Police, also announced that over a period of five months between April and September 2006, at least 2,598 women faced arrest. According to Zarei, 176 cases faced disciplinary action and 2,422 were referred to the judiciary. He went on to add 6,947 were summoned to training classes on hijab and that during the same period, 122,000 were warned and reprimanded, of whom a mere 1,711 were men. Other statistics pointed to the fact that since the inception of the “Plan to increase Social Security,” 14,635 women have been arrested in Isfahan, Kurdistan, Ardebil, Mazandaran, Gilan, Northern Khorassan, Tehran, Semnan, Khouzestan, and Fars as well as at airports and train stations, while 67,000 have been warned regarding their clothing.²²

2008: Arrest of more than 3,000 women in five provinces. In Tehran alone and within a single month, 1,098 women have faced arrest on charges of improper hijab. According to General Alireza Akbarshahi,²³ then Police Chief of Tehran, 945 among those arrested were released after a written declaration and 114 were referred to the judiciary for prosecution.

During the April and May 2007, at least 1,800 women were arrested in Isfahan, 341 of whom were referred to the judiciary and the rest after transfer to the police station were handed over to the staff at the local branch of the Promotion

¹⁹ ISNA, 27 June 2007

²⁰ ISNA, 12 June 2007

²¹ ISNA, 9 October 2007

²² Why guidance patrols? An analysis of gender-based symbols and organs during the ninth presidency, by Shadi Sadr, quoting from human rights committee of Iranian Students Association with regards to the implementation of the social security plan, 11 August 2008, published on Tahkim Vahdat site, Meydan site, 26 April 2009

²³ Radio Farda, 12 December 2013

of Virtue and Prevention of Vice Organisation. Amir Abbas Soufivand,²⁴ Chief of Intelligence Services in Isfahan stated they were charged with “harming chastity and spreading vulgarity in society.” During the first week of June, police arrested and reprimanded close to 4,100 women throughout the province. Following the announcement of this news, the Chief of Police in Isfahan²⁵ stated during the earlier two-month period, more than 188,000 citizens received verbal warnings. Failing to distinguish between the number of women and men, he went on to say that a number of them included men who were charged with “disturbing the public order” with loud music and were arrested and reprimanded. Among other efforts was the arrest of 49 women and the warning of 14,560 others in Eastern Azerbaijan,²⁶ the arrest of 63 women and the warning of 1,800 in Golestan Province²⁷ and referral of the 16 among those arrested there to the judiciary. In Qazvin, according to announcements made by the public information unit of the law enforcement units,²⁸ in a single month, at least 2,000 women were warned and 95 were arrested due to improper hijab.



Guidance patrol vehicles guarding various spots in the city arrest women who do not have proper hijab

²⁴ Fars News Agency, June 3, 2008.

²⁵ Radio Farda, December 12, 2013.

²⁶ Based on a report by Mohammad Ali Nosrati in Radio Farda quoting from ISNA, December 12, 2013.

²⁷ Based on a report by Maryam Bai, chief of women’s police in Golestan, Radio Farda, December 12, 2013.

²⁸ Radio Farda, December 12 2013.

Nisa, a young lesbian who was arrested due to improper hijab during the fall of 2010 in Isfahan states that after her street arrest, she was taken to a detention centre where a man conducted her interrogation. In addition to verbal and psychological abuse proceeded to sexually harass her: "Because it was a women's prison, they removed my clothes at the time of entry. They removed everything except my shirt and trousers. That is what I had on during interrogation. They arrested me and after much verbal abuse the man sexually assaulted me. I did not say anything, but they kept me telling you are loose, this is what you usually do. This is your job, why don't you talk? Get up and talk. They kept pushing me around. Then pulled my hair and said you are a prostitute, that is why you have long hair. I grabbed his arm to stop touching me. As I had put my hair up then he grabbed my shirt that it tore and then he stuck his body against mine. It was more than feeling me up, he was touching me and threatening that if you do not speak I will have my way with you so bad that even the birds would cry for you. No one will ever see you again, not even your skin and bones. He would not let me turn around. He slapped me whenever I tried. I just know him by his voice and his hands." Nisa, whose parents were not living in Iran at the time was temporarily released on bail offered by a family friend and was prosecuted some time after. But before the verdict was issue she fled Iran along with her partner.

2011: 150 arrests within 48 hours. In June 2011, at least 150 women were arrested in Mashhad within 48 hours, while according to Bahman Amiri Moghaddam,²⁹ Chief of Police in Khorassan Province, many others received warnings.

2012: Arrest in recreational areas: According to a July 18, 2012 report by ISNA, intelligence forces and security and morality police carried out a joint effort in the Farahzad region of Tehran, shutting down cafes and arresting women with improper hijab. On May 29, 2012, 80 booths at the first traditional Iranian food festival at the Tehran International Exhibition were shut down due to improper

²⁹ ISNA, June 29, 2011.

hijab on the part of the staff manning the booths. Furthermore, some of the staff were arrested.

2013: More than 5000 arrests and 50,000 warnings in just three provinces. Reports published during the spring months show that in three provinces alone, more than 5,000 women faced arrest and more than 50,000 faced warnings because of their clothing. Based on these reports, during the first four months of the Iranian calendar, in Fars province 5,100 women were arrested because of improper hijab. In June 2013, Sirous Sajjadiyan,³⁰ Chief of Police in Fars province, stated that during the four-month period, 50,900 citizens were warned verbally and those arrested were the ones who “did not heed the warnings.” According to Sajjadiyan, 3,600 citizens were forced to submit written pledges and 1,422 were referred to the Dispute Resolution Council.

In Hormozgan and Semnan, police warned close to 5,000 women because of their clothing. In April 2013, Semnan Public Prosecutor, Haydar Asiaie,³¹ reported that following 34 “verbal warning against improper hijab” campaigns, 2,280 improper hijab women were warned. In November, Bahram Azizi,³² Chief of Intelligence and Security Forces in Hormozgan Province, said during the first seven months of the Iranian calendar, his staff warned 2,176 women.

Violations of the Islamic Republic’s commitments to non-discrimination, the rights to freedom of expression and belief and access to security

Enforcing hijab laws on women is an obvious case of gender-based discrimination and the principle of discrimination as a fundamental human right. However, Article 3 of the ICCPR emphasises state responsibility “to ensure the equal right of men and women to the enjoyment of all civil and political rights” as set forth in the Covenant. In addition, Article 26 states: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination

³⁰ Fars News Agency, June 30, 2013.

³¹ IRNA, May 15, 2013.

³² Fars News Agency, October 27, 2013.

and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Arresting women because of their choice of clothing or disregard for Islamic hijab laws, and imposing such measures on this sector of the population clearly violates this Article. Such infringements not only violate citizens’ protection against gender-based discrimination but also challenge the right to expression and belief. According to Article 19 of the ICCPR, “Everyone shall have the right to hold opinions without interference.”

Persecuting a lack of hijab of followers of religions other than Islam is a clear example of violation of the right to belief and religion. This action on the part of the Islamic Republic is in contradiction to Article 18 of the Universal Declaration of Human Rights: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” The Islamic Republic also violates Article 19 of the same document, clearly enunciating the fact that: “...this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

II. Violation of the Prohibition of Torture and Harassment

Although arrests, judicial measures and other penalties set for improper or lack of hijab bear grave consequences for women, including criminal record, the response towards women has never been limited to detention and judicial processes. In reality, the majority of cases involve physical violence on the part of the police, including assault at the time of arrest. Such instances are often censored out of media coverage and official reports. Over the past two decades, citizens have often used their handheld devices to record scenes involving physical assault on women by patrol officers and violence during arrests because of improper hijab. These images are available on digital stations or satellite TV

programs available outside of Iran and have included images of a woman at the time of arrest on Vanak St. in Tehran, the violent arrest of a young girl handcuffed, officials detaining and beating a woman.

