

Gender Apartheid in Iran: Foreign Policy Responses

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Executive Summary

One year after the “Women, Life, Liberty” protests in Iran following the death in custody of Mahsa Amini, Iranian women’s rights activists and international human rights experts have united to denounce the brutal Islamic Republic and call for the international recognition of “gender apartheid”. Countries with values-based foreign policy – including feminist foreign policy - that aims to promote human rights and gender equality can and should support this call, in alliance with like-minded countries.

“We must constantly keep our goal in sight. Our path to freedom will necessarily lead to the removal of the Islamic Republic and the elimination of political Islam from the (sphere of) governance” – Bahareh Hedayat¹

In September 2022 an unprecedented, nationwide uprising in Iran began following the extrajudicial killing in detention of 22-year-old Mahsa Jina Amini, who was arrested for not wearing her hijab “properly.” The national uprising prompted the first Middle Eastern revolutionary movement led by women and motivated by women’s demands for fundamental human rights. The slogan of the movement highlighted that women’s emancipation is the basis for democracy in Iran and the toppling of Islamic fundamentalism in the region: “Zan, Zendegi, Azadi / Women, Life, Freedom!” Global public opinion and media rallied behind the uprising.

The movement has its roots in women’s protests in Tehran against the compulsory hijab immediately after the establishment of the Islamic Republic (IR) in 1979. Iranian women have realized that their dignity and rights are irreconcilable with the IR. Young women mobilized the entire society – people of all ages, groups and regions and restored their courage to stand up to their

oppressors. The shooting of more than 500 peaceful protesters on the streets, including 70 children in response to the movement, exposed the true nature of the extremist Islamic regime².

On the anniversary of the death of Mahsa Amini, the IR has arrested more women’s rights activists and family members of people killed during last year’s nationwide protests, ostensibly to prevent further protests.³

Constructing the Case for Gender Apartheid

In an open letter on International Women’s Day in March 2023, Iranian and Afghan women’s rights activists and jurists denounced the persecution of women by the Islamic regimes of the Taliban in Afghanistan and the mullahs in Iran as a “war on women”⁴. They argued that the oppression of women by both regimes should be recognized as a form of “apartheid.” They stated that “[t]he situations in the Islamic Republic of Iran and under the Taliban in Afghanistan are not simply cases of gender discrimination. Rather, these systems are perpetuating a more extreme, systematic and structural war against women designed to dehumanize and repress them for purposes of entrenching power.” In July, UN human rights experts described the Taliban’s treatment of women in Afghanistan as a “crime against humanity” and called for the codification of “gender apartheid”⁵. In September, UN experts stated that the IR authorities “appear to be governing through systemic discrimination with the intention of suppressing women and girls into total submission.” Specifically, these experts say that the IR draft hijab law (see below) could be described as “gender apartheid.”⁶

The 1974 International Convention on the Suppression and Punishment of the Crime of Apartheid currently applies to subjugation on racial grounds only⁷. Codification of gender apartheid, however, will duly outlaw systemic institutionalization of gender oppression and segregation in a state beyond particular cases of gender discrimination.

Apartheid is a powerful term – using it frames the seriousness of the offence and the legal obligations of states to address the systemic oppression. Importantly, gender apartheid implicates those beyond its immediate perpetrators, including states, such as Australia, and international organisations, such as the United Nations; to the extent that these organisations engage with perpetrators or fail to respond to gender apartheid, they too are in breach of their international obligations.

The case for gender apartheid in Iran is being advanced based on the reality of the religious and political oppression of women. All (traditional) religions have originated in patriarchal societies and preserve in their practical precepts the values and attitudes of those societies. To this extent, they readily lend themselves to gender discrimination. Where this becomes an explicit concern of foreign policy is when a religious doctrine develops political pretension to govern as a state, as is the case with Islam in Iran. According to Islamic doctrine, Islam is a comprehensive and complete religion whose rules (*sharia*) cover every aspect of human life. It is the responsibility of the leaders of the Islamic community (*umma*) to implement the *sharia*. Because of the archaic content of the Islamic precepts (*sharia*), systematic discrimination against women is an inevitable consequence of their political implementation⁸.

