


GENDER CONFLICT IN IRAN: A CRITIQUE OF HUMAN RIGHTS AND  
CONFLICT RESOLUTION


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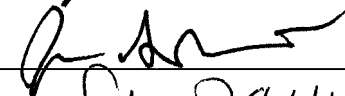
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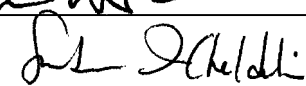
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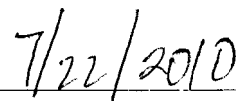
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## DEDICATION

This is dedicated to my mother, my sister, my daughters and every woman who has chosen the path of resistance to tyranny and fought for human rights, justice, peace and equality.

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I would like to thank the many friends, relatives, and women's organizations who have made it possible for me to work through the maze of data and research material. I thank my loving husband, Reza, who assisted me in my research and was my sounding board in the last few weeks of the writing period. Thanks to my family, whose everyday support in every way—including caring for my one-year-old—made it possible for me to focus and meet my plan. Finally, I thank my committee members, who have provided guidance and invaluable advice throughout the last several months.

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## LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIA	Central Intelligence Agency
CSW	Commission on Status of Women
CR	Conflict Resolution
EU	European Union
FIDH	International Federation for Human Rights
HR	Human Rights
HRC	Human Rights Commission
HRW	Human Rights Watch
IRGC	Iran's Revolutionary Guards Corps
IRI	Islamic Republic of Iran
INGO	International non-governmental organization
IVAWA	International Violence Against Women's Act
NCRI	National Council of Resistance of Iran
NGO	Non-Governmental Organization
MP	Member of Parliament

MEP	Member of European Parliament
OPIFG	Organization of the Iranian People's Fedayeen Guerrillas
PMOI	People's Mojahedin Organization of Iran (aka MEK Mujahedin-e-Khalq)
UN	United Nations
UHDR	Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees
US	United States
VAW	Violence Against Women
WFAFI	Women's Forum Against Fundamentalism in Iran

## ABSTRACT

### GENDER CONFLICT IN IRAN: A CRITIQUE OF HUMAN RIGHTS AND CONFLICT RESOLUTION

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George Mason University, 2010

Dissertation Director: Dr. Mark Goodale

This study investigates to what extent international human rights advocates and conflict resolvers are skilled and equipped to deal with situations such as the state-run gender violence which has led to a protracted conflict in a country like Iran. This project aims to first contextualize the gender conflict in Iran, then provide a detailed analysis of the conflict both qualitatively and quantitatively, and then offer the impacts of human rights and conflict resolution fields, including their shortcomings. It calls attention to the role of domestic and international non-governmental organizations over the period of 1979-2009. It also provides a briefing on the application of international human rights protocols, laws and methods of rights protection, intervention and practices of international human rights groups to support their local counterparts in Iran. In addition, this study utilized the lens of conflict resolution to analyze the gender conflict in Iran, its cause and effect, and its phases over the last 30 years, while evaluating existing strategies for methods of intervention and prevention. Recognizing the strength and weaknesses of

both fields, the purpose of this project was not to bring the two fields together, but rather to enhance the current understanding of the common grounds between the two fields and stress the need for further partnership between them. Given the underrepresentation of gender analysis in human rights and conflict resolution fields, this project also contributes to the literature and discourse in both fields.

## **1. Introduction**

The death of Neda Agha-Soltan exposed the “dark face” of the Iranian regime, said her fiancé Caspian Makan. On March 9, 2010, Caspian addressed the Geneva Summit for Human Rights, Tolerance and Democracy. In his speech, through a translator, he raised a key point about the nature of the Iranian government, describing their exposed “dark face.” He said:

They [the world] saw an inhuman and painful and horrible act, their [the Iranian government’s] dark face...an innocent woman of 26 years was killed by a bullet in her heart. She was losing her blood but she remained conscious and she was calm even at the end. Perhaps she was thinking at the end perhaps of her final objective. She did not fight to stay alive. She gave herself up to death. We have seen many people who have been wounded and killed but this struck the world particularly hard. We were able to see on the footage how good and kind she was and admire her attitude when faced with death, to admire her courage as a symbol of liberty, as she died hoping for a better life of the millions of Iranians who remained behind, and her wish for the gift of freedom for her people.

Now the world has experienced a great deal of progress. We have made great headway in science and technology. And this has improved humanity. But we can wonder if our spiritual depth has grown to the same extent as technology and science. And there is a clear answer, and that is no. And in human rights, our progress has been very feeble. After a thousand years of history, we can still see that mankind treats each other in a very cruel way. We can see that scientists spend colossal amounts of money to make progress to save lives. At the same time we see that other authorities use their intelligence to create increasingly deadly weapons to kill, rapidly, on a large scale and more efficiently. Now I’d like to make an appeal. I would like to appeal to the authorities of the United Nations and human rights representatives. I would like to urge that we respect human rights and that in this way, we help to put an end to the murder and the death man inflicts on his fellow man, that we put an end to murders, to wars, to extermination.

I hope on the 20th of June when we mark the anniversary of death, that we think of her. She is a person who thought of freedom. I hope this day will mark a day when we end to man killing of mankind.<sup>1</sup>

In looking at the history of gender conflict in Iran from 1979 to 2009, describing the “dark face” of the Iranian government has also been a recurring attribute in other narratives, particularly among Iranian women.<sup>2</sup> While the public murder of Neda presented an unforgettable violent image to the world, visible and invisible violence touches the lives of every Iranian woman daily. The majority of Iranian women, however, refuse to be seen as just “victims” of violence. Their conflict with the state, resistance and organized movement is an area that has not been analyzed and understood from human rights and conflict resolution perspectives. The aim of this research is to draw attention to the lack of scholarship on the subject and offer an insight into the nature of gender conflict in Iran. Understanding the relation between gender and power is critical for contextualizing the gender conflict in Iran. I argue that Iranian women challenge the very definition of power which is religiously male-constructed since the 1979 revolution.

Over the past three decades, political transformations have brought a fundamental change in the way Iranian women confront violence, push for their rights, reforms and develop new strategies for achieving the desired political, social, economic and legal equality. Their struggle is challenged with deeply rooted structural violence, ideological and systemic roadblocks that have led to the formation of a protracted gender conflict. Undoubtedly, the post-election uprising in the summer of 2009, with the heartbreaking image of Neda’s death, brought the world’s attention to women’s plight in Iran. It also

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<sup>1</sup> [http://www.genevasummit.org/static/showNew/page/program\\_2010\\_en](http://www.genevasummit.org/static/showNew/page/program_2010_en), last accessed March 11, 2010.

<sup>2</sup> Based on narrative analysis of content and interview material in this research.



brought attention to the active participation of women and their role in shaping the movement for change. The question of respect for basic human rights of Iranians dominated the news reports and analysis since Neda's death. Media reports and eyewitness accounts of different types of violent tactics and weapons, such as rape used against male and female protesters, have appalled the human rights community. Social media tools such as Facebook and Twitter provided a narrow outlet of self-expression of an everyday form of violence in Iran. In a very different context, it also provided a window into what James C. Scott calls the "weapon of the weak: everyday forms of resistance." Women's everyday form of resistance is the unrecognized subaltern resistance in Iran. As Scott points out, there is a false polarity of resistance versus subsistence. He highlights the dynamic, relational and interactive aspects of political contestation and conflict.<sup>3</sup> In Iran's case, informal political, social and ideological resistance by women has generated mass mobilization, open conflict and full articulation of grievances in the public spheres of civil society. Men have joined the process and have recognized how women bear the brunt of systemic and systematic violence. Women are challenging the state on where the power lies. While the countless reports of human rights violations indicate the coercive power lies in the hands of the state, the continuation of protests and rallies, mostly organized by women, speaks to a different kind of power. It is for this reason that this research calls into question the effectiveness of human rights organizations and current conflict resolution practices.

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<sup>3</sup> <http://www.pdfqueen.com/html/aHR0cDovL2FmcmljYS53aXNjLmVkdS9kaWFzcG9yYS9pZGVudG10eS13b3Jrc2hvcC9hcmNoaXZIL2hhbmNoYXJkLnBkZg==>

Anita Taylor and Judie Beinstein Miller have argued that “Any conflict takes place within a context and it is influenced by that context.” They also highlight how “theory, research and practice...fail to contextualize the conflict being addressed. As the result our understandings of conflicts are often incomplete, as are our attempts at resolving conflict.”<sup>4</sup> My goal is to contextualize the gender conflict in the first part of this dissertation and then evaluate the conflict from perspectives of human rights and conflict resolution.

One of the most challenging aspects of this dissertation is to extract the issue of gender conflict and evaluate it on its own merit. I say this because in upcoming chapters, I discuss how gender conflict in Iran has gone through three distinct phases.

1. Phase 1: It emerged during the first decade of the 1979 revolution as part of the overall political and social conflict with Khomeini’s doctrine and Islamization efforts.
2. Phase 2: It diverged as a separate conflict during the 1990s where a much broader group of women from various backgrounds became victims of the conflict because of their gender.
3. Phase 3: It converged with broader social and political conflict in the second half of the first decades of the new millennium.

I raise this point to highlight the contextual grounding of gender conflict in Iran and how it is related to the overall social conflict in Iran. Since summer 2009, the question of the state’s conflict with its citizens has reached beyond the post-election disputes and raised

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<sup>4</sup> Anita Taylor and Judie Beinstein Miller, “The Necessity of Seeing Gender in Conflict.” *Conflict and Gender*. Cresskill (1994):1-17.

concerns over the large coercive apparatus of the clerical state—all of which makes the timeliness of this research more relevant than before.

### **Why Iran?**

The Iranian state has intrigued the world community for centuries. It is a non-Arab, multi-ethnic, Muslim nation with centuries of monarchy until 1979. With the rise of Islamic Republic as a form of governance, Iran has been at the center stage of international politics and debates. Numerous research and findings have been presented to shed some light on the nature of the Iranian government, its ideology, power structure, and insight on its domestic and international politics. Iran's threat of expansionism, pursuit of increasingly suspicious nuclear technology and sponsorship of terrorism has dominated the foreign policy discourse of many Western governments. Its human rights abuse and attention to the status of women in Iran, however, has remained a relatively untouched area; an area which this research aims to uncover.

Iranian women are increasingly frustrated and disappointed with the lack of international attention to their growing conflict with the Islamic Republic. In their view, the human rights advocates and conflict resolution practitioners fail to recognize violence indicators in laws and its roots in the ideology of ruling clerics. Their criticism targets both states and non-governmental organizations (NGOs) whose focus has been defending human rights. They also raise questions about the effectiveness of methods offered by the conflict resolution field since it has been limited to Track 1 negotiations, talks and incentives. In a sense, Iranian women pose a challenge to the field of human rights and conflict resolution and argue the need to transform the current pillars of international

relations debate and incorporate the agenda of human rights and women's rights at its core. To do so, this research offers a deeper analysis of gender conflict in Iran first, and then evaluates the current theories and practices of both the human rights and conflict resolution fields.<sup>5</sup>

### **Why the Women?**

According to Amnesty International and other human rights organizations, Iran holds the highest number of female executions in the world. More than 90% of women executed by the Iranian government are Muslim, which raises the question of why the Islamic Republic of Iran is killing Muslim women.<sup>6</sup> According to a recent memoir of a former political prisoner published in France, Iran has executed more than 30,000 women since 1979.<sup>7</sup>

Faezeh Sami, President of the Women's Forum Against Fundamentalism in Iran, says that with Ayatollah Khomeini's doctrine in practice since 1979, "Iran is no longer a women's land, the fact that you are a woman, knowingly or unknowingly you are in conflict with the state." Sami and her colleagues back their claims with volumes of documented state-sponsored violence against women in Iran. They also point to failed attempts at political negotiation and continued fruitless incentive offerings to Tehran, stating this is "not a regime that can change its behavior through incentives and offers." To get to the heart of the issue, Sami says, the "Islamic Republic of Iran has the highest

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<sup>5</sup> In the field of conflict resolution, there is a need for a theoretical and practical framework to understand gender conflict to begin with. The human rights field seems to have a more developed practical framework than theoretical.

<sup>6</sup> Data analysis from previous research (PUAD 610).

<sup>7</sup> Iran Focus, June 16, 2010, Book Review: The price of remaining human [*Le Prix de rester humain, Iranienne, elle fuit sa famille et se grise pour combattre les mollahs*]. By Azam Hadj Heydari, Publisher: Jean-Claude Gawsewitch Éditeur.

number of female execution in the world. Why has this not raised an eyebrow in the human rights community?”<sup>8</sup>

My definition of gender, particularity in this context, is a social, legal and political construction of the female’s role in the private and public spheres. To better help define “Gender Conflict” in this research, it is important to distinguish conflict parties (women vs. state), conflict issues (gender equality, rights and recognition), and conflict causes (ideological vs. structural).<sup>9</sup> There are several studies that have argued the conflict between the state and women is structural and rooted in gender-based laws which limit women’s rights and social participation in various fronts.<sup>10</sup> In their view, legal reforms can bring a resolution to the conflict between state and women. Others believe the nature of the gender conflict in Iran is deeply rooted in the ideology of Islamic tradition and culture. In their view, it is the patriarchal interpretation of Islam that has brought women and the state into a protracted conflict leading to gross violation of women’s human rights in Iran.<sup>11</sup> To resolve the conflict, they believe a more progressive interpretation of Islam is needed through awareness and advocacy on many levels.

I argue it is the intersection of both views that has brought the state and women into a protracted conflict for the past thirty years. While both views are correct in explaining “conflict-as-startup conditions” (the systemic), there is another aspect of the conflict that has not been understood. This study also aims to explain the gender conflict

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<sup>8</sup> Conversation with the author during exploratory studies in summer 2005.

<sup>9</sup> Ch. 32 of Sandole 2008.

<sup>10</sup> Mehrangiz Kar, “Crossing the Red Line, the struggle for human rights in Iran.” Published 2007, <http://www.mazdapublisher.com/BookDetails.aspx?BookID=70>.

<sup>11</sup> Ziba Mir-Hosseini, “Islam and Gender: the religious debate in contemporary Iran.” Princeton University Press 1999, <http://press.princeton.edu/titles/6739.html>.

in Iran in terms of “conflict-as-process” (the systematic).<sup>12</sup> I define the intersection as the crossover of the anti-women laws and the patriarchal interpretation of Islam that have contributed to institutionalized violence against women. In my view, that is the systemic view of gender conflict in Iran. It is important to understand how the “conflict-as-process” has evolved over the past thirty years and how it targets women differently than men; I call that the systematic view of gender conflict in Iran.