What is often included on websites, weblogs and unofficial sites confirm reports of violent attacks on women. Journalist Farzaneh Ebrahimzadeh's observations in her weblog, include one such account about the mistreatment of women at the hands of police that is not reflected in the media. Her entry on August 23, 2008 refers to the physical assault of a young woman, not even 20 years old, by guidance patrol officers. She describes the manner in which they pulled her on the ground, beat her, and pulled her hair to force her into their vehicle.³³

While statistics published by the judiciary and police authorities confirm reports of referring cases of improper hijab to judicial forces, the details of these cases are hardly ever reflected in the media. However, the fact remains that sentences range from fines to lashes to imprisonment for the most basic disregard for hijab laws. The sentences far outweigh the crimes, violate the principle of due process of law and the most fundamental rights of citizens.

The most common form of penalty for improper hijab is a fine. There are no official statistics on the number of women who have been fined because of improper or lack of hijab, but based on statements by Mahmoud Zoghi, the public prosecutor of Mashhad, on May 24, 2010, women have been fined up to one million Tumans. According to Zoghi, now fines for improper hijab have been raised from 50,000 Tumans and two months of imprisonment to one million and three hundred thousand Tumans.³⁴

The sentence of Nasrin Sotoudeh, an award-winning human rights lawyer, to a fine for improper hijab is one such example. At the time that she was awarded a human rights prize in Italy, the Islamic Republic had placed a travel ban on Ms Sotoudeh. Unable to attend the award ceremony, she sent her acceptance speech

³³ Farzaneh Ebrahimzadeh, Coupe weblog, Nr. 7, 22 April 2008

³⁴ BBC Persian News, quoting Fars News Agency, 24 May 2010

on a video taped in March 2011. The tape shows Ms. Sotoudeh without hijab. Islamic Republic courts sentenced Ms. Sotoudeh to a fine of 50,000 Tumans for her failure to observe hijab.³⁵

The main cause of these fines is not confined to a lack of hijab. Many cases involve women who partially observe hijab laws. This may mean their hair is not fully covered by the headscarf, they may wear makeup or their Islamic uniform or trousers are short or tight.

Tannaz, a young woman who was arrested in 2003 because of improper hijab, recounts in her interview with Etemad Melli,³⁶ that after one night in prison, she was fined 100,000 Tumans. She adds: "During the week in between my arrest and court date, I was not well at all. I suddenly came to know the circumstances surrounding my life. I felt terrible thinking about my predicaments. I came to know as a citizen, I am but nothing in my motherland. I was prepared to withstand whipping but never return to the detention centre."

According to the Islamic Republic Penalty Code, long-term detention (ten days to two months) is another form of penalty for improper hijab. However, many women whose hijab is not in accordance with official guidelines or the personal preferences of police authorities, also face imprisonment. In fact, cases involving objections to the mistreatment of police authorities have a higher chance of facing imprisonment.

Women's rights activists who over the past few years have faced arrest and imprisonment at the public ward, report about the presence of a number of inmates who were charged with improper hijab and held at the public wards of Evin. Zeinab Peighambarzadeh,³⁷ who was arrested in April 2007 recounts her experience of witnessing the physical assault of two young girls who suffered beatings solely because of improper hijab and states that she saw them while in

³⁵ Nasrin Sotoudeh was sentenced for improper hijab, published in BBC Persian News, April 20, 2010.

³⁶ Shiva Zarabadi, Nr. 3897, p. 15, April 20, 2009

³⁷ Zeinab Peighambarzadeh's testimony, on file with Justice for Iran, February 2014

Evin and noticed the bruises covering their faces. They shared with Zeinab that because they opposed the patrol officers and resisted arrest, they were in turn taken into a basement at a police station and beaten up.

During her testimony, Maryam Hosseinkhah, who was held in the public ward of Evin in 2007, refers to Fatemeh, an 18 year-old girl sentenced to two months of jail. Maryam explains she recognized Fatemeh, her neighbour, up at Evin. Fatemeh had explained she was waiting for a taxi in front of a salon where she had her hair done in preparation for a party. Hoping to not destroy her hair, she had placed her scarf somewhat loosely on her head. It was then that patrol officers arrested her. Despite her pleas explaining she was about to leave in her taxi, the officers ignored her and instead sent her to jail. While in court, the authorities told Fatemeh, that her objections to the officers and “disturbing peace on the street” influenced the severity of the sentence she was handed.³⁸

Lashing as a penalty for women found with improper or lack of hijab is another form of punishment hardly ever discussed in Iranian media. One of the most recent cases is that of an Iranian movie star Marziah Vafamehr,³⁹ who was arrested in 2011 for her role in a film called “Tehran for Sale,” where in a single scene she appeared without hijab but with a shaven head lacking any hair. She was sentenced to a year in prison and 90 lashes. However, the Court of Appeals reduced her sentence to three months and one day in jail plus a fine of one million and two hundred thousand Tumans.⁴⁰

In a June 2011 entry, the author of a weblog called “Drinks and Dreams”⁴¹ recounts the experience of her twenty-year old sister who was charged with improper hijab and faced lashing. According to the account, her sister was

³⁸ Maryam Hosseinkhah’s testimony, on file with Justice for Iran, February 2014.

³⁹ Marziah Vafamehr was arrested in June 2011 and kept at Qarchak prison in Varamin. The movie “Tehran for Sale” was produced by Garanaz Moussavi, an Iranian citizen residing in Australia, as part of her graduate studies work. It is about a young Iranian woman living in Iran who meets a young Iranian man who lives in Australia at a party and decides to leave Iran with him. The movie was produced with the permission of the Ministry of Guidance.

⁴⁰ Appeal by the Australian government to the lashing sentence issued for Marziah Vafamehr, Deutsche Welle, December 10, 2011

⁴¹ Drinks and Dreams weblog, July 14, 2012

admitted to a hospital but later fell a victim to clinical depression, lost the ability to eat or the desire to leave her home and ended up leaving Iran for Malaysia.

This is a single example from among many women who have been forced to flee their land because of harassment and torture over the issue of hijab. Likewise, during the early days of the Islamic Republic, many women who refused to submit passport photos with hijab were prevented from returning to Iran. Because of their opposition to hijab laws, some lost their travel documents forever, a direct result of the violent treatment of women during the early days of the Islamic Republic.

Although during recent years lashing has not been among the most common penalties imposed on women charged with improper hijab, nevertheless, during the first decade of the Islamic Republic, many faced lashing, often in public. Forty-seven year-old Sara,⁴² a painter and an employee with more than twenty years of experience is among the women who in 1989 was lashed 15 times in public. According to Etemad Melli she worked at a laboratory where a man in civilian clothing demanded she exchange her headscarf for an Islamic head covering known as *maqnaeh*. Following her refusal, she was summoned to court. The official placed her in a home used as a prison near the famous Rumi Bridge in Tehran. She spent two nights along with thirty other women, most of whom were arrested while at work, before she and the others were interrogated. Each was sentenced to 30-40 lashes. The same day a young woman administered 15 lashes to Sara “over her clothing and gently.” According to Sara among those who were lashed that day were girls as young as 14 or 15 who were frightened and crying for help.

