



MONASH
GENDER
PEACE AND
SECURITY

Inquiry into the human rights implications of recent violence in Iran.

Submission to the Senate Foreign
Affairs, Defence and Trade
References Committee,
November 2022

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Federal Parliament of Australia: Senate Foreign Affairs, Defence and Trade References Committee Submission to the Inquiry into the human rights implications of recent violence in Iran.

Dear Mr Fitt,

Thank you for this opportunity to provide a submission in response to the Senate Foreign Affairs, Defence and Trade References Committee Inquiry into the human rights implications of recent violence in Iran.

This submission has been prepared by members of Monash University including the Monash Gender, Peace and Security Centre.

More details about the Research Program and our current research are provided on our website and in the references to the submission.

Please find our submission attached to this letter.

In our submission, we have drawn on our extensive research examining the gender dimensions of conflict, stability and democratization as well as the status of women's human rights within and across countries.

We would welcome the opportunity to provide further detail to inform the work of the Senate Foreign Affairs, Defence and Trade References Committee Submission to the Inquiry into the human rights implications of recent violence in Iran.

Kind regards,

Monash University

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INTRODUCTION

This submission has three parts.

Part one gives a brief account of the nature and extent of the violation of Iranian women's rights by the Islamic Republic, its legal instruments and its basis in Islamist ideology.

Part two considers the actions that have been taken by other states vis a vis Iran and have been taken in past analogous situations.

Part three lists relevant recommendations on the actions that may be taken by Australia to help the women of Iran in their struggle for their rights.

A list of references is included at the end of the submission, followed by an Appendix on the research program of the Monash Gender Peace and Security Centre.

PART ONE: HUMAN RIGHTS VIOLATIONS AND VIOLENCE AGAINST WOMEN AND GIRLS IN IRAN

The suppression of women's rights in Iran by the Islamic Republic is systematic, and motivated and justified by its Islamist ideology. The role that this ideology imposes on Iranian women is diametrically opposed to their self-image and aspirations. In the World Economic Forum 2022 Global Gender Gap Report¹, Iran ranks 143 of 146 countries. This rank reflects the fact that the violation of women's rights in Iran is institutionalized and state-driven. Currently, women comprise sixty per cent of the university graduates in Iran. These highly educated women aspire to social and professional status and positions that are structurally unattainable for them under the Islamic regime. The antagonism between women and the Islamic regime has constantly grown over the last decades, especially since the suppressed Green Movement in 2009² and now triggered by the death in detention of the 22-year-old young woman, Mahsa Amini. The Iranian regime declined to join the UN Convention on the Elimination of Discrimination against Women in 2001, making it one of only six countries in the world that have not acceded to the Convention.

Political science research on all major resistance and peace movements shows that frontline participation by women makes it more likely that the movement will achieve immediate success and secure longer-term democratic change. Women have been much more likely to participate in nonviolent mass movements than in violent ones, and they have participated in much greater numbers in nonviolent than in violent campaigns. This is the case in Iran today. Research by Harvard academics Erica Chenoweth and Zoe Marks (2022) also shows that the greater the proportion of women in a defeated movement, the higher the degree of a patriarchal backlash. **Thus, without censure of the Iranian regime and active international support for the protest movement, we can expect greater rather than lesser human rights violations and violence against women and girls in Iran as the protests continue.**

¹ <https://www.weforum.org/reports/global-gender-gap-report-2022/>

² There have been four major protest movements in the past few decades in Iran: the student protests of 1999 and 2007; the Green movement that protested the regime's fraud in the presidential election of 2009; and the fuel protests of 2019 in which more than 1500 were killed on the streets. The significant difference between three of these earlier protests (1999, 2009, 2019) and the current one is outlined in Nazanin Boniadi's address to the informal session of the UN security council Arria Formula (<https://www.youtube.com/watch?v=lmNfjy-8oyM>).