One of the most prominent causes of violence against women in Iran, post-1979 revolution, are misogynous laws and institutionalized practices. In fact, as stated by Faezeh Sami, the conflict has manifested in the most violent manner, leading to high numbers of female executions. For the past thirty years, the statistics suggest that Iran holds the highest number of female executions in the world.<sup>13</sup> Since women from different backgrounds—including age, marital status, ethnic groups, religious and political affiliations—have been executed, the data requires further quantitative and qualitative analysis in order to explain the reasons (conflict-as-process) behind the killings. Such an approach will bring to light a better understanding of the conflict beyond its startup conditions and ties in both the systematic and systemic views.

There are two interrelated theories in this study. First, gender-based laws lead to systemic violence against women in both private and public spheres. To demonstrate that,

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<sup>12</sup> Dennis J.D. Sandole, *The Global Review of Ethnopolitics*, vol 1. no. 4, June 2002, p. 17. To better guide the design, this research utilizes Sandole’s (2002) useful distinction between understanding and explaining “conflict-as-startup conditions” versus “conflict-as-process.” The design for this research is two dimensional:

a. Conflict as startup condition: this dimension will be address through a qualitative method.  
b. Conflict as a process: this dimension will be addressed through a quantitative method.

<sup>13</sup> See Amnesty International and WFAFI’s published material.

an analysis of gender-specific capital punishment in Iran, offered in later chapters, demonstrates how anti-women laws offer a legal channel to various actors for violence.

Second, beyond the laws, by looking at the structural root cause of gender conflict in Iran, this research will demonstrate the impacts of human rights and conflict resolution and areas which need focus on the ideology behind the misogynous characteristic of the state.

To be clear, Iran is not the only country that executes women, but Iran is the only country that executes women because they are women.<sup>14</sup> More specifically, if an Iranian man commits the same crime as an Iranian woman, he may face a jail term, but the woman may face execution or stoning because of her gender.<sup>15</sup> It is for this reason that this research intends to look beyond the most visible aspects of gender conflict (executions and legal discrimination) and offer an insight to the operating ideology behind the violence indicators.

This research also argues that because the human rights and conflict resolution fields have overlooked the operating ideology behind violence and conflict in Iran, their assessment, analysis and methodology for prevention of violence and protection of human rights remains insufficient.

In order to demonstrate the validity of the above theories, and provide a critique of human rights and conflict resolution, the following questions will be examined in this research:

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<sup>14</sup> Even Saudi Arabia, which has the most backward laws against women, does not execute women because of their gender.

<sup>15</sup> See the Adultery law and punishment.

- What promotes violence against women?
- How do the state and various actors violently target women differently than men?
- What are the different types of gender-based violence?
- How does the human rights field impact gender conflict in Iran?
- How does the conflict resolution field impact gender conflict in Iran?

### **Main Argument**

I argue that violence against women, Iran's high female execution rate and different types of violence are all directly related to the institutionalized gender conflict which is deeply rooted in Islamic fundamentalist ideology. It is important to note the focus of this research is not to criticize or defend Islam. In fact, one of the key operating assumptions of this research is that what is happening in Iran has nothing to do with Islam, and it is distracting to confuse the issue of gender conflict with the teachings of Islam. I choose to use the terminology of Islamic fundamentalism when referring to Iran's government's policies and behavior. In other words, the thirty-year-old theocracy in Tehran intentionally failed to provide Iranians with a democratic, socially, politically and economically just governance. People from all walks of life have faced repressive laws and restrictions in the name of Islam. Women, however, faced a different level of repression in the name of Islam. Islamic fundamentalism in Iran waged a war on women's humanity and established an institution to dehumanize women as equal partners in both public and private spheres in an already asymmetric and patriarchal society. In addition, the Islamic fundamentalism in Iran waged a war on the identity and ideology of



Muslim women. Therefore, this research will capture many voices of women, who are now living abroad and no longer facing threats from the state, in order to demonstrate why the Iranian state is treating women in such ways.

### **The Price of Not Recognizing a Violent Ideology**

With reports of stoning women to death, public hangings, and rapes before the night of execution, Iranian women have faced an inhumane violence that is deeply rooted in an ideology similar to the Nazis' treatment of the Jews, where atrocities are sanctioned and espoused from a specific doctrine. I argue it is the doctrine of Khomeini, the founder of the Islamic Republic of Iran (IRI), that defines women as second-class citizens within his system of governance, the supreme leadership (*vilayat-faqih*, aka *vali-e-fagih*).<sup>16</sup>

There is no doubt that both the human rights and conflict resolution fields are concerned about the ongoing violence against women in Iran. The effectiveness of their strategies and utility of their methods, however, will be called in to question here.

### ***Human Rights Field***

There is explicit language in international treaties and covenants that speaks to the protection of women and children. The international non-governmental organizations who strive to promote such treaties, such as the International Committee of the Red Cross (ICRC), specifically call out measures to protect women and children in conflict zones.

Under General Protection, it says:

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault (C. IV, art. 27; P. 1, art. 75, 76).... Expectant mothers who have been arrested,

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<sup>16</sup> Massoumeh Malek-Mohammadi, *Misogyny in Power: Iranian Women Challenge Two Decades of Mullahs' Gender Apartheid*. Auvers-sur-Oise, France: National Council of Resistance of Iran Committee on Women, 2000, 109-110.

detained or interned for reasons related to the armed conflict shall have their cases considered with the utmost priority (P. I, art. 76). Endeavours shall be made to conclude agreements for their release, repatriation, return to places of residence or hospitalization in a neutral country (C. IV, art. 132).... Utmost priority shall be given to the consideration of cases involving mothers who have dependent small children and who have been arrested, detained or interned for reasons related to the armed conflict (P. I, art. 76).... Whenever possible, the parties to a conflict shall endeavour to avoid pronouncing the death penalty, for an offence committed in relation with the armed conflict, against expectant mothers or mothers with infants. A death sentence against this category of women for such an offence shall not be executed (P. I, art. 76).”<sup>17</sup>

On the protection of children, the ICRC protection language says:

Children must be the object of special respect and must be protected against any form of indecent assault. Parties to a conflict shall provide them with the support and the aid that they need by reason of their age or any other reason (P. I, art. 77).... A death sentence for an offence tied to the hostilities shall not be carried out against a person who was under eighteen years of age at the time of the offence (P. I, art. 77).<sup>18</sup>

In subsequent chapters, I present facts and cases of women, including expectant mothers, who have been executed by the Iranian government over the last thirty years. Additionally, cases of young girls under the age of eighteen will be presented to demonstrate how the IRI is in violation of the above international treaties and protection clauses. One can argue that the language above is in reference to an “armed conflict” and the gender conflict in Iran does not constitute an armed conflict. While there is a broader debate in the international community and scholars on a unified definition of “armed conflict,” I rely on the distinction of intra-state conflict and argue the gender conflict in Iran has all the “internal elements” of a conflict. In fact, as explained by James G. Stewart:

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<sup>17</sup> <http://www.icrc.org/web/eng/siteeng0.nsf/html/57JMJ2>, last accessed March 30, 2010.

<sup>18</sup> Ibid.

In 1948 the International Committee of the Red Cross (ICRC) presented a report recommending that the Geneva Conventions apply the full extent of international humanitarian law “[i]n all cases of armed conflict which are not of an international character, especially cases of civil war, colonial conflicts, or wars of religion, which may occur in the territory of one or more of the High Contracting Parties.”<sup>19</sup>

Looking at the legal dichotomy regarding the applicability of international humanitarian laws and their limitation on the questions of sovereign governance is in fact one of the critiques this research aims to expand upon in later chapters.

Some may argue that there are other international protocols which can avoid the above challenge to the definition of “armed conflict” and provide a more explicit internationally defined protection language to women in Iran. For example, invoking the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) holds the sovereign state accountable for its behavior toward women. Yet such a call requires ratification by the state—and Iran is not a signatory of this treaty.<sup>20</sup> Other treaties, however, are available for the human rights field to utilize the shame strategy to protect women. In fact, the shaming strategy by the human rights field has resulted in an almost annual condemnation by various UN bodies since the 1980s. Its effectiveness, however, has cast a doubt on prevention of violence. To date, it has not stopped the IRI from its practices of stoning, public hanging and rape of female political prisoners.

The second key assumption in this research is that it will not focus on the formal *enforcement* mechanisms of international laws and treaties. It will, however, cover the

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<sup>19</sup> [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5PYAXX/\\$File/irrc\\_850\\_Stewart.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5PYAXX/$File/irrc_850_Stewart.pdf), last accessed March 30, 2010.

<sup>20</sup> See Amnesty International’s list of countries who have not ratified CEDAW, <http://www.amnestyusa.org/women/cedaw/countries.html>, last accessed on March 30, 2010.

strengths and weaknesses of international human rights protocols, laws, methods of rights protection, intervention and practices of international human rights groups to support their local counterparts in Iran. I recognize there is a broader debate on the *enforcement* mechanisms of international laws, and that is beyond the scope of this research.

### ***Conflict Resolution Field***

Many observers, including Elise Boulding and Cordual Reimann, have pointed out that conflict resolution has been “gender-blind” in its development, conceptualization and methods of intervention.<sup>21</sup> While I agree with their observation, I utilize some theories and methods of analysis in the conflict resolution field in this case study. To overcome the “gender-blindness” issue, I intentionally separate out conflict analysis and conflict resolution to highlight where the field needs more focus. There are a number of theories that explain the structural violence and denial of basic human needs in conflict analysis which apply to better analysis of gender conflict in Iran. There are also a number of resolutions and approaches where the field can be effective in this conflict once it overcomes its gender-blindness, ineffectiveness or inefficiencies. For example, during the resolution process, the field views “getting to the table” as an important event; this study expands on where women are missing. In the case of gender conflict in Iran, I argue women are in conflict with the state. So, women are not only missing at the table with the state, but also ignored by the third-party interveners. This oversight makes the decision-making process without one of the main parties at the table. In the case of the Iranian government, this model is exacerbated given the IRI’s ideologically driven decision-

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<sup>21</sup> Oliver Ramsbotham et al., *Contemporary Conflict Resolution* (Cambridge: Polity Press 2005), p. 265.

making process. More specifically, the subsequent chapters will draw upon women's testimonies and their skepticism on various intervention methods offered by the conflict resolution field. For example, when asked how problem-solving workshops, prejudice reduction, dialogue and negotiation through Track 1, 2, and 3 can prevent violence in Iranian society, Zolal Habibi, a devout Muslim woman and rights activist in Washington, DC, says "it seems all these options have forgotten one simple fact, that the Islamic Republic of Iran is neither willing nor capable of accepting these methods. It is not in the fabric of their DNA or ideological thinking to recognize women's rights and allow a space for engagement. At the end of the day, how can a victim of stoning negotiate with the stone that is coming at her?" Habibi raises a valid and valued point for the field of conflict resolution. In her view, the nature of the regime in power is an important factor to consider. She adds, "in Iran we are dealing with Islamic fundamentalism. We must first understand how the ideology in power views women before we sit at a table with them."<sup>22</sup>

### **A Hybrid Approach**

In this study I argue the case of gender conflict in Iran offers an example where a hybrid approach between human rights and conflict resolution will provide more meaningful support, not just for the victims of violence, but also a long-term plan to end the violence. I base my argument on the indigenous voice and demand for a transnational advocacy network.

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<sup>22</sup> Conversation with the author during exploratory studies in summer 2007.

In 2004, Amnesty International launched a campaign to “Stop Violence Against Women.” To achieve its goals in helping to end violence against women, Amnesty International outlined its strategy as follows:

- Urging governments and armed groups to end impunity for violence against women during times of conflict and post-conflict.
- Demanding that governments abolish discriminatory laws and practices that perpetrate violence against women in the family and in the community.
- Calling for the adoption of new laws and policies to provide women protection from violence.<sup>23</sup>

The campaign created much excitement among Iranian women’s organizations at home and in exile. Jila Kazerounian, Executive Director of WFAFI says, “it is encouraging to see AI is demanding change and not just raising awareness on rights abuse cases. I hope they follow through with more concrete steps and legally hold the Iranian leaders accountable for their crimes against women.”<sup>24</sup> The campaign did little for the case of Iranian women because it relied on the ratification of CEDAW. There is working progress in other countries, though.

In February 2010, the campaign was re-launched through Amnesty International US. Through a bipartisan Congressional effort, the International Violence Against Women Act was reintroduced, and “On September 25, Stop Violence Against Women campaigners delivered a petition to the White House, urging President Obama and Vice

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<sup>23</sup> <http://www.amnestyusa.org/violence-against-women/stop-violence-against-women-svaw/page.do?id=1108417>, last accessed March 30, 2010.

<sup>24</sup> Interview notes from January 2005.

President Biden to call on Congress to reintroduce and pass the International Violence Against Women Act (I-VAWA) this fall.”<sup>25</sup>

Yet progress is slow and scope remains limited. For this research, the current scope of the global effort to combat violence against women fails to recognize state-sponsored violence against women. The international community does not offer any mechanism to empower the victims or a forum to hold any government accountable for its gender-based crimes. According to the statistics published by the Amnesty International, “At least one out of every three women worldwide has been beaten, coerced into sex, or otherwise abused in her lifetime, with rates of domestic violence reaching 70% in some countries.”<sup>26</sup> Looking at the gender conflict in Iran from both the lenses of human rights and conflict resolution in this research will highlight the need to look beyond the victimization process and allow for “third-party” advocates to support the voice of the voiceless in a conflict.

Inherently, there are shortcomings in the fields of human rights and conflict resolution when it comes to addressing violence against women and gender conflict in Iran. In later chapters, I draw upon both weaknesses and strengths of both fields and offer a hybrid approach instead.

The majority of the women interviewed for this study agree that there is a need to have a hybrid approach between the human rights and conflict resolution fields. In their view, non-native approaches are welcomed but not sufficient. Sami from WFAFI says,

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<sup>25</sup> <http://www.amnestyusa.org/violence-against-women/international-violence-against-women-act/latest-update-on-i-vawa/page.do?id=1381035>, last accessed March 30, 2010.

<sup>26</sup> <http://www.amnestyusa.org/violence-against-women/international-violence-against-women-act/page.do?id=1051201>, last accessed March 30, 2010.

“any solution that misses the voice of women in Iran is doomed to fail.”<sup>8</sup> In her view, final resolution for the conflict between women and the state must be an indigenous effort, and to frame it as a non-native call allows the state to hide behind sovereignty and “cultural” differences.

