

## AMNESTY INTERNATIONAL DETAILED ANALYSIS

26 July 2023 Index number: MDE 13/7041/2023

# IRAN: AUTHORITIES DOUBLING DOWN ON PUNISHMENTS AGAINST WOMEN AND GIRLS DEFYING DISCRIMINATORY VEILING LAWS

The Iranian authorities are doubling down their oppressive methods of policing and punishing women and girls to quell widespread defiance of degrading and discriminatory compulsory veiling laws since the popular “Woman. Life. Freedom” uprising in September 2022, severely violating their social, economic, cultural, civil and political rights and restricting their freedom of movement.

Since April 2023, the authorities have waged an intensified nationwide crackdown on women and girls who choose not to wear headscarves in public. In the latest escalation on 16 July 2023, the spokesperson of the police, Saeed Montazer-Almahdi, announced the return of police car and foot patrols enforcing compulsory veiling across the country, warning that legal action will be taken against women and girls “who insist on breaking the norms” and threatening that they will be “referred to the judiciary”. The announcement coincided with disturbing reports and videos circulating on social media of security forces violently assaulting women in the capital Tehran and the city of Rasht, Gilan province, while attempting to arrest them and throw them into police vans, as well as firing teargas into crowds of people helping three women escape arrests in Rasht.

Recent official announcements reveal that more than a million women have received SMS warnings threatening that their vehicles will be confiscated if they are found travelling in a car while unveiled, with thousands of these threats having been executed. Additionally, hundreds of businesses have been forcibly closed for refusing to enforce compulsory veiling laws. Countless women have experienced denial of access to education, banking services and public transport. Courts have also imposed degrading punishments on women convicted of violating compulsory veiling laws, which have included attending counselling sessions for “anti-social behaviour”, washing corpses, and providing cleaning services at governmental buildings. The authorities have also proposed draconian legislation, such as the “Bill to Support the Culture of Chastity and Hijab”, which will further entrench discrimination, deprive women and girls who choose not to wear headscarves of their human rights, including social and economic rights, and will place them and those supporting the right of women to choose how to dress at risk of lengthy prison sentences, flogging, travel bans and other harsh penalties.

Amnesty International has reviewed the draft text of the aforementioned bill, as published by state media outlets in late May 2022, as well as official statements by Iranian authorities about the bill and the enforcement of compulsory veiling. The organization also spoke with two women in Esfahan province who were forced to immobilize their cars for removing their headscarves while driving and risk further punishments for not complying with compulsory veiling laws. The organization reviewed screenshots of SMS messages the two women received from the police, notifying them that they had been observed not complying with compulsory veiling laws in public and threatening them with fines, confiscation of their vehicles and prosecution. The organization also reviewed three court verdicts against women convicted of breaching compulsory veiling laws, issued in June and July 2023. Additionally, Amnesty International examined media articles and public statements from lawyers reporting on the details of verdicts issued in June and July 2023 against three other women.

Amnesty International calls on the international community to stand with women and girls in Iran by urging the Iranian authorities to immediately abolish compulsory veiling; quash the convictions and sentences issued and drop all charges brought against women for defying compulsory veiling; release anyone in detention for defying compulsory veiling unconditionally; and abandon any plans to further punish women and girls for exercising their rights to equality, privacy, and freedom of expression, religion and belief. All Iranian officials involved in violating women’s rights through implementation of compulsory veiling should be held accountable.

States’ response should not be limited to forceful public statements and diplomatic interventions, but also involve the pursuit of legal pathways to hold Iranian officials accountable for ordering, planning and committing widespread and systematic human rights violations against women and girls through the implementation of compulsory veiling. All states must also ensure that those fleeing persecution and serious human rights violations in Iran – including women and girls - are provided with access to fair and effective asylum procedures, and not forcibly returned to Iran.

## COORDINATED CRACKDOWN ON WOMEN CLAIMING THEIR HUMAN RIGHTS

Since April 2023, authorities at the national, provincial and municipal levels have announced and implemented a plethora of repressive measures to punish women and girls for defying compulsory veiling laws.