Violation of the Prohibition of Torture and Harassment

The constitution of the Islamic Republic places a ban on torture. However, the violent mistreatment of women on the grounds of improper hijab contradicts the constitution as well as Article 10 of the ICCPR, which states, “All persons

⁴² Etemad Melli Newspaper, Shiva Zarabadi, Nr. 3897, p. 15, 20 April 2009

deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” It goes on to specify that “accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons” and also “accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.”

However, women arrested and temporarily detained for violation of hijab laws are not accorded these aforementioned rights. They are often held along with others, some of whom include those charged with drug trafficking or other crimes and are subjected to abusive treatment. In some cases citizens awaiting trial are held in the same facilities reserved for those who are serving their sentences.

Although women who do not observe hijab laws partially or entirely may face lashings, Article 5 of the Universal Declaration of Human Rights states: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” and Article 7 of the ICCPR states: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

In addition, while Article 10 of the UDHR clearly enunciates, “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him,” the procedures employed in cases involving hijab-related charges show that arrests, trials and verdicts are issued often at the same location and within a few days, which leads to the strong possibility that trials are not just or fair.

III. Violation of the Right to Psychological Security

Although enforced hijab is now part and parcel of daily life in Iran and some women are used to it, literature written by women points to psychological

trauma among many women resulting from violent encounters by police officials.

A report published by Meidan recounts the case of Azin, a 33 year-old journalist, who was arrested on a number of occasions by patrol officers. She no longer feels safe while outside and fears arrest.⁴³ Twenty-six year-old Fariba, who faced violence at the time of arrest solely because of her short Islamic uniform, describes the violent approach of the patrol officer as “daunting and excruciating,” and states: “I never felt safe on the streets. I am frightened of police and police cars.”⁴⁴

Such violations often result in women suffering from syndromes and phobias that prevent them from access or comfort while outside and adversely affects their daily lives, even leading to their death or suicide.

On February 22, 1993, Homa Darabi, a child psychologist and member of the People’s Party of Iran, set herself on fire in Tajrish Square. Opposing forced hijab laws was one possible cause for this act. It is reported she first set her chador on fire and then herself.⁴⁵ According to Saeed Bashirtash, she addressed passers-by and witnesses about forced hijab laws on Iranian women without her headscarf. During the first few years after the revolution, she taught child psychology at Tehran University but she was expelled because of hijab and her clinic was shut down because of lack of adherence to hijab laws.⁴⁶

Islamic Republic's violation of its international commitments to right to psychological security

Depriving women of their freedom and security on the grounds of their choice of clothing violate Article 3 of the Universal Declaration of Human Rights

⁴³ I was arrested five times for indecent exposure, Sara Laqaie, Meydan-e Zanan, February 3, 2007.

⁴⁴ I am afraid of police and police cars, Sara Laqaie, Meydan-e Zanan, February 13, 2007.

⁴⁵ Homa Darabi set herself on fire in objection to forced hijab, Dr. Parviz Davarpanah, Gooya News.

⁴⁶ Saeed Bashirtash, Nasrin Sotoudeh, Homa Darabi and forced hijab, Rooz On-line, 13 December 2012.

enunciating that "everyone has the right to life, liberty and security of person." In many cases, violent encounters as a means of enforcing hijab, has endangered their psychological wellbeing to the extent of causing death or suicide. This in turn violates Article 22 of the UDHR whereby: "everyone, as a member of society, has the right to social security."

IV. Violation of the Right to Work

Private and government offices and workspaces are often sites where women are forced to observe Islamic hijab. Over the past three decades, women who have refused to observe hijab in accordance with the laws or personal interpretation of government officials are either denied the right to work or simply dismissed.

The formal enforcement of hijab at government offices began in June 1980, soon after Ayatollah Khomeini's speech on the subject emphasizing the need to eradicate "monarchist signs from the ministries." Women and female employees took to the streets but the wave of expulsions was not stopped. In Masjed Soleyman, a rather small town near Tehran, within just five days between July 10 and 15, 1980, three women were fired from the central bank,⁴⁷ 139 women fired from the military,⁴⁸ and 43 nurses were fired,⁴⁹ all of who simply refused to accept hijab. Starting in 1981, female employees were subjected to greater and more organised pressure.

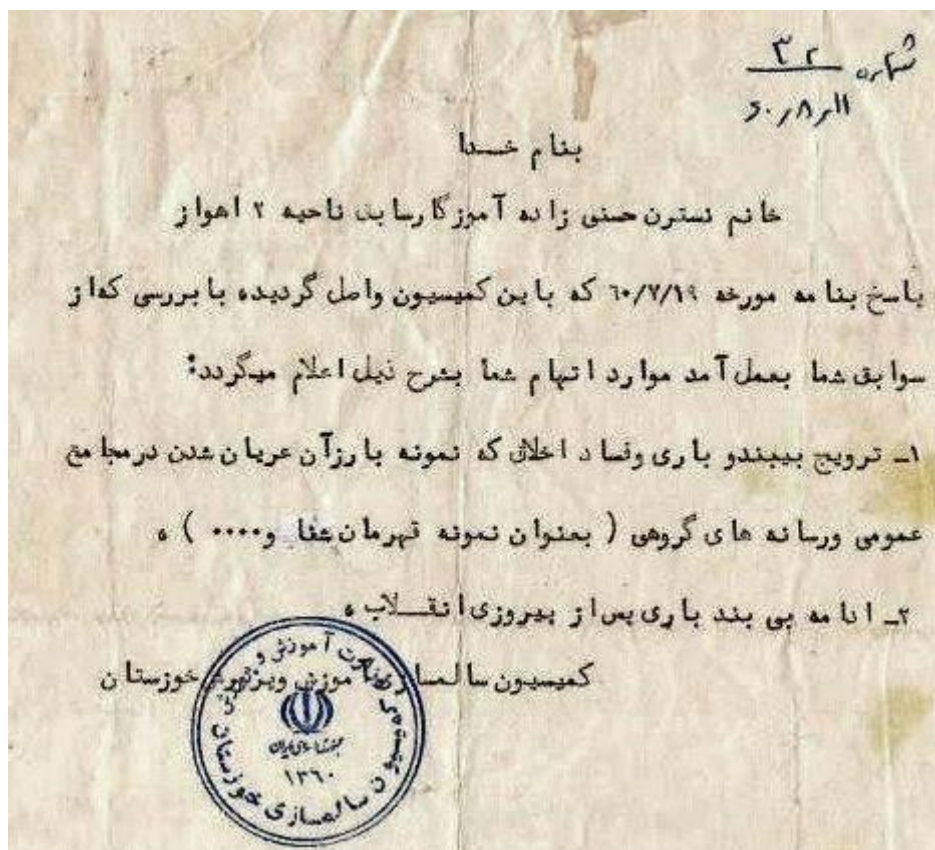
In addition, some women were coerced to observe hijab as a requirement for their husbands to remain at their posts. In September 1981, Parliament approved the "Workforce Restructuring in Government Ministries and Public Institutions Act." Based on Articles 18, 19 and 20 of this Act, expulsion of women based on "failure to observe hijab" was now legal. Those who violated hijab laws faced a range of negative consequences including warning, deportation and expulsion.

⁴⁷ Kayhan Newspaper, July 15, 1980, Nr. 11043, p. 10.

⁴⁸ Kayhan Newspaper, July 11, 1980, Nr. 11040, p. 3.

⁴⁹ Kayhan Newspaper, July 16, 1980, Nr. 11041, p. 15.

While the media paid less attention to their plight, women continued to face expulsion. Among them was Nastaran Hasanizadeh, a teacher in district 2 of Ahvaz. Based on a decision by the “Khouzestan Education Restructuring Commission” she was fired on November 2, 1981 on the grounds of “Promoting corruption and immorality including nudity in public and media, as a swimming champion, and continued adherence to corruption after the revolution.”