The Hijab and women's rights violations

The issue of hijab is seen by both sides as a material and symbolic battleground of their ongoing struggle. It is the visible face of the subjugation of women by the Islamic regime. Yielding on the compulsory hijab and on women's demands for their rights and rightful place in society is tantamount for the Islamist state to surrendering power.³ This is how the issue is understood by all of its exponents. Virulent misogyny is one of the two pillars of the Islamic Republic, perhaps even more important than the other, namely its anti-Americanism, or more generally its hatred of modern culture. As long as these fundamental facts are not grasped, the misogynistic nature of the Islamic Republic is not understood.

Iranian Law entrenches misogyny

A quick look at the Constitution and some relevant legislations of the Islamic Republic demonstrates its legally entrenched misogyny and fundamental incompatibility with universal human rights.⁴ According to Article 942 of the Civil Code, men can have multiple wives, both permanent and temporary. Article 1041 (note) stipulates that marriage before the age of legal puberty is permitted for girls if the "welfare of the girl" is taken into account. (The age of marriage for girls is thirteen and compulsory hijab is nine.) Article 1210 (note) sets the age of maturity and legal accountability for girls at nine lunar years. Articles 1075 through 1077 legalizes temporary marriage. Article 1105 makes the husband guardian of the wife, who will need his permission even to leave home. Article 1114 states that the wife must reside in the dwelling that the husband determines for her. Article 1117 gives the husband the right to prevent his wife's employment in any profession that undermines the welfare of the family or his own or the wife's "dignity." Article 1108 obligates the woman to "fulfill the duties of a wife." (Cf. the Quran, Surah Al-Baqarah, verse 223: "Your wives are like farmland for you, so approach them as you please," etc.) According to Articles 1122 through 1130, women are faced with onerous terms when seeking divorce. Articles 867 through 949 determine that the inheritance share of women is half of that of men. 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. According to Articles 220 through 225 of the Islamic Penal Code, adultery is considered a crime, which, "depending on its degree," carries the punishment of stoning, execution or lashing. State Punishments, Book 5, Chapter 18, Article 638 stipulates fine and prison terms for women who appear in public without Islamic hijab. In 2019 the head of the Tehran Revolutionary Court announced that women who make and publicize videos of themselves without Islamic hijab will be punished under Article 509 of the Islamic Penal Code that pertains to prostitution and causing corruption. In addition to the police (or State Security Force) there are 25 agencies in charge of enforcing the "properly Islamic veiling" of women in public. The "Compelling Virtue and Prohibiting Vice" bill (ratified in June 2014) legitimates extra-judicial enforcement of the mandatory hijab and thus encourages depraved Islamist thugs to commit violence against women. Another bill called "Protection of Honor and Hijab" (January 2015) expands the powers of the police and the prosecutor's office to enforce the Islamic hijab in workplace and other public places, including private vehicles.⁵ All such measures and actions have been done in the name

³ Cf. Mohammad Ja'far Montazeri, the 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>).

⁴ For the Islamic penal code

see: https://umsu.ac.ir/uploads/23_Islamic_Penal_Law_1392_&_Tazirat_1375.pdf

The Iranian civil code is available at the following link https://www.usb.ac.ir/FileUpload/7242_2017-3-8-12-27-22.pdf These links are in Farsi.

⁵ 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](#). The site is in Farsi. Specific details on the 2014 bill can be found [here](#); the 2015 bill [here](#). Between 2005 and

of Islam. While there are interpretations that are more favorable to women and their social status in other Muslim-majority countries, such as Indonesia for example, Islam has been tainted for the majority of Iranians by what the Islamic Republic has done with the universal blessing of the Shia clergy. This is an important reason why the current movement is led by women and primarily motivated by their demands. This is also why it is a revolutionary and secular movement, meaning that it aims to replace the Islamic regime with a secular, rights-based political system.

