

**Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on freedom of religion or belief and the Working Group on discrimination against women and girls**

Ref.: AL IRN 15/2023

(Please use this reference in your reply)

30 August 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on freedom of religion or belief and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 46/9, 52/9, 52/4, 49/24, 49/5 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the "Bill to Support the Family by Promoting the Culture of Chastity and Hijab" (hereinafter the "Chastity and Hijab Bill")**, presented to the Parliament on 21 May 2023. While the Bill is currently under review reportedly by a parliamentary commission, we also bring to you attention reports that some elements of the Bill are being enforced against women and girls in the Islamic Republic of Iran.

We take this opportunity to recall that Special Procedures mandate-holders have expressed grave concerns regarding the ongoing institutionalisation of gender-based inequality and discrimination in different spheres of life, violence against women and girls including, but not limited to, the criminalisation of women protesting the compulsory veiling laws in the Islamic Republic of Iran, as well as gendered violence committed offline and online against women human rights defenders, including those who challenge State laws and policies that discriminate against women and girls on the grounds of sex and gender. We are therefore deeply concerned about additional restrictive and punitive measures being imposed on women and girls who do not comply with the enforced compulsory veiling (hijab) law. These legislative developments negatively impact on fundamental freedoms in the Islamic Republic of Iran, including women's and girls' rights to dignity, equality, freedom of opinion and expression and a host of social, economic and cultural rights. These measures will disproportionately affect economically marginalized women and girls and places them in a heightened form of vulnerability. Women must enjoy the same rights as men.

According to information received:

During a public session on 13 August, the Iranian parliament voted in favour of invoking Article 85 of the Constitution to progress the Chastity and Hijab Bill. Article 85 allows a parliamentary committee to review bills without public debate. There were 175 votes favour, 49 votes against and five

abstentions from a total of 238 representatives present.

The Bill was initially proposed on 21 May 2023 by the Government and the judiciary before parliament with the intention of reinforcing public veiling requirements for women and girls. Since then, the Bill had undergone several amendments, including by expanding its provisions from 15 to 70 articles.

We note that vague and imprecise terms and definitions are used in some of the provisions of the Bill. For instance, the Bill uses terms like “promotion of nudity, lack of chastity, lack of hijab, bad-dressing and acts against public decency that leads to disturbance of peace” (article 1, 10, 15, 21, 26, 38, 39). In addition, article 49 of the Bill defines "bad clothing" for women and men, whereas bad clothing for women is defined as “wearing clothing that is against public decency, such as revealing or tight clothing or clothing that reveals a part of the body lower than the neck or higher than the ankle or higher than the forearm”.

These terms also interfere unnecessarily with the women’s right to decide how they wish to be presented. In addition, some of the terms are either vague or/and highly subjective (such as “bad dressing”) and open to broad interpretation. The law, as it stands, would allow for arbitrariness, including lack of predictability and due process of law. It seems to remove human agency from a decision as fundamental as one’s appearance and to make an arbitrary distinction between men and women. It appears that men, in contrast to women can indeed engage in “bad dressing”, “nudity” and “acts disturbing peace”. This is contrary to current standards of international law.

In addition, the punishments envisaged would be disproportionate to the alleged offence. We note that chapter five of the Bill (article 38-70) defines a series of punishments including fines, imprisonment, travel ban, confiscation of passports, and deprivation of citizenship rights. In this regard, the Bill introduces a fine scale that is divided into different grades/degrees that range from imprisonment of three months to more than twenty-five years and fines of more than one billion (1,000,000,000) Rials, depending on the violation of the Bill. It is also noted that repeat offenders could face imprisonment ranging from six months to three years.

Further, we note that government employees who are perceived to be in violation of the law, could face salary and benefit deductions and could potentially lose their job. The Bill also extends its punitive measures to owners and managers of public places, including stores, restaurants, cinemas, sports facilities, recreational venues, and artistic establishments. Penalties for non-compliance by business owners include fines, sealing of premises, as well as the loss of tax exemptions and government tariffs. In this regard, reports indicate that hundreds of businesses have already been forcibly closed for refusing to enforce compulsory veiling laws.

It is also our understanding that the Bill envisions the use of surveillance technology and facial recognition software to identify offenders and to send “text warnings”. We take note that the task of "cyberspace management" has been entrusted to the police force, the Ministry of Information and Security, and the Intelligence Organization, which raises concerns on the rights to

privacy and intimacy.

While we do not want to prejudge the accuracy of these allegations, it is deeply troubling that women who appear in public without headscarves or with “improper hijab” are reportedly subjected to verbal and physical violence, harassment, arrest, enforced disappearances, and detention for merely exercising their rights. The Government is under the obligation to ensure that such events do not take place and are condemned.