Amid the intensified crackdown, women and girls in Iran have also been subjected to a spate of hateful statements by officials and state media outlets. These statements often refer to the defiance of women and girls against compulsory veiling as a “virus”, “social illness” or a “new deadly form of coronavirus” to be eliminated or equate the choice not to wear a headscarf with “sexual depravity” or various “mental disorders” in need of “treatment”, including “anti-social personality disorder”, “histrionic disorder” or “bipolar disorder”.

On 8 April 2023, Ahmadreza Radan, Iran’s Chief of Police, stated that, as of 15 April 2023, a threefold approach would be implemented to crack down on women and girls who defy compulsory veiling. The first aspect of the “hijab and chastity project” involves the utilization of facial recognition technology to identify and report to the judiciary women and girl pedestrians who choose not to wear a headscarf in public. Facial recognition for identification is a technology of mass surveillance by design, which violates the rights to privacy, equality and non-discrimination. Not only is facial recognition technology is known for higher rates of inaccuracy among women and racialized communities but has been documented time and time again to have been deployed against historically marginalised communities. It also has a chilling effect on the rights to freedom of expression and peaceful assembly by deterring people from protesting, often exacerbating a climate of fear and repression. The second aspect announced by the chief of police involves the use of digital technology to identify women who choose not to wear a headscarf while travelling in a car and promptly issue an initial SMS warning to them. In the event of “repetition”, a second SMS is issued requiring women to immobilize their car for 15 days or face confiscation of their vehicle. Upon the third occurrence, the authorities will authorize the physical confiscation of women’s cars. The third aspect targets businesses where women and girls are found to be violating compulsory veiling. As per official announcements, such businesses will receive a “firm warning” and, in case of repetition, they will be forcibly closed.

On 14 June 2023, the spokesperson of the police, Saeed Montazer-Almahdi, announced that since the measures were applied, the police had sent almost one million SMS warning messages to women captured without a headscarf in their cars, issued 133,174 SMS messages requiring the immobilization of vehicles for two weeks, confiscated 2,000 cars, and referred more than 4,000 “repeat offenders” to the judiciary nationwide. Saeed Montazer-Almahdi added that 108,211 reports had been gathered about the commission of “offences” at businesses premises, and that 300 “offenders” had been identified and referred to the judiciary.

### MARYAM, A 52-YEAR-OLD WOMAN FROM ESFAHAN PROVINCE<sup>1</sup>

“The first time I received a warning for not wearing a headscarf while driving, I was passing through an intersection when a camera captured a photo and I immediately received a warning text message. The second time, I had done some shopping, and as I was bringing the bags into the car, my scarf fell off, and I received a message noting that due to violating compulsory veiling laws, my car had been subjected to ‘systematic impoundment’ for a period of 15 days. I did not know what this meant. I asked around and found out through relatives that this meant I had to immobilize my car for 15 days.

Usually, our family needs a car for shopping and other tasks like taking a sick person [for treatment]. For someone my age who can manage my tasks using public transportation or ride-hailing services, not having access to a car might be less problematic. However, for those who have health problems, not having access to a car will have a great impact on their life and morale.

I had to walk or take the bus to run my errands after the second message because I was afraid a follow-up message would come and my car would be confiscated. It was difficult for me, as I have a knee problem, and at night when I returned from wherever I had gone, one of my relatives had to pick me up because there would be no buses at that time.

Now consider that I have public transport near me or I can take taxis, but there are women who do not have the financial ability [to take taxis] and might own a small car on which they rely to go about their business and when they don’t want to comply with compulsory veiling laws, they receive these threatening messages. Well, these affect their mood and psyche. The women reach a point where they say, let’s keep our heads down so that nothing goes wrong.

<sup>1</sup> Amnesty International has used a pseudonym for this individual to protect them from reprisals.

For example, my daughter has to wear the veil when driving to work because her route to work is such that she can only go by car.

Emotionally and psychologically, all these threats they [the authorities] have made have had a very negative impact on us and diminished our courage. Some young people may continue to resist wearing the hijab (headscarf), but older people, who rely on their salaries and have their lives supported through these earnings will be coerced into wearing their headscarves again.

