

Flygtningenævnets baggrundsmateriale

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Research Directorate, Immigration and Refugee Board of Canada

1. Legislation

Article 638 of the Islamic Penal Code of Iran provides the following:

[translation]

Article 638 – Anyone who openly commits or pretends to commit a *haram* [sinful] act in public will, in addition to the customary punishment for that act, be sentenced to imprisonment for a period ranging from ten days to two months or up to 74 lashes. If the act committed is not inherently punishable but is considered harmful to public morality, the individual will be sentenced only to imprisonment for ten days to two months or up to 74 lashes.

Note – Women who appear in public without a religious hijab will be sentenced to imprisonment for ten days to two months and/or fined between fifty thousand and five hundred thousand Rials [Iranian Rial (IRR)] [C\$1.71–C\$17]. (Iran 1996)

Sources indicate that there is no legal definition of an "'improper hijab,'" which leaves its interpretation to the authorities (UN 2024-03-19, para. 338; Maranlou 2022-10-07). Citing guidance from the Headquarters for the Promotion of Virtue and Prevention of Vice [1] published in July 2022, a report by a UN fact-finding mission (FFM) on Iran [2] notes that the "long list of requirements" for "proper" hijab includes "complete hair coverage" with a *chador* (cloak), *maghnaeh* (similar to a hood, covering hair, neck and shoulders) or scarf; along with the hijab, women should wear a "coat" that is "long (at least knee length), simple, thick, ... loose, [and] long-sleeved" (UN 2024-03-19, para. 320, 341, note 551).

Sources note that the legal obligation to wear a hijab begins at age 9; however, "[i]n practice," girls face mandatory veiling when they start school at age 7 (Amnesty International 2022-12-06; UN 2024-03-19, para. 339).

The UN FFM report indicates that articles 639 and 640 of the penal code "in particular" have also been used to prosecute women "flouting" or "advocating against" hijab laws (2024-03-19, para. 342, 343). The Islamic Penal Code of Iran provides the following:

[translation]

Article 639 – The following individuals will be sentenced to imprisonment ranging from one to ten years. In the case of Paragraph A, in addition to the prescribed punishment, the establishment in question will be temporarily closed, subject to the court's decision:

1. Any person who runs or manages a brothel and/or house of prostitution;
2. Any person who encourages others to engage in debauchery or harlotry or facilitates the conditions for such acts.

Note – If the act qualifies as pimping, the individual will also face penalties for pimping, in addition to the punishment specified above.

Article 640 – The following individuals will be sentenced to imprisonment ranging from three months to one year, a fine of one million five hundred thousand Rials [C\$51] to six million Rials, and up to 74 lashes. The offender may be subjected to one or more of these punishments:

1. Anyone who displays, creates, or keeps for trade or distribution any writings, designs, prints, paintings, pictures, printed materials, leaflets, signs, movies, film strips, and/or, in general, any items that offend public virtue and morals.
2. Anyone who imports or exports the aforementioned items for these purposes, whether personally or through another person, and/or in any way acts as an operator, intermediary for trade, and/or engages in any transaction involving these items, including profiting from renting them.
3. Anyone who encourages the trade of the objects mentioned above, promotes them in any way, advertises them, or introduces the perpetrator of such acts or the location where such prohibited items can be obtained.

Note 1 – The provisions of this article do not apply to items that are prepared, bought, or sold in compliance with *Shari'a* standards for scientific purposes or any other *Halal* [permitted] and rational use and are intended for conventional scientific application.

Note 2 – The mentioned items will be seized, destroyed, and handed over to the relevant government agency for appropriate use. (Iran 1996)

The UN FFM report adds that women defying the mandatory hijab laws may face charges under other articles of the penal code, including articles 500, 610, and 618 (2024-03-19, para. 343). The Islamic Penal Code of Iran provides the following:

[translation]

Article 500 – Anyone who, in any form, engages in propaganda activities against the system of the Islamic Republic of Iran or in favour of groups and organizations opposed to the system, will be sentenced to imprisonment ranging from three months to one year.

...

Article 610 – If two or more individuals gather and conspire to commit crimes against the internal or external security of the country, or provide the means to commit such crimes, they will be sentenced to two to five years in prison, provided their actions are not considered to constitute *Hirabah* [*moharebeh*; "capital offences of 'waging war against God'" (UN 2024-03-19, para. 830)].

