

-Humanitarian Law RULES!

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Women in Iran: The human rights violation of compulsory hijab law

In September 2022, Mahsa Amini, a 22-year-old Kurdish woman from Sanandaj in western Iran, died in the custody of the morality police after being arrested and beaten for wearing an improper hijab.¹ After two female journalists broke the story, demonstrations sparked, leading to a widespread protest across the country, including in schools and universities. The protests have now been going on for over three months, and the crackdown has been brutal. Hundreds were killed, including children, and over 10,000 were arrested.² Moreover, there were also reports of horrific sexual abuse of men, women, and minors in detention. While the dress code is one of the most prominent factors of discrimination, it is just one aspect of the systemic discrimination Iranian women face. They are not allowed to travel abroad without their spouse or parental consent, dance in public, or drive motorcycles. Furthermore, during the world cup in Qatar, while Iranian men's football team was in the spotlight but at home, women were banned from entering sports stadiums.³

Article 638 of the Islamic penal code of Iran provides that women will face up to two months imprisonment if they appear to be wearing their hijab improperly in public areas or roads.⁴ However, one important legal issue is that there was no clear legal definition as to what constitutes a proper hijab.⁵ In practice, women and girls as young as seven years old are forced to wear a scarf over their heads and cover their entire body with loose fitting clothes.⁶ This compulsory dress code imposed by Iranian authorities is a severe restriction of their freedom of expression and belief, subjecting them to high risk and vulnerability to discrimination and assault in domestic life or the workplace.⁷ Nevertheless, the violation of women's rights is not the only issue facing this country; the absence of democracy and the rule of law, as well as the abuse of power by government officials, are also major concerns for Iranians.

Iran had ratified several human rights treaties that promoted equality, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Iran's Constitution article 20 also states that all citizens, both men and women, are equally protected by the law and have equal access to all political, social, economic, and cultural rights.⁸ However, those rights and freedom must be *in accordance with Islamic criteria*, as stated further in the statute, which limits women's role in society and freedom.⁹ In this vein, the Iranian government has never ratified the Convention on the Elimination of all forms of discrimination against women (CEDAW), which ensures full equality for women in all areas of their lives.¹⁰ In practice, legal and social oppression remains, especially for the Iranian women.¹¹ As an Iranian lawmaker and member of the parliament's culture committee, Hossein Jalai, said, "The hijab is the flag of the Islamic Republic. Those who refuse to wear hijab will have the pay a heavy price".¹²

¹ Human Right Watch, *Iranian women demand for freedom must be heard*, (16 November 2022) Available at:

<https://www.hrw.org/news/2022/11/16/iranian-womens-demands-freedom-must-be-heard> . [Accessed 15 Mar. 2023]

² S. Kianpour, *the women of Iran are not backing down*, (01 January 2023), [Accessed 15 Mar. 2023]

available at: <https://www.politico.com/news/magazine/2023/01/22/women-rights-iran-protests-00069245>

³ *Ibid.*

⁴ Iran. 1996. "Book Five." Islamic Penal Code of Iran. [Accessed 24 Jan. 2020]

⁵ Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights (CSHR) and Minority Rights Group International (MRG). *Beyond the Veil: Discrimination Against Women in Iran*. (September 2019)

Available at: https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf [Accessed 15 Mar. 2023]

⁶ Amnesty International, *Iran: Abusive Forced Veiling Laws Police Women's Lives* (12 Mar. 2019) [Accessed 15 Mar. 2023]

⁷ Human rights watch, *Iranian women faced biased in workplace*, Available at: <https://www.hrw.org/news/2017/05/25/iran-women-face-bias-workplace> [Accessed 22 Mar. 2023]

⁸ Article 20, *The Constitution of the Islamic Republic of Iran* [Accessed 23 Mar. 2023]

⁹ *Ibid.*

¹⁰ UN Treaty Body Database, *United nation Human rights Treaty Bodies*, Available at:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=81&Lang=en [Accessed 24 Mar. 2023]

¹¹ Saeed Bagheri, *Iran: hijab protests reflect society-wide anger at regime*, (4 Nov. 2022), Available at: <https://theconversation.com/iran-hijab-protests-reflect-society-wide-anger-at-regime-which-trashes-rule-of-law-and-human-rights-193773>

¹² Brendan O'Hara, *Iran: Volume 725: debated on Thursday 12 January 2023*, House of commons, Available at: <https://hansard.parliament.uk/commons/2023-01-12/debates/8B0B0A39-4FF0-4EFF-960D-8D3A51F0ED79/Iran>

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Mondays to Friday
8.45am – 5.30pm

E-RESOURCES

E-Journals on (1) Human Rights Law Review and (2) Case Western Reserve Journal of International Law and other Free E-Resource

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