

The impact of mandatory Hijab Laws on women's rights in Iran: A human rights perspective

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Abstract: *This article delves into the complex landscape of women's rights in Iran, focusing on the profound impact of mandatory hijab laws imposed after the 1979 Islamic revolution. Against a historical backdrop of ongoing struggles for human rights, particularly concerning women, this paper aims to scrutinize the multifaceted violations arising from the implementation of hijab laws, revealing their ramifications on civil, political, religious, and economic rights. The study begins by contextualizing the historical evolution of women's rights in Iran, contrasting the experiences under monarchy with the current regime. It highlights the distinctive nature of women's rights violations post-revolution, emphasizing the coercive enforcement of discriminatory laws and its contribution to widespread protests both within Iran and globally. Central to the analysis is the examination of how mandatory hijab laws infringe upon women's personal freedoms and jeopardize their fundamental rights. The recent outcry and resistance against these laws, exemplified by the nationwide protests triggered by the tragic incident involving Mahsa Amini, underscore the urgent need for political reevaluation and legal reform. The paper contends that these laws not only impede women's participation in political, religious, civil, and economic spheres but also contravene Iran's International Commitments and Human Rights Instruments.*

The article concludes by reinforcing the deep-rooted concerns about women's rights in Iran, echoing the discontent that has persisted since the 1979 Islamic Revolution. The discriminatory impact of hijab laws is unveiled through the lens of the marginalized position of women in various fields, coupled with widespread discrimination and violations of their political, religious, and economic rights. As international scholars and experts question the compatibility of these laws with International Human Rights norms, the United Nations and other human rights organizations call for the Iranian regime's adherence to international commitments, emphasizing the potential exacerbation of the vulnerable situation of women's rights in the absence of such compliance.

Key words: *Iran, women's rights, Hijab laws, discrimination, human rights*

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1. Introduction

The struggle for protection and promotion of human rights in Iran is not a new phenomenon and dates back to decades. More importantly, the issue of women rights and their protection has remained a matter of serious concern in Iran's modern history and society both during the reign of monarchy as well as under the religious theocracy after the revolution of 1979. However, the nature, frequency, and magnitude of women's rights issues fundamentally differed under the monarchy and the current religious theocratic political setup. Among other grievous, women rights violations, the implementation of mandatory hijab laws post revolution in Iran, promulgation of discriminatory laws, and arbitrary executive enforcement powers had further complicated the situation for freedom of women rights and resulted in current upheaval and large-scale protest in the country and worldwide. The repercussions of such laws and their enforcement are such that they have threatened not only the personal and fundamental freedoms of women in Iran but also endangered their civil, political, religious, and economic rights. However, despite these issues, tremendous progress has been made by Iranian women in educational and scientific fields. Recent protests and derogation of women against the mandatory hijab laws and political crackdown on the women protesters have unraveled the necessity for reproach in political strategy as well as change in such laws. The focus of this paper is to analyze how the enforcement of hijab laws violates the civil, political, religious, and economic rights of the women in Iran with particular emphasis on the current protest and resistance of such laws in Iran as well as to establish that such laws are in violation of Iran's International Commitments and Human Right Instruments.

2. Literature Review

The women in Iran both liberal and religious, participated actively disguised with the promises and slogans of equality and justice in the revolution with the hopes of securing and protecting more and greater human rights. However, their hopes were doomed soon after the removal of the shah's government and taking over of the state affairs by the religious leaders. In a volatile situation wherein the aftershocks of the revolution were still felt, the new political setup took shape in the form of religious theocracy giving absolute power to the religious head (the supreme leader). In view of the unfolding events in respect of women rights and pursuance of a religious policy, which would define the private and public lives of the citizens, the Iranian government imposed a new ethical code and made the hijab compulsory (Yeon Koo at el., 2018, 57). This religious approach was seen by women as a threat to their individual and public rights, which was not acceptable to the women, resulting in the resistance movements by women across the country.

Despite the fact that after the revolution, there were no official laws or directives regarding veiling, and only political officials emphasized the

Islamic hijab in their speeches, since the middle of 1981, the necessity of wearing a headscarf has gradually been emphasized in official policies. And the coat and pants gradually became mandatory in offices and public spaces. The offices refused to allow female personnel to enter without a hijab, and the hijab of female students was specified.

