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Veiling Laws and Affiliated Protests in Iran

CLAIRE O'BRIEN & MEGAN SCHUMM*

Abstract

Veiling laws in Iran are the obligation for women to wear hijabs or headscarves and are based on Muslim religious beliefs that women must cover their head to remain modest and submit themselves to God.¹ The Quran is not explicit on the topic of hijabs or headscarves and, as a result, some followers interpret it as a personal preference and others interpret it as a requirement.²

Iran's veiling laws have been the topic of great scrutiny due to a horrific event that occurred on September 13, 2022, where a young woman, Mahsa Amini, was accused by the police of improperly wearing a headscarf.³ This led to her being arrested and beaten so brutally that she slipped into a coma and died only a couple days later.⁴ Mahsa Amini's death has led to protests around Iran.⁵ These protests have become increasingly violent and resulted in thousands of Iranian citizens being injured, imprisoned, and killed.⁶ Further, it led to Iran being removed from the United Nations (UN) Commission on the Status of Women.⁷ This article will discuss in further detail the history of the veiling laws from their implementation up to current events and the future implications of these laws.

BACKGROUND

Prior to the Islamic Revolution in 1979, veiling in Iran was not required and when women would wear veils, it was not solely a representation of religious beliefs.⁸ Pre-Islamic Revolution, the dictator Shah, who ruled from 1925-1941, embraced Western culture, customs, and government.⁹ Many women during that time would wear veils by choice as a form of protest against the Westernization of Iran.¹⁰ Some cultural reasons behind wearing the hijab

¹ Caitlin Killian, *Why Do Muslim Women Wear a Hijab?*, THE CONVERSATION (Jan 16, 2019), <https://theconversation.com/why-do-muslim-women-wear-a-hijab-109717>.

² *Id.*

³ *Iran removed from UN Commission on the Status of Women*, UN NEWS (Dec. 14, 2022), <https://news.un.org/en/story/2022/12/1131722>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Amy Motlagh, *The Conversation: The Veil in Iran Has Been an Enduring Symbol of Patriarchal Norms, But How Has Its Use Changed?*, UC DAVIS (Nov. 16, 2022), <https://www.ucdavis.edu/blog/curiosity/veil-iran-has-been-enduring-symbol-patriarchal-norms-its-use-has-changed-depending-who-power#:~:text=For%20many%20during%20the%20revolution,power%2C%20the%20veil%20became%20compulsory.Background>.

⁹ Sahar Maranlou, *Hijab law in Iran over the decades: the continuing battle for reform*, THE CONVERSATION (Oct. 7, 2022 10:50 AM), <https://theconversation.com/hijab-law-in-iran-over-the-decades-the-continuing-battle-for-reform-192037>.

¹⁰ Motlagh, *supra* note 8.

included the patriarchal structures of the home and the women's represented "honor" to their family and respect to their husband.¹¹ The veil represented religious, cultural, and political beliefs. During the Shah's rule, he also proposed "unveiling laws" which did not restrict the dress of women throughout the country.¹²

Iran's veiling laws began in April 1983 after the Islamic Revolution.¹³ These laws require women and girls to cover their heads with a headscarf under the threat of punishment.¹⁴ The punishment ranges from imprisonment to fines.¹⁵ While there are laws set in place for men in Iran, they are rarely carried out and almost never enforced to the extent of the veiling laws for women. Thus, women are held to a much higher standard and treated much more harshly than the men.

After the Islamic Revolution, veiling laws were implemented, and protests ensued.¹⁶ Veiling laws were comprehensive and noncompliance was punished and viewed as "a rejection of the norms of the Islamic Republic."¹⁷ It was not until the 1990's that there was criminal punishment for breaking the veiling laws. Specifically, those criminal punishments are the ones which are still in place today and enforced by way of imprisonment and fines.