The Islamic Republic wants to show that they can go to any extent when enforcing compulsory veiling. They may not resort to physical violence now and issue warnings, but they are attacking us from a different angle. They want to present themselves to the international community as moving away from violence, but in reality, they are carrying out these actions discreetly. They are truly creating fear in our existence.”

On 23 June 2023, the head of the justice department in Esfahan province, Asadollah Jafari, announced that 1,200 judicial cases had been filed against women defying compulsory veiling in the province. Two days earlier, on 15 July 2023, the prosecutor of Qazvin province, Hossein Rajabi, stated that, since the beginning of the implementation of the chastity and hijab project announced by Iran’s police force, judicial cases had been filed against 173 “people who are exposed and have disturbed social order” in the province. The prosecutor of Qazvin province added that the identification of women defying compulsory veiling was being carried out by the Revolutionary Guards and the Ministry of Intelligence.

On 14 June 2023, Iranian state media released a video that showed security agents intimidating and filming women and girls who appear in public without covering their hair. The video purports to show gathered biographical information about the “offenders” appearing in the footage.

Official statements and independent media and human rights reports indicate that the authorities have shut down hundreds of tourist attractions, hotels, restaurants, pharmacies and shopping centres for not enforcing compulsory veiling laws.

According to reports by independent media outlets and human rights groups outside Iran, the intensified crackdown has led to multiple incidents where women and girls have been denied access to public transport and banking services, barred from sitting final exams or suspended or expelled from universities in reprisal for not covering their hair in public. These violations have occurred pursuant to regulations adopted by state institutions at national, provincial and municipal levels to prevent women and girls who do not wear headscarves from accessing public services. Some of these regulations have been publicly announced while others were marked as confidential but have been leaked.

On 3 April 2023, the Ministry of Education and the Ministry of Science, Research and Technology issued statements noting that schools and universities will not offer educational services to students who do not observe Islamic dress codes.

On 18 April 2023, during a session with the parliamentary committee for internal affairs and councils, Iran’s Minister of Interior, Ahmad Vahidi, presented a report on the implementation of the “hijab and chastity project” by Iran’s police force, which works under his direction. The head of the parliamentary committee for internal affairs and councils, Mohammad Saleh Jokar, reported that during the session, Ahmad Vahidi indicated that under the “hijab and chastity plan”, women who persist in defying compulsory veiling will be denied access to social services. Mohammad Saleh Jokar added that following the minister’s presentation, members of the parliamentary committee expressed their support of the measures taken by the police.

On 27 April 2023, the mayor of Tehran, Alireza Zakani, introduced a “hijab and chastity plan” for the municipality, which relies on a special municipal security force (*yegan-e hefazat-e shahrdari*) to deny women and girls who do not wear headscarves entry into the metro system.

On 4 June 2023, Iran International, an independent media outlet based outside Iran, published leaked documents marked as “confidential”, which revealed that on 13 April 2023, authorities in Golestan province passed a resolution banning the provision of social services to women who choose not to wear headscarves in public. Furthermore, the leaked documents disclosed that on 1 May 2023, senior officials overseeing the provincial banking system issued instructions to the management of major banks mandating the enforcement of the ban on providing banking services to women who do not wear headscarves in public.

On 18 July 2023, the Deputy Minister of Culture and Islamic Guidance, Mohammad Hashemi, stated in a media interview that “veiling is our red line and, in this relation, we do not compromise with anyone.” Mohammad Hashemi revealed that authorities had issued warnings to around a thousand artists who had engaged in “illegal conduct” and imposed various

restrictions on the professional activities of more than 300 artists who had persisted with their conduct, including unveiling. Mohammad Hashemi said that as a result, some actors or artists no longer have permission to work.

### **PARVANEH, A 38-YEAR-OLD FROM ESFAHAN PROVINCE<sup>2</sup>**

“I received a warning text message once after removing my headscarf while driving, and the second message stated that my car had been ‘impounded systematically’. When the second message arrived, my friend and I were in the car, both without a hijab (headscarf), on a one-day trip. I had no idea what this ‘systematic impoundment’ meant. We were extremely frightened by this message and felt stressed throughout the entire trip, fearing that if we encountered a police officer, they would stop our car and ask why we were using it even though it was impounded. It was a terrifying thought, as they could impound our car in an instant.