The first attempt to regulate the private and public life of women initiated with the imposition of compulsory hijab law across the country in 1983 (Majlis 1983). Inclusion of such regulations in the penal code forced women to change their dress code as defined by the religious clerics and violation of which was seen as a criminal offense and women were subjected to the punishment of 74 lashes with the approval of the punishment law as the fifth section of the Islamic Penal Code in 1997, the punishment of flogging, which was carried out before 1997 for violating the laws related to clothing by women, was replaced by imprisonment or a fine (Hashemi 2016).¹ In addition to the Islamic Penal Code, other laws have been approved which make it easier to control women's hijab, for instance, the Law of Boards for Administrative Violations (The Law of Boards for Administrative Violations, 1984)², the disciplinary code of school children³ (Supreme Council of Education and Culture IRI 1992), and the disciplinary code of students.⁴ (The disciplinary code of students 1995).

According to the disciplinary code of school children all female school children should wear hijab and the color of their forms and scarves must be according to the instructions of the Ministry of Education. Non-compliance will result in punitive measures. Also, by the disciplinary code of students, failure to observe Islamic clothing or use of vulgar clothing and make-up is considered a moral violation of students. A collection of laws and approvals related to chastity and hijab in higher education.

However, in addition to these laws, there exists a regulation that empowers the police and other law enforcement officers to address women as if they were criminals when dealing with those wearing an inappropriate hijab. According to paragraph one of Article 21 of the Criminal Procedure Law, the failure to observe the Islamic hijab is considered a clear violation of the law. Consequently, law enforcement officers are mandated to implement measures to preserve evidence of this

- 1 With the approval of the punishment law as the fifth section of the Islamic Penal Code in 1997, the punishment of flogging, which was carried out before 1997 for violating the laws related to clothing by women, was replaced by imprisonment or a fine.
- 2 -According to clause 13, Article 8, Non-observance of Islamic hijab by women who are government employees is considered an administrative offense.
- 3 According to clause 2-7-Note 2 of Article 2, all female school children should wear hijab and the color of their forms and scarves must be according to the instructions of the Ministry of Education. Non-compliance will result in punitive measures.
- 4 According to this law, failure to observe Islamic clothing or use of vulgar clothing and make-up is considered a moral violation of students.

violation and prevent the accused from escaping. Consequently, officers are required to apprehend the woman in question and transfer her to the appropriate judicial authorities.

In order to ensure the strict implementation of the hijab law by women in the early 80s, the punishment for uncovering the hijab was included in the Islamic Penal Code, the "Islamic Revolution Committee", "at its inception, based on its dependence on key power institutions engaged in disarming and securing certain centers, confiscating property, appointing officials for some institutions, arresting certain former officials, and other similar activities. Due to the rapid formation of the organization and weak management and oversight, there were numerous instances of legal violations and human rights abuses" (Wikipedia 2015) patrols arrested people who did not observe their hijab or if their hijab did not match the request of the Islamic Republic (Asr-e Iran 2016).

With the integration of this committee with the police force and the election of a medical reformer as the president, there was a limited decrease in the level of scrutiny on women's hijab. However, eight years after these reforms, the election of a far right and religious president marked a turning point. One of the toughest regulations of the Islamic Republic of Iran, "Executive Measures to Spread the Culture of Chastity and Hijab," was implemented during these times (Farhang Pouya 2010). The law on implementation of hijab and development of chastity culture has specially approved duties for all government agencies to make more efforts to impose hijab on women. Guidance patrol ((Gesht Irshad)). The most controversial result of the implementation of this law by the police force of the Islamic Republic of Iran is the official name of the Moral Security Police or the Social Security Promotion Plan. In 2006, these powers were delegated to government officials to charge and arrest women for not observing the hijab and not observing the Islamic veil (Yeon Koo et al., 2018, 48). After the implementation of this decree, the police created more restrictions for women's clothing, beyond the law, they created more clothing arbitrarily code. What kind of clothing is against the hijab code of the Islamic Republic of Iran has always been a controversial issue in the field of women's rights in the country. This is primarily due to the subjective nature of the authorities' preferences when deciding on appropriate clothing for women. This issue has the potential to violate individual rights, because women's citizenship should include the freedom of personal choices, including choices related to clothing. Until now, there is no law that gives a precise definition of the sharia hijab mentioned in the Islamic Penal Code. To determine how to cover the ministries and governmental institutions, each of them considered a different clothing fashion, which in some of them has caused more strictness in women's clothing.