...

Article 618 – Anyone who disrupts public order, comfort, and peace through ruckus, brawls, unconventional movements, assaults on individuals, or by preventing people from conducting their business will be sentenced to imprisonment ranging from three months to one year and up to 74 lashes. (Iran 1996)

Al Jazeera reports that a "well-known" actress was arrested for "collusion against national security and propaganda against the establishment" after posting an unveiled photo of herself in support of the Mahsa Amini protest [see section 2 of this Response] (2023-04-25).

The UN FFM report notes that women can face penalties under the Computer Crimes Act, including bans on media and online activities (2024-03-19, para. 344). Chapter 4 of the Computer Crimes Act on "Crimes against Public Morality and Chastity" provides the following:

Art. 14- Every person who products [*sic*], transmits, distributes, trades, or, with intent to transmission or distribution or trading, produces or stores pornographic contents by means of computer or telecommunication systems or storage media shall be punished by a term of 91 days to 2 years of imprisonment, or by a fine of 5,000,000 to 40,000,000 Rials [C\$170–C\$1,360], or by both the imprisonment and fine.

Note 1: Committing the aforesaid acts with respect to non pornographic but immoral contents shall result in at least one of the above punishments.

...

Art. 15- Every person who commits the following acts by means of computer or telecommunication systems or storage media shall be punished as follows:

...

B) In case of provoking, encouraging, threatening, inviting, deceiving people to commit crimes against chastity, using narcotic or psychedelic drugs, suicide, sexual deviations, or violation, or facilitating or training the means of commitment or use of them, punished by a term of 91 days to 1 year of imprisonment, or by a fine of 5,000,000 to 20,000,000 Rials, or by both the imprisonment and fine. (Iran 2009)

1.1 Law to Support the Family Through Promotion of Culture of Chastity and Hijab [Protection of the Family Through Promoting the Culture of Hijab and Chastity Law]

Sources indicate that in September 2023, Iran's parliament approved a new bill on mandatory hijab that imposes increased penalties [3] (Human Rights Watch 2024-10-14; AP 2024-12-18; Freedom House 2024-02-29, Sec. G3). Sources note that the government "paused" the implementation of the bill in December 2024 (BBC 2024-12-16; AP 2024-12-18). Citing the "state-owned" Islamic Republic News Agency (IRNA), the Spanish news agency Agencia EFE (EFE) notes that the government planned to amend the bill to clarify "ambiguities" (2024-12-15). According to Agence France-Presse (AFP), a government spokesperson announced in January 2025 that the bill has been "'delayed' over some of its provisions, which 'could have had serious social consequences'" (2025-01-22).

A copy of the Law to Support the Family Through Promotion of Culture of Chastity and Hijab, translated into English by the Center for Human Rights in Iran (CHRI), a nonprofit organization focused on the protection and promotion of human rights in Iran (CHRI 2021-08), is available online (CHRI 2024-12).

2. Enforcement

The UN FFM report states that the September 2022 in-custody death of Jina Mahsa Amini after her arrest for "'improper'" hijab sparked a protest with "unprecedented" "scale, reach and longevity" that became known as the "'Woman, Life, Freedom'" movement (2024-03-19, summary). The same source notes that the government "responded to the largely peaceful protests with repression," including "a pattern" of using "assault weapons" resulting in "up to" 551 deaths (UN 2024-03-19, summary). For further information on the Mahsa Amini protests and treatment of protesters by authorities, see Response to Information Request IRN201806 of April 2024.

Sources indicate that in response to the Woman, Life, Freedom movement and subsequent acts of defiance against the mandatory hijab,

- authorities are "doubling down" on policing and punishing women and girls not wearing the hijab (Amnesty International 2023-07-26);
- authorities "ramped up efforts" to identify and "punis[h]" individuals not in compliance with mandatory hijab laws (ARTICLE 19 2023-08-22);
- authorities "took concerted measures to suppress, humiliate, and punish women and girls, and those acting in solidarity," including by "exacerbating previously established patterns of violence" and "increasing monitoring of *hijab* compliance," leading to "increased arrests, detention[s], and criminal prosecution[s]" (UN 2024-03-19, summary, para. 1246, italics in original).