That night, when we returned home, I followed up on it and found out through friends that I had to immobilize my car for 15 days and if I received another warning, my car would be confiscated. After that, I made a pact with myself and others to wear the veil in the car and only take it off when we stepped out because I really need my car. They [the authorities] have been able to force us to wear the veil again. I have heard from many people that they [security forces] will show up to the house and lock your wheels so that you won’t be able to use them. I need my car because I need to take my daughter to nursery so I have been forced to wear the veil.

Emotionally and psychologically, the situation is really grim. From the moment we enter the car, our only thought and concern is that the headscarf shouldn’t slip off. During the entire time we are in the car, even when we go out of town, we constantly worry about our headscarf and the possibility of our car being impounded because if it happens, it will greatly set us back in our daily tasks. Most of our life’s activities are done using a car.

They [the authorities] realized that they couldn’t anymore coerce people [into observing compulsory veiling] in the streets, so they have found this [alternative] way of impounding. They have taken our freedom; it didn’t used to be this bad when it came to driving unveiled in a car.”

### **RETURN OF “MORALITY” POLICE**

On 15 July 2023, a disturbing video went viral on social media that showed a woman plainclothes agent, dressed in a black chador, harassing and assaulting an unveiled woman in Tehran, pushing her against a wall and attempting to violently arrest her and take her into a van.

The next day, the spokesperson of the police, Saeed Montazer-Almahdi, announced the return of police car and foot patrols enforcing compulsory veiling across the country, warning that legal action will be taken against women and girls “who insist on breaking the norms” and threatening that they will be “referred to the judiciary”. Saeed Montazer-Almahdi indicated that the reinstatement of patrols was pursuant to “public demands, the positions of various social groups and entities, and the emphasis of the president [Ebrahim Raisi] and the head of the judiciary [Gholamhossein Mohseni-Eje’i].”

The day following the announcement, 17 July 2023, disturbing reports and videos circulated on social media showing security forces firing teargas into crowds of people in Rasht, Gilan province, who tried to help three women escape arrest for defying compulsory veiling.

Since then, members of the public in Iran have reported on their social media accounts and to independent media outside Iran the re-emergence of the “morality” police, formally known as “Guidance Patrol” (*Gasht-e Ershad*), in streets of various cities across the country, patrolling public areas to confront, warn and/or arrest women and girls defying compulsory veiling. Videos and eyewitness accounts from inside the country indicate that the “morality” police have returned with its vans once again stationed in busy public places, accompanied by a mix of chador-clad female agents, male plainclothes agents, and police officials in uniforms. However, these vans do not have “Guidance Patrol” (*Gasht-e Ershad*) written on them and are completely white, unlike the previously used white vans with green stripes. Videos circulating on social media indicate that in some places, the official vehicles of the Law Enforcement Command of Iran (known by its Persian acronym FARAJA), which are green and white in colour, have also been deployed for “morality” policing.

<sup>2</sup> Amnesty International has used a pseudonym for this individual to protect them from reprisals.

The Guidance Patrol is a special police unit of FARAJA, which was established in 2005 with the task of arresting women who violate Iran's strict Islamic dress code. The Guidance Patrol was preceded by entities that served the same functions, but had different names, including the Patrol for the Promotion of Virtue and Prevention of Vice (*Gasht-e amr-e be marouf and nahi az monkar*) and the Patrol of the Islamic Revolution Committee (*Gasht-e komit-e Enqelab-e Islami*), operating in the 1990s and 1980s.



The collage shows vans of various security bodies tasked with policing morality and enforcing compulsory veiling since the establishment of the Islamic Republic in 1979. The top left image depicts the Patrol of the Islamic Revolution Committee (*Gasht-e komit-e Enqelab-e Islami*) operating in the 1980s. On the top right is an image of the Patrol for the Promotion of Virtue and Prevention of Vice (*Gasht-e amr-e be marouf and nahi az monkar*), operating in the 1990s and early 2000s. The image at the bottom left shows the Guidance Patrol, which was operative between 2005 and 2022. The image on the bottom right depicts the latest mutation of the police patrols that emerged in the streets since July 2022 to enforce compulsory veiling.