The Islamic Republic (IR) holds that the proper place of a woman is at home under the husband's control and serving him and his children; in public, she must be invisible and silent. By nature, a woman is perpetually immature. This is the IR clergy's conception of women. [See note 8] Women are not recognised as autonomous individuals. Once in power, Islamist extremists want to realize this model through law and policy. Under the Taliban in Afghanistan and the mullahs in Iran, the (attempt at) subjugation of women is relentless and legally sanctioned. The term "gender apartheid" readily captures this type of systematic discrimination against women in the Islamic Republic of Iran.

Hijab-based Repression

The World Economic Forum's 2022 Gender Gap Report ranks Iran 143 among the 146 countries that it covers⁹. This rank reflects the state-institutionalized, routine violation of women's rights in Iran. Currently, women comprise around 57 per cent of the university graduates in Iran¹⁰. These educated women aspire to social status and professional positions that are at odds with the policies of the IR. Antagonism between women and the Islamic regime has constantly grown over the last decades as a result. The issue of hijab is seen by both sides as the battleground of their ongoing struggle. It is the visible, quotidian face of the subjugation of women by the Islamic regime.

With the advent of the Mahsa Amini protests, the IR has intensified rather than moderated its repression of fundamental human rights. In 2023, a ten-member committee of the IR Parliament drafted a new law behind closed doors, the *Purity and Hijab Law*¹¹. It comprises 70 articles each with extensive subclauses and, at the time of publication, is waiting for the approval of the Guardian Council. **Although the content of the new Hijab law is not yet known, its chief aim is to expand and tighten the control of women and to give this control a semblance of legality.** In the view of the leaders of the IR, there cannot be any concession on the "principle of (mandatory) hijab."¹²

At present state punishments stipulate fines and prison terms for women who appear in public without the Islamic hijab¹³. There are 25 agencies in Iran in charge of enforcing the "proper Islamic veiling" of women in public. The 2014 *Enjoining Virtue and Forbidding Vice* bill legitimates extra-judicial enforcement of the hijab and thus empowers any man to commit heinous violence against women who are not wearing the hijab, such as throwing acid on their faces. A further 2015 bill called *Protection of Honor and Hijab* expands the powers of both the police and the prosecutor's office to enforce the compulsory hijab laws in workplaces and other public places, including taxis and private vehicles¹⁴.

Legal Entrenchment of Misogyny

Beyond the hijab, the Constitution and other relevant legislation of the IR demonstrate the legal entrenchment of misogyny and the incompatibility of political Islam with fundamental human rights¹⁵. Men can have multiple wives, both permanent and temporary. Marriage before puberty is permitted if the "interests of the girl," as interpreted by her male guardian, are considered. The age of maturity and legal accountability for girls is set at *nine lunar years* while the age of marriage for girls is 13 years old. By international standards, this is considered child marriage, because at least one of the parties is under 18 years old and child marriage is considered a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent.

The IR Constitution makes the husband "guardian" of his wife, who needs his permission even to leave the home (Article 1105). A wife must reside in the dwelling that the husband determines for her (Article 1114). The husband has the right to prevent his wife's employment in any profession that undermines his own or the wife's "dignity" (Article 1117). Women are compelled to "fulfil the duties of a wife" (Article 1108). Men can divorce their wives for many reasons; in contrast, women are faced with daunting and complex terms when seeking divorce (Articles 1122–1130). The inheritance share of women is half that of men (Articles 861–949). Moreover, according to the Islamic Penal Code, the testimonies of two women are equal to the testimony of one man and are not considered at all if not accompanied by a male witness. The blood money for women is half of the blood money for men. Adultery is considered a crime, which, "depending on its degree," carries the punishment of stoning, execution or lashing (Articles 220–225).

Systematic violation of women's human rights in Iran is not limited to legal provisions. The mullahs purposely exacerbate the misogyny of the more religious milieus of rural and tribal communities and the poorer city neighbourhoods. In this way, the IR encourages and enables men to perpetrate violence against women in the name of Islam in every setting: whether in the home, the workplace, or the street. The frequent occurrence of "honour killing" can be placed in this perspective¹⁶. That such crimes are encouraged and committed by a state does not make them irrecusable. The IR must be held accountable for these crimes against women.