Given all this, the subsequent chapters are organized in two parts.

Part I:

1. Provide a deeper analysis (both qualitative and quantitative) of gender conflict in Iran by looking at laws, the ideology behind the laws and practices by various actors (state and non-state).

Part II:

2. Provide an analysis of the impacts from human rights and conflict resolution theory and practice.
3. Provide critique for both fields and uncover areas where partnership between the two can be an effective approach for dealing with state-sponsored gender conflict situations.

## **Conclusion**

Improving the status of women globally has a long road ahead, and Iran is no exception. With years of advocacy experience in the field of human rights and previous research work on this issue, it is important for me to contribute in a practical manner. The content and questions posed in the subheadings of this chapter are an intentional design to draw attention to the roadmap of the research and subsequent chapters. This study seeks to investigate to what extent international human rights advocates and conflict resolvers



are skilled and equipped to deal with unprecedented situations such as the state-sponsored gender conflict in Iran. In Chapter 2, I present a history of gender conflict in Iran. In Chapter 3, I expand on the definition of rights and protection of law while comparing the systems of *velayat-e-faqih*<sup>27</sup> to the international norms and doctrines. In Chapter 4, I discuss international indicators for measuring violence against women, then explain the different types of violence and their relevant indicators for Iran. Chapter 5 presents the qualitative and quantitative analysis of Violence Against Women (VAW) data. Chapter 6 discusses the role of NGOs, INGOs and how they interact with the IRI's change of tactics on the issue of human rights abuses. In Chapter 7, I discuss the impact of human rights regimes, theory and practice, as well as conflict resolution. Chapter 8 ties all the previous arguments built on the case study presented in this paper and offers critiques and opportunities for partnership between the human rights and conflict resolution fields.

Lastly, I believe the findings of this research are timely and relevant because in recent years, particularly recent months and weeks, Iran has taken a prominent role in Western media and political discourse. On the one hand, the threat of nuclear Iran certainly weighs very heavily on the foreign policy of the U.S. and Europe; on the other hand, images of protests and the brutal crackdown of the 2009 post-election unrest in Iran has turned the global civil society eye towards Iran. The boldness and cruel brutality captured in the recent images beg the questions that this research aims to address.

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<sup>27</sup> The idea of Islamic guardianship as defined by the Ayatollah Ruhollah and the current basis of the constitution of the Islamic Republic of Iran.

## **2. History of Gender Conflict in Iran**

The focus of this chapter is to provide a historical grounding of the gender conflict in Iran. It is important to understand the background of the women's movement in Iran. It is also important to see how the patriarchy prior to 1979 held women back in Iranian society and how it transformed throughout the years with the shah's reforms and the rise of Ayatollah Khomeini. This chapter also covers the who's who in Iranian politics, Khomeini's background and the clerical hierarchy, the role of *vali-e-faqih*, the official view on women and the confrontation of women with Khomeini within the first decade of the revolution. While the discussion on the cause and effect of gender conflict in Iran will be covered in the next chapter, I briefly offer how Khomeini engineered the Iranian society as an Islamic Republic by redefining women's role, including their public image, through *fatwas* and legal reforms within the first few years of the revolution.

### **History of Women's Movement in Iran Prior to 1979**

Although this dissertation is mainly focusing on the last thirty years, it is important to briefly look back at the time period prior to the 1979 revolution. One of the most notable periods where Iranian women are engaged as change agents is 1905-1911, the Constitutional Movement. During the Constitutional Revolution, Iranian women participated in public protests, organized rallies and other underground activities against foreign influences. Women also influenced the import of foreign goods such as sugar

cubes from Russia through their boycott campaigns. They participated in the demolition of a Russian bank, and by donating personal savings, jewelry and other forms of assets they raised funds for the establishment of the National Bank. Zarin-Taj and Rostameh are notable prominent female leaders during this period. Zarin-Taj was an outspoken leader of the Bahai movement and Rostameh was the leader of the Zanjan's movement in Northwest Iran.<sup>28</sup> The Constitutional Revolution led to the establishment of parliament in Iran which shaped the course of events in the subsequent decades.

Iranian women have come a long way since 1905. Before the Nasser Shah's days, illiteracy was the main obstacle in the intellectual growth of women. As soon as the women's school opened during the Nasser Shah's time, with the help of Americans in Iran, the wave of slanderous remarks started by the reactionaries in opposition to these initiatives. The so-called religious figures called the people who established the schools "Bahai" and declared their murder allowable. One of the progressive women was Bebee Khanoom, wife of Mossa Khan Mir-Panj, who established the school for women in 1907. The mullah, Fazlolah Noorie, who later influenced Khomeini's thinking, reacted harshly and issued a decree announcing "the establishment of a girl's school is against the Islamic laws."<sup>28</sup>

Undoubtedly, patriarchy did not begin with Khomeini and has had its reactionary responses to women's emancipation even prior to 1979. The women's movement in Iran has also been influence by the global gender movement. Therefore, to properly examine

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<sup>28</sup> Based on a previously translated document, <http://newdi.igc.org/html/history1.html>.

how it has evolved, I briefly outline external and internal factors that influenced the history of the Iranian women's movement.

### ***External Factors***

The French Revolution, the spread of the Industrial Revolution throughout Europe, Constitutional Revolution in Japan, the fall of England's Imperial system and Russia's revolution in 1905 all presented alternative ways for Iranians, men and women, to view their rights as citizens and demand more accountability from those in charge.

The industrial revolution of the 19th century and the emergence of machinery to the workforce boosted the women's movement in Europe. Physical difference between men and women in the workplace was no longer valid due to the replacement of the laborer's (male) strong arms with machines. Women entered the workforce. This was a turning point for women's social, political, economic and cultural roles. Lacking predefined expectations of workers' rights, the male-dominated power of the time was benefiting from the cheap labor provided by women. While this change conflicted with the traditional role of women at home in Western societies, it brought financial independence that facilitated the breakdown in certain conditions and barriers for women. These societal changes abroad had a great influence on the women's movement in Iran.<sup>29</sup>

The news of these social movements arrived via newspapers, magazines, missionaries, travelers, businessmen and the representatives of the European countries to Iran. I argue the women's role in these movements had a great influence on Iranian women. For the first time in Iran's history, the concept of "rights of citizen" was

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<sup>29</sup> Sepehrrad 1996.

introduced through the Constitutional Movement of 1906, which energized women. As a French diplomat based in Iran during the Constitutional Movement explains, “there was not a woman who did not dream about the Constitutional Movement.”<sup>30</sup>

### ***Internal Factors***

With the establishment of the Iranian constitution in 1906, “rights of citizens” and “equality” were introduced legally in the society. Despite women’s active engagement and leadership during the Constitutional Movement, the definition of “citizen” did not include women. Religious leaders involved in the movement argued that women were incapable of handling political and legal insight. Sadly, this view was also shared by many male constitutionalists.<sup>30</sup> Women who had been visible in advocacy and support of the constitutional movement began to withdraw from public and regrouped underground to re-strategize. Focusing on women-only rights became their objective. As a result, they mobilized to eliminate the gender-based oppressive conditions. Education, formation of associations and publications became the primary goal for the women’s movement in Iran. From 1910 to 1923, establishment of girls’ schools succeeded in major cities. By 1913, sixty-three schools for girls and nine women’s organizations were operating in Tehran alone. By the early 1930s, more than fourteen publications focused on women’s rights were circulating in Iran.<sup>30</sup>

With the rise of Reza Pahlavi in 1925, which led to the reign of the Pahlavis’ Dynasty until 1979, Iranian women gained more public visibility in order to exert their political voice. Yet they still faced discrimination due to the deeply rooted patriarchy in

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<sup>30</sup> Ali Akbar Mahdi, “The Iranian Women’s Movement: A Century Long Struggle.” *The Muslim World* (2004), vol. 94, 427-448, Web <http://go.owu.edu/~aamahdi/Iranian%20Women%20Movement%20A%20Century%20Long%20Struggle.pdf>

Iranian society. In public, there was a limit to Pahlavi's intention for women's role in society. The monarchs had no tolerance for any egalitarian aspirations, let alone a gender-equality movement. Given the alliance between the Pahlavis' monarchs and religious figures, women continued to face pressure and discrimination at home and in public. By 1932, Reza Shah shut down all independent women's organizations, a move that was praised by the religious figures. He established a state-run entity called *Kaanoon-e Baanovaaan* (The Ladies Center), headed by his daughter Ashraf Pahlavi, in order to direct the women's agenda in line with his government.<sup>30</sup>

Heavily influenced by the Atatürk's westernized reforms in Turkey, Reza Shah aspired to westernize the Iranian society. As the Pahlavis' alliance with the West evolved, its rifts with the religious figures became more visible. In 1936, legislation on public dress code was adopted by the shah which angered the clerics. Employed women could no longer wear their veils in public places. Land reform was adopted in the 1950s, diminishing the Ayatollah's right to *vaof*, endowed property, which was an important source of income for the mosques and clerics.

The issues of women's public image and land became irreconcilable differences between the Ayatollah's mosques and Pahlavi's palace. It is important to note that the rifts were not solely based on "anti-Western" sentiments of the Ayatollahs. They were mainly based on the transformation of Iran's economic structure.<sup>31</sup> Pahlavi's reform did not bring meaningful changes for the women's movement in Iran. In fact, women were

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<sup>31</sup> For years, the Persian monarchies and the clerics developed their economic interests based on a feudal system. Islamic laws based on the Ayatollahs' interpretation and religious courts were intertwined with the law of the land. However, as Iran endeavored to adopt modern social and economic changes, rifts and alliances between the mosques and palaces characterized the political power struggle.

increasingly caught between state-sponsored and religious-sponsored harassment campaigns.

With the fall of Reza Shah, his son, Mohammad Reza, became the next Pahlavi monarch September 16, 1941, and a new phase of confrontation between the religious figures and monarchs began to form.<sup>32</sup>

### **The Rise of Ayatollah Khomeini**

The clerics began to express opposition to the Mohammad Reza Shah's reforms publicly and privately. In the early 1960s, Khomeini emerged as an anti-Shah leader, opposing "foreign-driven" reforms. Khomeini's first criticisms, within the confines of the establishment, came to the surface when he accused the Shah of abandoning Islamic precepts in favor of imperialism.<sup>33</sup> While he merely protested against the Shah's Western ties, many mistook his opposition as an "anti-imperialist/West" view ignoring the mosque's years of alliance with Britain. The conflict of interests between the shah (the son) and the Khomeini grew over the issue of women's rights and produced new social conflicts.

Finally, the marriage of convenience between the mosques and the palaces came to an end when Pahlavi announced the "White Revolution" referendum to completely

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<sup>32</sup> Ryszard Kapuscinski (2006), *Shah of Shahs*. Penguin Books, pp. 25.

<sup>33</sup> Ruhollah Khomeini was born in Kohmeyn in central Iran. He became a religious scholar and in the early 1920s rose to become an "ayatollah," a term for a leading Shia scholar ([http://www.bbc.co.uk/history/historic\\_figures/khomeini\\_ayatollah.shtml](http://www.bbc.co.uk/history/historic_figures/khomeini_ayatollah.shtml)).

abolish feudalism in Iran.<sup>34</sup> Khomeini and the religious establishment opposed the referendum and organized protests against the shah. Pahlavi ordered attacks on the protesters and Khomeini was arrested in 1963 and sent to exile in 1964. One of Khomeini's main arguments against the shah was over granting women the right to vote. While in exile, he wrote the book *Vali-e-Faqih* (Islamic Jurisprudence) in which he explained how to reach a pure form of Islam, and its application to a nation-state identity.<sup>35</sup> He spent a lot of time in Najaf, Iraq, to deliver lectures on Islam, and built his network among the Shiite clerics there.<sup>36</sup> Significant portions of his writings are dedicated to his patriarchal views and how they should be implemented in a society. On October 3, 1978, Saddam Hussein expelled Khomeini from Iraq, at the request of the

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<sup>34</sup> The history of Aytollahism in Iran ties with three main dynasties, the Safavids, Qajars and Pahlavis, in the Persian Empire. The Safavids' reign exacerbated tensions between the Sunni and Shiite areas of the Islamic world that coincided with rise of the Ottoman Empire to the west, leading to a long series of struggles between the two empires for control of Iraq. After the fall of the Safavids in 1722, years of wars and chaos took over Persia, which finally led to the establishment of the Qajar dynasty in 1779. In 1909, the last powerless Qajar king, Ahmed Mirza, faced domestic and foreign pressure including Shiite uprising in the south and further occupation by Russia and Britain. In 1921, Iraq was created as a state with Najaf as its center of Shiite scholarship. In 1925, the Prime Minister, Reza Khan Pahlavi, took power, removed the last Qajar king and established the Pahlavis' dynasty in Iran.

<sup>35</sup> Islamic Fundamentalism in both Iran and Iraq is the formation of the religious power structure among the clerics. The historical conflicts among Shiites and clerics' manipulation of public opinion over the role of the deputy to the absent 12<sup>th</sup> Imam have been key factors for the system of *valayat-e-faqih* and Khomeini's thinking in forming the Islamic Republic of Iran. Many are led to believe that for the 12<sup>th</sup> Imam to resurrect, Shiites should seek guidance from his deputies on all public and private affairs. Such definition of power and authority has facilitated the socioeconomic status of the Shiite clerics in Iran and Iraq. In many ways, the status of the clerics in Iran and Iraq has evolved based on two pillars: public support or the alliance with the central power, in this case the Persian dynasties. Over the course of the 150-year history of Iran and Iraq, clerics have struggled to gain public legitimacy as deputies of the 12<sup>th</sup> Imam. Clerics, whose social network is established through the mosques, obtain their formal training and education in Najaf and Qom, the two main Shiite seminaries in the region. Abdolkarim Soroush, an Iranian scholar, believes Najaf has a longer history, 1,000 years, than the Qom seminary, which is barely 150 years old. However, over the past 150 years, the majority of the Ayatollahs in Najaf were Iranians and non-Arab.