On 17 July 2023, Tasnim News Agency, which is affiliated with the Revolutionary Guards, reported that according to information obtained from senior FARAJA commanders, the return of the Guidance Patrol was based on directions from Iran's president, Ebrahim Raisi, and the head of the judiciary, Gholamhossein Mohseni-Eje'i. However, Tasnim News

Agency removed the report from its website just hours later, stating that the outlet had been “contacted by some people in government” raising concerns about the segment of the report that stated the return of the patrols was pursuant to “an order from Ebrahim Raisi”.

The same day, Tasnim News Agency published another piece which claimed, citing senior FARAJA commanders, that “the vans of the Guidance Patrol will not return to the streets, and no vehicle with ‘Guidance Patrol’ written on the sides will be seen in the streets.” The article added, “based on this, if in the future, a video is published showing the presence of “vans” in the streets or incidents of people being forced into these vehicles, [such footage] is either fabricated or old.” Despite all these claims aimed at countering shockwaves triggered by the announced return of the morality police, the article acknowledged that police patrols are being deployed for enforcing compulsory veiling laws. Tasnim News Agency described these patrols as ordinary “car and foot police patrols, seen by people in the street before, which would, in addition to all their previous duties, verbally warn individuals if they witness instances of abnormal dress.”

Amidst official attempts to obfuscate the truth by narrowing the focus of attention on the removal of the “Guidance Patrol” insignia from patrol vans, the office of President Ebrahim Raisi has sought to distance the president from any responsibility for the police patrols. On 17 July 2023, the spokesperson for the government, Ali Bahadori Jahromi, posted a vague statement on Twitter, distancing the president from responsibility for the reinstatement of the “morality” police, stating that “faced with social anomalies”, the president had merely asked the police force and judiciary to “regulate affairs within the framework of existing laws,” adding that it is the “responsibility of the judiciary and officers to devise the law enforcement method”. Two days later, on 19 July 2023, the vice president for Women and Family Affairs, Ansieh Khazali, also denied claims that the police car patrols were ordered by the president and said that the matter should be followed up with Ministry of Interior officials. The Ministry of Interior in Iran presides over the work of FARAJA.

On 23 July 2023, a member of the parliamentary national security and foreign policy committee, Jalil Rahimi Jahanabadi, said in a media interview, “The fact that no one is willing to take responsibility for the Guidance Patrol indicates that this policy is not correct, as a correct policy garners support. Now, neither the government, the judiciary, the police nor others are willing to accept it [responsibility] and this means that the Guidance Patrol lacks a rational basis.” He confirmed reports about widespread deployment of police vans and officials in the streets in the wake of latest developments, stating: “Yesterday [22 July] I went with my family to one of the squares in the city [Tehran]. There was such an extensive presence of police forces and cars that it caused difficulties for the movement of people and cars.”

## **CRIMINAL PROSECUTION AND SENTENCING OF WOMEN DEFYING COMPULSORY VEILING**

Alongside the increasing violations of a range of human rights of women and girls, including their social and economic rights, the authorities have continued to rely on the Note to Article 638 of the Islamic Penal Code to prosecute, convict and sentence women who appear in public without headscarves. The Note provides that women who are seen in public without veiling are to be punished with an imprisonment term of between 10 days and two months or a cash fine.

In multiple cases reported since June 2023, courts have sentenced women convicted of appearing unveiled in public to two months’ imprisonment as per the Note to Article 638 of the Islamic Penal Code. However, in an apparent attempt to further humiliate women, these courts have resorted to provisions related to alternative sentencing and ruled that instead of serving prison time, women convicted of appearing without headscarves in public should work as cleaners, wash corpses in morgues or undergo psychological counselling and provide “certificates of healthiness”. In at least one verdict, the court relied not only on the Note to Article 638 of the Islamic Penal Code but also on Article 640 of the Islamic Penal Code which punishes any public displaying of items that “offend chastity and public morals” with a prison term of three months to one year, fine or 74 lashes. Additionally, in some cases, courts have issued “complementary” sentences such as travel bans, prohibiting women from continuing their professional activities and barring the use of all telephones and social media. These complementary sentences are issued based on Article 23 of the Islamic Penal Code, which gives judges wide discretion to impose a range of complementary penalties “proportionate to the crime committed and the characteristics of those sentenced”.