Targeting of Women's Rights Activists

The Islamic Republic (IR) has criminalized virtually all forms of political activity and civil and human rights advocacy and activism. Women's rights activists are particularly targeted for repression by the regime. The lack of an independent and professional judiciary is another important factor in the oppression of women under the Islamic regime. Women have literally no access to justice. The IR judiciary is corrupt and incompetent and routinely ignores the most basic principles of procedural fairness and the rule of law. In practice, the judiciary is an instrument of repression of civil society in the hands of the leaders of the Islamic Republic. All cases deemed to concern "national security" are investigated and judged by individuals who belong to intelligence and security agencies (such as the Intelligence Section of the IRGC) or are handpicked by these agencies, including the defence lawyers¹⁷.

The adage "women's rights are human rights" takes on a very potent sense in the context of Iranian women's fight for the most basic rights to bodily integrity and personal dignity. The evident justness of their demands and their courage in the face of a vicious regime have rallied the entire society behind them.

Iranian women have realized that they can attain their rights only in the context of a liberal democratic polity. As a result, the antagonism between women and the Islamic Republic mullahs can only be resolved when the IR is removed from power.

Margaret Atwood's, *Handmaid's Tale*, published in 1985 and now serialized by Hulu, was drawn from historical, real-world experiences, especially Iranian women's experiences after the Islamic Revolution in 1979. The restrictions that the Islamic Republic continues to impose on Iranian women are not just a TV series – they are dehumanizing and undermine the aspirations of the majority of Iranian women.

Foreign Policy Options

The expulsion of the IR from the UN Commission on the Status of Women (UNCSW) on 14 December 2022 is an example of international action making the IR accountable for its disregard for the human rights of Iranian women¹⁸. The governments on the UNCSW voted for the expulsion under intense lobbying by Iranian human rights activists who were able to leverage the ongoing protests in Iran. The embarrassment of having the IR on the Commission, under those circumstances,

had become intolerable. The IR – who has refused to ratify the Convention on the Elimination of all Forms of Discrimination Against Women – was elected as a member of the UNCSW by those same governments only a few months earlier. Unfortunately, this expulsion remains an exception and demonstrates the need for ongoing pressure for member countries to act. Only a few months after its expulsion from UNCSW the IR was appointed by the UN Human Rights Council (HRC) on 10 May 2023 to the Chair of the HRC Social Forum, which raises the question whether Iranian women must pay with their lives to embarrass international agencies into action, whose function it is to protect their rights?¹⁹.

Countries committed to democratic, human rights and gender equality values in their foreign policy have an obligation to take practical actions to support Iranian women and strengthen the international rule of law as it applies to Iran. These include countries that have stated feminist foreign policies or that have strategies for promoting gender equality through foreign policies, as well as countries that have established National Action Plans on Women, Peace and Security that commit their governments to protect women's human rights and human rights defenders, reduce forms of sexual and gender-based violence and expand women's participation in peace and security processes.

The following practical foreign policy actions should be considered by all states, but particularly those that espouse democratic, human rights and gender equality values:

1. Codify gender apartheid as a crime against humanity through resolutions of the UN General Assembly and other multilateral bodies as a tool to hold the Islamic Republic accountable for crimes against women.
2. Support international awareness of the situation of gender apartheid in Iran in multilateral bodies.
3. Amplify the gender apartheid narratives of women's rights activists in Iran (and Afghanistan) by naming and shaming the system in the Islamic Republic of Iran through digital diplomacy and media.
4. Meet with activists in the Iranian diaspora and provide a platform for the transnational movement against gender apartheid in Iran.
5. Institute and expand Magnitsky-style targeted sanctions, including financial asset freezing and travel bans against the leaders of the regime, especially the Supreme Leader, members of the Islamic Revolution Guards Corps (IRGC) key security officials and morality police.
6. Condemn the Islamic Republic for its abuse of human rights and stand up for women's rights as human rights to contribute to mounting global pressure on the regime.