However, the police, which has the main task of warning and arresting women, has so far announced the following as examples of "bad clothing":

wearing short pants, using small shawls that do not cover the hair, and wearing tight or tight-fitting coats or revealing body (Mahnaz 2018). Also, the police have announced restrictions for different seasons, such as hats, boots and leggings, and bad veiling in the winter season, “stating that individuals who do not comply with these rules “will be directed to designated centers for correcting their appearance”⁵ (BBC Persian 2014).

So far, there have been a lot of criticism on the “Executive Measures to Spread the Culture of Chastity and Hijab”, but the most severe criticism on this law has been made by the Organization of Graduates of Iran called “daftere-tahlīm-vahdat” from the perspective of violating human rights, for instance “in the area referred to as “combating improper hijab,” in the first two days alone, 296 people were arrested, and 4,372 individuals were warned by the law enforcement and judicial authorities. On the second day, 2,838 clothing stores were warned, and their businesses were temporarily shut down” (Kiwandakht 2008). However, it is important to note that despite these restrictions on women, the progress in academia and education has continuously grown. The literacy rate among women reached 80.34 in 2006 (Ansia 2010), which later in 2012 increased to 81 percent (Ricardo et al., 2012). According to 2015 estimates of the women literacy rate the female adult literacy rate jumped up to 87.6 percent (UNESCO 2012, 51).

So, the examination of human rights legislation reveals that compelling women to veils infringe upon their political, economic, and civil rights. We will delve into these aspects to offer a comprehensive understanding of this matter.

2. Political Rights

The issue of mandatory hijab and its relevant laws after the revolution had always remained in the political sphere as a complex issue. As a ‘Grundnorm’ of abstract political condition as well as a legal reality, the issue had become a crux of numerous fundamental human rights issues, including but not limited to freedom of political participation, freedom of expression, personal autonomy, and most importantly the freedom to uphold and manifest religion. Hijab laws and their authoritative implementation had disproportionately affected women rights in Iran more than that of men. In the political and legal discourse, such issues arise due to strict interpretation of religious laws and their promulgation without taking in consideration the dissenting opinions from the section of the society who they affect i.e., women. In this sense, one may rightly argue that, “the use of the hijab as a political tool against Muslims is a violation of their political rights, and the use of coercive methods to force

5 The head of the moral security police announced the examples of bad clothing in winter: Boots and savart have been declared as examples of bad hijab in winter.

individuals to wear religious dress is incompatible with “International Human Rights Laws” (Human Rights Watch 2019). This discourse and resistance started from the very beginning of the Islamic Revolution, when the leader of the revolution asked women to appear in society with hijab, had grown over the decades, and reached its peak in recent years. The death of Mahsa Amini in custody, on the charges of violation of the hijab laws had sparked anger and distrust in the coercive nature of the laws itself as well the authoritative powers and impunity granted to the police to make detentions.

2.1 Freedom of Expression

One of the most important controversies and perhaps the biggest concern the hijab law possesses is the restrictions and limitations on the right to the freedom of expression. These restrictions and the punishments for their violations can be discussed, debated, and understood in multifold in the domain of freedom of expression. The violation of the hijab laws incorporated not only the failure to practical manifestation of hijab but also extends to the use of verbal and written disagreements and dissent against the hijab laws. Views both written, oral and audio visually expressed through social media and audiovisual platforms are prohibited and dealt with punishments through imprisonment and fines. As a response to these restrictions on the freedom of expression, women belonging to different fields of life in Iran had continuously protested it. Such protests from women are seen as a challenge to the hijab laws, which the government uses to suppress rights movements and women are arrested and detained on public order charges, which further restricts freedom of expression. Yet another method of restricting freedom of expression is forced confessions by the women arrested in the pretext of violation of hijab laws and public order charges. In this sense, a controlled version of expression, which the state authorities wish to use as a propaganda tool against women are aired on televisions and social media to deter the dissenting public voices. Forced confessions as a violation of the right of freedom of expression serves, for the government, as a necessary political tool in maintaining the power dynamic of effectively controlling the growing concerns on women rights. Secondly, as a psychological tool to deter women in particular and public in general for any future action against the hijab laws.