Based on media reports, Amnesty International is aware of six such cases, which are detailed below, but believes the real number of women convicted for appearing unveiled in public across the country is likely to be higher. Three of the cases concern renowned actors, Azadeh Samadi, Afsaneh Baygan and Leila Baloukat. The names of the three other women have not been publicized.

On 18 June 2023, a court in Tehran sentenced a woman to two months’ imprisonment for removing her headscarf in public, but provided that instead of imprisonment, the sentence should be served by completing 270 hours of cleaning service for the Ministry of Interior. In the court verdict, which was reviewed by Amnesty International, the judge stated that

non-observance of compulsory veiling “pushes society towards the limits of sexual depravity” and “assists the enemy's full-on assault on the Iranian nation.”

In a second case reported on 10 July 2023, Branch 1088 of Criminal Court Two in Tehran similarly sentenced another woman to two months' imprisonment and a two year ban on leaving the country for appearing unveiled in public. The court then stipulated in its verdict, which was reviewed by Amnesty International, that instead of imprisonment, the sentence should be served by attending two weekly counselling sessions for “anti-social behaviour” over a period of six months and providing a “certificate of healthiness” upon completion.

In a third case reported on 15 July 2023, Branch 104 of Criminal Court in Varamin, Tehran province, sentenced a woman to a monetary fine for “appearing unveiled in public while driving” as per the Note to Article 638 of the Islamic Penal Code and a complementary sentence of washing corpses in a morgue in Tehran for a month.

In a fourth case reported on 15 July 2023, a court in Tehran sentenced actress Azadeh Samadi to two months' imprisonment for defying compulsory veiling laws after a picture of her attending a funeral wearing a cap, rather than a headscarf, went viral on social media. The court ordered that instead of serving prison time, Azadeh Samadi must undergo treatment for “antisocial personality disorder” at an official psychology and counselling centre every two weeks and to submit a “certificate of healthiness” upon completion of the “treatment”. The court verdict, which was reviewed by Amnesty International, stated that she should be “treated for anti-social personality disorder [given] her longing for attention through non-compliance with public regulations and her abnormal and antisocial behaviours”. In addition, the court ruled that for a period of six months when she is “under care”, both her landline and mobile telephone lines must be deactivated, and her social media pages must be taken down.

In a fifth case reported on 18 July 2023, Branch 1088 of Criminal Court Two sentenced actress Leila Baloukat to ten months' imprisonment for removing her headscarf in public and publishing pictures of herself without a veil on social media. The court required her to serve four months of her sentence in a prison in Seman province, with the remainder of the prison term was suspended for a period of five years. The court imposed a number of complementary sentences on Leila Baloukat, including a two-year ban on international travel; a two-year prohibition on involvement in streaming platforms, acting, performance activities and promotional work in offline or online spaces; and a five-year ban on engaging directly or indirectly in social media. Moreover, Leila Baloukat was required to study a specified book and prepare a handwritten copy within a month.

In a sixth case reported on 19 July 2023, Branch 1088 of Criminal Court Two in Tehran sentenced actress Afsaneh Baygan to a two-year prison term, suspended for a period of five years, for appearing in public in a hat rather than a headscarf. The court imposed a number of complementary sentences including a two-year ban on international travel, a two-year prohibition on engaging in social media activities, a two-month period of studying a specified book and preparing a handwritten copy of it, and mandatory attendance of weekly counselling sessions at an official psychological centre for the “treatment” of “anti-family personality disorder” with a view to providing a “certificate of healthiness” at the end of the “treatment” period.