Regime practice emboldens ordinary men to perpetrate VAWG

The systematic violation of the human rights of women by the Islamic Republic is not limited to legal provisions. It was mentioned above that the “Compelling Virtue and Prohibiting Vice” legislation (2014) empowers thugs to perpetrate violence against women on the pretext of enforcing the hijab. The regime perpetuates and exacerbates the misogyny of the traditional milieu such as rural communities and religious circles. More fundamentally, it provides men with the imprimatur of Islam and Islamic rule to impose themselves on women in any setting whatsoever: from the home to workplace to the street, and so forth. This is nothing other than state leadership in the systematic violation of the human rights of Iranian women, starting with their rights to bodily integrity and personal dignity. That such crimes are encouraged and committed by a state does not make them irrecusable. Democratic states can and must make the Islamic Republic accountable.

The brutal repression and killing of young women and men at the hands of the Islamic Republic that we have witnessed in the streets of Iran since September 16, 2022 is thus the culmination of decades of state subjugation of women and oppression of Iran’s civil society. The **leadership of women** in the movement against the Islamic Republic is historically understandable, as is the fact that **this movement aims to overthrow the regime**. Based on their lived experiences of abuse, harassment, imprisonment and witnessing atrocities, Iranian women and men have realized that it is only by the removal of this regime that they can attain their rights and have a chance to lead a dignified life.

PART TWO: INTERNATIONAL RESPONSES TO THE HUMAN RIGHTS VIOLATIONS OF THE IRANIAN REGIME BY STATES AND CITIZENS

States are addressing the protests that have continued across Iran since the murder of Mahsa Amini in police custody in two ways. One is the position of non-democratic states such as Russia and China and the lesser autocratic states, that the oppression of Iranians by the Islamic Republic is a domestic affair, which does not affect international peace and security. This “non-interference position” of authoritarian states reflects their own interests and masks their own human rights violations. But liberal democratic states have a responsibility to stand up for Iranian women and men in some capacity. Human rights are considered universal and inviolable by liberal democracies, and they are committed to them through their ratification of international conventions and laws. So, the question for the leaders and governments of democratic states in the Iranian situation must be: how can we most effectively respond to the human rights violations and violence against civilians by the Islamic regime?

Western states, led by Canada and Germany, and including the UK, USA, and EU have gone beyond statements of support for the rights of Iranian women and their movement by taking key actions. In so

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. At this Persian language [Wikipedia page](#) about the history of the introduction of compulsory hijab in Iran it is stated that since Saudi Arabia repealed its compulsory hijab law three years ago and recognised the freedom of women to choose their own dress, Iran is the only internationally recognised state in the world (along with fundamentalist groups like the Taliban, Daesh, Boko Haram) that enforces compulsory hijab through legislation and brutal enforcement, including substantial prison terms and lashes.

doing, they have made a genuine attempt at putting into practice the values and principles they profess.

They have:

- Instituted Magnitsky-style targeted sanctions that include financial asset freezing and travel bans against members of the Islamic Revolution Guard Corps (IRGC), key security officials and morality police, and progressively expanded those individuals covered.
- Listed the IRGC as a terrorist organization.
- Called for the removal of Iran from the UN Commission on the Status of Women (CSW)⁶
- Suspended Human Rights Dialogue with Iran.⁷

The New Zealand Government has recently joined the call for the removal of Iran from the UN CSW, with Prime Minister Ardern making a strong statement in support of this removal on November 1.⁸

Aside from state sponsored actions, the citizens of liberal democracies have been actively supporting the brave women and men of Iran in their struggle. Global public opinion and media have rallied behind the current uprising of Iranian women and society. Unlike past revolutions in other countries, and suppressed or failed revolutions in Iran, the advent of global social media (even with the regime's blockage of the Internet and mobile phone communications) is enabling information flows, and widespread moral support from outside of Iran. **#mahsaamini is now the most used hashtag in twitter history with over 80 million tweets.**