In this context, women had continuously been harassed, detained, and kept in unwanted conditions for refusal to comply with the hijab laws (OHCHR 2023). These confessions, which are broadcasted mostly on TV and social media platforms have heavily been criticized by public and international organizations alike for being forced and use of coercion, which are seen as violating the right to freedom of expression but also of the other related rights (Roghayeh 2022). For instance, the women are forcibly shown apologizing for their actions without their consent, which not only violates the principles of privacy but also of dignity and

honor (Iran International 2023). The women who are subjected to forced confessions (Farda, R. R. 2022) are often arrested and can face severe consequences, including imprisonment and fines. Additionally, cases like that of Armita Gravand⁶ illustrate that civil resistance against forced hijab can tragically result in loss of life (Wikipedia 2023).

Strict implementation of hijab laws along with arbitrary detentions and inappropriate punishment by the state not only violates Iran international commitments on human rights but also of the human rights instruments to which Iran is a state party. In particular, in implementation of hijab laws, the relevant provisions of ICCPR (ICCPR 1966) and UDHR (Universal Declaration 1948) are blatantly violated with state impunity in the pretext of state sovereignty. A discussion and examination of provisions relevant to freedom of expression, of receiving and imparting information, freedom of political participation, of political affiliation, and right to a free and fair trial is important. Concerns have continuously been raised by the ICCPR committee and other international and national human rights organizations on failure of Iran to bring its laws in compliance with ICCPR and the implementations of its relevant provisions. The list of issues highlighted by the ICCPR committee on the annual report of 2022 submitted by Iran and Iran's reply to these issues provides a necessary understanding and glance of the state's reluctance of bringing its laws in compliance to the provisions of ICCPR and its failure to implement its provision. For instance, the ICCPR committee stressed the significance of ensuring that political rights and freedoms are upheld without discrimination or restrictions, "the Committee is concerned that the legal framework does not afford comprehensive and effective protection against discrimination on all the grounds covered by the Covenant, including gender, religion, political or other opinion, sexual orientation and gender identity" (Human Rights Committee 2021). In the context of political rights and freedoms, Article 18 of the ICCPR⁷ and Article 18 of the UDHR⁸ provides for the protection and safeguards the freedom of thought, conscience, religion, and belief. This includes the freedom to manifest one's religion or beliefs in worship, observance, practice, and teaching both private or in public. However, contrary to the provision, the

- 6 Armita Geravand, a 16-year-old student, passed away after sustaining a head injury during an encounter with Tehran's hijab police. On October 1st, Armita fell into a coma after being stopped by enforcers, and it's believed she was pushed by a woman agent, leading to her severe head injury. The circumstances echo the case of Mahsa Amini, who died last year while in custody of morality police.
- 7 Article 18, International Covenant on Civil and Political Rights. (1966): "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."
- 8 Article 18, Universal Declaration of Human Rights (1948): "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."

government applies hijab laws to bring the freedom of thought, conscience, and religion by women in conformity with their own strict interpretation of religion, thus systematically restricting manifestation of religion in public. Furthermore, article 25 of the ICCPR obliges the states to guarantee and protect the right of every citizen to take part in the conduct of public affairs, including the right to vote and be elected through genuine and periodic elections.⁹ Furthermore, Article 19 of the ICCPR protects and promotes the right of expression and information.¹⁰ Unfortunately, the right to freedom of expression has brutally been violated through state-owned and controlled media, effectively exerting control over and limiting speech, particularly pertaining to women's rights. Such actions not only infringe upon fundamental human rights but also impede the progress toward gender equality and empowerment (Maryam 2000, 819-824). The concerns about women rights were expressed by the Human Rights Committee in response to Iran's 1992 ICCPR report in 1993. "That the discrimination against women, including the punishment and harassment they suffer, are "incompatible" with the ICCPR" (Concluding Observations 1993). Reportedly, the government passed a new law in 1998 which forbids "commercial use of women's image and texts declaring women's issues, humiliation, insult, propagation of formality, use of ornaments, and defending women's [rights] beyond the bounds of legal and religious law" (Maryam 2000, 820). This law allows the government to arrest authors who criticize the treatment of women in Iran (Maryam 2000, 890). Similarly, Convention on the rights of Child, is of particular relevance, since, girls attending schools irrespective of their age are obliged to wear mandatory hijab, which not only violates the provision of CRC but also is an arbitrary power of the government to restrict the practice and manifestation of a child's religion and belief.

