

The Islamic Republic, violence and oppression of women and forced hejab Laws

Nasrin Afzali

For those who do not reside in Iran it may be puzzling to comprehend the dynamics of the Iranian regime in succeeding to enforce widespread compulsory head cover, or hejab laws when most women oppose it¹, and how in practice women do not dare to openly air criticism of it in public spaces. In other words, although Iranian streets may be filled with women who partially observe hejab laws, it is almost impossible to see women not wearing hejab in public. When Iranians disregard laws pertaining to driving, finance, banking and even political activism, some may then question, why do they not disregard this single law? The answer is that for the Islamic Republic, the enforced hejab, unlike other laws, is a symbol of the lifestyle and ideology on which the Islamic Republic is based and which justifies its survival. Therefore, violation of such a law is not a simple act but a rebellion against a pattern that the state has set in place for all who live in Iran. Naturally, a matter of such importance is not limited to the law and legal investigation of violations. For this reason, the state does not solely rely on legal tools to oversee the application of hejab laws, it also endeavours to inculcate a culture of fear among the masses. This line of action has been implemented by the Baseej and the armed forces since the early days of the Islamic Republic.

In order to understand the dynamics of implementation, it is necessary to investigate how the relevant law was conceived and developed. Less than a month after the revolution, in March 1979, Ayatollah Khomeini ordered that women must observe hejab². However, since the new regime had not yet been established and the necessary political and security forces had not yet been formed, this order was not implemented. Nevertheless, this order served as the grounds for certain religious and leftist groups to begin theorising the need to control women's coverage.

During the first two years of the revolution, although wearing hejab was not enforced, over time there was far less room for those who lacked it. The absence of hejab was viewed as a sign of opposition to the revolution and women who failed to observe hejab laws were made the target of insults and abuse. During this period no formal orders were issued to impose the compulsory Islamic dress code on women, but the state was able to oppress the population to the point that women had no choice but to observe hejab. Attacks on the street, insults, threats, dismissal from work and many such acts of violence affected many women who refused to wear hejab. Such cases were committed by elements identified as the Islamic Revolutionary Komiteh.³ This body came into being through the semi-official organisation and militarisation of the pro-government youth forces.

But during a speech in July 1979⁴, Ayatollah Khomeini greatly criticised the government as to why there were still signs of imperialism in government offices and allowed for ten days to Islamify the offices. Immediately, officials announced that as of the morning of Saturday⁵ 14 July 1979 women who fail to observe hejab were not permitted in government offices. During the following days the newspapers carried stories about courts dealing with women who went to work without hejab. This time, unlike the previous speech of Ayatollah Khomeini, no objections were aired. The few women who wore black to protest publicly were arrested in the name of supporting the monarchy and opposing the revolution. In this manner working women were forced to accept hejab. Hejab became mandatory in girls' schools. Universities were closed following the Cultural Revolution. Intellectual women and those who were yielded some degree of influence during the previous government either left the country, were forced to remain at home, or were trapped in courts and prisons. In reality no woman was seen in public without hejab even though the government had not yet made hejab mandatory in public spaces.

In practice, it was such a great risk that no woman dared to appear without hejab. This is the manner in which the government initially enforced hejab without making it into law. Then in July 1980, by defining hejab and identifying its sphere of influence, Ayatollah Khomeini mandated hejab in public places. However, prior to 1983, the parliament had not passed any laws to enforce the wearing of hejab. It was during this

¹ Persian Letters, Iranians Use Facebook To Say 'No' To Compulsory Hijab, Radio Free Europe/Radio Liberty, July 2012, <http://www.rferl.org/content/iranians-use-facebook-to-say-no-to-compulsory-hijab/24651872.html>

² Leila Mouri, Compulsory Hijab in Iran: There Is No Room for Appeasement, Huffington Post, July 2012, http://www.huffingtonpost.com/leila-mouri/compulsory-hijab-in-iran-_b_1698338.html

³ Komiteh-ha-ye Enghelab, or Revolutionary Committees - See: <http://islamweb.us/who-is-komiteh.html>

⁴ B. Smdbygy, How Hejab Became Mandatory, RoozOnline, July 2013, <http://www.roozonline.com/persian/news/newsitem/archive/2013/july/29/article/-2a614032c7.html>

⁵ Saturday is the first day of the working week in Iran.

year that the Islamic Penal Code⁶ was passed which set the punishment of 74 lashes for failure to meet hejab laws. During the same summer the government set a new force to combat vices (Jondollah Patrol) under the Islamic Republic Kumiteh and began monitoring the streets. One of the duties of this patrol was to confront women who failed to properly observe hejab laws.