Letter expelling Nastaran Hasanizadeh from the Ministry of Education due to improper hijab

Despite such harsh measures, professional women continued to resist Islamic hijab. Following much futile resistance during the early years of the Republic, government offices continue to require all women, regardless of personal preference, position or beliefs, to wear dark and long Islamic uniforms. Intelligence units continue to monitor and penalize violations including hair showing from under the scarf or facial make up. For instance, a March 2008 report indicates the Admissions Department of Tehran University expelled 35 nurses at Imam Khomeini hospital because of their “failure to observe hijab.” On

previous occasions, nurses at Arash, Amir Alam, Baharlou, Roozbeh, Farabi, Ziaiean and Valiasr hospitals were threatened with expulsion.⁵⁰

The issue of women's hijab in the work place is not limited to government offices. On April 20, 2008 Ahmadreza Radan, the Police Chief of Greater Tehran at the time, referred to the implementation of a new plan to combat improper hijab at private companies and stated: "With regard to the social security plans for the current year, the central police force plans to take a firm stance and confront cases of improper hijab at private companies and venues."⁵¹

Islamic hijab, a means of securing employment and promotions

In addition to threats, arrests and expulsions from schools and offices, and criminal records, positive reinforcements, especially for those women who wear chador, are a means of forcing hijab on women. In fact, certain schools, universities, government offices or employment in specific fields or management positions require the chador. In June 2012, Hossein Hojabri, a Deputy Minister of Education, announced that the chador is a criterion in recruiting principals at schools for girls throughout Iran. In fact, many schools throughout Iran have always applied the same criterion.

In addition, many women seeking to enter university or secure employment at government agencies find that wearing chador instead of Islamic uniform is a necessity. Mojgan R., a 45-year-old woman, states that in 2001 she was refused employment at the Mashhad Ministry of Education because she chose to wear Islamic uniform and not a chador.⁵² The second time she applied for employment through the Ministry, she wore a chador and followed friends' and family members' advice to mention during her interview that she always wears the chador. She was employed. When she began working at the school she was assigned to, she dressed in her usual Islamic uniform and trousers, although not all schools are as accommodating.

⁵⁰ A number of nurses are about to lose their jobs at Tehran hospitals because of hijab, Meydan-e Zanan, 21 February, 2008

⁵¹ NAJA: Confronting improper hijab at private companies, HRANA quoting ISNA, 20 April 2008

⁵² Mojgan R's testimony, on file with Justice for Iran, November 2013.

Sima Ghiasi had a similar experience at the Qazvin branch of Islamic Republic TV. In her interview with JFI, she described her experience in 2006 when she was refused employment solely on basis of her refusal to wear the chador. Ghiasi, who had worked with the station on a freelance basis since 1997, asserts that throughout her tenure as a freelancer, not a single female colleague who dressed in Islamic uniform instead of chador was granted employment at the station.



Types of Islamic uniforms and chador for female employees

Further investigation reveals that even the choice of uniform colour barred employment opportunities.⁵³ Maryam Jabini, a filmmaker now living in Paris, writes about her experience on a Facebook page: “I was an animation student at the Production School of Television and Radio. The atmosphere at the TV School was far more closed and challenging around the issue of hijab than any other university. In the years following the war, it was so harsh that we wore Islamic uniforms so loose and long that it nearly reached our ankles. I remember for some time I was wearing a dark green uniform, which later caused a great deal of problem at the time I was applying for a position resulting in my rejection. In fact, when I inquired I was told I dressed in racy and cheap colours. Altogether I

⁵³ Sima Ghiathvand’s testimony, on file with Justice for Iran, November 2013.

worked for 15 years without employment and was rejected 4 times when applying for a position.”⁵⁴

Violations of Islamic Republic’s commitments to the right to work

Based on Article 6 of the ICESR, “The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.” Conditioning this right on the Islamic Republic’s forced hijab policies violates Iran’s duty to observe and implement this right.

Likewise, Article 7 of the ICESR states: “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work,” and clarifies “equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.” Article 25.C of the ICESR further proclaims: “every citizen shall have the right and the opportunity... to have access, on general terms of equality, to public service in his country.”

V. Violations of Islamic Republic’s commitments to the right to education

Deprivation of the right to education, expulsion from university, exclusion from campus dormitories, summons to disciplinary committees and contacting students’ families are among various methods of forcing women to observe Islamic hijab codes.

Although available statistics fail to convey the full range of mistreatment female university students are subjected to, they do point to the atmosphere of oppression and the price women have to pay when refusing to observe hijab laws.

⁵⁴ Facebook page for equality, woman=man.

A November 2012 report published by Tahkim Vahdat's women's committee⁵⁵ on "violence against female students" points to an increase in harsh measures to enforce Islamic dress codes including dark colours, loose clothing, and limits on makeup among university students. It also emphasises that many cases are not reflected in the media, as female students are less likely to speak publicly in the face of oppressive family dynamics.

Deprivation of education

On July 11, 2012, Abdolreza Seif, a cultural deputy at Tehran University, announced a number of female students were expelled because of improper hijab. He stated that they and their families were warned five times prior to expulsion. He went on to say that university officials were dealing with 350 other students who appear as fashion models around the campus.⁵⁶

In September 2011 the Technical University in Tehran prevented 15 female students from registration in the fall term because they failed to attend mandatory sessions on hijab and modesty. The head of academic affairs and Dean of the faculty of civil engineering at the Technical University announced that these students would also not be permitted to register for the next term. During March of that same year, more than 20 students at this university faced suspension for an entire term due to their disregard for the Islamic dress code.⁵⁷

In May 2010, Qader Pariz, an officer in charge of student and cultural affairs at Allameh Tabatabaie University, spoke about the deferral of a number of students with improper hijab for one or two terms: "Many students who disregard hijab laws have received warnings, however, because the relevant statistics are confidential, it is not possible to announce the exact number of cases." He

⁵⁵ Report by Tahkim Vahdat's women's committee⁵⁵ on "violence against female students" dated November 26, 2012.

⁵⁶ Expulsion of a number of students from Tehran University due to improper hijab, Digarban, July 10, 2012.

⁵⁷ Report by Tahkim Vahdat's women's committee⁵⁷ on "violence against female students" dated November 26, 2012.

continued to say a large number of students were affected by these policies over the year and every week more are summoned by the disciplinary committee.⁵⁸ In November 2009, two female students at Sharif Technical University were forced to face a year long suspension. An announcement regarding these suspensions communicated that the reason for the decision was a “refusal to observe Islamic dress code.”⁵⁹



Sign instructing female students at Kermanshah Open University to dress in one of these three options

In March 2008, the Advar News site published a report about three female students accused of “refusal to observe Islamic dress code,” who received a written warning in their dossiers from the disciplinary committee at Sistan and Baluchistan University and who were suspended for one and half years excluding redundancies.⁶⁰ On June 3, 2008, Etemad Melli Newspaper reported about “eight females students at the Technical University in Shiraz who were banned from education for an entire term because of improper hijab.”⁶¹

⁵⁸ Mehr News Agency, May 30, 2010.

⁵⁹ A place to not write weblog, October 24, 2009.

⁶⁰ Annual report on state of students in Iran, June 2008 to May 2009.