9 Article 25, ICCPR, 1966. Article 25 of the International Covenant on Civil and Political Rights (ICCPR), adopted in 1966, is as follows: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, in general terms of equality, to public service in his country."

10 Article 19, ICCPR, 1966: "1. Everyone shall have the right to hold opinions without interference.

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (order public), or of public health or morals."

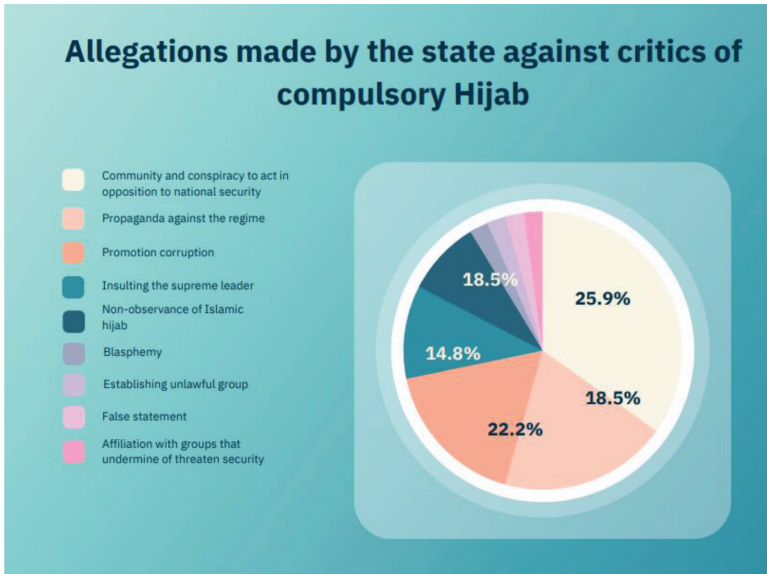


Figure 1: (Roghayeh 2023) Ratio of allegations made by the state against critics of compulsory hijab.

Iranian women have borne the brunt of a predominantly patriarchal and repressive regime that intentionally discriminates against women and denies them basic human rights. One of the most visible signs of the denial of freedom is the Islamic State's control of women's dress. (Susan W. 2007)

In September of 2022, the Atlas of Iran Prisons Group released a report that outlines the experiences of individuals, both male and female, who have been involved in protests against compulsory hijab over the past five years and have encountered legal and security actions within the Islamic Republic of Iran. This diagram shows some allegations towards them.

2.2 Freedom of Choice and Right to "Personal Life"

The right to personal life, choice, and freedom is one of the most fundamental cornerstones of the international human rights system. By virtue of which, all humans including men and women can choose their way of life and individual decisions without any interference, limitation, fear of coercion or force. This right is not limited only to the choice of personal life but also to one's religion, belief, lifestyle, as well as right to personal privacy and personal self-determination.

Such rights of personal choice and life have been recognized by a number of human rights instruments such as the European Convention of Human Rights, the UN declaration of human rights, as well as CEDAW.

Courts, such as the European Court of Human Rights (ECtHR) have not only recognized the right to respect one's private life but termed it as a real right to personal autonomy. "... include the right to intimacy, the right to be left alone, or as I put it, a right to be free from unwanted intrusions, and the right to personal autonomy"(Jill 2009, 69–76).

The right to personal privacy and personal autonomy are interrelated and one can be seen as a way of attaining and securing the other and vice-versa. Privacy can also be regarded as a "means of securing personal autonomy and independence in personal and spiritual concerns, if necessary in defiance of all the pressures of modern society" according to Clinton Rossiter (R 2021, 58-61). The right to personal autonomy includes the freedom of personal choices about personal beliefs, way of living individual life, and as well as of appearances and choice of clothing.