<sup>36</sup> Ken Katzman Speech, U.S. Senate, July 8, 2004.



shah.<sup>37</sup> He went to Paris, France and launched an extensive campaign against the shah using international media.<sup>38</sup>

Although the shah provided some legal rights and protection for women, he was inherently a dictator and had no sincere intentions on women's rights and equality. Only certain social classes benefited from the shah's reforms. Lack of political freedom, economic disparity and a class system fostered by the culture of monarchy characterize the shah's dictatorship. Yet, the middle class's access to education, legal reforms and further socialization of younger women during the late 1960s opened up new possibilities for women's activism. As the opposition groups emerged against the shah, women took their debate to those forums and gained some political recognition in those groups. Women's political voice against the shah was not recognized until months before the 1979 revolutions.<sup>39</sup>

As the demonstrations and anti-Shah protests became widespread with participation of millions of women, the shah began to openly crackdown on the popular uprising. On January 16, 1979, the shah left Iran while his Prime Minister, Bakhtiyar, negotiated the terms for Khomeini's return to Iran in exchange for peaceful reforms and leaving Iran's military apparatus intact.<sup>40</sup> Khomeini arrived in Tehran on February 1, 1979 and immediately called for an end to Bakhtiyar's cabinet, forcing him into exile. In

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<sup>37</sup> <http://countrystudies.us/iraq/24.htm>, last accessed on September 3, 2004.

<sup>38</sup> Khomeini went to France and established his headquarters at Neauphle-le-Château, outside Paris. Khomeini's arrival in France provided new impetus to the revolutionary movement. It gave Khomeini and his movement exposure in the world press and media. It made possible easy telephone communication with lieutenants in Tehran and other Iranian cities, thus permitting better coordination of the opposition movement. It allowed Iranian political and religious leaders, who were cut off from Khomeini while he was in Iraq, to visit him for direct consultations (<http://www.country-studies.com/iran/the-coming-of-the-revolution.html>, last accessed on April 22, 2005).

<sup>39</sup> More on this topic will be discussed in chapter 3.

<sup>40</sup> Ibid.

a matter of ten days, Iran's military personnel either fled the country or announced their allegiances with Khomeini. By February 11, 1979, Khomeini successfully ended Pahlavi's dynasty. Iranian women participated in all the protests leading up to the 1979 revolution.

### ***Women's Role in the 1979 Revolution***

Millions of women from all walks of life participated in the 1979 revolution. However, their desires for equality and democracy were quickly met with the harsh realities of Islamic Fundamentalism and the role of *vali-e-faqih* introduced as a new phenomenon in Iran's politics.

In March 1979, female judges were barred from presiding over court. A month later, Khomeini issued a decree to abolish the Family Protection Laws enacted four years prior to the fall of Shah, which improved the legal status of women in some areas including rights to divorce, child custody, legal age of marriage, etc.<sup>41</sup> The alteration of women's public image in the early days of the election began at government offices and workplaces. Women were ordered by Khomeini to observe the Islamic dress code, covering from head to toe except their face and hands, or be dismissed. It is important to recall that forced unveiling of women was a significant point of departure between the shah and Ayatollahs in the 1950s. As Khomeini was turning the clock back on Iranian society, women bore the brunt, losing even the minimal civil rights brought upon by the shah's reforms in the 1960s.

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<sup>41</sup> <http://www.payvand.com/women/>, last accessed April 22, 2003.

In April 1979, the marriage age for girls was reduced to 9 and married women were barred from attending public schools.<sup>41</sup> In the same month, Khomeini's slogan about "unity" restrained the political thinkers, organizations, intellectuals and parties in Iran. For a short period, political parties held healthy debates on post-revolution issues, plans and women's role in society. However, the conflict between Khomeini, "the leader of the revolution," and Iranian women quickly escalated as women staged the first protest against the mandatory *hejab* (the Islamic cover) on International Women's Day, March 8, 1979, just a month after the revolution. Khomeini was astonished and dismayed to see many Muslim women from various political organizations and groups participating in that rally to defend women's rights to choose their clothing.<sup>42</sup> In response to the women's opposition, Khomeini called the mandatory *hejab* for women the "flag of revolution" and set the standards for a new image of women in the Islamic Republic of Iran.<sup>43</sup>

Many women supported the 1979 revolution, but none realized Khomeini had plans to establish a gender apartheid system in Iran. Women turned their voice to the press and media. As they published their voice of opposition, Khomeini quickly focused on defusing any dissent and expanded his leadership slogan to "unity of words" to control the media and press. Many publications were shut down and female journalists were arrested for publishing blasphemy.<sup>44</sup>

In a matter of several months, Khomeini established a theocratic infrastructure as a legitimate form of government. He established the sole supremacy of Ayatollahs, the role of *vali-e-faqih*, by riding the wave of a popular revolution initiated by political

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<sup>42</sup> Interview with Mrs. Khallili, who participated in the rally on March 8, 1979.

<sup>43</sup> Elaine Sciolino, *Persian Mirrors: The Elusive Face of Iran* (New York: New Press 2001):134.

<sup>44</sup> <http://www.watsoninstitute.org/bjwa/archive/9.2/Iran/Sepehrrad.pdf>, last accessed April 22, 2003.

organizations later banned and persecuted by his regime. By 1980, his theory of an Islamic state was in practice. He successfully implemented supreme leadership and scholarship of Shiite Islam in a form of government, the first Islamic Republic in the Middle East. From the early days of the 1979 revolution, women staged the first demonstration protesting the mandatory Islamic covering. From 1979 to 1981, the newly established Islamic Republic faced the glaring and active participation of women in various political and social expressions. As one of the female activists recounts, “the presence of the voice of women, whether on social, political or economic issues, threatened the regime. Still has the same effect today.”<sup>45</sup> Many independent women’s organizations were formed to assert the agenda of women’s rights in the Islamic Republic of Iran, but since they faced structural violence they turned to political parties and organizations in search of a political solution. This was a significant turning point in Iran’s equality movement, which will be analyzed and discussed later in this chapter and in subsequent chapters. However, it is important to note women’s presence in political parties and leadership in opposition brought the issue of women’s rights to the foreground of Iran’s political discourse.

### **Clerical Hierarchy and the Emergence of *vali-e-faqih* in Iran**

Historically, the clerical establishment has not allowed women to enter the field of religious scholarship and leadership. Fully dominated by men since the late 1800s in both Najaf and Qom, there have been horizontal hostilities among the Iranian and Arab clerics, which led to the creation of Iranian-dominated hierarchical rankings. The tiered

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<sup>45</sup> Interview with WFAFI’s executive director, August 2004.

structure among clergies emerged as follows: *Hojat-ol-Islam* (low-ranking clergy), *Seghat-ol-Islam* (mid-ranking clergy), and *Ayatollah* (high-ranking clergy) in Iran.<sup>46</sup> The honorific role of *ayat Allah* or *Ayatollah* (Arabic = sign of God), the highest ranking among Shiite clerics, was fully established in Najaf and Qom by early 1900s. I raise this point because understanding these rankings becomes critical after the 1979 revolution in placement of clerics in the Iran's political structure. Only an Ayatollah can issue religious decrees (*fatwa*) as the "deputy of the 12<sup>th</sup> Imam," lead the public and collect the Islamic taxes (*khoms* = 1/5 of monthly earning).<sup>47</sup> There have been several hundred fatwas against women since the inception of clerical hierarchy.

Khomeini rose to the ranks of Ayatollahs in the early 1920s.<sup>33</sup> His philosophical and religious influence was intertwined with being a mystical and political thinker. For him, Islamic ethics was not limited only to private personal relationships, but should be reflected in the state and its form of government. Although he is known as the leader of the Islamic revolution, it is important to note that the 1979 Revolution was anti-monarchy in nature and was initiated by many secular opposition groups including women. The Islamic identity of Iran's revolution was not internationally noticed until Khomeini gained the title of *Imam* (leader) in months leading to the 1979 revolution.<sup>48</sup> Therefore, in order to understand why the revolution failed to meet the demands of the people—

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<sup>46</sup> <http://www.harborwatchpub.com/iran/iyb96rel.htm#the%20shiite%20clerical%20structure.html>, last accessed March 3, 2005.

<sup>47</sup> M. Momen, *An Introduction to Shii Islam* (1985); G. E. Fuller and R. R. Francke, *The Arab Shi'a* (2000).

<sup>48</sup> Daniel Brumberg, *Reinventing Khomeini: The Struggle for Reform in Iran*, University of Chicago Press (2001).

particularly women—in Iran, one has to look at Khomeini's emergence onto the political scene as a leader and *vali-e-faqih*.<sup>49</sup>

In 1963, Khomeini was the highest-ranking religious leader who was arrested by the shah. His thinking was very different than other Ayatollahs in Iran. In fact, he gained a noticeable boost as a leader because of two main factors:

1. In 1961, Ayatollah Burujerdi's death created a void among high-ranking clerics. Burujerdi's endorsement of the shah was publicly known, which later led to his discredit among the public.
2. In 1962, the shah was not fully prepared to carry out the socioeconomic reform platform without support from the West. On the surface, Khomeini's opposition to the shah's reform appealed to the public because of their preference for making indigenous changes. However, in reality, Khomeini's opposition was due to negative impacts to the economic status of clerics and mosques, which also contributed to his popularity among clerics.

As Khomeini gained recognition among people and the clerical network in Iran, he began to incorporate his political theory, the system of *vali-e-faqih*, in his teachings and lectures. He realized that in order to leverage the political and social conditions, he must have a platform as a system of governance. While his thinking was not popular among the high-ranking Ayatollahs, he focused on radicalizing the political situation in the context of the West against Islam. With this framework, he marginalized and isolated

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<sup>49</sup> Khomeini is referred to as an *Imam* (leader) by his followers and as a *vali-e-faqih* in the Iranian constitution.

many clerics and secular voices who contributed to the movement that led to the 1979 revolution.<sup>50</sup>

Khomeini's messianic and unorthodox vision of Shiite Islam led him to the creation of a political theory behind the system of *vali-e-faqih*. Khomeini and Burujerdi were publicly at odds in their thinking and popularity among Qom's clerical hierarchy for several reasons. Before his death, Burujerdi, the dominant voice among the Ayatollahs in Iran, marginalized Khomeini because of his incorporation of mysticism in Islamic philosophy. In order to break Burujerdi's dogma and monopoly over Islamic philosophy in Iran, Khomeini claimed that he had received a divine message through revelation. This notion was highly contested among the Shiite scholars and clerics, because only the *ma'sumes* (infallibles) can receive divine messages. In the Shiite branch of Islam, infallibility is only attributed to descendents of the Prophet Mohammad, his daughter and the Twelve *Imams*. Khomeini, however, suggested that there are two kinds of infallibility: one endowed by God, and the other the product of perfection.<sup>51</sup> He positioned himself as the prefect Shiite who has received a divine message from God. In fact, in his mystical journey in 1930's, he claimed: "I am with God and God is with me. We are two spirits melted in one body."<sup>52</sup> Such a claim of religious and spiritual elevation made it unquestionable for the traditional Muslim men and women to challenge. Defining god in a male role created the gender superiority of men over women. This was the strong indication of misogyny in Khomeini's ideology.

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<sup>50</sup> Massoud Rajavi's speech in Tehran, June 21, 1981.

<sup>51</sup> Daniel Brumberg, *Reinventing Khomeini: The Struggle for Reform in Iran*, University of Chicago Press (2001).

In his speech in 1983, Khomeini called upon all Iranians to walk the path of perfection. He said:

O you crusading nation, you are stepping under a flag that is fluttering across the manifested and spiritual universes. Whether you realize it or not, you are stepping on a path which is the only path of all the Prophets...and is the singular path of the Absolute Felicity. It is because of this motivation that all the Awlia (friends of god) willingly hug Martydom and consider the red death (martyrdom) sweeter than honey.<sup>52</sup>

Khomeini invented the concept of male-based-only *vali-e-faqih* on the basis of two pillars: people and absolute guardianship. Within this definition, women automatically become slaves to their absolute guardian. As a political thinker, he cautiously incorporated his mystical thinking in his theory. In the original pamphlet of his teachings published in 1970 in Najaf, he said:

And as I have said, the topic of *vali-e-faqih*, is not an innovation that we have brought. This issue has been subjected to discussion and debate, the topic of *velayat motlatgh fogaha* (absolute leadership of faqihs) since the beginning, yet these...ayatollahs were reluctant in naming it.<sup>53</sup>

In his political theory, people are considered as *soghar* (immature); therefore, a guardianship of *faqih* (nation) is a requirement at all times for an Islamic state. In his view, an Islamic state must be led by a male *faqih*, where women, because of their gender, can never become leaders. In his writing, Khomeini explains: “women’s first job is to be a wife and mother...it is enough for women to step into a government office to paralyze the system...if women are included in any system, they create disorder.”<sup>54</sup>

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<sup>52</sup> Behrooz Moazami, *The making of the State, Religion, and the Islamic Revolution in Iran (1796-1979)*, University of Michigan (2003).

<sup>53</sup> Ibid.

<sup>54</sup> Translated from a Farsi book, *Nehazat Imam Khomeini*, vol. 1, p. 200.



While Shiite Islam has no such concept of absolute *faqih*, also known as *vali-e-faqih*, Khomeini made sure the role is defined in Iran's constitution, which vests supreme authority in the *faqih*. According to Article 5, the *faqih* is the just and pious jurist who is recognized by the majority of the people at any period as best qualified to lead the nation. In both the preamble and Article 107 of the Constitution, Khomeini is recognized as the first *faqih*. Articles 108 to 112 specify the qualifications and duties of the *faqih*.<sup>55</sup> In Chapter 3, I explain how these articles in Iran's constitution are used as a foundation for anti-women laws in penal and civil codes.

Khomeini developed a new Islamic identity for both Ayatollahs and the public. While Iranians were not fully aware of the *vali-e-faqih*'s platform, the clerical network in Iran was revitalized and mobilized. Khomeini monopolized mosques, using his religious power to solidify his support among the Ayatollahs and the public. This strategy gave birth to the concept of the Islamic Republic of Iran. However, to this day, Islamic scholars contest the absolutism of *faqih*, particularly when the role is defined above the *Sharia* laws, which is the case in Iran.

### **Political Power Domains Post-1979 Revolution**

The formation of the Islamic Republic according to Khomeini was yet another radical move in the eyes of Islamic scholars and his religious peers. Khomeini used a constitutional platform to define the power structure of the Islamic Republic of Iran (IRI). This is in contrast to other Islamic scholars who use the Quran, not a constitution, to define *Sharia* laws.

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<sup>55</sup> <http://countrystudies.us/iran/82.htm>, last accessed April 20, 2005.

