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Iran: Compulsory veiling is abusive, discriminatory and humiliating; end the persecution of women for peacefully protesting against it

The Iranian authorities must immediately and unconditionally release a woman who was arrested on 27 December 2017 in Tehran for engaging in a peaceful protest against compulsory veiling (*hijab*), Amnesty International said today. The organization renewed its calls on the Iranian authorities to end the persecution of women who speak out against compulsory veiling, and abolish this discriminatory and humiliating practice. This practice has violated women's rights in Iran for decades, including their rights to non-discrimination, freedom of belief and religion, freedom of expression, and protection from arbitrary arrests and detention, torture and other cruel, inhuman or degrading treatment or punishment.

A video has gone viral on social media platforms since Wednesday 27 December 2017, which shows a woman standing alone on a concrete structure in a busy section of Tehran's Enqelab (Revolution) Street, without wearing a headscarf and silently waving a white flag in an apparent protest against the country's mandatory Islamic dress code which, among other things, forces women to cover their hair with a headscarf. The video was first obtained and released by White Wednesdays, a popular campaign which urges women to share pictures and videos of themselves on social media every Wednesday, wearing white headscarves or pieces of clothing in protest at compulsory veiling.

According to three eyewitnesses, law enforcement officials arrested the woman on the spot and transferred her to a nearby detention centre known as Kalantari 148. No information about her fate and whereabouts has since been made available publicly, sparking fears about her safety and well-being, and prompting thousands of people to take part in a social media campaign with the English hashtag #Where_is_She? and its equivalent in Persian.¹ Amnesty International understands from two independent sources that the woman's name has so far been withheld by her family due to perceived security concerns.

On 22 January 2018, prominent human rights lawyer Nasrin Sotoudeh wrote on her Facebook page that she has found through her investigative efforts that the woman was initially released after her arrest but was subsequently detained again. She stated that a criminal case against her has been opened at the Office of the Prosecutor for Zone 6 of Tehran. According to information obtained and shared publicly by Nasrin Sotoudeh, the woman is around 31 years old and has a 19-month-old infant.

Amnesty International has learned that on the same day, 27 December 2017, another woman, aged approximately 18, was also arrested in Tehran for peacefully protesting against compulsory veiling. Her name has also been withheld by her family and lawyer due to security concerns. The woman is held in pre-trial detention in Gharchak prison in Varamin near Tehran, where women convicted of violent criminal offences are detained in extremely poor conditions.

¹ The hashtag used in Persian is #دختر_خیابان_انقلاب_کجاست

PERSECUTION OF WOMEN FOR SPEAKING OUT AGAINST COMPULSORY VEILING

The arrests on 27 December 2017 appear to be part of a wider crackdown on women in Iran who peacefully challenge compulsory veiling, including through joining and supporting the White Wednesdays campaign.

Amnesty International is concerned that women participating in this campaign are at risk of arrest, interrogations, prosecutions and imprisonment.

On 15 August 2017, women human rights defender **Shima Babae** received a threatening phone call from the office of the Morality Security (*amniat-e akhlaghi*) Police in Tehran summoning her for interrogation. This was after several videos in which she made statements against compulsory veiling were posted on the social media platforms of White Wednesdays. When she refused to go and to be interrogated, the authorities at the Morality Security Police issued a written summons requiring her appearance at their office in Tehran on 19 August 2017. On that day, Shima Babae was interrogated for about one and a half hours, without the presence of a lawyer. She has said that she faced aggressive questions from her interrogators who accused her of involvement with an “anti-revolutionary” campaign and “disobeying” the country’s laws.

Shima Babae has said that the interrogators yelled and swore at her when she insisted on her right to peacefully express her opposition to compulsory veiling by wearing a white headscarf, and that when her father, who was present in the interrogation room, objected to the verbal abuse, two security officials grabbed him by the arms and pushed him against the door. Shima Babae and her father were then transferred to the Office of the Prosecutor in Zone 21 of Tehran, where they were told that she will be detained until a surety is introduced to secure her release and that her father, **Ebrahim Babae**, will be charged with “insulting public officials”. She was then taken to Vozara detention centre in Tehran and held there for several hours until her family secured her release on surety.

She has since received several telephone summons from the same office of Morality Security Police in Tehran but has refused to comply with them on the basis that it is illegal under Iranian law to summon a person for interrogations by telephone.