In 1995 an amendment to article 638 of the Islamic Penal Code stated that women who appear in public places without hejab will be sentenced to imprisonment between 10 days and two months or a fine anywhere between 50,000 and 500,000 Rials⁷.

After the end of the Iran-Iraq war and the start of the Khamenei-era of leadership, a number of changes in military and security forces took place. One example was the amalgamation of the Islamic Republic Kumiteh with the police force. It was from that point onwards that the police took a more active role in combatting cases of improper hejab.

In addition, it was expected that the Baseej, which came into being at the order of Ayatollah Khomeini during the Iran-Iraq war with a duty to gather volunteers to serve at the frontlines of war, would be dissolved. However at Khamenei's order the Baseej was placed under the supervision of the Islamic Republic Guards Corp and with renewed organisation was transformed into one of the part-time voluntary bodies that operate in the heart of offices, mosques, universities and schools as an ideological group in control of public spaces. So, in effect, the Baseej became a tool to terrorise.

Over the past twenty years or so, every summer when the temperature rises the police devise a new plan to encounter women who take to thinner clothing considered as improper hejab. During the early days of the new century this plan was labelled as the 'moral security plan'.⁸ As part of this plan police forces were present in public places and squares in major cities throughout the country. They arrested any woman who they deemed as lacking hejab and transferred in special cars designed for female detainees to police stations. If those arrested lacked any criminal record they were released after signing a statement committing to observe the laws and handed over to their husband or father. However, if they did have previous record of arrest a new criminal file was opened and they were sent to court.

In March 2004 the Supreme Council of the Cultural Revolution⁹ passed a bill called 'strategies and regulations to promote a culture of chastity' and called upon 27 organisations to carry out specific duties in combatting improper hejab, including the police and Baseej forces¹⁰. According to these regulations police were charged to carry out the following:

1. Announcing of legal limits and boundaries of chastity and standards of improper hejab in society in order to identify specific cases
2. Making efforts to deal with violators in a legal and respectful manner
3. Collaborating with like-minded organisations to create spaces for the propagation and promotion of the new culture along all hiking paths and promenades leading to mountains as well as other public and recreational spaces
4. Involving unions, associations and guilds in combatting improper hejab
5. Warning those with improper hejab and approaching them according to law in public spaces
6. Submitting of legal bills to judicial authorities with regard to observing proper hejab while driving
7. Making legal approaches to street dwellers, those with improper hejab and corrupt groups and prostitutes, etc

⁶ Iran Human Rights Documentation Centre, New Islamic Penal Code of the Islamic Republic of Iran: An Overview, 2012, <http://www.iranhrdc.org/english/human-rights-documents/ngo-reports/university-of-essex-university-of-essex-iran-unit/1000000159-new-islamic-penal-code-of-the-islamic-republic-of-iran-an-overview.html>

⁷ Iran Human Rights Documentation Centre, Islamic Penal Code of the Islamic Republic of Iran – Book Five, July 2013, <http://iranhrdc.org/english/human-rights-documents/iranian-codes/1000000351-islamic-penal-code-of-the-islamic-republic-of-iran-book-five.html#18>

⁸ News About Iran, Mullahs, Iranian Women, and Hijab May 2011, <http://iransnews.wordpress.com/2011/05/17/mullahs-iranian-women-and-hijab/>. See also Rasa Sowlat, High Price of "Bad Hejab" in Iran, Institute of War and Peace Reporting, June 2010, [http://iwpr.net/report-news/high-price-"bad-hejab"-iran](http://iwpr.net/report-news/high-price-)

⁹ The official site of this body and its publications: Supreme Council of the Cultural Revolution, <http://www.iranculture.org/en/default1.aspx>

¹⁰ Please see the final charter ratified in 2004 at: Charter of Women's Rights and Responsibilities in the Islamic Republic of Iran, ILO, September 2004, http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_205795.pdf