We are concerned that the new legislative and policy developments could further reinforce discrimination against women and girls. The Bill expands the scope of offenses on women and girls, for not complying with compulsory veiling. We also wish to reiterate that the heavy penalties risk being abused to silence criticism, nurturing and environment of fear and repression, leading to self-censorship, including through a chilling effect on individuals, including journalists, media workers and human rights defenders, who wish to express themselves, demonstrate peacefully, and participate in public, cultural and political life in the country. No violation of human agency can be justified in the name of culture. Moreover, the re-deployment of the morality police may lead to further violations and deepen grievances. In light of the above, we request your Excellency’s Government to reconsider to review the Bill and to make it compatible with your Excellency’s international human rights obligations. In any event, the key safeguards outlined in the letter should be followed for the implementation of the Bill.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

We are issuing this communication in order to urge your Excellency’s Government to review the “Bill to Support the Family by Promoting the Culture of Chastity and Hijab”, taking into account the points set out in this letter, and to engage in proper and inclusive consultations, including with international experts, to ensure that national laws are fully aligned with the international human rights obligations of the Islamic Republic of Iran.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all matters brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned analysis of the Bill.
2. Please explain how the Bill is compatible with the international obligations of the Islamic Republic of Iran under international human rights law regarding non-discrimination and the equal dignity and rights of women, girls, men and boys.
3. Please explain how the Government has ensured sufficient public consultation prior to submitting the Bill to Parliament, including in particular consultation with women, who will be mainly impacted by the Bill.

4. Please provide information on how the Bill is linked to the Penal Code and the provisions linked to compulsory veiling.
5. Please provide information on the regulations and operational procedures for law enforcement agents concerning the use of force in the context of law enforcement during assemblies and arrests for not complying with the Bill. In this regard, please provide information on the assessment made by Iranian law enforcement prior to their engagement with enforcement of the Bill. Please specify the targeting criteria used and the procedural safeguards employed to ensure that these actions fully complied with international human rights law.
6. Please provide information on the intentions or steps taken to remove policies discriminating against Iranian women, girls and others based on gender and sex, including compulsory dress codes, and to ensure the respect, protection and full implementation of women's and girls' right to take part in cultural life.
7. Please provide your observations on how the envisaged law guarantees the freedom of opinion and expression in the Islamic Republic of Iran in full compliance with its international obligations under article 19 ICCPR.
8. Please also provide information concerning the steps being taken, if any, by the Iranian Government, towards its accession to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
9. Please explain what measures have been taken to ensure that all human rights defenders in the Islamic Republic of Iran, in particular those working on issues of women's rights, can carry out their peaceful and legitimate activities without fear of judicial harassment, or other restrictions.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform your Excellency's Government that having transmitted an allegation letter to the Government, we may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in

question.

Please accept, Excellency, the assurances of our highest consideration.

Alexandra Xanthaki  
Special Rapporteur in the field of cultural rights

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Javaid Rehman  
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Nazila Ghanea  
Special Rapporteur on freedom of religion or belief

Dorothy Estrada-Tanck  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to your obligations under international human rights law.

The Islamic Republic of Iran ratified both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1975 without any reservations, as well as the Convention on the Rights of the Child in 1994. The State's other obligations within international human rights law include guaranteeing non-discrimination and gender equality. The Islamic Republic of Iran has not yet ratified the Convention on the Elimination of All Forms of Discrimination Against Women and it is regrettable that the Government did not support any of the 14 recommendations regarding the ratification of this Convention, made during its third Universal Periodic Review, which took place in 2019. We note that the Islamic Republic of Iran partially supported or noted four other related recommendations.

We remind your Excellency's Government of the legal obligations of States under international human rights law to respect, protect and fulfil the human rights of women and fundamental freedoms, including the rights to non-discrimination and equality set out in article 3 and 26 of the ICCPR, and article 3 of the ICESCR. We further would like to draw your attention to Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves.

In connection with the right to decide on compulsory veiling in law and in practice, we wish to reiterate that article 18 of the ICCPR guarantees everyone's right to freedom of religion or belief, which includes the freedom not to be exposed to any pressure of performing religious or belief activities against one's own will (A/HRC/16/53, para. 39). This becomes particularly relevant in the context where women and girls are coerced to wearing certain forms of clothing or other symbols depending on the cultural or religious practices that they consider not essential or even contrary to their convictions. Furthermore, a woman's choice in manifesting or expressing her identity, including her convictions, is also protected under freedom of opinion and expression provided by article 19 of the ICCPR. In General Comment 34, the Human Rights Committee clarified that prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. The Committee stated that such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as with articles 2, 5, 17, 18 and 26 of the ICCPR. Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems,

or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith. The Special Rapporteur on freedom of opinion and expression has expressed serious concerns about the ‘weaponization’ of public morals by criminalizing the behaviour and expression of women as improper, indecent, obscene, or immodest. She has found that such laws are used to police the social behaviour of women and girls in ways that are incompatible with their right to freedom of opinion and expression and that encourage gender discrimination and marginalization. The Special Rapporteur on freedom of opinion and expression has noted that ‘non-discrimination and inclusion of women and girls are central to the state’s duty to respect, protect and fulfil the right to freedom of opinion and expression’, and recommended that states take appropriate measures to eliminate gender stereotypes, negative social norms, and discriminatory attitudes through legislative measures, social policies and educational programs (A/76/258).