In a poll [4] posted online from 7 to 21 October 2022 by the Iran Open Data Center (IOD), which works to provide access to public data gathered by the Iranian government (IOD n.d.), with a total of 9,621 respondents of which 68 percent were male and 32 percent were female, 61 percent of female respondents indicated that they had been "interrogated or arrested" by the morality police [(Gasht-e-Ershad, guidance patrol (UN 2024-03-19, para. 202)]; 71 percent of female respondents and 62 percent of male respondents indicated that one of their family members had faced that experience (IOD 2022-11-08). The same source notes that the reasons for interrogation or arrest include clothing, hair, hijab, makeup, nail polish, and contact with the opposite sex (IOD 2022-11-08).

Amnesty International notes that Iranian authorities do not publish statistics, which makes it difficult to ascertain the number of hijab-related prosecutions (2024-03-06a). Citing Persian-language Iranian media, the UN FFM report notes that in April 2023 a spokesperson for the Law Enforcement Force of the Islamic Republic of Iran (Farmandehi-ye Entezami-ye Jomhuri-ye Eslami-ye Iran, FARAJA) announced the arrests of 301 women for non-compliance with mandatory hijab laws, identified through closed-circuit television (CCTV) cameras (2024-03-19, para. 1274). Citing an article on hijab enforcement from another Persian-language Iranian media outlet, the same source adds that the police in Qom announced that 13,000 arrests were made in 2023 (UN 2024-03-19, para. 1274). Citing a January 2024 statement from the police chief of Qom province, Amnesty International notes that there had been 1,986 hijab-related criminal cases in that province since March 2023 (2024-03-06a).

A legal service provider indicated to the UN FFM that they dealt with "thousands" of hijab-related court cases between September 2022 and January 2024, which was "much higher" than in previous years (2024-03-19, para. 1277). Another witness informed the UN FFM that in one court, there had been "over" 2,000–3,000 hijab-related court cases each month since September 2022, whereas "only a handful" of cases would have been prosecuted "in the past" (2024-03-19, para. 1277).

The BBC quotes Masoud Pezeshkian, Iran's new president, at his first press conference in September 2024 as stating that the "morality police were not supposed to confront [women]. I will follow up so that they don't bother [them]" (2024-09-16, square brackets in original). AFP quotes the Iranian vice president speaking at the Davos World Economic Forum in January 2025 as stating that "the government has decided not to put [unveiled] women under pressure" (2025-01-22). However, IranWire, a "collaborative news website run by professional Iranian journalists in the diaspora and citizen journalists inside Iran" (IranWire n.d.), notes that the mandatory hijab is "still being rigorously enforced" after the Vice President's statement at Davos; based on information from local sources, "numerous Iranians" who were non-compliant received warnings or had their vehicle impounded in "recent months" (IranWire 2025-01-24).

Sources indicate that an "increas[ing]" number of women are choosing not to wear the hijab (AP 2024-09-13; DW 2024-12-03), despite the "risk" (AP 2024-09-13) or despite "heightened threats and additional security cameras" (DW 2024-12-03).

2.1 Enforcement Authorities

Sources indicate that authorities involved in the enforcement of mandatory hijab laws include the following:

- "all" units of the FARAJA (UN 2024-09-13, 5)
- morality police (UN 2024-03-19, para. 205; Maranlou 2022-10-07)
- traffic police (Amnesty International 2024-03-06a; UN 2024-09-13, 5)
- moral security police (police-e amniyat-e akhlaghi) (Amnesty International 2024-03-06a; UN 2024-03-19, para. 200), a sub-branch of the Intelligence and Public Security Police (polis-e ettelaat-e omumi, PAVA) of the FARAJA responsible for enforcing morality-related laws (UN 2024-03-19, para. 200)
- Islamic Revolutionary Guard Corps (IRGC) (sepah-e pasdaran-e enqelab-e eslami) (Amnesty International 2024-03-06a; UN 2024-03-19, para. 1251)

- Basij, a paramilitary force (Amnesty International 2024-03-06a; UN 2024-03-19, para. 191–193)
- Plain clothes agents (Amnesty International 2024-03-06a; UN 2024-03-19, para. 1252)
- Office of the Public Prosecutor (Amnesty International 2024-03-06a)
- Courts (Amnesty International 2024-03-06a) or Criminal Court Two (dādgāh-e keifari II) (UN 2024-03-19, para. 152–153)
- Ministry of Intelligence (Amnesty International 2024-03-06a).