In addition to the actions of like-minded states to Australia, and unprecedented levels of social media support, there is global recognition of the need to protect women's human rights activists to bolster global peace and security. This is a struggle that concerns everyone: As the German Foreign Minister, Annalena Baerbock has said: "If women are not safe, everyone in a country knows that no one is safe."⁹ This year's UN Secretary-General (2022) report to the UN Security Council on Women, Peace and Security (WPS) discussed on October 20, argues that member states must turn "the unconditional defence of women's rights into one of the most visible markers" of international peace and security efforts, in particular by protecting women's human rights defenders.¹⁰ Specifically, the Secretary-General called on member states to express "consistent, visible and explicit political support for activists and their work" as a key factor in the prevention of violent conflict. The young women leading the Iranian protests in the name of those imprisoned, detained and killed are women's human rights defenders. As an imperative for maintaining international peace and security, they should be protected and have the right to protection under international law and under the UN WPS agenda, which Australia has adopted in its Second National Action Plan on WPS, 2021-2031 (see Davies and True 2019).¹¹

⁶ <https://www.unwomen.org/en/csw>

⁷ <https://www.beehive.govt.nz/release/nz-suspends-human-rights-dialogue-iran>

⁸ <https://www.youtube.com/watch?v=naBxw9KdaWk> Her statement also notifies the suspension of the 2018 initiated "Human Rights Dialogue" between NZ and Iran.

⁹ https://twitter.com/dw_politics/status/1575823277263659008?ref_src=twsrc%5Etfw.

¹⁰ <https://www.securitycouncilreport.org/whatsinblue/2022/10/women-peace-and-security-annual-open-debate-3.php>.

¹¹ <https://www.dfat.gov.au/sites/default/files/australias-national-action-plan-on-women-peace-and-security-2021-2031.pdf>.

In a 26 October statement, a group of human rights experts representing the Special Procedures body of the Human Rights Council (HRC)¹² “condemned the killings and the crackdown by security forces in Iran”, including “alleged arbitrary arrests and detentions, gender-based and sexual violence, excessive use of force, torture, and enforced disappearances”. The experts also said that the violations against women are part of “a continuum of long-standing, pervasive, gender-based discrimination embedded in legislation, policies, and societal structures” and expressed support for “the establishment of an international investigative mechanism, to ensure accountability in Iran and to end the persistent impunity for grave human rights violations”.

The Australian Government’s foreign policy professes its “commitment to promoting women’s rights” and to “ending violence against women worldwide.” Australia’s values-based foreign policy has been bipartisan since at least the late 1970s with our support for human rights in Timor Leste. In the 1997 White Paper on Foreign Policy it is understood and clearly stated that: “National interests cannot be pursued without regard to the values of the Australian community, including its support for fundamental human rights.”¹³ Moreover, in the most recent Foreign Policy White Paper in 2017, the Australian Government believes that support for liberal institutions, universal values and human rights internationally advance Australia’s national interests (DFAT 2017: 11):

All government policies, including our foreign policy, must give expression to, and be formed on the basis of, the values of our community. Australia does not define its national identity by race or religion, but by shared values, including political, economic and religious freedom, liberal democracy, the rule of law, racial and gender equality and mutual respect. ... Australia is pragmatic. We do not seek to impose values on others. We are however a determined advocate of liberal institutions, universal values and human rights. The Government believes that our support internationally for these values also serves to advance our national interests.

Can the proposed measures achieve anything at all? Would they be effective in helping Iranian protesters in the face of a brutal regime? The answer is yes.

First, a punitive international measure is a communication of power that will level the playing field for Iranian civilians. The criminal actions of the Islamic Republic have been indulged long enough. A consistent and firm communication of power alone can change the behaviour of the Islamic Republic. This is not speculation. One needs only examine the docile reaction of the Islamic regime to Israel’s firm stand in Syria to see how it responds to such clear measures.