8. Supervising and providing legal control over recreational and public areas such as parks, cinemas, stadiums, mountains, beaches, islands, free trade zones, airports, terminals, etc (in collaboration with other relevant state organs and institutions)
9. Increasing endeavours to inform society at large of the positive social and moral effects of hejab and chastity and the negative effects of failure to observe the same, incorporating cultural, artistic and promotional works (in collaboration with relevant bodies)
10. Preventing the production, distribution and display of illegal audio-visual materials and clothing that result in improper hejab and lack of chastity
11. Supervising and controlling the observance of legal boundaries of chastity in residential complexes, towers and gated developments through management over these communities
12. Giving attention and supervision to dangerous, special or corrupt centres and the prioritisation of programmes and sensitive centres as well as blocking initiatives that bar women's social security
13. Prioritising the inclusion of experienced women in the arrest of female offenders and handing them over to security centres in order to prevent negative impressions among the masses
14. Requiring coordinators of celebrations and weddings to observe Islamic laws and control their attendants, as well as making serious approaches to illegal venues that lack proper permits
15. Requiring beauty salons to observe legal and Sharia laws on chastity as well as control of the manner in which brides and their parties enter and exit from their premises
16. Providing constant supervision of public places such as airports, residential complexes, exhibitions, etc with regard to coverage, and inspection of such places in order to eliminate improper hejab (in collaboration with relevant bodies)
17. Training, coordination and involvement of female forces in the supervision of hejab and coverage in public, while observing respect for and the sanctity of the individual
18. Seeking input from the Ministry of Culture and Islamic Guidance and security forces with regard to any concert or celebration prior to issuing permits
19. Confiscating government vehicles carrying individuals who have not observed Islamic values
20. Expressing views regarding activities or lack of activities of departments that can promote corruption
21. Preventing activities of opposing groups that will undermine public morals

What became known to the public in recent years as the 'Guidance Patrol' is part of initiatives in accordance with the above Act that was allocated as among the responsibilities of the police force. Currently police cars carrying the symbol of Guidance Patrol are placed in many squares and streets of Iran and they arrest women whose hejab does not meet with their approval. In addition, public spaces such as parks, stores and shopping malls, promenades, cinemas, theatres and concert halls are among the spaces that are controlled by these forces.

The same Act specifies certain duties for the Baseej:

1. Baseej forces, after passing through training in the supervision of both tangible and intangible elements pertaining to chastity in public and centres such as 'schools, universities, mosques, places and offices' must act in accordance with the laws
2. The dissemination of information pertaining to chastity through various means is carried out by Baseej forces
3. The use of cultural and moral means to promote a culture of chastity
4. Collaboration among Baseej as the trustee and representative of NAJA and judicial officer¹¹ in public spaces

¹¹ Law Enforcement Forces of the Islamic Republic 9.-In Persian the acronym is NAJA.

5. Promotion of a culture of chastity in assigned places such as 'offices, organisations, factories' among employees, staff and customers
6. The assessment of the negative impact of improper hejab and cultural vulgarity through research

The Baseej has a number of branches, the most widely known of which include Baseej branches among students, engineers, unions and labourers, offices and mosques, development Baseej, clergy, teachers, lecturers, female forces, physicians, minorities, and sportsmen. Members of the Baseej are established among staff at offices, organisations and unions, and operate on voluntary basis. The manner in which they carry out their activities is decentralised and informal. For instance, Baseej forces at an office can warn women with improper hejab or introduce them to an official. With regard to the informal but incredible power of these forces the impact of such methods in controlling public spaces and organisations is significant and acts as an integrated network designed to deliver social control and fear of non-compliance.

Baseej forces hold regular courses and seminars for their members. In recent years hejab has been one of the key topics. Likewise, the Baseej has begun to organise its members in groups known as 'advisers'. The main duty of these groups is to issue verbal warnings and work in collaboration with the police in dealing with cases involving improper hejab. It is reported that adviser groups are composed of 500 to 2,000 members in each provincial centre. However, the deputy chief of the Basij in Tehran announced that the number of advisors in Tehran is 16,000. An adviser may act as a judicial officer who is authorised to detain individuals.

The division of labour between Baseej and police in confronting cases of improperly enforced hejab is such that through the widespread and semi-formal network of the Baseej controlling public spaces, the more widespread but less severe encounters are conducted. However, the police, as the formal force, are in charge of more severe and harsher approaches. It is in this manner that the state has been able to create an atmosphere of fear so the cost of improper hejab is high enough that women are discouraged from disobedience and instead forced to tolerate it.