Citing Iranian media, an update report by the UN FFM notes that the IRGC commander for Tehran announced in April 2024 that trained groups of "*ambassadors of kindness*" have been established and deployed under the *Noor* (light) plan to "support" the monitoring of hijab compliance in public (2024-09-13, 5, italics in original).

A July 2023 report by Australia's Department of Foreign Affairs and Trade (DFAT) notes that the morality police disbanded following the Mahsa Amini protest, although enforcement of the mandatory hijab laws continued (Australia 2023-07-24, para. 2.129). However, according to sources, state-linked media in Iran refuted reports of the abolishment of the morality police (CBC 2022-12-05; AP 2022-12-05). However, the same sources published in December 2022 add that "fewer" officers from that force were seen on the street (AP 2022-12-05) or that its presence was not as "prominen[t]" (CBC 2022-12-05). Sources indicate that morality police resumed street patrols in July 2023 (BBC 2023-07-17; AP 2023-07-16). The UN FFM report indicates that there was a "notable spike in arrests" upon the return of the morality police (2024-03-19, para. 1276).

The UN FFM update report states that since the launch of the Noor plan [see section 2.3 of this Response] in April 2024, the presence of security forces and morality police have "increased," particularly in "traditional communities" (2024-09-13, 6). Similarly, a May 2024 Amnesty International letter notes that "[i]n recent weeks, there has been a visible increase of security patrols on foot, motorbike, car and police vans enforcing compulsory veiling" (2024-05-07).

2.2 Use of Technology

According to sources, Iranian authorities announced that surveillance technology will be used to monitor compliance with mandatory hijab laws (ARTICLE 19 2023-08-22; *Wired* 2023-01-10). The UN FFM report notes that electronic monitoring includes CCTV cameras and artificial intelligence (AI) (2024-03-19, para. 1246).

Sources note that a drone was deployed at an international book fair in Tehran to identify women not wearing hijabs (UN 2024-09-13, 9; IranWire 2024-05-10), and to transmit their photos and locations to "enforcers" (IranWire 2024-05-10).

In an interview with Amnesty International, a woman described receiving 7 text messages over the previous year regarding violating the mandatory hijab law while in a vehicle, "[m]ostly" generated by agents on the street reporting licence plates and "[s]ometimes" from pictures captured by CCTV cameras (2024-03-06b, 6).

Amnesty International indicates that plain clothes officers use a police app, Nazer, to record the license plates of vehicles occupied by unveiled women (2024-03-06a). Citing a witness with access to judicial files, the UN FFM report states that officers of the FARAJA, IRGC, Basij, and intelligence service identify women in vehicles by entering licence plate numbers on "platforms" to generate a text message to the registered owner of the vehicle in "real time" (2024-03-19, para. 1249). The same source adds that photographs of women not wearing a hijab can be matched to photos on file with the government using AI; the woman will receive a warning or summons by text or a written summons by mail (UN 2024-03-19, para. 1249). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Wired, a US-based magazine focused on technology (*Wired* n.d.), quotes a research analyst at Freedom House as indicating that Iran has "'both the governmental will and the physical capability'" to use facial recognition (*Wired* 2023-01-10). Citing a 2023 BBC Persian interview, ARTICLE 19 [5] quotes a California-based "technology authority" as stating that using cameras to monitor hijab compliance "'carries a stronger psychological impact, aiming to instil a sense of fear. It appears that the Iranian government may not currently possess such advanced capabilities, but ... is rapidly advancing to acquire them'" (2023-08-22).

2.3 Enforcement Operations

The information in the following two paragraphs was provided in an analysis report by Amnesty International, citing public statements from law enforcement:

In April 2023, Iran's police chief announced a new enforcement approach to hijab compliance. According to the police chief, for women seen not wearing the hijab while in a vehicle, the first offence would result in a warning sent by text. The police chief added that for the second offence, the individual is ordered by text to "immobilize" their vehicle for 15 days or risk it being confiscated, and for a third offence, their vehicle can be "physical[ly] confiscat[ed]." A June 2023 statement from a police spokesperson indicates that between 15 April and 14 June 2023, the police sent "almost" one million text messages to women who were recorded travelling without headscarves in their vehicles. The spokesperson added that over the same time period, 133,174 text messages were sent to women instructing them to immobilize their cars, 2,000 cars were confiscated, and "more than 4,000 'repeat offenders'" were referred to the courts.