CURRENT EVENTS

In response to these protests, Iranian security forces are shooting protesters with shotgun pellets causing severe damage.¹⁸ In September of 2022, mass protests broke out in response to Iran's veiling laws. Mahsa Amini was detained for breaking the veiling laws by not fully covering her hair with a hijab or headscarf.¹⁹ While in custody, Amini died, sparking nationwide protest.²⁰ Such gruesome punishments did not end with Amini, but have continued to occur, such as the two public hangings of protesters that took place in Tehran and Mashhad.²¹

¹¹ Maranlou, *supra* note 9.

¹² *Id.*

¹³ Agence France-Presse, *Iran reviewing mandatory headscarf law amid ongoing protests*, THE GUARDIAN (Dec. 3, 2022 8:11 PM), <https://www.theguardian.com/world/2022/dec/04/iran-reviewing-mandatory-headscarf-law-amid-ongoing-protests#:~:text=The%20hijab%20headscarf%20became%20obligatory,it%20up%20to%20individual%20choice>.

¹⁴ Iran removed from UN Commission on the Status of Women, *supra* note 3; France-Presse, *supra* note 13.

¹⁵ *Id.*

¹⁶ Maranlou, *supra* note 9.

¹⁷ Tracey Shelton, *As Iranian women protest hijab rules, here are some of the strictest clothing laws around the world*, ABC NEWS (Oct. 1, 2022 2:52 PM), <https://www.abc.net.au/news/2022-10-02/-iranian-women-protest-hijab-law-strict-clothing-laws/101484942>.

¹⁸ Deepa Parent & Ghoncheh HabibiAzad, *Iranian forces shooting at faces and genitals of female protesters, medics say*, THE GUARDIAN (Dec. 10, 2022 10:55 AM), <https://www.theguardian.com/global-development/2022/dec/08/iranian-forces-shooting-at-faces-and-genitals-of-female-protesters-medics-say>.

¹⁹ Hyder Abbasi, *Mahsa Amini did not die from blows to body, Iranian coroner says amid widespread protests*, NBC NEWS (Oct. 7, 2022, 12:25 PM), <https://www.nbcnews.com/news/world/mahsa-amini-death-iran-morality-police-protests-coroner-report-rcna51169>.

²⁰ *Id.*

²¹ Farnaz Fassihi, *Iran Turns to Public Executions, Enraging an Already Protesting Public*, THE NEW YORK TIMES (Dec. 12, 2022), <https://www.nytimes.com/2022/12/12/world/middleeast/iran-protests-execution.html>.

Over 400 people have been imprisoned for protesting, with prison sentences extending up to ten years²²

Reports from medical personnel treating the protesters indicate that the security forces are disproportionately targeting women.²³ Women receiving medical treatment are coming in with shotgun pellets lodged in their faces, breasts, and genitals, whereas men are coming in with pellets in their legs, buttocks, and backs.²⁴ It is suggested that these security forces are intentionally shooting towards areas on women's bodies with the intention of “destroying the beauty of women.”²⁵ Medical personnel treating these protesters are forced to act in private for fear that they too will be punished and face jail time or even death.²⁶

Further, Iran’s veiling laws have been the topic of great scrutiny due to a horrific event that occurred on September 13, 2022, where a young woman, Mahsa Amini, was accused by the police of improperly wearing a headscarf.²⁷ This led to her being arrested and beaten so brutally that she slipped into a coma and died only a couple days later.²⁸ Mahsa Amini’s death has led to protests around Iran.²⁹ These protests have become increasingly violent and resulted in thousands of Iranian citizens being injured, imprisoned, and killed.³⁰ Further, it led to Iran being removed from the UN Commission on the Status of Women.³¹

The targeting does not end with the Iranian security forces. The Iranian government has committed to dealing harsher sentences to the protesters.³² This is especially worrisome because there are no independent courts in Iran, meaning that both judges and prosecutors report to the same judicial body.³³ This legal system often has trials of a political nature that include no due process of law, no freedom of choosing defense lawyers, and minimal access to case files.³⁴ This practice leads to unfair trials with harsh sentences.