According to Iran's constitution, political power has been distributed in five main domains:

1. Supreme Leadership (*vali-e-faqih*) – only available to Ayatollahs (religious men) also known as the *faqih* (jurisprudence) of the Shiite world. After Khomeini's death, with a change to Iran's constitution in 1989, the state and religious leadership of the world's Shiite Muslims were combined in one person, Ali Khamenei.<sup>56</sup>
2. Executive (the president) – only available to *rajal* (Arabic = men) candidates loyal to *vali-e-faqih* who have been selected by Council of Guardians (all-male religious bodies appointed by the *vali-e-faqih*) before the elections.
3. Parliament (*majlis*) – only available to candidates deemed as loyal to *vali-e-faqih* selected by the Council of Guardians before the elections.
4. Council of Guardians – A twelve-member body; half of the members are clergyman appointed by *vali-e-faqih* and the other half appointed by the judicial branch and confirmed by Majlis. Its main function is to select candidates loyal to *vali-e-faqih* before elections, including Assembly of Experts, Presidential and parliamentary candidates.
5. Assembly of Experts – a ninety-six member clerical assembly elected for an eight-year term that meets twice a year; its main function is to appoint and oversee the performance of *vali-e-faqih*.

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<sup>56</sup>NCRI, Foreign Affairs Committee, "Iran Under Khatami, The Myth of Moderation," 195.

None of these domains are open to women, except the parliament. Before an election, however, members of the assembly are vetted by the Council of Guardians which is accountable to the *vali-e-faqih*.<sup>57</sup> This hybrid of theocratic soul has a democratic gloss because it uses elections. However, the selection process before elections and the role of the *vali-e-faqih* in all main domains of the government is in contrast to the popular sovereignty of a democracy.<sup>58</sup> The whole system operates under a *vali-e-faqih* who is, in theory, appointed by an elected body—but in practice answers to no one.<sup>59</sup>

The *vali-e-faqih*'s role is at the core of the complex structure of Iran's political system, in which immense religious and political authority rests upon him. The interpretation of what is or is not "Islamic" falls within the authority of the *vali-e-faqih*. Khomeini's idea offered a framework for the Ayatollahs that granted both political and religious powers to men only. As other Islamic scholars argue, there is no concept of *vali-e-faqih* in Shiite Islam. Many religious scholars, like Ayatollah Taleghani, Ayatollah Montazeri and the son of Ayatollah Boroujerdi (who is currently in prison), assert that Khomeini heavily misconstrued Shiite-style jurisprudence and evolved it to what is now known as Islamic Fundamentalism. Unfortunately, the power politics of this phenomenon projected a certain appeal to some Muslim movements, particularly in the Middle East. Since Osama Bin Laden has also emerged as the leader of Islamic Fundamentalism

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<sup>57</sup> Library of Congress, *Iran, A country of Study*, "Chapter 4: Government and Policies," <http://lcweb2.loc.gov/frd/cs/irtoc.html>, last accessed April 24, 2003.

<sup>58</sup> With the outbreak of the post-elections protests and media attention in Summer 2009, the international community gained a better insight into Iran's election process.

<sup>59</sup> [http://news.bbc.co.uk/1/hi/english/static/in\\_depth/middle\\_east/2000/iran\\_elections/iran\\_struggle\\_for\\_change/who\\_holds\\_power/](http://news.bbc.co.uk/1/hi/english/static/in_depth/middle_east/2000/iran_elections/iran_struggle_for_change/who_holds_power/), last accessed April 24, 2003.

among the Sunnis, this dissertation will refer to Islamic Fundamentalism in Iran created by Khomeini.

A few months before his death in 1989, Khomeini issued a decree convening an Assembly for Revising the IRI's Constitution. It made several changes in the constitution, in Articles 5, 107, 109, 111, eliminating the need for the Leader to be a *marja* (a Grand Ayatollah with published doctrine) or to be chosen by popular acclaim.<sup>60</sup> It eliminated the post of Prime Minister, and made permanent the Expediency Discernment Council to work out disagreements between the Parliament and Council of Guardians, but "its true power lies more in its advisory role to the Supreme Leader."<sup>48</sup> Hashemi Rafsanjani (Iran's president from 1989-1997) has been the chairman of the council since 1997. With the post-election unrest of 2009, there is now a serious rift between the Khamenie (*vali-e-faqih*) and Rafsanjani.

### **Role of Women in the System of *vali-e-faqih***

The Ayatollahs consider women's defiance toward Islamic Fundamentalism as a rejection of *vali-e-faqih* and crossing a red line with the Islamic Republic of Iran (IRI). Women are seen as enemies of the state. In the weekly Friday sermon and other proclamations, women are warned not to cross the line. In 1998, one of the Ayatollahs in Rasht city warned women by saying: "Under the shah, women did not dare question religious authorities. Nowadays, those who, thanks to the revolution, have gained

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<sup>60</sup> Khomeini died in June 1989. The Assembly to Revise the IRI Constitution convened in April 1989. Baqer Moin, *Khomeini* (2001), p. 293.

prestige...dare to ask us, why must we wear the veil? why is there inequality in inheritance, etc.... Be careful not to cross the red line!”<sup>61</sup>

Their reaction is based on Khomeini’s doctrine. On the subject of women, more than half of Iran’s population, Khomeini’s approach is based on the concept of sexuality and women’s subjugation to men. The *vali-e-faqih* system views women as a commodity with the embodiment of sexual desire, the source of sin if not controlled, and the manifestation of Satan if not contained.<sup>62</sup> In this system of standards, a woman is not considered a qualified social actor with recognized rights and basic human needs. In fact, women have been described by Khomeini’s famous collection of *fatwas* (*Tahrir-ol Vassila*) as comparable to children and the mentally imbalanced.<sup>63</sup> In addition, his *fatwas* discredit women’s views and testimony because Khomeini classifies women among thieves and “those who wage war on God.”<sup>64</sup> Khomeini limits women’s role based on the idea that the “product of their special functions, is bearing children; fostering and safeguarding the children’s lives; providing comfort and satisfaction for men and moderating the family environment.”<sup>65</sup>

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<sup>61</sup> *Abrar*, Tehran Daily Newspaper (translated), February 8, 1998.

<sup>62</sup> Soheila Sadeq, *Misogyny in Power: Iranian Women Challenge two Decades of Mullahs’ Gender Apartheid*, Auvers-sur-Oise, France: National Council of Resistance of Iran Committee on Women (2000), p. 41.

<sup>63</sup> Khomeini was a prolific writer (200 of his books are online). He authored commentaries on the Qur’an, on Islamic jurisprudence, the roots of Islamic law, and Islamic traditions. He also released books about philosophy, gnosticism, poetry, literature, government and politics. Some of his famous books that have influenced Iranian politics are: *Vilayat al-Faqih (Islamic State Guardianship)*, *Forty Hadith (Forty Traditions)*, *Adab as Salat (The Disciplines of Prayers)*, *Jihade Akbar (The Greater Struggle)*, *Tahrir-ol-vasyleh (Means of Interpretation)*.

<sup>64</sup> Ruhollah Moussavi al-Khomeini, *Tahrir-ol Vasileh (Instrument of Writing)*, a collection of Khomeini’s views and fatwas (Iraq: 1963), vol. 2, p. 494-492.

<sup>65</sup> *Ibid*.

Khomeini-style Islamic Fundamentalism argues a sophisticated approach to define gender roles in a society. By addressing those who claim that Islam views men and women as equal, a pro-Khomeini Ayatollah, Fazel Lankarani emphasizes:

Who told you that there is no difference between woman and man? I do not wish to say that women are deficient in thinking, understanding, knowledge and philosophy. God, however, has bestowed some privileges upon men, which he did not bestow upon women. Do we want to abide by Islam or by the views of some sister? Dear sister! What kind of knowledge do you have? We have studied Islam for 50-60 years, and still do not understand the whole story! How could you express any views about the laws of Islam, when you have not studied anything?<sup>66</sup>

By defining a “natural” superior role for “privileges bestowed upon men,” women are subordinates and subservient, which characterizes a gender apartheid society. The threat of Islamic Fundamentalism against women in Iran did not vanish with Khomeini’s death. In fact, the principles of Khomeini-style Islamic Fundamentalism are interwoven in the various domains of power in the Islamic Republic of Iran.

### ***Official Comments on Women***

The current *vali-e-faqih*, Ali Khamenei's, opinion of women and their place in society is the same as his predecessor Khomeini. Ali Khamenei has publicly stated: “The real value of a woman is measured by how much she makes the family environment for her husband and children like a paradise.”<sup>67</sup>

In July 1997, Khamenei said that the idea of women’s equal participation in society was “negative, primitive and childish.”<sup>68</sup>

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<sup>66</sup> Translated from *Jomhouri Islami*, State Newspaper, October 4, 1997.

<sup>67</sup> Iranian State Television, February 18, 1998.

<sup>68</sup> Tehran radio, July 21, 1997.

Hashemi Rafsanjani (Iran's president from 1989-1997), is on the record saying: "Men's brains are larger. Men incline toward reasoning and rationalism while women basically tend to be emotional."<sup>69</sup>

Mohammad Khatami (Iran's president from 1997-2005), is not much different than the *vali-e-faqih* or his predecessors. Khatami also qualifies the role of women in society by saying

One of the West's most serious mistakes was the emancipation of women, which led to the disintegration of families. Staying at home does not mean marginalization. Being a housewife does not prevent a woman from having a role in the destiny of her people. We should not think that social activity means working outside the home. Housekeeping is among one of the most important jobs.<sup>70</sup>

Current President Mahmoud Ahmadinejad's response to the women's movement in Iran is "we did not have a revolution in order to have a democracy."<sup>71</sup> He believes, "The difference between us and them [the West] in this respect is that we believe women and men do differ functionally, because respecting the women's prestige is confirming their difference with men." Ahmadinejad emphasized that women's role in society is a lot more effective and practical than men's, arguing, "Men are nurtured by women, so why do you intend to deprive the women of such an exalted status?"<sup>72</sup>

Clerics of all ranks make up the majority of Iran's political domains. While none have been advocates of real change and progress for women, they see no value in taking a position in contrast with the founding father of the Islamic Republic, Khomeini.

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<sup>69</sup> Ettela'at, June 7, 1986.

<sup>70</sup> The Daily Salaam, May 11, 1997.

<sup>71</sup> Alireza Jafarzadhe, *The Iran Threat, President Ahmadinejad and the Coming Nuclear Crisis*, Palgrave MacMillan (2008), p. 35.

<sup>72</sup> <http://www.women.org.ir/en/pages/?cid=480>, last accessed May 28, 2010.

Therefore, the discussion of women's role in the system of *vali-e-faqih* always remains loyal to Khomeini's own thinking, which leads to institutionalized violence against women.

### **Women's Confrontation with Khomeini**

On February 11, 1979, the revolution succeeded and Ayatollah Khomeini took control of the country. He immediately issued series of decrees to change the laws and rights of women under the reign of the Islamic Republic. On February 26, 1979, he abolished the Family Protection Law (adopted under the shah in 1967). A week later, he announced "women can no longer be judges."<sup>73</sup> Shirin Ebadi, the 2003 Nobel Peace Prize Winner who became the first female judge in 1975, was impacted by Khomeini's decree. In a BBC interview, she says:

I was very supportive of the revolution while it was taking place. I was a judge. However, a few months after the revolution they told me that I could no longer practice as a judge as it is illegal for a woman to be a judge under Islamic law. Myself and other female judges were demoted to mere clerks.<sup>74</sup>

On March 6, 1979, Khomeini announced that women have to observe the Islamic covering (*hijab*) in the workplace. Similar to the Westernization effort by the previous regime, Khomeini was redefining women's public image based on his Islamic ideology. His announcement sparked the first "counter" revolution protests by women. The planned celebration of International Women's Day on March 8<sup>th</sup> became a series of protests against Khomeini's decree on *hijab*. Women from all walks of life staged a five-day rally protesting with chants such as "Women's freedom is not Eastern or Western, it is

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<sup>73</sup> [http://findarticles.com/p/articles/mi\\_m2267/is\\_2\\_67/ai\\_63787338/](http://findarticles.com/p/articles/mi_m2267/is_2_67/ai_63787338/), last accessed March 3, 2010.

<sup>74</sup> <http://news.bbc.co.uk/2/hi/7879797.stm>, last accessed March 3, 2010.



universal.”<sup>75</sup> Many political parties, including members and supporters of the People’s Mojahedin Organization of Iran (PMOI), a Muslim organization which fought against the shah, joined the rally in support of the women. Male members of the PMOI made a “human chain” to protect the women from Khomeini’s radical followers.<sup>76</sup>

Despite public outcry and denunciation by many secular and progressive political parties, Khomeini continued his effort to “Islamize” Iranian society by adopting additional political and social measures against women. From 1979-1986 Khomeini ordered:

- Segregation of beaches and sports stadiums and events (March 1979).
- Replacement of Family Protection Courts with Special Civil Courts with eighty branches throughout the country to address family matters such as divorce or child custody (October 1979).
- Draft of IRI’s constitution appointing Khomeini as the highest ranking leader with total control over the judiciary, executive and legislative branches. The family and role of motherhood become the central focus of the laws regarding women (December 1979).
- Segregation of all schools from elementary and junior high to high schools (September 1982).
- Adoption of Islamic Penal Code and seminars for unified interpretation of the Sharia laws (April 1983).

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<sup>75</sup> Transcription of a French Documentary produced by four French women who spent a week with Iranian women in their marches, sit-ins and meetings. Video posted on <http://khilafah.tv/2010/03/march-8-1979-iranian-women-march-against-hijab-and-islamic-laws/>.

<sup>76</sup> This is the first time when Islamic forces, calling themselves *Hezbollah* (Party of God), attacked demonstrations. Interview with Robab Baraie, Summer 2009.

- Establishment of special patrols to deal with women's immoral behavior in public (Summer 1984).
- The Revolutionary Guards Corps, an Islamic military organization of volunteers, announces its program of military training for women (April 1986).

The anti-women laws and practices continued even after Khomeini's death in 1989. The plight of Iranian women was not known to the rest of the world until the 1990s, given the acute human rights crisis and political persecutions during the 1980s.