In societies like Iran, the choice of clothing for women can be regarded as an imposed way of wearing rather than a personal one, since the policies are formulated by the state instead of people making their personal decisions of what to wear and what not to. This includes the choice to wear or not to wear a hijab. Refusing to wear the veil, the woman may not only be signifying a lower degree of her religious conviction and contempt of the state's hijab policies. Hence, refusing to observe clothing as defined by the state, may be interpreted as her refusal to adopt a Muslim identity and maybe even her affiliation with "evil" West by the Iranian clerics and by the State. (Susan W. 2007, 47)

2.3 Freedom of Association and Protest

Freedom of association and protest are one of the most significant rights falling in the category of political rights. The mandatory hijab law has ignited various sparks of resistance and activism in Iran. Women's rights activists have campaigned for law changes and greater gender equality in the country. In recent years, the discussion to protest against the mandatory hijab has intensified in the form of various civil movements.

The protest movement of the girls of "Enghelab Street" (Delaram 2018) in January 2016 turned the issue of compulsory hijab into one of the main issues in Iran's political and social atmosphere. Women raised their scarves on sticks and stood on platforms in protest against the mandatory hijab. In this movement, women raised their scarves on sticks and stood on the platform in protest against the mandatory hijab. These protests followed the call for "White Wednesdays", which marked the symbolism in which the women took off the hijab or wore a white shawl as a symbol of protest against forceful implementation of the black hijab (Mansoureh 2022, 9–16). The UN has condemned the violent crackdown against hijab protests in Iran and called on Iranian authorities to respect the rights of protestors calling for justice for Mahsa Amini. Criminalizing refusal to

wear the hijab is a violation of the right to freedom of expression of women and girls and opens the door to a range of other possible violations of political, civil, cultural, and economic rights (UN News 2017).

2.4. Religious Rights

In the Islamic Republic of Iran, freedom of religion, which is one of the most basic human freedoms in the world, is not secured and guaranteed, while international law considers this freedom to be unconditional, and Article 18 of the Universal Declaration of Human Rights includes not only the right of religious freedom but also to change one's religion (Ann Elizabeth 1996, 196). Additionally, Article 18 of the ICCPR also guarantees, "everyone shall have the right to freedom of thought, conscience and religion" (Susan W. 2007, 47). The freedom of religion or belief is not only limited to free and unrestricted choice of the religion but also of its practice and manifestation along with the display of the religious symbols. Dress code is considered by many religions as the manifestation of their religion as well as an integral part of their respective religions. There has been a long debate since the revolution that the restrictions and choice of the dress code and choice of wearing by the women constitutes restriction on the freedom of religion and belief.

According to the revolutionary government's religious policy, everyone, irrespective of their religious affiliations and beliefs, is expected to wear the Islamic dress as defined by the state's hijab laws. Women in particular are forced to wear hijab, 'whether or not they were practicing Muslims'. The selective interpretation of Sharia law by the clerics regarding the dress code as a way of manifestation of religion had repercussions on the freedom of religion or belief, which disproportionately affects religious rights of women as well as the gender equality in the society.

3. Economic Rights

The implementation of hijab laws in Iran had not only affected civil and political rights of women disproportionately but also their economic rights. In the wake of hijab laws, women are excluded from practicing certain professions and restrictions on their participation in others. Businesses and personal property are put under strict surveillance, scrutiny, and seizure in the pretext of implementing hijab laws or the violation of the same. Furthermore, women are not permitted to work in government offices until they observe proper hijab as defined under governmental policies (Maziar 2023). Additionally, actresses are barred from continuing their work for violation of the state hijab laws. For instance, Iran's present Minister of Culture and Islamic Guidance, said regarding the presence of some actresses without hijab in public centers that "From a legal point of view, we cannot allow those who have removed the hijab to attend art programs. We announced that in this field, the law will be the focus of our

plans and anyone who acts outside the law will be dealt with according to the regulations” (Golnaz 2022).

Yet in another instance of the restrictions on the actresses, the public and revolutionary prosecutor of Tehran, announced that “several male and female actors, including Ketayoun Riahi, Panthea Bahram, Afshana Baygan, Fateme Motamedarya and Reza Kianian, have been summoned to the court” (Maryam. 2023).

3.1 Restrictions on Professional Opportunities

Immediately after the revolution, the government started to crack down on the women for implementation of the hijab laws and their conformity with it. As a result of this policy, women were forced out of universities and deprived of their teaching position due to their unwillingness to conform to Khomeini’s “ideal of a Muslim woman teacher” (Azadeh 1997, 85). University faculty and students were expelled, jailed, and purged for a variety of offenses, from being “too Western in attitude” for being “an enemy of God” and for “using obscene language in class” (Susan W, 49).