Second, the concert of liberal democratic governments in punishing the regime for its violation of human rights will undermine the willingness of its forces to obey repressive orders. The world’s eyes are on Iran – and states adding their voice to that of citizens in global civil society via social media campaigns will make that clear. A research paper on the regime’s security forces published in Iran (2022) shows that their willingness to obey repressive orders and use lethal force against protesters is proportional to their material reward – and not ideological commitment.¹⁴ For such an enforcer the prospect of being held accountable for committing atrocities against civilians that the concerted actions of Democratic powers signal will be a significant deterrent.

¹² Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council’s independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent of any government or organisation and serve in their individual capacity.

¹³ http://repository.jeffmalone.org/files/foreign/In_the_National_Interest.pdf.

¹⁴ See Gholipour 2022.

Third, the proposed measures target the corrupt leaders of the Islamic Republic. Many of these individuals and their families live or want to live in Western countries free from the repressive systems they impose on others in Iran, and they have amassed significant assets there. Depriving them of the prospect of enjoying the evil fruit of their crimes will be a daunting disincentive for them. Moreover, actions such as freezing their assets and barring their entry will serve the cause of justice and responsible governance.

Good International Citizenship

In taking actions vis a vis the Iranian regime to stop its human rights violations, Australia would not be imposing its values on Iran. Rather, it would be giving support to universal values of human rights expressed by Australians including Australian-Iranian citizens as well as Iranian citizens in their large, nationwide protests for fundamental rights in the face of severe threats and illegal acts of violence. By instituting targeted sanctions, travel bans, listing the IRGC as a terrorist organisation and calling for the removal of Iran from UN CSW, Australia would be acting both to enact its own values and as a good international citizen¹⁵ (True and Ernest 2022, True 2016).

The UN Secretary-General, Antonio Guterres's October 2022 Annual Report on Women, Peace and Security states that the world is currently "experiencing a reversal of generational gains in women's rights while violent conflicts, military expenditures, military coups, displacements and hunger continue to increase." We need to respond to that reversal - to practice our values and to distinguish our foreign policy pursuits in the region and world as authentic and genuinely based not on mere self-interest but support for universal human rights as a founding member of the United Nations (1945), an original signatory of the UN Declaration of Human Rights (1948), and a previously elected member of the UN Human Rights Council (2018-2020), and UN Security Council (2013-2014) in which Australian campaigned for and sought to promote gender equality and women's human rights, in particular (see Shepherd and True 2014).

Summary

Governments have already taken a number of actions, but more must be done to send a strong message to the Iranian regime to halt their human rights violations. Such action will support Iranian civil society's struggle for fundamental rights and freedoms in the interests of peace and stability.

Below we recommend actions that may be taken by the Australian Government. These actions are in line with those already taken or discussed by other democratic, 'middle power' governments, notably Canada and Germany.

PART THREE: RECOMMENDATIONS FOR THE AUSTRALIAN GOVERNMENT

We recommend meaningful practical actions need to be taken by the Australian Government to back up the Foreign Minister's censure of the Iranian regime for its abuse of the fundamental human rights of its citizens. These actions will align Australia with other liberal democratic states and their actions against the Iranian regime's abuse of power and criminal behaviour.

Such actions will enable Australia to uphold democratic and human rights values and to implement its foreign policy gender equality strategy and second National Action Plan on Women, Peace and Security, which promotes the international leadership and accountability of Australia on women, peace and security worldwide. When Australia acts as a 'middle power' it sends a message to the regime, expresses solidarity with those citizens claiming their fundamental human rights and these actions cannot be treated as an 'American conspiracy' or American organized stance.

¹⁵ Former Foreign Minister Gareth Evans first articulated this stance on decency in Global Citizenship <https://www.youtube.com/watch?v=2I3-ZKW3nEk>

Australia can:

- List the IRGC as a terrorist organization. The IRGC is terrorist and criminal in its extrajudicial killing and targeting of innocent civilians, including children.
- Institute Magnitsky-style targeted sanctions including financial asset freezing and travel bans against members of the IRGC, key security officials and morality police.
- Call for the removal of Iran from the United Nations Commission on the Status of Women (CSW) and other UN bodies, alongside other liberal democracies such as New Zealand, USA, Canada, UK, Germany and the European Union.
- Censure and consider expelling the Iranian Ambassador.¹⁶
- In concert with other democratic nations, sponsor the introduction of international mechanisms of accountability for human rights violations in Iran, as called for in the Arria Formula meeting.