In his April 2023 statement, Iran's police chief noted that businesses frequented by unveiled women would also be targeted for enforcement; on first offence, they would receive a "'firm warning'," and subsequent offences would result in the business being "forcibly closed." The June 2023 announcement noted that a total of 108,211 offences had been reported against businesses and 300 "'offenders'" had been sent to court (Amnesty International 2023-07-26).

Sources note that the Noor campaign, a "crackdown" on hijab non-compliance, began in April 2024 (*The Guardian* 2024-04-24; AP 2024-06-26). The UN FFM update report cites the Commander of Tehran's police as stating that under the Noor plan, police officers across Iran will issue warnings for initial violations, followed by "possible" legal action if warnings are ignored (2024-09-13, 5). One legal service provider indicated to the UN FFM team that, since the Noor plan was implemented, they had received an estimated 75 to 120 cases per month from women across Iran facing hijab-related penalties; "in most cases" women were arrested on the street, in a park or inside their vehicles by the morality police and security forces (UN 2024-09-13, 5).

3. Criminal Penalties

Citing court documents and judgments rendered following the Mahsa Amini protests, the UN FFM report states the following:

[I]n most cases, women had been convicted and sentenced following identification by CCTV cameras while on the street or in a car. Others were convicted after appearing in public events without the mandatory *hijab*. Though charges varied, women were systematically sentenced to pay a fine or banned [from] travel outside of the country. Women actors, human rights defenders, influencers, and others who used social media to advocate against the mandatory *hijab* received harsher punishments, such as flogging or court-mandated psychiatric treatment, compared to women who defied the *hijab* in a less public manner. (UN 2024-03-19, para. 1278, italics in original)

The UN FFM update report adds that women arrested under the Noor plan were taken to local police stations and "forced to sign a pledge" to wear a hijab in order to be released; court

documents indicate that "most" of the women arrested were required to pay a fine, and in one case, the woman's bank account was closed (2024-09-13, 5–6).

Amnesty International documented the cases of 4 women who received prosecution orders requiring them to take "up to 5 'morality' classes" and to avoid "'criminal' conduct" for "up to" 1 year before their criminal case would be closed; 3 other women were sentenced to fines (2024-03-06a).

Sources indicate that some women were deemed to exhibit "'anti-social'" behaviour by judges and were imposed counselling (Amnesty International 2023-07-26) or "psychiatric intervention" (UN 2024-03-19, para. 1285). For example, one woman was sentenced to "mandatory visits to a mental health institution" along with a 2-month jail sentence and a 6-month ban from social media (UN 2024-03-19, para. 1285).

According to sources, some women faced "degrading" punishments, including being ordered to clean government offices or wash corpses (UN 2024-03-19, para. 1677; Amnesty International 2023-07-26).

Amnesty International notes that some women face "'complementary'" sentences, including bans from travelling, working, and using telephones and social media (2023-07-26).

The UN FFM report describes the following sentences received by women facing hijab-related charges:

- A woman who attended a public event without a hijab was sentenced to flogging under article 638 of the penal code; the sentence was suspended for 5 years after she "pledged" to comply with mandatory hijab laws in future.
- A "prominent" human rights lawyer who was photographed without a hijab was sentenced to a fine and a "travel ban, had her passport revoked and [was] banned from using social media for two years."
- An activist who posted an unveiled photograph of herself online was sentenced by a Tehran criminal court to jail for 12.5 years for "'encouraging/promoting corruption and promiscuity/prostitution"; 74 lashes for "'disturbing public chastity"; and 1 year and 3 months in jail, 74 lashes and a fine for "'production and release of material that disturb[s] the public chastity'." Following an appeal, the charge of "'disturbing public chastity'" was upheld with a fine of 1,250,000 tomans [6] [C\$427] and 74 lashes; the flogging was carried out on 3 January 2024 (UN 2024-03-19, para. 1283, 1279, 1282).