Mandatory hijab in Iran is seen by women as a barrier for their involvement in professions of their choosing as well as the professional development. Workplaces, offices, and institutions have their own policies for the implementation of hijab laws, which may require strict dress codes, essentially restricting the performance of women workers in such workplaces.

In particular, recent increases in restriction and limitations are faced by the women working in the entertainment industry, including film, theater, and music, due to the hijab laws. Some artistic roles demand specific costumes that conflict with the required dress code, hence the participation of women is either restricted or banned altogether. For instance, public dancing of women is considered an activity which defies the principle of the religion and hijab provisions, therefore, such public performances by women are prohibited.

In other cases, the women participants, especially athletes are restricted from participating in international competitions because the government of Iran requires these participants to fulfill the requirements of the hijab law, while on the other hand, the international organizations organizing such activities require the athletes to follow their own standards of dress codes. However, efforts have been made by the Iranian Government to design sportswear that fulfill the requirements of hijab laws in an attempt to allow the participation of the female athletes in International Competitions, but it still remains a widely debated topic both at domestic and International Levels. Institutions highly influenced by the religion and religious norms, such as government sector and legal institutions,

women either find it difficult to find a job or development of their careers due to strict implementation of dress codes and 'high standards' of hijab regulations which they are required to follow. For example, women in jobs, such as police officers, high-ranking positions, managers, deputy directors of justice, etc., need to ensure a complete and proper Islamic Hijab as defined in the hijab laws. A classic example of how the hijab laws govern in the top government positions, is that of Leia Junadi, the legal deputy of the presidency, who before being elected as the deputy president, always observed a type of hijab, and wore a headscarf, which is mandatory according to Iran's laws today, and wore a coat with pants, but after being elected to this job, she was forced to wear a chador (complete and proper hijab as defined under hijab laws and regulations). In an interview, she said, "Mr. Rouhani (former president), due to cabinet regulations, asked me to observe the current dress code." I respected their wishes (Golnaz 2017).

3.2 Impact on Tourism and Business

Iran has a great tourist potential and a tourist destination as it is home to some of the oldest architectural places. Equally contributing is the medical tourism sector, from which Iran can benefit from. The mandatory hijab law has affected Iran's tourism industry, as some tourists may be deterred from visiting due to clothing restrictions. This in turn can affect the local economy, especially in areas that rely heavily on tourism. For instance, Iran offers a huge potential of cultural, historical, religious, and medical tourism for visitors from within the region and worldwide. While Iran boasts rich historical and cultural attractions, the enforcement of strict dress codes for both residents and visitors can shape tourists' decisions and experiences, consequently affecting the country's tourism industry and economic growth in several ways. According to the estimates of Iranian officials in the tourism departments, Iran has the potential of attracting 10 million foreign tourists each year (Tehran Times 2023). However, the actual number of foreign tourists arriving during the year 2023 was 4.1 million, less than half of the total number of tourists in 2019 (Agence France-Presse 2023). The decline of the tourists between 2019 and 2023, can arguably be explained as a repercussion of the government's policy of strict surveillance on people in general and tourists in particular for violation of hijab laws in the pretext of the massive protests after the death in custody of Mahsa Amini. Further, many western countries advised their citizens to avoid traveling to Iran for the fear of arbitrary detention in the wake of their involvement and encouragement of protest against the hijab laws, which in turn had adverse consequences on the businesses and economic rights of women associated with the tourism industry. The imposition of hijab laws in various ways, shape the changing trends in the tourism industry in Iran and its impact on the economic rights of the women. International tourists, who wish to visit Iran as a potential tourist destination, for the fear of observing mandatory dress codes, may choose