According to media reports, other actresses, including Elnaz Shakerdoust, Fatemeh Motamedaria, Hengameh Ghaziani, Katayoon Riahi, Mitra Hajar, Pantea Bahram, Shaghyegh Dehghan, Sima Tirandaz, Soheila Golestani and Taraneh Alidoosti, have been subjected to warnings, summons, interrogations, criminal proceedings, and/or arbitrary arrests in connection with defying compulsory veiling, and some are at risk of receiving similar sentences.

The authorities have also targeted other public figures to quell public expressions of rising dissent against compulsory veiling in a bid to deter ordinary women and girls from defying compulsory veiling laws. On 19 July 2023, former radio presenter, Leila Ziafar, was arrested at her home in Tehran after she posted a picture of herself travelling unveiled on the Tehran metro on Twitter with the statement:

**“It is impossible to reverse the course we have gone. For the removal of compulsory veiling and captivity, we have paid with the lives of martyrs. We will not allow the blood of our martyrs to be trampled upon.”**

Following Leila Ziafar's arrest, her Twitter account was removed from the social media platform. She was released on bail the next day, but a propaganda video showing the moment of her arrest and mocking her Twitter statement has since been published on state media. In the propaganda video, an official whose voice has been doctored to hide his identity, is heard stating “You will return from the course of delinquency you have gone.”

## DRAFT DRACONIAN LAWS TO CODIFY AND INTENSIFY THE CRACKDOWN

In an attempt to codify and intensify the ongoing crackdown, the executive and judiciary worked together to present the “[Bill to Support the Culture of Chastity and Hijab](#)” to the parliament on 21 May 2023 (referred to hereafter as the Hijab Bill).

On 23 July 2023, the judicial and legal committee of Iran’s parliament completed its review of the Hijab Bill during a meeting in the presence of officials from the judiciary, the police force, the Ministry of Interior, the Ministry of Justice, and the Islamic Republic of Iran Broadcasting, amongst others. A member of the board of the committee, Mohammad Taqi Naghdali, stated that final amendments had been made to the Hijab Bill and it has now been referred to the open floor of Iran’s parliament for review. He also said that the final text of the bill has 70 articles, which is significantly longer than the previously published text consisting only 15 articles. The final text has not been made publicly available.

Under the previous draft of the Hijab Bill published in late May 2023, and reviewed by Amnesty International, women and girls who appear without headscarves in public spaces and on social media or who show “nakedness of a body part or wear thin or tight clothes” will face a shocking catalogue of penalties, which will also affect their social, economic rights, civil, political and cultural rights. Some of these penalties include escalating monetary fines, confiscation of cars, deductions to salary and employment benefits, dismissal from work, and prohibition on accessing banking services.

The Hijab Bill would also introduce new “offences” related to defying compulsory veiling laws, punishable by prison terms longer than the current maximum two months’ imprisonment stipulated under the Note to Article 638 of the Islamic Penal Code as well as flogging and additional complementary penalties involving denial of social and economic rights.

For instance, according to Article 5 of the Hijab Bill individuals who defy compulsory veiling “on a systemic basis or in collusion with foreign intelligence and security services” would be sentenced to a prison term ranging from two to five years. In addition, the proposed article provides that those convicted would receive a two-year ban on international travel and one or two of the complementary restrictions provided under Article 23 of the Islamic Penal Code, which include forced residency in a specified location, prohibition from employment, bans on driving, access to cheques and other commercial documents, and the confiscation of communication devices.

Article 6 of the Hijab Bill criminalizes “individuals who speak out against veiling in online spaces”. The article specifies that for the first breach, the Law Enforcement Command of Iran (known by its Persian acronym FARAJA) would issue warnings and take down the individuals’ accounts. For the second breach, FARAJA would impose a monetary fine as well as a three to six months ban on any online activity. In the third breach, in addition to the abovementioned penalties, FARAJA would refer the individual to the judicial authorities, and they will impose either an increased monetary fine or a prison term of six months to three years as well as a one to two years ban on any online activity.