⁶¹ New statistics on expansion of confrontation with improper hijab among women and men, Radio Farda, quoting Etemad Melli, July 8, 2008

The monthly report published by the Centre for Defenders of Human Rights in December 2007 refers to the case of Tina Hosseini, a student at Ferdosi University in Mashhad, who faced a term-long suspension as a result of a decision by the disciplinary committee of the University because of her “failure to observe Islamic hijab laws, applying makeup and conducting political activities.”⁶²

Educational bans at universities are not limited to those accused of improper hijab. In cases where the university requires students to wear the chador, admission authorities have refused to allow students to register unless they wear the chador. Shahla, a young woman was accepted at Jahrom University in 2010 testifies that at the time of registration, university authorities demanded she wear the chador as a requirement for attendance. She refused to do so on the grounds that the entrance examination did not include such information. When university authorities insisted on this matter, she appealed her case with the authorities and Open University officials in Tehran, who clarified that there is no such requirement. However, Jahrom University officials continued to refuse her admission.⁶³ As a means of securing her admission, Shahla then wrapped a chador around her, but the intelligence unit at the university forced her to leave without returning her tuition for the term. Once again, Shahla sat for the entrance examination in 2011 but the results were not given to her and instead the authorities claimed she was absent during examination.

Summons to the disciplinary committee

The most common form of harassing female students is summoning them to the disciplinary committee at every university, a step that not only implies a violent and abusive approach towards the student, but one that also serves as a warning for even more serious consequences.

⁶² There is no ban on entry for those with improper hijab, this is just a sign, Ahr Vesal, November 2, 2013.

⁶³ Testimony by Shahla (pseudonym), on file with Justice for Iran, November 2013.

The following include various examples involving summons of female students: In April 2010, 20 students at the Allameh Tabatabaie University were issued summons over the issue of hijab. During this same academic year Bijan Vosouqi, head of student affairs at Sharif Technical University,⁶⁴ announced that on average, at least one woman is summoned every fifteen days.

In May 2012, more than 40 students at Shahid Beheshti University, most of whom were women, were summoned because of “offensive makeup or un-Islamic clothing.” In some cases, the committee also contacted their family members. During the same month, 71 students at Shahr Ray were summoned because of their failure to observe of Islamic codes, while a month later, some professors at the Department of Electrical and Mechanical Engineering at Khajeh Nasir University in Tehran refused to issue the final marks of certain students because of “improper clothing and hijab.”⁶⁵ This was not limited to Khajeh Nasir University. Many students at a number of universities were given reduced or refused marks or allowed to take part in examinations. Such measures force female students to give in to universities’ stance in this regard.⁶⁶

Expulsion from dormitories

Expulsion from campus dormitories is yet another form of penalizing female students who fail to fully comply with hijab laws. While expulsions are often carried out with various excuses, at times it is directly attributed to hijab issues.

For example, in March 2012, a female student was expelled from campus residences because of using a head scarf instead of a *maghnaeh*. A month later, at least 15 students at Shar Kord University were verbally told they were expelled from campus residences.⁶⁷

⁶⁴ The manner of confronting improper hijab at large universities, Mehr News Agency, June 17, 2010.

⁶⁵ Report by Tahkim Vahdat’s women’s committee⁶⁵ on “violence against female students” dated November 26, 2012.

⁶⁶ Violence against female students, Farshad Mohammadi, Radio Zamaneh, November 30, 2012.

⁶⁷ Report by Tahkim Vahdat’s women’s committee⁶⁷ on “violence against female students” dated November 26, 2012.

Physical assault of female students

Parallel to the limitations imposed upon students and the oppression of students by officials, often unofficial forces in the guise of student organisations harass female students. For instance, in April 2010 concomitant with the announcement of “combating improper hijab” at universities by intelligence forces at the Ministry of Science, Research and Technology, a number of Baseeji students at Tehran university harassed a number of female students, justifying their attacks in the name of improper hijab. Furthermore, a report by Tahkim Vahdat refers to physical assaults by intelligence and disciplinary forces on a number of students at Rasht Open University during September 2010.⁶⁸

According to Mostafa Khosravi, the officer in charge of intelligence at Tehran University, denial of entry onto the university campus is another means of harassing female students. In June 2010, he reported about this ban and the requirement to wear a maghnaeh at some of the colleges, clarifying that after three warnings, students are no longer allowed entry.⁶⁹

The Islamic Republic’s violations of its international commitments to the right to education

Based on Articles 26 and 21.b of the UDHR the aforementioned instances are violations of the rights of female students. Based on Article 26: “Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.” In addition, the denial of women’s right to education based on their clothing violates their right to access public services: “Everyone has the right of equal access to public service in his country.”

⁶⁸ Ibid.

⁶⁹ Aftab News, May 2010.

VI. Violation of the right to take part in cultural activities

Deprivation of access to public services including cultural venues and events such as concert halls, arts festivals, recreational spaces, restaurants, cafes, and tourist spots are monitored by guidance patrols.

Women at cultural and recreational venues

Mistreatment of women whose hijab is deemed as inappropriate at cultural and recreational venues may be viewed as an extension of the same phenomena in other public spaces, such as streets or shopping centres and bazaars,⁷⁰ some of which, according to announcements by official and unofficial organs, were closed to women without hijab as early as 1981. However, it may also be viewed as an additional insult given the costs and expectations involved in attending a cultural event.

Selected reports regarding police forces and their approach towards women at cultural events over the past two years, as reflected in national media

August 29, 2013: A large number of police officers monitor Salar Aqili concert hall at Milad tower in Tehran and prevent those with improper hijab from entrance into the hall while arresting some from among them.

July 2013: Ahmad Garavand, deputy chief of NAJA reported of beach security cases involving improper hijab at seas and vessels and said: “a number of jet skis have been provided in order to monitor the vessels.”

April 2013: Ali Asghar Khorramrouie, Chief of police and intelligence forces in Hamadan referred to a 60% increase in cases involving improper hijab following the implementation of the social security expansion plan, saying it will continue throughout the year and his “includes inspection of some restaurants and coffee shops that are used as hangouts for citizens with improper hijab.”

⁷⁰ For instance bazaris in Tabriz and Shiraz issued an announcement banning entry of women with no hijab into the bazar. See Kayhan Newspaper dated July 8, 1980 Nr. 11037, p. 2 and July 10, 1980 Nr. 11039, p. 4.

July 18, 2012: ISNA report refers to joint actions by the intelligence, security and moral police in shutting down cafes and arresting citizens with “improper hijab” in the Farahzad neighborhood of Tehran.

June 14, 2012: Guidance patrol officers disrupt pop singer Maziar Fallahi’s concert at Milad Tower, because of “improper hijab among the audience” and arrest a number of citizens because of “improper clothing” before transferring them to the local police authorities.

May 29, 2012: Eighty booths at the first traditional Iranian food festival at the Tehran International Exhibition are shut down and a number of booth staff are arrested, all because of “improper hijab among exhibitors.”

Despite these instances of oppression and revolving door policies on arrest, women throughout Iran continue to push boundaries of hijab boundaries as defined by the government.

Furthermore, in 2013, Iranian police authorities referred to efforts involving photographing and filming women in public spaces. In July 2013, Massoud Zahedian, chief of the moral police, said that every month, police forces record “the state of hijab among individuals throughout the city” with the aim of “observing and improving compliance with hijab laws.” Remarks by Esmail Ahmadi Moqaddam, the National Chief of Police, confirm this fact: “We maintain a city-wide record in order to identify characters. For instance, in order to identify certain individuals at a bus station with regard to the issue of hijab, we may photograph everyone at a given time and venue.”⁷¹

On September 5, 2013 guidance patrol officers prevented human rights defender and deputy head of the Human Rights Defenders Centre, Nargess Mohammadi, from participating in a socio-cultural event at Milad Tower, entitled “Sunshine Girls.” Ms. Mohammadi wrote to Rahmani Fazli, President Rowhani’s Interior

⁷¹ Radio Zamaneh, August 12, 2013.