### **Conclusion**

To this day, democracy advocates praise the role of women in the 1905 Constitutional Movement and how it changed the course of history for Iran. Paging through the Iranian history, it is evident that as the role of women became more noticeable in the struggle against social injustice, the pain of the historical suppression became more transparent to them. Women continue to be change agents in Iranian politics. The shah and his father were no advocates of women's rights. Although they allowed some legal reforms, including granting women the right to vote, their dictatorial style offered no room for true emancipation of women. While the centuries of alliance between the palaces and mosques broke down over the issue of reforms, women's rights and "Westernization" of Iran, the Pahlavis for years worked side by side with the Ayatollahs to hold back women in the Iranian society. Women enjoyed more rights under the shah than Khomeini. Not knowing Khomeini's ideology and intentions, indeed, 1979 set the clock back on women. Despite their active participation in the anti-shah movement, women's desire for freedom and equality did not materialize with the 1979

revolution. Khomeini did not waste any time establishing his rule of *vali-e-faqih*. To establish his authority, he primarily targeted women as the yardstick of deforeignization and Islamization efforts in Iran. Iranian women confronted him by calling on the rest of the society. On March 8, 1979, at a women's rally against *hijab*, women chanted "People Join Us! Our demands are your demands. Freedom is not Eastern or Western, it is universal. Without and with *hijab*, we fought against shah. Without and with *hijab*, we will guard freedom. We did not have a revolution to go back."<sup>75</sup> Khomeini personally engineered the gender apartheid through series of *fatwas* and legal reforms. The male-dominated political structure, role of *vali-e-faqih*, and the anti-women laws in Iran continue to be major factors in the gender conflict between women and the Islamic Republic of Iran.

### 3. Cause and Effect of Gender-Based Violence in Iran

As discussed in Chapter 1, one of the main questions this research aims to address is “What promotes violence against women in Iran?” In chapter two, I provide a historical grounding of women’s struggle in Iran and the significant impact of Khomeini’s doctrine on women’s rights since the 1979 revolution. In this chapter, I discuss the causes and effects of gender-based violence in Iran by relying on the following definition: “any act of gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately.”<sup>77</sup>

I argue the rise of Ayatollah Khomeini and the emergence of system of *vali-e-faqih* grounded in *Sharia* law is the primary cause of gender-based violence in Iran.<sup>78</sup> The primary effect of such violence is seen in the high number of female executions in Iran.<sup>79</sup>

My argument in this chapter is based on a comparison between women’s rights and the protection of law before and after the 1979 Revolution. Comparing the shah’s regime (a military dictatorship) to Khomeini’s (a theocracy based on his system of *vali-e-faqih*), I intend to demonstrate how an ideology (Islamic Fundamentalism) establishes a gender apartheid that promotes violence against women in Iran. In this chapter, I explain why the Islamic Republic of Iran holds the highest number of female executions in the

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<sup>77</sup> UN General Assembly, Sixty-First Session, Agenda Item 60, <http://www.undemocracy.com/A-61-122-Add.1.pdf>, last accessed March 12, 2010.

<sup>78</sup> There are other causes such as cultural, religious and ethnic drivers behind gender-based violence in Iran, but all those become subservient to the ideological driver in the system of *vali-e-faqih*.

<sup>79</sup> As mentioned in Chapter 1, Iran holds the highest female execution rate in the world.

world. The premise of my argument is based on two factors. First, the gender-based laws adopted after 1979 led to a high number of female executions in Iran and targeted violence against women. Second, beyond the laws in the post-1979 period, at the structural root of gender conflict in Iran, is the misogynous characteristic of Islamic Fundamentalist ideology. The intersection of the two has led to the most visible aspects of violence, the high number of executions of women and legal gender discrimination.

This chapter is organized in two sections. The first section covers the laws and reforms during the shah's era and their impact on women's legal and social rights. I also cover women's responses to his reforms, their political activism, engagement in opposition groups, and their role leading up to the 1979 Revolution. The second part of this chapter covers the laws and regulations in Iran's constitution after the 1979 Revolution, Khomeini's ideological drive and its implications on the status of women in the Iranian society.

### **Rights and Protection of Law Prior to 1979**

Although women's active role in the 1906 Revolution did not lead to equality and legal recognition, their emancipation continued and flourished under the short-lived democratic period of Dr. Mohammad Mossadeq, Iran's prime minister from 1951-1953.<sup>80</sup> Iranian women won the right to vote in the Municipal Councils in 1952. A new Social Insurance Code was ratified in 1953, which gave women equal rights with men and introduced maternity benefits and leave, and disability allowances for women, even

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<sup>80</sup> On August 19, 1953, Dr. Mossadeq was ousted by a CIA-instigated coup d'état.

though married.<sup>81</sup> After the coup against Dr. Mossadeq and the shah's return to power, women struggled to keep their rights and social recognition in place. Their efforts transformed into political activism and aligned with broader opposition to the shah's repression throughout the society.

### ***Women and the Shah's Reforms***

After the fall of Dr. Mossadeq's government, new grassroots underground opposition groups began to form and mobilize. Many young and educated women from Iran's new and growing middle class joined these groups. The shah's attempt to counter the growing opposition at home resulted in some legal and economic reforms. Although elections in Iran during the shah's era were a formality and politically meaningless, voting rights for women were granted in 1963.<sup>82</sup> As part of his superficial reform, in the same year, the shah also allowed a few women loyal to monarchs to enter the parliament. The economic reforms also brought women into the workforce as cheap labor. The undercurrent politicization of women and the state's overture to superficially socialize them led to the adoption of the first Family Protection Law in 1967. This was a significant milestone for the women's rights movement in Iran because men no longer had the absolute right to divorce. In 1975, the second Family Protection Law gave women equal rights in divorce, custody of children and marriage settlements, and granted limited rights of guardianship; it raised the age of marriage for girls to 18, recognized women's equal rights with men to hinder their partners from undesirable occupations, and subjected polygamy to certain restrictions.<sup>81</sup>

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<sup>81</sup> [http://www.iran-e-azad.org/english/book\\_on\\_women/chapter1.html](http://www.iran-e-azad.org/english/book_on_women/chapter1.html), last accessed May 1, 2010.

<sup>82</sup> <http://www.ipu.org/wmn-e/suffrage.htm>, last accessed May 1, 2010.

There are two main feminist schools of thought on the shah's reforms. Some argue his reforms led to women's progress and legal recognition. In their view, these reforms allowed women more legal space than before in a traditional society like Iran. Others argue the shah's reforms "did little to make women equal partners in society."<sup>83</sup> Their view is backed by indicators such as literacy, employment rates and women's access to basic social services such as healthcare.

I agree that it is important to remember the shah's regime was repressive and had no tolerance for genuine and authentic social progress.<sup>84</sup> In fact, literacy, employment, and access to public health continued to be some of the major obstacles for women's socialization process and progress. The Gender Comparative Statistics (Table 3.1) provide a snapshot of women's status compared to men in 1976, thirteen years after the shah enacted the reforms.<sup>81</sup>

Table 3.1. 1976 Gender Comparative Statistics

1976 Statistics	Literacy Rate	Unemployment Rate	Doctor/Patient Ratio
Men in urban areas	49.1%	23.0%	1 for every 2000
Women in urban areas	26.0%	87.5%	1 for every 8000
Men in rural areas	13.7%	--	1 for every 20,000
Women in rural areas	3.4%	--	1 for every 55,000

<sup>83</sup> Iran's main opposition group in exile, led by Maryam Rajavi, believes the reforms had nothing to do with the Shah. In fact, they were inevitable, given the general level of awareness in Iranian society, which had been opened to Western influences both by the presence of thousands of foreign (especially American) civil and military personnel and the extensive travel abroad among the well-to-do and the Iranian intelligentsia.

<sup>84</sup> Mainly pro-monarchy movements defend and praise the Shah's legal reforms that led to women's rights to vote, divorce, child custody, and marriage age. One of the primary known figures in this camp is Mahnaz Afkhami who was the Secretary General of the Women's Organization of Iran under the Shah in years prior to the 1979 revolution.

Clearly, the reforms did not bring about a meaningful change for women's status in Iranian society.

### ***Women Challenging the Shah***

As opposition groups emerged against the shah, women took their debate to those forums and gained some political recognition in those groups. There were three major opposition groups against the shah: the Marxist organizations which included the pro-Moscow Tudeh Party and the Organization of the Iranian People's Fedayeen Guerrillas (OPIFG).<sup>85</sup> The third group was the People's Mojahedin Organization of Iran (PMOI), formed by three Tehran University graduates. The PMOI formed their ideology after six years of research into various aspects of Islamic teaching.<sup>86</sup> From the outset, the PMOI separated themselves from the clerical groups and religious figures of the 1960s, given their dramatically different approach to the question of women's rights. By citing the Quran and the traditions of the Prophet and the Shiite Imams, the founders of the PMOI underscored Islam's egalitarian treatment of women and rejected gender-based discrimination.<sup>86</sup>

All of these opposition groups provided a venue for women to participate in some form or fashion. The formation of the PMOI was particularly appealing to Muslim women. Although the majority of women engaged with these groups limited their activities to family networking, logistical and financial support, some entered the

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<sup>85</sup> The Tudeh Party was not seen as an independent organization. Many Iranians viewed them as traitors given their silence and inaction during the coup against Dr. Mossadeq. The OPIFG was an independent Marxist group and enjoyed significant support among the Iranian intellectuals and students.

<sup>86</sup> Mohammad Mohaddessin, *Islamic Fundamentalism, The New Global Threat* (Washington, DC: Seven Locks Press, 1993), pp. 195-196.



unchartered waters of political activism which led to their arrest, torture and execution by the shah's regime.

### ***Arrests, Torture, Executions and Killings of Women***

During the 1970s, the shah began to unleash his notorious secret police, SAVAK, to prevent the growing public influence of the opposition groups.<sup>87</sup> He also ordered extensive executions and killings from 1971 to 1977 to instill fear in society and dispel any notion of popularity for his opposition. Women who entered the rank and file of the opposition groups, mostly university students and teachers, became targets for arrest, torture and execution during the shah's regime. The infamous Evin prison in Tehran along with other prisons in Mashhad, Shiraz and elsewhere became the dungeons for SAVAK's brutal treatment of political prisoners.<sup>88</sup>

Soheila Sadegh is a former political prisoner from 1977. She recalls "there were about 150 of us in the women's ward who were released days before February 11, 1979, the Revolution. I can easily say there were a total of 1000 women who were political prisoners under the shah from 1971-1979. Some were in prison for years and others were only in for less than a month."<sup>89</sup>

According to historian Ervand Abrahamian, SAVAK (and other police and military) killed 368 guerillas between 1971 and 1977. The shah also executed fewer than 100 political prisoners between 1971 and 1979.<sup>90</sup> Women activists and members of

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<sup>87</sup> *Sazeman-e Ettela'at va Amniyat-e Keshvar* (SAVAK: National Intelligence and Security Organization) operated beginning in 1957 and ending in 1979 when the Pahlavi Dynasty was overthrown.

<sup>88</sup> Reza Afshari, *Human Rights in Iran: Abuse of Cultural Relativism*. Philadelphia: University of Pennsylvania Press (2001).

<sup>89</sup> Interview and email correspondence with Sadegh, May 14, 2010.

<sup>90</sup> Ervand Abrahamian, *Tortured Confessions*, University of California Press, 1999, p. 103, 169.

opposition groups were not immune to SAVAK's brutal treatment. Under the shah's regime, several women were either executed or killed under torture or other means (Table 3.2).

Table 3.2. Women Killed Under the Shah<sup>91</sup>

Name	Organization	Background
1. Fatimeh Amini	PMOI	A 31-year-old teacher and a graduate of the University of Mashad. Fatimeh had begun her political activities in 1963 and became a member of the PMOI in 1970. Before her arrest, she was the contact between the members in prison and their families. After her arrest she was tortured for five and a half months. She died under SAVAK's torture.
2. Mehrnoosh Ebrahimi	OPIFG	A 23-year-old member of the OPIFG, Mehrnoosh was the first woman killed in an armed confrontation with the shah's SAVAK, in September 1971.
3. Marzieh Ahmadi Oskou'i	OPIFG	Marzieh was a teacher and joined the founding members of the OPIFG in 1973. She was hunted by SAVAK in remote villages of Azarbaijan. She was killed by cyanide while on the run to avoid SAVAK's arrest.
4. Behjat Tiftakchi	PMOI	Killed by SAVAK's execution.
5. Zahra Goudarzi	PMOI	Killed by SAVAK's execution.
6. Poursan Yadollahi	OPIFG	On February 12, 1973, Poursan Yadollahi, a student at the Faculty of Engineering of the University of Tehran (the author's alma mater) was killed in an attack on a domestic hideout.
7. Shirin Mo'azed (Fazilat Kalam)	OPIFG	On May 22, 1975, Shirin Mo'azed (Fazilat Kalam) was tortured to death.
8. Anousheh Mo'azed	OPIFG	Shirin's sister was killed during an armed struggle in February 1977; their brother, Mehdi Mo'azed, had been killed in an armed confrontation in August 1972.
9. Nezhat-ossadat Rouhi Ahangaran	OPIFG	Nezhat-ossadat was killed in an armed confrontation. Her brother Bahman Rouhi Ahangaran was tortured to death on January 13, 1976. Her sister, below, was also executed by SAVAK.
10. Azam-ossadat Rouhi Ahangaran	OPIFG	Azam-ossadat was executed by firing squad on August 28, 1976, after being jailed and tortured for over a year.
11. Parvin Fatemi	OPIFG	Parvin Fatemi (born 1950 in Isfahan), who had entered the Faculty of Engineering of the University of Tehran in 1968, was arrested in Mashhad. She committed suicide with cyanide in order to prevent the SAVAK from extracting information from her by torture.

<sup>91</sup> 2010 PBS Documentary *Iranian Women and the Struggle for Democracy*.