4. Treatment of Individuals Who Do Not Conform to Dress Codes

4.1 Women

4.1.1 Treatment of Women by Authorities

Citing open-source material, the UN FFM report notes that women have been "harassed, intimidated, dragged, and beaten" by security forces and/or morality police for not complying with mandatory hijab laws (2024-03-19, para. 1253). CHRI states that women and girls face "increased violence" since the resumption of "forced-veiling" police patrols in July 2023 (2023-07-18).

The UN FFM update report notes that "patterns of physical violence during arrests, including beatings by the 'morality police'," have been "further exacerbated" since the implementation of the Noor plan (2024-09-13, 6). Based on interviews, the *Guardian* describes the following experiences of women arrested after the implementation of the Noor plan:

- being "'insult[ed]'" and "'kick[ed]'" during the arrest
- being "'violently grabbed ... and pushed'" into a van by male agents, "'verbally abus[ed]'" during transportation to the detention centre, and facing "insults and beatings" at the detention centre before being released (2024-04-24).

The UN FFM report notes that judges used "gendered insults" against women during trial proceedings and "threatened" to deprive them of access to education and employment (2024-03-19, para. 1291). Amnesty International states that prosecution officials and judges "threatened most women and girls with flogging and imprisonment" in addition to the penalties handed down (2024-03-06a).

Amnesty International notes that women have been denied access to public transportation, airports, and banking by officials enforcing the mandatory hijab (2024-03-06a). The same source adds that such encounters are "routinely accompanied by verbal abuse, including gender-based insults and threats of prosecution" (Amnesty International 2024-03-06a). The UN FFM report states that hijab enforcement takes place on public transportation; images and videos posted to social media in November 2023 show women in black chadors lined up in front of and inside metro stations in Tehran (2024-03-19, para. 1250, 1272).

Sources indicate that women and girls not in compliance with mandatory hijab laws face "arbitrary arrest" (UN 2024-09-13, 6; CHRI 2023-07-18).

The information in the following two paragraphs was provided in an Amnesty International report based on testimonies collected from individuals in Iran in February 2024:

A woman exercising while wearing a hat was arrested along with her friend. They were "interrogated" at a police station and faced "threat[s]," including of "sexual violence." Her family was warned not to "make lots of noise" about her case. She was summoned to court by a text message. The judge sentenced her to 30 lashes and a fine for "being naked in public." An official "informally" advised her to pay a bribe for a lesser sentence. She did so and was convicted of "women's presence in public without Islamic veiling" and received a fine.

After receiving 4 text messages from the police [for being in a vehicle without a hijab] and having her car confiscated, a woman was sent to the prosecutor's office 3 to 4 times, and was "interrogated" for 30–40 minutes each time. She was ordered to attend a "morality" class, where a male official berated the attendees. Her charge of "appearing in public without a religious hijab" was suspended for 1 year but would resume if she committed another "crime." She was also ordered to read a specific book and submit an audio summary. In addition, she was "forced to sign a written commitment" [to comply with the hijab laws]. She was "threatened ... extensively" by the investigator and administrative officials with "imprisonment and flogging" if she was sent to the prosecution office again (Amnesty International 2024-03-06b, 9, 11–12).

The information in the following paragraph was provided by the Human Rights Activists News Agency (HRANA) [7]:

A female Tehran resident was summoned by judicial authorities for violating hijab laws after a video of her confronting a man "harassing" her was posted on social media on 31 October 2024. She was arrested and released on 2 November; on 4 November, she was re-arrested and taken to Qarchak Prison. She faced trial on 19 November and was sentenced to 74 lashes and a 2-year travel ban. Her sentence was reduced by a "judicial provision," and she received 14 lashes before being released from prison (2024-12-03).

4.1.2 Treatment of Women by Society

The UN FFM report notes that vigilantes who "feel they have the duty and right to enforce the Islamic Republic's values" will "harass and assault women in public" (2024-03-19, para. 363). According to the *Guardian*, videos from "citizen journalists" recorded instances of "harassment of women and girls [without hijab] in subways," on the street and on university campuses "by disciplinary committees and pro-regime civilians" (2023-07-10). The UN FFM report describes a 2022 video of a woman who was not wearing a hijab being "violently slapped, kicked, and pushed to the ground" by a man (2024-03-19, para. 370).