Citizens and leaders everywhere, but particularly those in liberal democracies, must actively support the brave people of Iran in their struggle in every possible way. This is a struggle that concerns everyone: as the German Foreign Minister, the Honourable Annalena Baerbock has stated: "Unless Iranian women are safe, no one is safe"²⁰.

THE AUSTRALIAN FEMINIST FOREIGN POLICY COALITION

The Australian Feminist Foreign Policy Coalition is a diverse network advancing feminist foreign policy in Australia. Convened by IWDA, its members work across various sectors, including foreign policy, defence, security, women's rights, climate change and migration.

Feminist foreign policy is an approach that places gender equality as the central goal of foreign policy, recognising that gender equality is a predictor of peaceful and flourishing societies. This Issues Paper Series aims to explore the opportunities and challenges for Australia in applying a feminist lens to a range of foreign policy issues and provide practical ways forward.

Endnotes

- [1] [Letter from prison \(March 2023\)](#).
- [2] <https://edition.cnn.com/2023/08/23/middleeast/iran-protests-arrests-mahsa-amini-mime-intl/index.html>
- [3] <https://www.radiofarda.com/a/32573784.html>.
- [4] <https://endgenderapartheid.today>.
- [5] <https://www.ohchr.org/en/statements/2023/08/afghanistan-un-human-rights-experts-denounce-idea-reformed-taliban>.
- [6] See <https://www.ohchr.org/en/press-releases/2023/09/irans-proposed-hijab-law-could-amount-gender-apartheid-un-experts>
- [7] https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf
- [8] See, for example, Khomeini's letters of protest in September 1962 to the Shah and Prime Minister Alam concerning women's voting rights and their participation in public life (in Persian): [here](#) and [here](#).
- [9] See [WEF Global Gender Gap Report](#).
- [10] https://iranwire.com/en/fact-checking/112859-fact-check-the-islamic-republic-really-empowered-iranian-women/#google_vignette.
- [11] <https://www.ohchr.org/en/press-releases/2023/09/irans-proposed-hijab-law-could-amount-gender-apartheid-un-experts>
- [12] Cf. Mohammad Ja'far Montazeri, the previous Prosecutor General: "proper hijab" is the "red line" of the Islamic Republic (<https://www.radiofarda.com/a/29998175.html>); Mohsen Mahmudi, the Chair of the Coordinating Council of Islamic Propaganda: "no official may compromise in the matter of hijab" (<https://melliun.org/iran/335582>).
- [13] See the IR penal code: [here](#) Book 5, Chapter 18, Article 638.
- [14] The Islamic Republic of Iran has a web page devoted to compiling its many laws, measures, and activities for "compelling virtue and prohibiting vice" which includes [these bills from 2014 and 2015](#). Specific details on the 2014 bill can be found [here](#); the 2015 bill [here](#). Between 2005 and 2015 more than one thousand books [on the religious justification of hijab and its enforcement](#) were published in Iran. This [document](#) collects all the laws and regulations pertaining to observing hijab and propriety in public. Since Saudi Arabia repealed its compulsory hijab law three years ago and recognised the freedom of women to choose their own dress, the IR is the only internationally recognised state in the world that enforces compulsory hijab through legislation and brutal enforcement, including substantial prison terms and lashes.
- [15] IR penal code: [here](#); IR civil code: [here](#).
- [16] The perpetrators of "honour killings," receive very light sentences from sympathetic (clerical) judges and are normally released ahead of their prison terms. See [here](#).
- [17] See Iraj Mesdaghi, *The Judiciary and Its Destroyers*, 5 volumes. (in Persian)
- مجموعه‌ی پنج جلدی «عدالت‌خانه و ویرانگرانش»، ایرج مصداقی
- [18] <https://news.un.org/en/story/2022/12/1131722>
- [19] <https://voelkerrechtsblog.org/irans-appointment-as-the-chair-rapporteur-of-the-unhrc-social-forum/>; see the petition for a motion to overturn the HRC Social Forum appointment: <https://unwatch.org/resolution-to-overturn-appointment-of-iran-as-chair-of-u-n-human-rights-council-social-forum/>
- [20] <https://twitter.com/ABaerbock/status/1626903212560187393>