Another issue with Iran’s legal system is that the definition of “disruption” can be adapted to fit any of the protester’s actions, resulting in protesters being punished for any involvement with the protest.³⁵ There are some public trials set to take place, however, many of

²² David Gritten, *Iran protests: 400 people sentenced to prison over Tehran unrest*, BBC (Dec. 13, 2022), <https://www.bbc.com/news/world-middle-east-63960395>.

²³ Parent & Habibi-azad, *supra* note 18.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Iran removed from UN Commission on the Status of Women, *supra* note 3

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Iran International Newsroom, *Iran’s Judiciary Vows Harsh Sentences For Protesters*, IRAN INTERNATIONAL (Nov. 8, 2022), <https://www.iranintl.com/en/202211087031>.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

these trials will result in a false confession. It has been uncovered that the “Iranian criminal justice system also relies heavily on forced confessions extracted through torture and other forms of coercion and duress to prove guilt.”³⁶ This is not only unfair, but such a system leads to improper sentencing, including the death penalty.³⁷ Overall, both the legal and social environments in Iran are very hostile and result in the violation of the protester’s suffering serious injuries, human rights and the fear of death.

WORLDWIDE INVOLVEMENT

The United States has been heavily involved in Iran’s affairs since the Shah's dictatorship. After the fall of the Shah, the United States placed a multitude of sanctions on Iran to express its discontent with the movement in the laws and has implemented additional sanctions against Iran to urge for the removal of Iran from the United Nations Commission on the Status of Women.³⁸

The United Nations has condoned the violent punishment of protestors from the Iranian government.³⁹ The UN released a statement saying,

“UN Women stands with the women of Iran in their rightful demands to protest injustice without reprisal, and to be free to exercise their bodily autonomy, including their choice of dress and also supports them in seeking accountability, and the upholding of their basic human rights as stipulated in the Charter of the United Nations. We call on relevant authorities to support and enable the expression of their full human rights in a safe environment without fear of violence, prosecution, or persecution.”⁴⁰

The United Nations has pressed the Iranian government to comply with the Human Rights Council and cease the sentencing of protestors to death.⁴¹ These issues do not just affect protestors, but also the journalists who are only alleged participants of the protests, who have been arrested and are subject to punishment.

The United States’ sanctions could either enforce Iran’s extreme punishments or call it to a close. By looking at the response from the Iranian government to the United Nations continuous urges, it appears the Iranian government has no intention of remanding the

³⁶ *Iran: Stop sentencing peaceful protesters to death, say UN experts*, UNITED NATIONS (Nov. 11, 2022), <https://www.ohchr.org/en/press-releases/2022/11/iran-stop-sentencing-peaceful-protesters-death-say-un-experts>.

³⁷ Iran International Newsroom, *supra* note 32.

³⁸ Kelly Garrity, *U.S. issues new sanctions on Iran after execution of 2 protesters*, POLITICO (Dec. 21, 2022 3:07 PM), <https://www.politico.com/news/2022/12/21/united-states-sanctions-iran-protests-00075007>; Michelle Nichols, *Iran's future on U.N. women's rights body to be decided Dec. 14*, REUTERS (Nov. 29, 2022 6:07 AM), <https://www.reuters.com/world/middle-east/irans-future-un-womens-rights-body-be-decided-dec-14-2022-11-28/>.

³⁹ *UN Women statement on women’s rights in Iran*, UN WOMEN (Sept. 27, 2022), <https://www.unwomen.org/en/news-stories/statement/2022/09/un-women-statement-on-womens-rights-in-iran>.