An article by Radio Farda, the Persian-language broadcaster of the US Congress-funded Radio Free Europe/Radio Liberty (Radio Farda n.d.), notes that the Woman, Life, Freedom movement led to increasing "fellowship among people," with cases of bystanders intervening when unveiled women are "accosted"; one woman interviewed by Radio Farda indicated that she was able to avoid the police or cover her hair due to warnings from strangers "on several occasions" (Radio Farda 2024-09-15). A video on the BBC website shows a man throwing yogurt at two unveiled women in a shop, followed by bystanders pushing the attacker away (2023-04-01, 00:17–00:27).

Citing the Director of Persian Studies at the University of North Carolina at Chapel Hill, Deutsche Welle (DW), an international broadcaster based in Germany, notes that those who comply with hijab laws could receive "employment opportunities with great benefits" (DW 2022-05-03). A woman interviewed by the BBC described choosing to work from home with a "massive" pay cut over working in the office, where she would be forced to wear a hijab (2024-02-27). Sources indicate that private businesses that did not comply with mandatory hijab laws were closed (Human Rights Watch 2024-01-11; Freedom House 2024-02-29, Sec. G2; UN 2024-03-19, para. 1270), and received fines (UN 2024-03-19, para. 1270).

4.2 Men

4.2.1 Treatment of Men by Authorities

The UN FFM report indicates that while male dress is not regulated by the penal code, men have "an obligation of modesty" in practice and "are not allowed to wear shorts or sleeveless T-shirts and could be harassed because of their hairstyle or long beards" (2024-03-19, para. 340). Citing guidance from the Headquarters for the Promotion of Virtue and Prevention of Vice, the same source adds that men should not use "Western 'beauty styles'" or "symbol[s]," such as neckties or bow ties, should not wear "tight or revealing" clothing, and should not have visible tattoos (UN 2024-03-19, note 551). AFP quotes a lawyer as stating that, while it is not against the law to wear a tie, "there are dress restrictions in certain places such as on television" (2023-03-22).

The Australian Broadcasting Corporation (ABC), Australia's national public media service, notes that while the mandatory hijab law has been applied against men with "'[W]estern-style' haircuts or clothing styles," detention is "far less common" for men (2022-10-01). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.2.2 Treatment of Men by Society

Australia's DFAT indicates that young men in Tehran and other "large" cities "common[ly]" have a Western-style appearance, including visible tattoos, ripped jeans, plucked eyebrows, jewellery, and Western hair styles (2023-07-24, para. 2.145). According to one man interviewed by AFP, a "negative view" of neckties remains in society; however, ties have "made a slow comeback" (AFP 2023-03-22).

A May 2024 article from IranWire indicates that new dress codes have been issued for male and female employees at government newspapers, with male employees directed to wear long-sleeved shirts and cloth pants, with jeans in particular being forbidden for men; employees who do not comply may face disciplinary action (2024-05-15). AFP indicates that government ministers, senior public servants and heads of state-owned businesses do not wear ties (2023-03-22). However, the same article indicates that in "some classy cafes," black ties or bowties are part of the waiters' uniform (AFP 2023-03-22).

4.3 Transgender Persons

4.3.1 Treatment of Transgender Persons by Authorities

Sources indicate that article 638 of the penal code may be used against individuals in gender non-conforming dress (6Rang [2024], para. 9; CHRI 2021-08, 3, 4; Amnesty International 2021-05-17, 4). Amnesty International indicates the following:

[I]f LGBTI individuals in Iran wish to adopt, without being criminalized, a gender presentation not matching the stereotypical expectations associated with their biological sex, their only option is to apply for a legal sex change. This would involve undergoing gender reassignment surgery, as well as sterilization, and obtaining identity documents matching their preferred gender identity, which then legally changes their sex. Non-binary and other gender nonconforming individuals who cannot or do not wish to undergo gender reassignment surgery, change their legal sex or choose between the binary gender categories of man and woman are at a constant risk of criminalization. They also experience discrimination in access to education, employment, health care and public services because the Islamic Republic system in Iran heavily enforces gender segregation across a wide range of institutions and public spaces, and imposes strict dress codes for men and women. (2021-05-17, 4)