Name	Organization	Background
12. Pari Sabet	OPIFG	On October 16, 1975, Pari was killed in an armed confrontation.
13. Fatemeh Hassanpour Asil, 14. Fatemeh (Shamsi) Nahaei, 15. Manijeh Ashrafzadeh Kermani	OPIFG	On January 8, 1976, Fatemeh Hassanpour Asil was executed by a firing squad. Four days later, Fatemeh (Shamsi) Nahaei was executed by a firing squad. In the same month, Manijeh Ashrafzadeh Kermani was killed in an armed confrontation.
16. Fatemeh Afdar Nia	OPIFG	On January 26, Fatemeh was killed in an armed confrontation in Tabriz.
17. Ladan Al-e Agha, 18. Mahvash Hatami, 19. Ezzat Gharavi, 20. Farideh Gharavi	OPIFG	On May 15, Ladan , Mahvash, and Ezzat were all killed in an armed confrontation. Two days later, Gharavi's daughter, Farideh, was also killed in an armed confrontation.
21. Zohreh Modir Shanehchi, 22. Mitra Bolbol Sefat, 23. Maryam Shahi, 24. Mina Talebzadeh,	OPIFG	On May 18, Zohreh was killed in an armed confrontation in Shiraz, while Mitra was killed in Tehran. Eight days later, Maryam and Mina were both killed in an armed confrontation.
25. Nastaran Al-eAgha, 26. Golrokh Mahdavi	OPIFG	On June 22, 1976, Nastaran, Ladan's sister (above), and Golrokh were killed in an armed confrontation. Nastaran was a student at Faculty of Engineering of the University of Tehran.
27. Fatemeh Hosseini 28. Tahereh Khorram	OPIFG	On June 27, 1976, Fatemeh and Tahereh, together with several male comrades, including Hamid Ashraf, were killed in an armed confrontation. Tahereh was born in 1955 in Tabriz. She had been accepted to the electrical engineering program of Aryamehr University (now Sharif University) in 1972.
29. Zohreh Aghanabi-Gholhaki	OPIFG	On December 20, 1976, Zohreh (born 1954 in Qazvin) was executed by a firing squad. She had been arrested a year earlier and savagely tortured.
30. Ferdows Agha-Ebrahimian	OPIFG	On February 17, 1977, Ferdows was killed in an armed confrontation.
31. Ghazal (Paridokht) Ayati 32. Simin Panjehshahi	OPIFG	On March 30, 1977, Ghazal and Simin were killed in an armed confrontation. Simin's brother, Abdollah, was also killed in an armed confrontation in April 1977.
33. Nasrin Panjehshahi	OPIFG	On April 23, 1977, Nasrin, Simin's sister (above), was killed in an armed confrontation,
34. Raf'at Bonab-Me'maran	OPIFG	On May 22, 1978, Raf'at was killed in an armed confrontation in Karaj, west of Tehran.
<b>Total: 34</b>		

There were several female political prisoners who survived the torturous years of SAVAK and were released as the result of the 1979 revolution. The most notable female political prisoner was Ashraf Rabiee, a senior member of the PMOI, who helped organize and mobilize the PMOI network by traveling from city to city prior to her serious injury and arrest by SAVAK in 1974 in the city of Qazvin.<sup>92</sup> Ashraf was mainly kept in Evin Prison, and severe torture led to permanent damage to her eardrums and loss of hearing. She was released 10 days before Khomeini entered Tehran in February 1979.

Relatives and families of political prisoners continued to stay engaged and participate in the public rallies and anti-Shah protests in the last years of Pahlavi's reign. Women organized sit-ins and strikes in various cities and factories.<sup>93</sup> The protests became more vocal and popular chants of "down with Pahlavis, down with the shah" were carried by both men and women from all walks of life.<sup>93</sup> According to Kenneth Pollack, former CIA intelligence analyst and expert on Middle East politics and military affairs, on September 7, 1978, "the shah took the velvet glove off the iron fist" the night before the Jaleh Square massacre in Tehran.<sup>94</sup> His military opened fire on the peaceful demonstration, killing hundreds and wounding thousands of people, including many women and young girls. It was the beginning of the end for the shah's regime, which led to the 1979 revolution in Iran.

It is clear that although the shah initiated some social reforms in recognizing women's rights, his regime's repressive nature and lack of tolerance for egalitarianism

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<sup>92</sup> Interview with Sarvi Chitsaz, head of the Women's Committee of NCRI, August 3, 2009.

<sup>93</sup> Interview with Robab Baraie, Summer 2009.

<sup>94</sup> Kenneth Pollack, *The Persian Puzzle: The Conflict Between Iran and America*, The Random House Publishing Group, 2004, pp. 130-131.

led to his demise. As explained above, women actively took part in various aspects of the conflict between his regime and the Iranian people, yet with Khomeini's arrival in 1979, their desire for equality and freedom was met with institutionalized violence and gender apartheid under the cloak of Islam. I also argue that regardless of the shah's genuine or disingenuous intentions, the reforms created a small socio-political-legal space for debate on gender equality in Iran, a debate that carried through the 1979 revolution and still continues to this day.

### **Rights and Protection of Law Post-1979**

The 31-year-old system of Islamic Fundamentalism in Tehran replaced the shah in 1979 and intentionally failed to provide Iranians with democratic, socially, politically and economically just governance. People from all walks of life have faced repressive laws and restrictions in the name of Islam. Women, however, faced a different level of repression in the name of Islam. Islamic Fundamentalism in Iran waged a war on women's humanity and established an institution to dehumanize women as equal partners in both public and private spheres.<sup>95</sup> The cycle of violence, in a misogynous form, is an interlock of the ideology of Islamic Fundamentalism and its reflection in the established laws of the Islamic Republic of Iran.

In Chapter 2, I explained the emergence of Khomeini and his concept of *vali-e-faqih* which operationalized Islamic Fundamentalism and transformed Iranian society after ending 2500 years of monarchy. I argue misogyny is at the core of Khomeini's ideology because he justifies patriarchy in the name of Islam. My argument is backed by

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<sup>95</sup> It is important to note that women did not reach equality prior to the 1979 revolution, but they did gain some legal protection and recognition.

a review of the Iranian constitution (in this chapter) and Khomeini's own words (Chapter 2) against women which have led to a cycle of violence since 1979 (Chapter 4), a type of violence that did not end with his death.

The constitution of the Islamic Republic put in practice the role of *vali-e-faqih*, which is a combination of religious, political and legal authority. With that, Khomeini began a fierce process of "Islamization" of society through laws and *fatwas* (religious decrees) which target women first and foremost. I also argue that, for more than three decades, Iranian women faced an institutionalized violence regardless of their religion, ethnic background, economic or academic status, and political or social views. In other words, women, just by the mere fact of their gender, are locked into a cycle of protracted conflict. Figure 3.1 demonstrates the cyclic flow of the protracted gender conflict in Iran since the 1979 revolution.

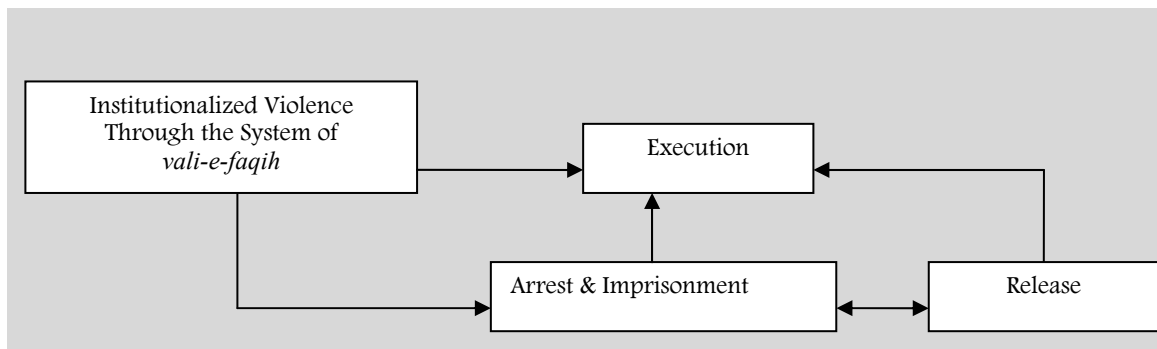


Figure 3.1. Protracted Gender Conflict in Iran

### ***Islamic Republic and the Notion of Rights***

The Islamic Republic of Iran rejects the notion of rights as described in the Universal Declaration of Human Rights. Ayatollah Yazdi, a powerful member of the Council of Guardians, heading one of Iran's power domains, defines the notion of rights in Khomeini-style Islamic Fundamentalism as: "The difference between Islamic and non-Islamic human rights is in the concept of rights itself."<sup>96</sup> The very vague definition of rights accommodates the Ayatollah's "Islamic" interpretation, which is a major point of conflict for women within the system of *vali-e-faqih*. In Chapter 6, I explain how Iranian women do not view the issue of rights in relative terms; rather they hold the Islamic Republic responsible as a signatory of the Universal Declaration of Human Rights. This approach brought much condemnation of Khomeini's regime by international organizations, including the UN General Assembly and Human Rights Commission since the 1980s.

### **Laws Against Women**

The constitution of Islamic Republic, adopted in April of 1979 and later amended in 1989, includes 14 chapters and 177 articles.<sup>97</sup> There are several articles in the Iranian constitution where the discriminatory laws against women leave no room for legal interpretation or reform. These articles include specific language that bars women from access to the presidency and various leadership positions, particularly judicial roles. It

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<sup>96</sup> Translated speech from First Session of Islamic Conference in December 1997.

<sup>97</sup> <http://jurist.law.pitt.edu/world/iran.htm>, last accessed April 16, 2010.

also frames women's rights in "conformity with Islamic criteria" that is interpreted by a male clergy.<sup>98</sup> The anti-women articles follow:

- *Chapter 1, Article 5*: "During the Occultation of the *Wali al-Asr* [the guardian of all people], the *wilayah* [guardianship] and leadership of the *Ummah* [the Muslim world] devolve upon the just ('*adil*) and pious [*muttaqi*] *faqih* [leader], who is fully aware of the circumstances of his age; courageous, resourceful, and possessed of administrative ability, will assume the responsibilities of this office in accordance with Article 107." This article defines and institutionalized the role of *vali-e-faqih*, the Supreme Leader of the Islamic Republic of Iran, which is only available to men. No woman can be a Supreme Leader according to the Iranian constitution.
- *Chapter 3, Article 21*: "The government must ensure the rights of women in all respects, in conformity with Islamic criteria...", leaving all interpretations of women's rights to the male clergy.
- *Chapter 9, Article 115*: "The President must come from among the religious and political statesmen (*rejal*). The word *rejal* literally means men of high achievement.
- *Chapter 11, Article 162*: "The chief of the Supreme Court and the Prosecutor-General must both be just *mujtahids* [a religious man who is able to issue a decree], well-versed in judicial matters...."
- *Chapter 11, Article 167*: "The judge is bound to endeavor to judge each case on the basis of the codified law. In case of the absence of any such law, he has to deliver his judgment on the basis of authoritative *Islamic sources and authentic fatwa*. He, on the pretext of the silence of or deficiency of law in the matter, or its brevity or contradictory nature, cannot refrain from admitting and examining cases and delivering his judgment."

Iran's constitution is a patriarchic legal framework that supports a system of *vali-e-faqih*. It leaves no legal space for recognition of women's rights as equal partners. No other government in the world has such a sophisticated legal framework to limit the access of women to power and a legal system according to a religious authority and

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<sup>98</sup> [http://www.iranchamber.com/government/laws/constitution\\_ch11.php](http://www.iranchamber.com/government/laws/constitution_ch11.php), last accessed April 6, 2010.



criteria.<sup>99</sup> Legal discrimination against women begins with Article 5 where the role of *vali-e-faqih* is codified and defined for men only. In Article 21, the overriding “Islamic criteria” over all aspects of women’s legal rights is in the hand of *rejs* (Article 115 on presidency) and *mujtahids* (Article 162 on Supreme Court) and judges’ interpretation of “Islamic sources and authentic *fatwa*” (Article 167) clearly define the male legal, judicial and leadership superiority over women.<sup>100</sup> It is because of this article that Iranian women face immense gender discrimination in the courtroom, which is different than any other country. Misogyny is at the core of all-male judges, backed by law, when the most common source of proof of guilt is the judge’s “knowledge” (*elm-e qazi*, sometimes translated as “intuition” or “gut feeling”).<sup>99</sup>

In addition to the constitution’s articles, Khomeini and his followers intentionally designed the Civil Code and Penal Code to dictate specific treatment of women when it comes to civil and penal matters. The language of these codes is misogynistic and reflects Khomeini’s view on women as the “source of sin.”<sup>101</sup> The nauseating details in the Penal

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<sup>99</sup> Rochelle Terman and Mufuliat Fijabi, *Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeri*, March 2010. Of all the Muslim-majority countries, only the criminal codes of Iran and the twelve northern states of Nigeria prescribe stoning...while stoning has never been carried out in Nigeria, it is still legal, and several high profile cases have arisen in recent memory (<http://stopstoning.org/files/Stoning%20is%20not%20our%20culture%20%20A%20Comparative%20Analysis%20of%20Human%20Rights%20and%20Religious%20Discourses%20in%20Nigeria%20and%20Iran.pdf>, last accessed May 1, 2010); MirHosseini: “With the exceptions of Turkey, which abandoned fiqh in all spheres of law and replaced it with esterninspired codes, and Saudi Arabia, which preserved classical fiqh as a fundamental law and attempted to apply it in all spheres of law, the large majority of Muslim states retained fiqh only with respect to personal status law (family and inheritance)” (<http://www.musawah.org/docs/pubs/wanted/Wanted-ZMH-EN.pdf>, last accessed May 1, 2010).

<sup>100</sup> The courts of the Islamic Republic of Iran (IRI) are based on an inquisitorial system, similar to French court systems, yet in Iran’s case the judge serves not only as judge but as prosecutor, jury and arbiter. There are three types of courts: Special court, Clerical court, and Revolutionary court. All courts are presided over by men according to Iran’s constitution.

<sup>101</sup> Soheila Sadeq, *Misogyny in Power: Iranian Women Challenge Two Decades of Mullahs’ Gender Apartheid*, Auvers-sur-Oise, France: National Council of Resistance of Iran Committee on Women, 2000, 41.

and Civil codes demonstrate how the state's ideological use of the *sharia* laws, more specifically Khomeini's interpretation of them, penetrates into the private lives of individuals, particularly women. I intentionally included all the anti-women articles in the subsequent tables and lists to demonstrate the extent of the misogynous details in the Iranian laws.

### ***The Penal Code***

In summer 1991, the Iranian Parliament revised the 1983 Islamic Penal Laws and offered additional details on women's punishment. The revisions were ratified by the Expediency Council in fall 1991.<sup>102</sup> The Iranian Penal code has four sections: general, *hodud* (punishment prescribed in religious law; singular (*hadd*), *qasas* (retribution), and *diyeh* (money paid in lieu of criminal damage). It contains five categories of punishments:

1. *Hodud*: punishment prescribed in religious law.
2. *Qasas*: retribution means and measure.
3. *Diyat*: financial penalty for criminal damage.
4. *Ta'zirat*: punishment not defined in the law and therefore at the judge's discretion.
5. Prohibitive punishments: established by the government against civil and other wrong-doings for the purpose of maintaining peace and social tranquility.

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<sup>102</sup> <http://www.unhcr.org/refworld/country,,NATLEGBOD,,IRN,,3ae6b51b8,0.html>, last accessed February 3, 2010.

Crimes that require *hadd* punishments include adultery, male homosexuality, lesbianism, sexual procurement, accusations of adultery or homosexuality, use of alcoholic beverages, fighting, corruption on earth, and robbery. *Qasas* is used in cases of homicide or damage to bodily organs. *Diyeh* is used when a crime against life or a bodily organ has been committed. The Code details the extent, amount and conditions of *qasas* and payment of *diyeh* in relation to practically all parts of the human body.<sup>103</sup> While the article of the Penal Code applies to both men and women, there are seventy-two specific articles that deal with specific measures of punishment for women (Appendix A).