In November 2017, Shima Babae’s father received a written summons requiring him to appear at the Office of the Prosecutor in Zone 21 of Tehran for further investigation within five days. His family requested an extension as he is temporarily outside Iran to receive specialized medical treatment for a heart condition. The authorities initially refused the request and issued an arrest warrant but eventually agreed to postpone the interrogation until he returns to the country.

Women who oppose compulsory veiling have also been subject to severe smear campaigns on state media. Such smear campaigns against women’s rights defenders have been manifested most extremely in the case of US-based Iranian journalist and women human rights defender **Masih Alinejad**, who is the founder of White Wednesdays and another popular online campaign called My Stealthy Freedom, which encourages women from Iran to post online pictures of themselves without headscarves by way of opposing compulsory veiling. State-sanctioned media outlets have published concocted articles describing her as a “whore” and in June 2017 claimed that she was “gang-raped after overdosing on cocaine and stripping naked in the streets.” During the same period, she also received a number of death threats from social media accounts believed to be affiliated with Iran’s intelligence and other security forces.

Human rights defenders speaking out against compulsory veiling in Iran have also been accused of “insulting Islam” and receive death threats. In October 2016, Iranian human rights defender **Atena Daemi** wrote in a post on her Facebook page, “The judge told me that my opposition to compulsory veiling was tantamount to opposing the clear rulings of the Qur’an and that I had insulted religious sanctities and my sentence should be the death penalty.” She was ultimately convicted of several national security-related charges stemming entirely from her peaceful activism and sentenced to seven years in prison, which she is currently serving.

Amnesty International also notes with concern that the authorities continue to confiscate women's cars in reprisal for letting their headscarves fall off their shoulders while driving. The organization reviewed two videos obtained by the White Wednesdays campaign which feature testimonies from women in Iran who suffered this treatment in January 2018.

SYSTEMATIC VIOLATIONS OF WOMEN'S RIGHTS RESULTING FROM COMPULSORY VEILING

Under Article 368 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 veiling are to be punished with an imprisonment term of 10 days to two months or a cash 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.

These legal provisions and practices, which are enhanced by dozens of additional regulations and policies, have empowered police and paramilitary forces to arbitrarily arrest and detain tens of thousands of women every year for showing strands of hair under their headscarves or wearing short and colourful overcoats, trousers or sleeves.

Iranian women are regularly subjected to verbal harassment and physical assault at the hands of police and paramilitary forces. This includes targeting women for random stops in the street, showering them with 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.

On the basis of regulations and policies adopted and enforced by various government bodies, millions of women have also been denied entry to public spaces such as airports, university campuses, recreational centres, hospitals and government offices, expelled from schools and universities, and dismissed from employment for arbitrary reasons such as their front hair sticking out of their headscarves, their make-up appearing to be "heavy", or their trousers, headscarves and overcoats being short, tight or colourful. Some public spaces and government institutions have gone further and imposed an outright ban on the entry of women who do not wear a black chador, a large piece of cloth that is wrapped around the head and upper body leaving only the face exposed.

For decades, the Iranian authorities have enforced compulsory veiling laws and regulations that violate women's human rights, and lead to their cruel, inhuman or degrading treatment or punishment, as well as arbitrary arrests and detention. The Iranian authorities should drop the pretence that the recent half-hearted announcement of the head of police in Tehran will protect the rights of women. Instead, they must immediately repeal Article 368 of the Islamic Penal Code, and abolish the humiliating and discriminatory bans on women's appearance in public without a headscarf.

LEGAL BACKGROUND

The principle of non-discrimination, and specifically of equality between men and women, and more broadly among all genders, is a key principle of international human rights law. It is enshrined in the Universal Declaration of Human Rights, and provided in several treaties that Iran has ratified and is legally obliged to comply with, notably the UN Charter and the International Covenant on Civil and Political Rights.

States have an obligation under international law to respect the human rights of everyone without discrimination; to protect them against abuse of those rights by third parties, including by private actors within their families or communities; and to ensure they are able to exercise those rights in practice.

States must not therefore impose generally applicable requirements that women dress or do not dress in a certain way, and they must protect women from the imposition of such requirements by third parties. This applies whether women are being compelled to wear a headscarf or veil, either by the state or by non-state actors, or being prohibited by law from wearing it.

Coercion by the state or by private actors to ensure compliance with rules on traditional, cultural or religious forms of dress violate women's rights to freedom of expression and to freedom of religion or belief. Women should be free to decide whether or not they want to wear specific symbols and dress on the basis of personal religious convictions, cultural customs or for any other reason.