Article 4 of the Hijab Bill provides that public figures and influencers, from artists to athletes, who do not comply with compulsory veiling would not only be fined and disqualified from all benefits and support measures but also would be subjected to a judicial order banning their engagement in professional activities for periods ranging from three months to a year. The Article adds that if these “punitive measures do not result in change and reformed behaviour”, the individual would be further subjected to one of the following punishments: “a prison term of six months to two years; a monetary fine; 31 to 99 lashes; and deprivation of social rights for a period ranging from six months to five years”.

The Hijab Bill also forces non-state actors to “police” women’s bodies and behaviours, seeking their complicity in violating women’s and girl’s human rights. Under the proposals, managers of public institutions and private businesses, such as stores, restaurants, cinemas, and recreational, artistic and sporting venues, who do not enforce compulsory veiling among their employees and customers would first face penalties ranging from temporary closures and revocation of licences to removal of tax exemptions. A Note to Article 3 of the Hijab Bill provides that if managers refrain from adopting measures such as installing signs, giving warnings, and preventing the entry of women and girls who do not comply with compulsory veiling, and if their premises turn into spaces frequented by unveiled women, FARAJA is obliged to pursue the revocation of commercial licenses through relevant authorities, and refer the managers of public institutions and private businesses to the judiciary for punishments ranging from five to 10 years’ imprisonment, monetary fines, or permanent disqualification from positions in the public sector.

The Hijab Bill also empowers FARAJA to recruit and train personnel to enforce this law, in a measure exposing the dubious nature of the Iranian authorities’ previous [claims](#) of disbanding the “morality police”.



## BACKGROUND

Under Article 638 of Iran's Islamic Penal Code, any act that is deemed "offensive" to public decencies is punished with an imprisonment term of 10 days to two months, or 74 lashes. An explanatory note to the article states that women who are seen in public without headscarves are to be punished with an imprisonment term of 10 days to two months or a monetary fine. The law applies to girls as young as nine, which is the minimum age of criminal responsibility for girls in Iran. In practice, the authorities have imposed compulsory veiling on girls from the age of seven when they start elementary school.

For decades, these legal provisions, which are enhanced by dozens of additional regulations and policies, have empowered police and paramilitary forces in Iran to arbitrarily arrest and detain hundreds of thousands of women and girls every year for showing strands of hair under their headscarves or wearing short and colourful overcoats, trousers or sleeves. They also enabled the police and paramilitary forces to regularly subject Iranian women and girls to verbal harassment and physical assault. This included targeting women for random stops in the street, showering them with verbal threats and insults, instructing them to pull the headscarf forward to hide their hair, handing them tissues to wipe their make-up in front of morality police officers, grabbing women by the arms, slapping them in the face, hitting them with fists and batons, and handcuffing and hustling them violently into police vans. These acts amount to cruel, inhuman or degrading treatment or punishment, which is absolutely prohibited under international law, including the International Covenant on Civil and Political Rights to which Iran is a state party.

The death in custody of 22-year-old Mahsa (Zahra) Amini at the hands of Iran's "morality" police on 16 September 2022, sparked an unprecedented popular uprising against the Islamic Republic system with "Women. Life. Freedom" becoming the uprising's central chant. Hundreds of thousands of women and girls boldly removed their headscarves. In a powerful display of resistance, many women publicly cut their hair with scissors, set their headscarves on fire, and danced around bonfires of headscarves.

While the number of large-scale protests has decreased in recent months, there has been an increase in other acts of resistance including through written slogans on walls and erection of banners on bridges, with women and girls remaining at the forefront of peaceful dissent through the courageous act of appearing unveiled in public.

Coercion by the state or by private actors to ensure compliance with specific forms of clothing, based on interpretations of religion, culture or tradition, violate women's rights to freedom of expression, freedom of religion or belief and the right to privacy. Women and girls should be free to decide whether or not they want to wear specific symbols and dress on the basis of personal views, beliefs or preferences, or for any other reason.

On 22 June 2023, during an event held in London, Javaid Rehman, the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, stated: "What is happening today in Iran is in fact gender apartheid, and has taken place for over 40 years. The international community must recognize the crime of gender apartheid. It ought to be a crime in international law, and all perpetrators of this crime must be held accountable."