To date, the inaction of the Australian Government is inexcusable and morally reprehensible. As Desmond Tutu said, “if you are neutral in situations of injustice, you have chosen the side of the oppressor.”

¹⁶ Germany and Canada have led international action by democratic states against the Islamic Republic of Iran. [Germany has summoned the Iranian ambassador](#) over treatment of protesters inside Iran and has also advised its nationals to leave Iran. Canada has not had this option; it has had no government office in Tehran since 2012 following the arrests of dual Canadian-Iranian citizens by the IRGC. The Embassy of Canada to Turkey in Ankara has consular responsibility for Iran.

References

Amnesty International. 2016. "[Iran. Des défenseurs des droits des femmes traités comme des "ennemis de l'État"](#)". (In French).

[Arria Formula meeting](#) on the ongoing protests in Iran. 2 November 2022. Informal session of the UN security council. Presentations from Nazanin Boniadi (Iranian born actress and activist) and Shirin Ebadi (2003 Nobel Peace Prize Laureate and Human Rights Defender).

Canadian Government. 2022. The Canadian Government imposes new [Sanctions against Iran](#).

Chenoweth, Erica and Zoe Marks. 2022. "Revenge of the Patriarchs: Why Autocrats Fear Women." *Foreign Affairs*, March/April, <https://www.foreignaffairs.com/articles/china/2022-02-08/women-rights-revenge-patriarchs>

Davies, S. E. and J. True eds. 2019. *The Oxford Handbook on Women, Peace and Security*, New York: Oxford University Press,. ISBN: 9780190638276, pp.904.

Gholipoor, Behnam. 2022. "Results of new research: without money, the Special Forces do not engage in repression." <https://iranwire.com/fa/features/108665--نتایج-تاز-هترین-تحقیقها-بول-که-نباشند-یگان-و-پژوه-سرکوب-نمیکند>/Iranwire Feature. (In Persian).

Hakakian, Roya. "The Bonfire of the Headscarves." *The Atlantic Monthly*. <https://www.theatlantic.com/ideas/archive/2022/09/iran-headscarf-protest-mahsa-amini/671555/>

Hoodfar, Homa. 2009. Against all odds: the Building of a Women's Movement in the Islamic Republic of Iran. *Development*. 52 (2): 215-223. (See also details on [Homa Hoodfar's imprisonment](#) by the IRGC in 2016 after she visited Iran from Canada. She was imprisoned for over 100 days).

Monash Gender, Peace and Security Centre. 2022. *Iran Protests for Women, Life and Liberty*. <https://www.monash.edu/arts/gender-peace-security>

Monash University Scholars at Risk Webinar. 2022. "Can Iranian Women Free Their Country?" With Roya Hakakian, November 24.

Roberts, Adam Sir and Timothy Garton-Ash. 2009. *Civil Resistance and Power Politics: The Experience of Non-violent Action*. Oxford: Oxford University Press.

Shepherd, L. J and J. True. 2014. "The Women, Peace and Security Agenda and Australian Leadership in the World: From Rhetoric to Commitment?" *Australian Journal of International Affairs* 67, 3: 257-284

True, J. "Gender and Foreign Policy." *Navigating International Disorder: Australia in World Affairs* (2011-2015). Eds. Shahar Hamieri and Mark Beeson, Melbourne: Oxford University Press, 2016.

True, J and T. Ernest. "Values, Gender and Foreign Policy." Chapter 5 in *Australia's International Affairs, 2015-2020*. Cambridge University Press, 2022.

For further details about current and recently completed research projects, please visit the [Monash Gender, Peace and Security Centre's website](#).