Minister, in order to voice her concerns regarding the manner in which the officers approached her and sought legal justification. She demanded that the Minister clarify the extent of the official's mandate and whether it was legal to verbally or otherwise abuse women in society.

In the same letter, Mohammadi thus described the incident: "The event was held at Sadi Halls. At the entrance there were a number of women in black chadors along with a few intelligence officers. I asked for directions. One of them showed me the entrance doors but prevented me from going through. I inquired as to the reason. I was told I had a hijab 'problem.' I was so shocked that I began to laugh. I looked myself over. A green scarf that not only covered my hair but also my shoulders and a loose Islamic uniform long enough to cover half of my lower leg and thick black stockings covered my entire body to the extent that if I was examined carefully maybe a few inches of my legs between my shoes and uniform covered in black stockings could be discerned. I tried to draw on logic and reason to prove the flaw in their logic but they were not even willing to listen. An officer kept on threatening me by saying: "get lost or we will arrest you." I asked another officer and said is any part of my body visible? Are my clothes tight? Is my uniform or scarf too short? He replied in the negative but then he said we would not let you enter the hall. But I continued to challenge them hoping they would come to know they were acting out of force not logic, but to no avail. One man came forward and said your hijab is problematic and so I inquired as to the exact nature of the problem. A young and sharp professional photographer, who was with the officials, came forward and said support stockings are illegal. The reference to law made me laugh and cry at the same time. I replied by saying what I was wearing is the thickest and darkest stockings in the market, so what is the issue? He said he did not know but that simply, it was illegal. I asked as to the source of this law and the manner in which it was shared with the masses so that now citizens can be held accountable. The officers confessed their ignorance regarding the details but that nevertheless, it was the law and announced accordingly... [my children] Ali and Kiana were quite upset and watched the authorities. Ali held on to Kiana's hand and followed me wherever the officers took me. One of the officers said, you need to leave or we

will have to answer back. My logical and civil objections yielded no result but 4 photographers took as many pictures of us as they could. In this midst one of the officers who was in charge but refused to respond to my queries, began to scream: “arrest her” and suddenly several women began to pull me by the arms in two different directions. I was stunned as to why they did not bother to show me the car I needed to get into, why all the violence and verbal abuse? Every time they threatened me I calmly replied and said let’s go so I can find out what the problem is. Officers were screaming and calling for my arrest while the female officers were nearly dislocating my arms while pulling. I kept asking why such violence but my voice was lost amidst the screams of the officers calling for my arrest and my children to keep our distance. It was in this manner that we left the premises...”

In response Ahmadi Moqaddam accepted her appeals and clarified Nargess Mohammadi’s hijab was “acceptable” by saying: “she was not among the flagrant cases” and ordered the officers to take the necessary steps to “appease her.”

In another letter, Nargess Mohammadi states: “Not only was there no problem with my outfit, but it was quite modest and in no way could be considered flagrant. The abusive approach of the intelligence officers was not only out of place but in fact subject to prosecution as it disregarded civil rights and promoted violence.” She added, “such insult and abuse towards women on whatever grounds must be met with peaceful civil protest” and that she was taking legal action against the offending officers.

Such intense exchanges at cultural and recreational facilities are not unprecedented. During the 1980’s and 1990’s, Tharallah or komiteh patrols were seen at cinemas and parks more than anywhere else. Journalist Mitra Shojaie recalls that in 1985-86 komiteh patrols near cinemas would often issue warnings regarding hijab. She also points out that extremist revolutionary forces near Esteghlal cinema in Valiasr square in Tehran would threaten women while spinning around metal chains as a means of preventing women from entering the cinema: “in 1985 my brother and I went to the cinema. A man who was at the

entrance along with a few others kept spinning a large chain over his head and whenever he noticed a woman's hair was showing or that she was wearing makeup, he would violently run in their direction and yell at her to fix herself up. I was with my brother and so did not get beaten up by him, but when he came towards me to warn me about my hijab I was so frightened that I began to shake and decided not to go to the cinema."

VII. Ban from entry in public spaces

Threatening women with deprivation from public services or banning their entrance to public venues is carried out at times by local authorities in an unofficial manner and at other times in an official manner and at the order of the highest Islamic Republic authorities. More recently, in November 2013 Gholamhossein Ejeie, Prosecutor General of Iran, threatened to throw a number of female journalists out of a press conference because of their outfits. According to various media reports, he warned everyone at the outset of the press conference and stated: next time I won't warn but will simply ban you. We have the right to do so."

On another occasion in December 2012, Nasser Najariyan, chief of public security forces in Khorassan referred to a circular issued by the province instructing all governmental organs to "refuse service to all women who are improperly covered."⁷²

Furthermore, in August 2013, the head of the Baseej instructed unions to refuse selling goods to "women with improper hijab." According to Fars News Agency, Gholamreza Hassanpour Eshkezari, the interim head of unions and guilds stated: "businesses must avoid sales transaction with and ignore those with improper hijab. In addition to this, they are encouraged to display quotes from scripture and oral Islamic traditions (hadith) in order to reprimand violators to observe hijab laws."⁷³

⁷² No concert can be held in Mashad, ISNA, 3 December 2012

⁷³ Baseej: Do not sell to those with improper hijab, Rooz On-line, 27 August 2013

Islamic Republic's violation of its international commitments to right to take part in cultural activities

Encountering women with violence, as well as banning or detaining them at cultural, artistic and recreational venues, concerts or festivals is in violation of the ICESR. Article 15 specifies that all signatories are duty bound to protect the rights of all their citizens to participation in cultural activities.⁷⁴

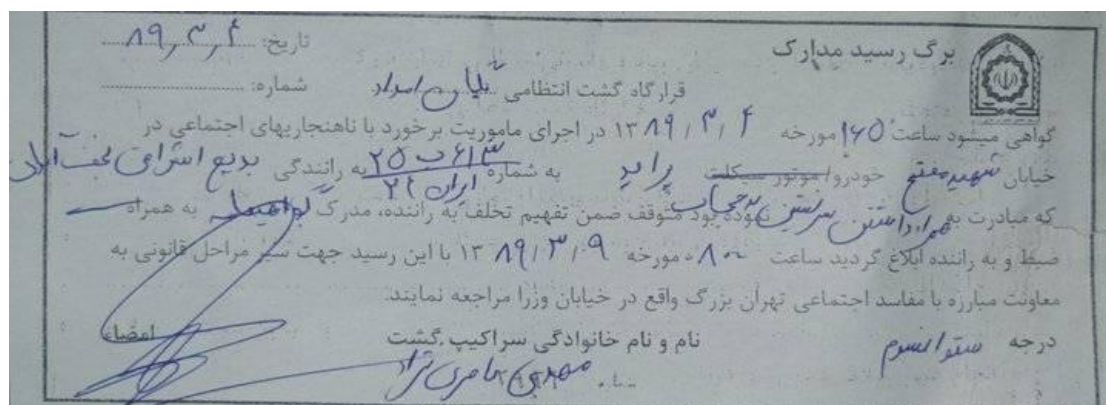
Additionally, threats by official forces to banish women is in violation of Article 12 of the ICCPR: "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence."

VIII. Islamic Republic's violation of the right to freedom of movement

Based on official reports, Iranian police forces prevent women from driving their own vehicles or boarding flights on the basis of improper hijab.