other tourists' destinations in search of personal freedoms, who offer a more comfortable dress choice. This partially explains the decline in the number of tourists arriving in Iran in recent years. The hospitality sector, which handles tourists and provides hospitality services to the tourists, had to adhere to National Hijab Laws and dress codes regulations. Tourists availing hotels and other housing establishments providing hospitality services may face restrictions on dress codes and hijab restrictions and might feel uncomfortable. Influenced by such experiences, the international tourists may change their plans regarding the length of stay and spending in Iran. Such decisions and change in plans may impact the already deteriorating economic situation of the women affiliated with the tourism industry. The mandatory observance of the hijab laws by the tourists may further impact their cultural and social engagement with the people by creating barriers by exposing the international tourists to dress norms which they are not accustomed with. Furthermore, 'hotels, restaurants, and other hospitality businesses might experience fluctuations in demand due to tourists' concerns about adhering to dress codes. Some establishments might even cater more to domestic tourists who are already accustomed to these regulations, as the tour guides, "revealed that due to the protests, Germany, Spain, South Africa, Brazil and Australia had completely canceled all their planned tours to Iran" (VOA's Persian News Network 2023). In general, international foreign investment in the country may be influenced and affected by the strict dress code policy and mandatory hijab laws.

Iran also offers a range of medical and healthcare services, including cosmetic surgery, dental procedures, fertility treatments, organ transplantation, and more. However, the availability of these services is restricted by hijab laws for the people from other countries due to the presence of restricted dress code provision. Moreover, many western countries frequently issue travel advisories, which inhibits the number of citizens traveling to Iran for medical purposes. Since, the overwhelming majority of professionals associated with the medical tourism industry are women and decreasing number of people availing such services impact their economic conditions negatively.

Brain drain from developing countries is argued by many scholars and economists to have an adverse impact on the economic growth of the countries. Iran, in recent years, has witnessed a growing trend in the number of professionals in various fields leaving the country due to various reasons. According to reports, at the end of 2022, a total of nine thousand Iranians arrived at the borders of the United Kingdom seeking asylum (Kourosh 2023). One year after the nationwide protests that took place after the death of Mahsa (Gina) Amini, various groups of people in Iran have been strongly affected. Although there are no exact statistics of irreversible departures in the past year, public reports, some confidential documents, and people's narratives on social networks indicate the formation of a

“migration wave” as well as “a sharp increase in the desire to migrate (RFE/RI’s Radio Farda 2023). Additionally, according to the European Union Agency on Asylum, the number of Iranians seeking asylum reached 1,579 in the month of February 2023 alone. This exponential increase in the number of Iranian citizens claiming asylum in the European Union reached 13,444 in the year 2022 (RFE/RI’s Radio Farda 2023). However, the parity in the number of females leaving the country before and after the recent protests in wake of the hijab laws, probably explains the growing concern of economic rights of women in the country. According to estimates, “due to brain drain, Iran will lose around \$150 billion dollars to its economy annually” (Massaab 2023). The strict implementation of the hijab laws not only results in the loss of human resources but also in the loss of billions of dollars affecting the economic rights of the people in general and women in particular.

Also, the government may use property confiscation as a tool to enforce hijab laws. These measures include the sealing of trade unions and business centers throughout Iran. Hijab-related violations, such as violations of Islamic Law by employees or customers, lead to actions such as business closure or asset confiscation. These measures have intensified during people’s protests against hijab, and moral security police have even impounded cars in case of hijab violation. By taking these actions, confiscation of business is completely in conflict with the 20th article of the Islamic Republic of Iran’s Constitution, which emphasizes the equal protection of the rights of both men and women (TRT Persian 2023).

4. Conclusion

The current debate and growing concerns about women rights in Iran has deep roots since the Islamic revolution of Iran in 1979. Women had long protested and resisted the promulgation and implementation of discriminatory laws, such as hijab laws, which had disproportionately affected the rights of the women across all fields of life. The hijab laws, which are considered discriminatory against women, have restricted their participation in political, religious, civil, and economic affairs of the country. The dissent deeply rooted among women in Iran found a fresh spark with the arbitrary arrest and death in custody of Mahsa Amini due to alleged violation of hijab laws and dress code. This incident, which resulted in nationwide protests in Iran and use of unnecessary force, arrest and detention, and oppression of the protesters had increased the concerns of International Human Rights Organizations and Human Rights Defenders alike. The analysis of the hijab laws shows that such laws had resulted in marginalization of women in different fields, widespread discrimination, and violation of their political, religious, and economic rights. The nature of these laws being against the principles and norms of International Human Right Instruments and Iran’s International commitments have been called to question by International Scholars and Experts. The

United Nations along with other Human Rights Organizations in general and women in Iran in particular demand the adherence to international commitments such as ICCPR provision by the Iranian regime, the failure to which has the potential of worsening the already vulnerable situation of women rights.

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