According to a report by 6Rang, the Iranian Lesbian and Transgender Network [8], based on an online survey posted for 3 months starting in November 2019 that received 230 responses, 12.6 percent of the respondents reported being arrested due to their gender identity and expression, and sexual orientation (2020-09, 5, 10). The same source notes that respondents "consistently reported humiliating conduct or physical violence" by police and security forces for reasons that include "different gender expression, breaching binary dress-code norms, [and] insufficient hijab" (6Rang 2020-09, 10). In an interview with Fatimah Hossaini, a visual artist and photo reporter (Outriders n.d.a), published in Outriders, a "non profit" global newsroom (Outriders n.d.b), a trans woman unable to afford gender affirming surgery indicated that she was questioned by police for wearing women's clothing as a man and for not wearing a hijab as a woman, and "put behind bars many times" (Hossaini 2021-03-17).

4.3.2 Treatment of Transgender Persons by Society

Australia's DFAT notes the following:

Transgender people report severe social ostracism including exclusion in the workplace, shunning by families, gender-based violence (family violence and abuse in the street), particularly during the transition phase when the transgender person is less likely to be able to escape public scrutiny. (2023-07-24, para. 2.150)

The 6Rang report indicates that a "great number" of survey respondents reported facing violence from family members due to their sexual orientation and gender identity, which includes "honor-based violence" against lesbians and trans individuals (2020-09, 16).

Based on interviews with 3 individuals with "direct knowledge" of the case, Amnesty International indicates that in May 2021, male relatives of an individual who self-identified as a non-binary gay man informed his mother that they had killed him (2021-05-17, 1, 2). The same source adds that the individual had previously faced "repeated homophobic and transphobic harassment and death threats by several of his male relatives" (Amnesty International 2021-05-17, 1, 2). Sources note that no arrest has been made in the case (ARTICLE 19 2024-02-02; Amnesty International 2021-05-17, 2).

Citing Iranian media, sources indicate that in January 2024, a man confessed to killing his 17-year-old child for their "'feminine behaviour and appearance'" (6Rang 2024-01-30) or for not conforming to gender norms, including by wearing makeup (ARTICLE 19 2024-02-02). HRANA reports that the man was sentenced to 3 years in prison, including time served (2024-05-22).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be,

conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] A report by the UN fact-finding mission (FFM) on Iran notes that the Headquarters for the Promotion of Virtue and Prevention of Vice, along with the Supreme Council of the Cultural Revolution, "played key roles in devising policies on the implementation and enforcement of mandatory *hijab*" (2024-03-19, para. 353, italics in original).

[2] The UN FFM report based its information on primary sources, including interviews with 134 "victims and witnesses" and other individuals with "direct knowledge" of the relevant subject, as well as "verified" digital information including photos, videos, and judicial documents; secondary sources, which include reports, "expert analysis," and open source information, such as social media, news sources and blogs, were also used (2024-03-19, para. 31–33).

[3] The Center for Human Rights in Iran (CHRI) notes that punishments stipulated by the Law to Support the Family by Promoting the Culture of Chastity and Hijab include fines that increase with each successive offence, flogging, "[l]engthy" prison sentences, and execution, as well as the loss of access to employment, higher education, and "essential" services (2024-12-13).

[4] The Iran Online Data Center (IOD) notes that 95 percent of the respondents resided in urban areas and the "[m]ajority" of participants resided in Tehran province (2022-11-08).

[5] ARTICLE 19 is an international organization engaged in research, legal and policy analysis, and advocacy for the freedom of expression movement (ARTICLE 19 n.d.).

[6] While the Iranian rial (IRR) is the official currency, the toman is used in daily life by Iranians, with 1 toman equal to 10 IRR (OSAR 2023-11-23, 14).

[7] Human Rights Activists News Agency (HRANA) is a non-profit news organization established by a group of Iranian human rights activists that reports "daily news of human rights violations in Iran," and which receives funding from various non "political" sources, including "donations" from the National Endowment for Democracy (NED) (HRANA n.d.). The NED is a US non-governmental "nonprofit foundation" that is "largely" funded by the US Congress (NED n.d.).

[8] 6Rang, the Iranian Lesbian and Transgender Network, is a UK-based organization that documents human rights abuses against lesbian, gay, and transgender persons in Iran (6Rang 2020-09, iii).

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