Confiscation of vehicles belonging to women with improper hijab

In May 2011, the deputy chief of Tehran police force referred to special highway patrol forces and announced that women who do not observe proper hijab laws are transferred to the police and their vehicles to parking lots. Those arrested a second time will be prosecuted.⁷⁵



Citation issued to a driver for taking a passenger without proper Islamic hijab

⁷⁴ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

⁷⁵ BBC Persian News, July 8, 2011.

In April 2013, Hossein Rahimi, the head of vehicle registry for greater Tehran confirmed that vehicles would be confiscated for three weeks. These measures are by no means limited to Tehran. In September 2013, Sirius Sajjadiyan, Chief of Police in Fars Province warned that authorities would confiscate vehicles of women who failed to properly observe hijab laws.⁷⁶ Reports from various cities around Iran confirm these threats where vehicles have in fact been kept at police parking lots.

Airport security refuses boarding to women with “improper hijab”

Reports indicate that officials have refused women the right to board on domestic as well as international flights due to improper hijab. Although the same hijab rules apply to airports as with other public spaces, it appears that security forces make a stronger effort to apply them to female travellers.

There are no official studies or statistics, except for observations by travellers and limited statistics which reveal extreme measures taken at airports. Nabiollah Heydari, the then chief of police at Iranian airports announced in May 2011 that during the previous three months, 71 women were not allowed to travel because of “improper coverage.” According to Heydari, 112 women were arrested following “socially deviant discussions,” and 3,506 women were required to submit a written pledge to observe the laws. He added that 33,029 citizens were allowed to fly only after changing their clothing and 87,714 women were warned about their improper hijab.⁷⁷

In an interview with ISNA in March 2012, Hassan Mehri, Heydari’s successor, stated: “Women with racy hijab are not allowed to enter airports. Instead, they will be held at the gate until they fix their hijab. Should they refuse to do so, they are not allowed to board their flight.”⁷⁸ On November 17, 2013, Mehri⁷⁹ once

⁷⁶ Vehicles belonging to drivers with improper hijab are confiscated, Aftab, quoting Mehr News Agency, October 8, 2013.

⁷⁷ Radio Zamaneh, quoting Kar News Agency, June 15, 2010.

⁷⁸ ISNA, March 14, 2012.

again warned women and said: “The moral security plan is in full force throughout airports. Based on this plan, those with improper hijab will be refused entry into airports. At first they will be issued a warning and if they refuse to fix their hijab, they will not have the right to enter or fly.”⁸⁰

In 2008, Mahmoud Botshekan,⁸¹ director of Iranian airports at the time, announced security forces had prevented at least 128 women from travelling, issued warnings to 171,151 women, and made 6,799 to submit pledges. This pattern follows from the practice during the earlier years of the Islamic Republic. For instance, during a television interview conducted in July 1986, Sarajoddin Moussavi, the official in charge of Islamic Revolutionary komiteh during Mir Hossein Moussavi’s term, stated: “those with improper hijab and disregard for Islamic codes will be deprived of benefitting from privileges such as having a passport, driver’s license or studying at schools or universities.”⁸²

Even more disconcerting is the policy of controlling women’s hijab outside of Iran as a means of oppression. In June 2012, Gholamhossein Ejehei, in his capacity as a spokesperson for the judiciary announced that a number of female artists are banned from travelling overseas because they failed to comply with Islamic hijab rules. He told the reporters that these individuals “were invited to attend award ceremonies overseas and have fallen into trap.”⁸³

Islamic Republic's violation of its international commitments to the right to freedom of movement

All of the above violations, namely, confiscation of vehicles, prevention of entry into airports or airplanes or roads violate Articles of the International Bill of Rights. More specifically, Article 12 of the ICCPR states: “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty

⁷⁹ In an interview with Sharq Newspaper, public relations section of the police at airports denied this news. However, Colonel Mehri has made the same statement to ISNA in March 2012.

⁸⁰ Mehr News Agency, November 17, 2013.

⁸¹ Fars News Agency, August 30, 2008.

⁸² Raja News, Those with improper hijab will be denied passport, driver’s license and university

⁸³ Radio Zamaneh quoting Vafa News, 21 June 2012

of movement and freedom to choose his residence” as well as Article 21.2 of the UDHR: “Everyone has the right of equal access to public service in his country.”

IX. Islamic Republic’s violations of the right to access medical care

Preventing women from receiving public services as a means of enforcing hijab is an established policy used by the Islamic Republic involving a range of practices such as mandatory chador laws at some government hospitals or refusing to allow entry of women into medical care facilities.



Sign at the entrance of some medical centres stating patients and company must be covered in chador

Although there is no official list of hospitals that require the chador, in Tehran alone Baqiyatollah and Najmiyeh Hospitals affiliated with the IRGC demand that patients and their caregivers and visitors wear the chador. Chamran Hospital in Tehran reserved for armed forces or Saddouqi Hospital in Esfahan made the same requirement in the past, but now admit women without the chador if they pass inspection by the guards assigned to the task of checking for short uniforms, makeup or any other dress deemed un-Islamic.

Marzieh Rassouli, a journalist residing in Tehran whose father was hospitalized at Baqiyatollah Hospital wrote on her Facebook page that they do not allow

women without the chador to enter the hospital premises. Those who do not have one are able to temporarily borrow one from the authorities at the door in exchange for their ID cards. Those with makeup and nail polish also need to remove everything at the door. Only in cases where a patient is unable to stand up can she enter the hospital without following this protocol.⁸⁴

Some medical centres include signs indicating that women lacking chador are not able to receive medical care. Kosar Medical Complex in Mahallati borough in north Tehran, affiliated with the IRGC, is one such example.

Islamic Republic's violation of its international commitments to the right to access medical facilities

Barring women without chador from hospitals and medical centres violates their right to access medical care, acknowledged in Article 12 of the ICESR.

X. Violations of the rights of women by extremist religious elements and quasi-governmental forces

Islamic Republic laws have set 70 lashes, fines and ten days to two months of imprisonment as possible penalties for violators of hijab laws. There are many accounts of women facing such harsh measures during the first decade of the revolution. While throughout the next two decades officials' approaches in enforcing hijab has expanded both in reach and intensity, the number of incidents involving unofficial elements has somewhat decreased but has never come to a halt. Women who do not fully observe hijab continue to face harassment and abuse by extremist elements.

Public harassment of women affects all women, but those who do not follow the hijab laws entirely lack protection by the police or even their fellow citizens. Sara, a 25 year-old resident of Tehran states: "Whenever I have objected to a man's verbal abuse or unwanted touching, those around me have accused me,

⁸⁴ Marzieh Rassouli's Facebook page, February 28, 2014.

saying I should have dressed differently or avoided makeup. There is no use in taking it up with the police because they may punish or arrest me instead.”⁸⁵

In addition to men who use women’s clothing as an invitation for sexual harassment in public, or extremist elements who consider it a religious duty to attack women wearing what they deem to be improper hijab, official policies of the state empower fundamentalist supporters who often act within the framework of the Baseej to act against women with improper hijab.



Demonstrations by Ansar Hezbollah, one of the main sections of Baseej, in objection to improper hijab, April 2007, Tehran

Based on the guidelines for “Methods and Procedures for Propagation of the Culture of Modesty” approved by the High Cultural Revolutionary Council in 2005, Baseej forces are charged with “seeking proper training in order to fully oversee the population and centres such as schools, universities, mosques, neighbourhoods, offices, etc., with regards to the issue of modesty, and act in accordance with the laws.” Cooperation on the part of the Baseej as “trusted and reliable force with the judiciary and NAJA in public spaces” and “propagation of the culture of modesty in its own spaces such as: offices, agencies, factories, etc. among employees, staff and clients” are among other duties set for Baseej forces that authorise them to act against women with improper hijab.