In addition, the Working Group on discrimination against women and girls has expressed its concern about the considerable increase in laws and public policies developed to protect certain interpretations of culture and religion that threaten the universally established standards on the rights of women and girls. Gender-based stereotypes, often strengthened and legitimized in national constitutions, laws and policies, are justified in the name of cultural norms or religious beliefs. Failure to eliminate these stereotypes leads to the generalization of practices that are harmful to women and girls. Women who do not conform to the gender stereotypes that predominate in some cultural contexts and those who openly contest them, including within their own cultural or religious communities, are particularly vulnerable to discrimination, violence and criminalization (A/HRC/29/40).

Moreover, the same Working Group has stressed that defying stereotypes about a woman’s “proper” role within or outside the home may put women at risk of deprivation of liberty. The heightened policing of certain populations, owing to racial and ethnic biases intersecting with gender, poses exacerbated risks for women. In addition, patriarchal ideas of women’s “morality” and associated expectations concerning their public and private behaviour have detrimental effects for women in the justice system, as they may be subjected to moral judgments founded more on social expectations than on the crimes they may have committed (A/HRC/41/33).

The Working Group on discrimination against women and girls has recommended that States recognize and enshrine, in their constitutions and laws, the right to equality, which should apply in all areas of life and have primacy over all religious, customary and indigenous laws, norms, codes and rules, with no possibility of exemption, waiver or circumvention; and that they further reject any cultural or religious practice that violates human rights and the principle of equality or prevents the establishment of an egalitarian society free of gender-based discrimination (A/HRC/29/40 para. 73).

The Special Rapporteur in the field of cultural rights has also previously raised concerns about the imposition of restrictive garments on women and its impact on their right to take part in cultural life without discrimination and on other human rights. (A/72/155) “Through the imposition of “modest” dress codes, fundamentalist groups promote the idea that women are limited to a stereotypical, subordinated position in society and limited in their bodily autonomy, cultural choices and ability to

do such things as ride bicycles or play sports” and “promote a culture of shame about women’s bodies”(para. 73). She has also expressed concern in particular about the arrest, reprimand and prosecution of Iranian women for not wearing the hijab (para. 76). Human rights defenders acting to challenge such restrictions are acting in defence of universally guaranteed human rights and should not face retribution for doing so.

We would like to refer your Excellency’s Government to article 15 paragraph 1 (a) of International Covenant on Economic, Social and Cultural Rights (ICESCR), recognizing the right of everyone to take part in cultural life and to choose one’s way of life. In its General Comment 21, the Committee on Economic, Social and Cultural Rights stressed the right to take part in the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person’s cultural rights (para. 15.c).

In her 2012 thematic report (A/67/287), the Special Rapporteur in the field of cultural rights underscored the equal right that women must enjoy to have access to, participate in and contribute to all aspects of cultural life. This encompasses women’s right to actively engage in identifying and interpreting cultural traditions, and to decide which practices, values or traditions are to be kept, reoriented, modified or discarded, as well as their freedom to refuse to participate in traditions, customs and practices that infringe upon human dignity and rights, to critique existing cultural norms and traditional practices and to create new cultural meanings and norms of behaviour (para.79 (h)). Preserving the existence and cohesion of a specific cultural community should not be achieved to the detriment of part of its members, in this case, women. The Special Rapporteur called on States to address stereotypes that restrict women’s full enjoyment of their cultural rights (para. 80(a)), and on all actors to question community or religious norms that perpetuate women’s subordination (para. 62).

Also, we would like to respectfully remind your Government of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which in its article 2(1): “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief”; moreover, according to article 2(2): “... [t]he expression intolerance and discrimination based on religion or belief means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis”. In article 4(1), the General Assembly further states that: “all States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]”. According to article 4(2) “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter”.

Where it concerns human rights defenders, we deem appropriate to remind you of the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms also known as the Declaration on Human Rights Defenders, and which state that everyone has the right to promote and to strive for the protection

and realization of human rights and fundamental freedoms at the national and international levels and that each State has the primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Specifically, we would like to draw your attention to the General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7). We invite you to refer to the Human Rights Council resolution 31/32 as well, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights.

Finally, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.