⁴⁰ *Id.*

⁴¹ *Iran: Stop sentencing peaceful protesters to death, say UN experts*, *supra* note 36.

punishments.⁴² As a result, there may be a form of physical interference by the UN in the near future.⁴³

FUTURE IMPLICATIONS

In the near future, the Iranian government is set to make a ruling on the veiling laws.⁴⁴ Rulings on these laws will determine the fate of the protesters and will have a lasting effect on the country as a whole.⁴⁵ Arrested protesters are looking at long prison sentences and even the possibility of death.⁴⁶ These “sham trials” have resulted in four executions.⁴⁷ The Iranian Supreme Court has confirmed numerous death sentences and these individuals are awaiting execution.⁴⁸ Since thousands of other protesters are currently waiting in jails, their fate rests in the hands of the Iranian government; the hands of the government who sent them to jail.⁴⁹ This means that many lives may be unjustly lost if other countries do not step in to help.

The United Nations Human Rights Council met in November 2022 and decided that a fact-finding mission was necessary to determine if any human rights violations occurred.⁵⁰ This announcement was hastily followed with a response from Iran stating that they would not cooperate with the investigation.⁵¹ This response sets a precedent going forward with future allegations.⁵² The need for assistance from Western countries is now more apparent than ever.⁵³

In 2018, when the United States of America’s President Donald Trump withdrew from the Iran nuclear deal, it resulted in lost leverage between Iran and Western countries.⁵⁴ In order to compel a response from Iran, Western countries need leverage.⁵⁵ Western countries could threaten to withdraw from trade deals or put further economic sanctions in place to motivate the Iranian government to react. Since there is a clear lack of any of these arrangements, Iran has a lot more power to do as it pleases with these laws and protesters.

The future of thousands of Iranian citizens and generations to come are in the hands of the Iranian government. Iran’s choice to not cooperate with the UN Human Rights Council puts them in a difficult position under the spotlight on the world stage. The growing strength and

⁴² UN Women statement on women’s rights in Iran, *supra* note 40.

⁴³ *Id.*

⁴⁴ Nichols, *supra* note 39.

⁴⁵ *Id.*

⁴⁶ Bijan Ahmadi & John Packer, *Diplomatic Pressure Is Needed to Stop Executions in Iran*, THE HILL (Jan. 25, 2023 1:00 PM), <https://thehill.com/opinion/international/3829882-diplomatic-pressure-is-needed-to-stop-executions-in-iran/>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

power of the Iranian government is being exercised and is setting a dangerous precedent for future foreign involvement. This power could very likely create a threat in the future for Western countries and the citizens of Iran. Foreign involvement is needed now more than ever before it becomes too late for all of the protesters awaiting execution.

CONCLUSION

In conclusion, veiling laws have been a controversial topic in Iran for almost 100 years. The veiling laws controversy started during the Shah's rule from 1925-1941 as he began to embrace Western culture and government. In addition to the Shah's adoption of Western culture and government, he implemented "unveiling laws" which were a direct opposite of the veiling laws that we know today. Women tended to continue to wear veils or hijabs for religious, cultural, or political purposes, although they were not required to. After the Islamic revolution, there was a desperate attempt to reverse and reject all that the Shah had done, this included the unveiling laws. New veiling laws were implemented but the criminal punishment from the morality police was not instituted until the 1990's.

The recent protests in response to the death of Mahsa Amini reignited the controversy and put it on a spotlight worldwide. The citizens of Iran are speaking out against the veiling laws and are being strongly penalized for it. There are targeted attacks on women, mass incarceration, and public hangings.

The United States has been heavily involved with Iran's affairs since the Shah was in charge. After the fall of the Shah, the United States imposed sanctions on Iran. Since the protests against veiling laws, the United States has placed an abundance of sanctions on Iran. Furthermore, the UN has issued statements condemning the Iranian government and is set to make a ruling on Iran's place in the women's rights section of the UN.

Looking forward, the Iranian government is set to make a ruling on the veiling laws. If the Iranian government rules that the veiling laws are to remain in place, many of the protestors face harsh and inhumane punishment. The Iranian government is currently failing to cooperate with the UN Human Rights Council which indicates that the ruling on the veiling laws is most likely going to not be one that is sympathetic to the wishes of their countrymen and the current imprisoned protestors.