Based on published reports, in recent years, the Baseej has grouped a portion of its membership under “Nasehan,” and have charged them with instituting “verbal warning and collaborating with police forces in combating improper

⁸⁵ Sara’s testimony (under a pseudonym), on file with Justice for Iran, December 2013.

hijab.” Reports indicate that between 500 and 2,000 Baseej members are involved with Nasehan in provincial capitals.⁸⁶ In addition, “verbal warning” campaigns aimed at punishing women who lack proper hijab and encouraging religious elements to reprimand women with regard to their clothing in public⁸⁷ is another form of harassment by unofficial forces who benefit from state support.

Islamic Republic's violation of its international commitments to the right to protection of the law

The harassment of women with improper hijab by the Baseej and the lack of state protection for women violates fundamental human rights. Accordingly, Article 12 of the UDHR states: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

As mentioned earlier in this report, police and official forces make no effort to protect women’s rights against quasi-forces, standing in violation of the government’s international commitments to prevent or prosecute actions that violate human rights.

Shadi Amin, who faced repeated arrests as a result of her acts of defiance against forced hijab laws by appearing in public in a typically male fashion, recounts her experiences: “It was November 1981. An overwhelming sense of insecurity filled Iranian streets. Check points and armed personnel were everywhere. Justified in the name of the Iran-Iraq war, the guards were in charge of controlling and combatting anti-revolutionaries and hijab violators. They were the predecessors to anti-vice patrols. I was walking in front of Tehran University with a friend of mine, where we saw a tent with a sign that read “tent of unity” but people

⁸⁶ Verbal warning campaign begins, Shahram Rafizadeh, Rooz On-line, February 11, 2007.

⁸⁷ See Haya site and accounts on confrontations with women about their hijab available at: <http://hayauni.ir/memoirs-index>.

referred to it as the "tent of horror". Suddenly five or six armed men surrounded us and placed us under arrest. I was wearing a hat and a jacket. When they began to search my body out of fear I admitted: "I am a woman!" The revolutionary guard asked: "Then where is your hijab?" I responded by saying: "I am stubborn and even though the Imam announced on TV that women must wear head cover I am not convinced so I don't wear any." He was surprised to hear my reasoning. He said I like your frank and candid approach, I believe you and then he arranged for a woman to inspect me. It was a female guard in black chador and gloves. She did not want to touch me. I said I promise I am a woman. Gradually she began to touch me starting with my feet, then my knees and thighs, then when she felt between my legs and noticed I am not a man While kneeling before me on the ground she looked up and said: "you whore!" I tried to hide my smile and replied: "I said I was a woman." They then offered me some books by Dr. Shariati and Motahhari and after many hours of interrogation made me sign a pledge before they let me go at 9 pm.

XI- Islamic Republic's violation of the rights of children

Based on reports about guidance patrols in all cities, many women of different ages, appearances, or social classes have faced warnings or arrest. However, there are almost no official statistics or studies on this topic. A June 2012 report published by women's rights activist, Jelveh Javaheri, about her arrest refers to arrest among girls between the ages of 12 and 16.⁸⁸

While Sharia laws consider a girl mature and responsible for observing hijab at 9 years of age, Islamic Republic laws have reduced that age to 7. Based on this, all girls at age 7 must wear a long Islamic uniform, trousers and *maghnaeh* when they begin their formal education. This law equally applies to all girl schools where the staff and student body are exclusively female, and any violation results in punishments such as warnings or a reduction in marks to the extent that hijab related punishments are a common experience of female students throughout Iran.

⁸⁸ Once again on streets of a city that is not safe, Jelveh Javaheri, until equal family rights site, July 7, 2012.

Islamic Republic's violation of its international commitments to the rights of children

The arrest of girls below the age of 18 violates Article 1 of the Convention on the Rights of the Child, for “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” Article 37 specifies: “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.”⁸⁹

Girls arrested who are below 18 years of age face the same procedures and prisons as adults. This is a clear violation of Article 37.C, which specifies: “Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults.”

Recommendations

Over the past 35 years Islamic hijab, meaning coverage of the entire female body with the exception of face, two hands and two feet, is enforced on all women and girls in Iran and includes followers of other or no religions.

⁸⁹ <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Findings of this report clearly demonstrate that the enforcement of hijab during the first five post-revolutionary years has been accomplished through severe oppression and violation of women's civil rights in all respects. It delineates the details of various methods used to impose hijab laws on women including warnings, threats, arrests, expulsion from government offices, forceful measures at schools and universities, refusal to issue passports, denial of entry to public spaces, exclusion of images of women from television and film, physical assaults on the street and in public spaces at the hands of extremist elements or at the incitement of the Baseej or komiteh.

After the Islamic Republic succeeded to enforce hijab, the methods used in the process have continued as part of state policy on hijab. Therefore, during the first years after the establishment of the Islamic Republic, refusal to wear a headscarf resulted in arrest or expulsion from work or university. Since the mid-1980's visibility of hair, short or tight clothing or makeup has resulted in harassment and in public, at work, or in university and at school. According to statistics published in media or by the government over the past ten years (2003-2013), thousands of women throughout Iran have faced arrest while hundreds of thousands have been mistreated by guidance patrol officials.

Forced hijab laws based on a social construct that discriminates against women violates the universal right to gender equality. It also violates the right to belief and expression for those women who do not want to have hijab. Forced hijab violates the most fundamental civil rights of women and punishments including arrest, lashing and fines which more often than not are accompanied by insults, verbal abuse and other forms of physical abuse and torture. In addition, in many cases, hijab results in the denial of the right to education, right to work, right to security, access to medical facilities and care, right to participate in cultural activities and the right to movement. All of these rights are recognized in the International Bill of Rights as well as the Convention on the Rights of the Child, which the Islamic Republic, a signatory, is duty bound to promote and protect.

Accordingly, Justice for Iran presents the following recommendations:

1. In light of all its legal commitments to the principle of anti-discrimination as well as the right to freedom of expression and belief, the Islamic Republic must lift the mandatory hijab laws.
2. The Islamic Republic of Iran must end the mandate of guidance patrols as well as violating of rights of women through harassment, warnings, assault, arrest, torture and denial of fundamental rights due to hijab.
3. The Islamic Republic must not deny women the right to education, work, participation in cultural life, access to public services, freedom of movement, right to psychological security based on disregarding the imposed hijab laws and provide reparation and compensation for women.
4. The Islamic Republic must identify and prosecute all individuals or quasi-governmental organisations that harass and assault women because of hijab.
5. The Islamic Republic must recognise the rights of girl children based on the principle of non-discrimination and lift all laws regarding mandatory hijab at schools.
6. The international community must hold the Islamic Republic government responsible for its international commitments in order to recognise the rights of women who choose not to wear hijab and end all forms of abuse and violation of their most basic rights.
7. The United Nations, in particular the Special Rapporteur on violence against women, the United Nations Working Group on Discrimination Against Women look into gender-based discrimination in policies and practice; and the Special Rapporteur on Human Rights in Iran, should include the issue of “forced hijab” in Iran in their agenda and use all means at their disposal to force the Islamic Republic to lift the law on mandatory hijab.
8. Civil society, in particular human rights organisations should pay particular attention to the issue of forced hijab as a form of systematic and widespread human rights abuse in Iran and employ all means to end this form of state-sponsored violence against women in Iran.