Forty-four of the Penal Code articles (Articles 63-176) specify the punishment for “sexual crimes” such as homosexuality or adultery, which includes the appalling details of how to conduct stoning of women (different ages) versus men. Twenty-one of the articles (Articles 209-492) deal with various detailed punishments for murder (including abortion) and their respective blood money. The last six articles (Articles 513-689) deal with public punishment of women not observing the mandatory *hijab* (Islamic covering), respect for *vali-e-faqih* and engagement in any information campaign against the state.<sup>104</sup>

### ***The Civil Code***

Women’s legal status is especially problematic in those articles of the Civil Code that pertain to women rights of inheritance, marriage, child custody, employment and the family. The code has been in effect since 1982. There are seventeen articles in the Iranian

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<sup>103</sup> Afkhami, Mahnaz and Erika Friedl, Eds., *In the Eye of the Storm: Women in Post-Revolutionary Iran*. Syracuse, New York: Syracuse University Press, 1994.

<sup>104</sup> In the table in Appendix A, misogynous and patriarchic language has been highlighted.

civil code that directly impact women's rights and protection of law (or lack thereof).<sup>105</sup>

There are many articles regarding the definition of a woman's role as a wife and mother which compare to articles regarding the rights of a daughter and woman as an individual.<sup>106</sup> A woman's identity in relation to a man is more legally defined than a woman's identity as an independent social actor. Some of those articles include:

- *Article 907 – Inheritance:* If there are several children, some being sons and some daughters, each son takes twice as much as each daughter.
- *Article 987 –* Iranian women who acquire foreign nationality by marriage have not the right to possess landed properties if this would result in the economic dominance of a foreigner.
- *Article 1059 –* Marriage of a female Moslem with a non-Moslem is not allowed.
- *Article 1060 –* Marriage of an Iranian woman with a foreign national is dependent, even in cases where there is no legal impediment, upon special permission of the Government.
- *Article 1105 –* In relations between husband and wife, the position of the head of the family is the exclusive right of the husband. The Council of Guardians has decreed, "A woman cannot leave her home without her husband's permission, even to attend her father's funeral."
- *Article 1108 –* If the wife refuses to fulfill duties of a wife without legitimate excuse, she will not be entitled to the cost of maintenance. [Related to Article 1106 – The cost of maintenance of the wife is at the charge of the husband in permanent marriages.]
- *Article 1113 –* In the case of a temporary marriage the wife is not entitled to the cost of maintenance, unless provision has been specially made for this, or the marriage has been arranged on this condition.

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<sup>105</sup> <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,IRN,,49997adb27,0.html>, last accessed February 3, 2010.

<sup>106</sup> The Iranian Civil Code document is 132 pages long. A quick word search on "wife" resulted in 137 hits, a search on "mother" resulted in 109 hits, a search on "daughter" resulted in 26 hits and a search on "women" resulted in 3 hits.

- *Article 1117* – The husband can prevent his wife from occupations or technical work which is incompatible with the family interests or the dignity of himself or his wife.
- *Article 1133* – A man can divorce his wife whenever he wishes to do so.
- *Article 1158* – Any child born during married life belongs to the husband provided that the interval between intercourse and the birth of the child is not less than six months and not more than ten months.
- *Article 1159* – Any child born after the dissolution of marriage belongs to the husband, provided that the mother has not yet married again.
- *Article 1169* – A mother has preference over others for two years from the birth of her child for the custody of the child and after the lapse of this period custody will devolve on the father except in the case of a daughter who will remain under the custody of the mother till seven years.
- *Article 1180* – A minor child is under the guardianship of its father or paternal grandfather.
- *Article 1181* – Either the father or the paternal grandfather has the right of guardianship over his children.
- *Article 1210* – Note 1: The age of maturity for boys is fifteen lunar years and for girls nine lunar years.
- *Article 1233* – A woman cannot accept guardianship without the consent of her husband.
- *Article 1251* – If a woman without a husband who is appointed as guardian, even if she be the mother of the person placed under guardianship, remarries, she will have to report the matter within a month from the date of the contract of marriage to the Public Prosecutor of the district of her residence or to his representative; in such a case the Public Prosecutor or his representative can, while taking into view the new position of that woman, ask for the appointment of a new guardian or the addition of a supervisor.

### ***Domestic and International Implications***

The constitutional framework, coupled with Penal and Civil codes, establish the separation of women's rights from the rest of the society. It is through these laws that

gender violence is condoned and in many areas encouraged beyond cultural, religious and ethnic practices. What sets Iranian women apart from other gender-related violence elsewhere in the world are the detailed written laws. No other government in the world has such a detailed list of codified legal framework and punishment that impacts women in such way to even challenge the state and its practices.<sup>99</sup> As mentioned in Chapter 1, I argue that women in Iran face a different type of repression than men. The above laws and codes establish that men have more rights than women in Iran. It is through such institutionalized violent laws against women that the gender conflict in Iran has evolved beyond the startup conditions and has now become “conflict-as-process.”<sup>107</sup>

Iran has not signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), but it is a signatory to human rights protocols such as the Universal Declaration on Human Rights (UDHR), the Convention of the Rights of the Child, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Abolition of Slavery. The above laws and statutes present significant and fundamental contradictions between the Iranian laws and these international human rights instruments. I will come back to this point in Chapters 6, 7 and 8 to elaborate on ways where the fields of human rights and conflict resolution can recognize and take action on such contradictions in an effective manner.

On the issue of stoning alone, Iran is the only country in the world that stones women to death. Stoning is not only a form of death penalty, it is also a form of torture.

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<sup>107</sup> Dennis J.D. Sandole, *The Global Review of Ethnopolitics*, vol 1. no. 4, June 2002, p. 17.

As argued by Rochelle Terman and Mufuliat Fijabi at the annual U.N.-sponsored

Commission on Status of Women (CSW) meeting in March 2010:

Many U.N. agencies have confirmed that stoning is torture. Separate reports from the committees representing the Convention on the Rights of the Child (Committee on the Rights of the Child, 2005); Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Committee Against Torture, 2006); the International Covenant on Civil and Political Rights (Human Rights Committee, 2005); as well as the Special Rapporteurs on Violence against Women (Erturk, 2006); Extrajudicial, Summary or Arbitrary Executions (Alston, 2006); and Freedom of Religion or Belief (Jahangir, 2005); and the United Nations General Assembly (United Nations General Assembly, 1998, 2008) have all recognized stoning as a form of torture and/or cruel, inhuman, or degrading punishment. In one document, the Special Rapporteur on the situation of human rights in Iran states: “there is no doubt that stoning is a cruel, inhuman or degrading punishment, as discussed in the international instruments” (Copithorne, 1997). In addition, “even if the sentence [stoning] is never carried out, the mere possibility that it can threaten the accused for years until overturned or commuted constitutes a form of cruel, inhuman or degrading treatment or punishment” (Alston, 2006).<sup>108</sup>

These appalling laws and statutes have enormous impact on the lives of women in Iran, much more so than men. The Islamic Republic sanctions gender-based violations through its constitution, statutes, judicial decisions and acquiescence to common practices. Upholding and achieving the ideals of human rights standards as stated in the UDHR and ICCPR, while ratified by Iran, are still difficult when such gross systemic violations are established. It is in such cases that continued shaming strategy on the part of NGOs/INGOs at home and abroad, active monitoring of violence indicators and enforceability become more pressing and relevant than ever. I will come back to this point in subsequent chapters.

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<sup>108</sup> Rochelle Terman and Mufuliat Fijabi, *Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeri*, The Global Campaign to Stop Killing and Stoning Women and Women Living Under Muslim Laws; CSW Paper presentation, p. 6 (<http://www.stop-killing.org/node/883>, last accessed May 2, 2010).

## The Effects of Gender-Based Laws

Iranian women's response to gender-based laws and the violence that emanates from such laws has varied over the last three decades. Some women choose to submit to gender-based laws and continue to be victims of systemic violence, some have accepted it, co-opted with the state to promote violence against women, and others have chosen to resist and fight back in various forms. Resistance by Iranian women can be categorized in to two major fronts: a push for legal reforms within the construct of the Islamic Republic, and the push for fundamental change of government by joining organized opposition groups.

There are indeed women who believe in the Iranian system of patriarchy and consider it their duty to defend the system of *vali-e-faqih*. Women in the Iranian parliament and others like Elaheh Koolaee and Faezeh Rafsanjani have both avoided the issue of stoning and consequently conform to the definition of women's roles as dictated by the system of *vali-e-faqih*. Faezeh Rafsanjani's only qualification for being able to serve in parliament is the fact that her father, Rafsanjani, promoted her under the "daughter of the mullah" system of nepotism.<sup>109</sup> With such loyalty to the inherently discriminatory nature of the Islamic Republic, it is hard to believe these women can indeed work for the rights of women in Iran.

Ziba Mir-Hosseini, an Anglo-Iranian anthropologist specializing in law and gender, believes that the anti-women laws in Iran must be understood as a conflict "between two systems of values, the one rooted in pre-modern cultural and religious

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<sup>109</sup> Interview with WFAFI's executive director, August 2004.



practices that often sanction discrimination among individuals on the basis of faith, status and gender, and the other shaped by contemporary ideals of human rights, equality and personal freedom.”<sup>110</sup> Mir-Hosseini believes the legal reforms are needed in order to abolish the anti-women laws.<sup>111</sup>

Maryam Rajavi, the head of Iran’s main opposition group in exile, agrees that it is the clash of the “two systems of value,” but it will take more than legal reforms to guarantee women’s rights and protection of law. She believes women must push for a fundamental change in the government and abolishment of the *vali-e-faqih* system. In her view, the driving force behind the systemic (legalized) violence against women in Iran is not only rooted in patriarchy but also in the harsh ideology of Khomeini-style Islamic Fundamentalism. She says:

The reason Khomeini interferes in all the minute details of the people’s lives and leaves them no room to breathe is because his ideology is comprised of vengeance, obsession, and hatred for women.... If misogyny were rejected, the pretexts and religious superstructure built upon it would no longer be an issue. The rule by the mullahs and fundamentalists would have no theoretical basis.<sup>112</sup>

### ***Accepting and Co-Opting with the State***

Women have indeed been used to bolster the image of the system of *vali-e-faqih* or act as agents for the stability and security of the government. They are being used on two fronts: serving with the state’s policymakers (domestically and internationally), and

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<sup>110</sup> Ziba Mir-Hosseini, *Criminalizing Sexuality: Zina Laws as Violence Against Women in Muslim Contexts*, The Global Campaign to Stop Killing and Stoning Women and Women Living Under Muslim Laws, March 2010, p. 8 ([http://www.stop-killing.org/files/Criminalizing%20Sexuality%20-%20Zina%20Laws%20as%20Violence%20Against%20Women%20in%20Muslim%20Contexts%20\(Mir%20Hosseini\).pdf](http://www.stop-killing.org/files/Criminalizing%20Sexuality%20-%20Zina%20Laws%20as%20Violence%20Against%20Women%20in%20Muslim%20Contexts%20(Mir%20Hosseini).pdf), last accessed May 2, 2010).

<sup>111</sup> Her views may have changed in light of the post-election unrest in Iran.

<sup>112</sup> Rajavi’s speech in March 2005, [http://maryam-rajavi.org/m/index.php?option=com\\_content&task=view&id=181&Itemid=61&limit=1&limitstart=1](http://maryam-rajavi.org/m/index.php?option=com_content&task=view&id=181&Itemid=61&limit=1&limitstart=1), last accessed April 22, 2005.

keep other women in check through state-sponsored NGOs to ensure those speaking out against the state are discredited and silenced. Women can run for the *majlis* (parliament), after being vetted by the powerful Guardian Council as qualified candidates (dedicated to *vali-e-faqih*). Since 1980, the number of women in the Iranian parliament, a four-year-term, has been very low. Only four women served in the first, second, and third *majlis*; nine in the fourth *majlis*; fourteen in the fifth and sixth *majlis*; and thirteen in the seventh *majlis* sessions. All eight women serving in the eighth *majlis* session (elected in 2008) are conservative and staunch advocates of the supreme leader, Ali Khomeini, the current *vali-e-faqih*.<sup>113</sup> Lili Pourzand, an expert on human rights issues during Khatami's era, says in 2005 the Iranian government began to implement "the policy of 'women-versus-women.'" The new policy is imposed upon Iranian women and society by women in power." She believes that female MPs gained some ground in easing some of the anti-women laws such as child custody and conditions of divorce during Khatami's era (1998-2004). In comparing the last three *majlis* sessions, she points out how the female MPs have become increasingly conservative and in line with the *vali-e-faqih* agenda.<sup>114</sup>

Even those who pushed the women's agenda and gained prominence during Khatami's era such as Zahra Shojaei, Faezeh Rafsanjani, Shirin Ebadi, and Elaheh Koolaei have come under question by advocates of real reform and change. Many NGOs such as the Women's Forum Against Fundamentalism believe these women have been used as poster children for "reform" as the regime claims they are champions of women's

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<sup>113</sup> Raz Zimmt, "Iran's 2008 Parliamentary Elections," MERIA, June 2008 ([http://www.ocnus.net/artman2/publish/Analyses\\_12/Iran\\_s\\_2008.shtml](http://www.ocnus.net/artman2/publish/Analyses_12/Iran_s_2008.shtml), last accessed May 10, 2010).

<sup>114</sup> <http://www.gozaar.org/english/articles-en/Hardliners-in-Power-and-the-Consequences-for-Women-s-Rights.html>, last accessed May 10, 2010.

rights. On October 10, 1999, Zahra Shojaee, head of Women's Affairs Participation in President Khatami's office, said: "the State and the government do not want women's participation in social affairs at the price of family disintegration."

On the issue of polygamy during Khatami's presidency, Shahla Sherkat, editor of the Islamic feminist magazine *Zanan*, suggested that temporary marriage was salutary for young people who for different reasons (such as financial difficulties) were postponing marriage:

First, relations between young men and women will become a little bit freer. Second, they can satisfy their sexual needs. Third, sex will become depoliticized. Fourth, they will use up some of the energy they are putting into street demonstrations. Finally, our society's obsession with virginity will disappear.<sup>115</sup>

Even if change is desired on the part of these women in high positions, the fact remains that most "reforms" that have taken place for women during Khatami's presidency have been superficial because ultimately, the *vali-e-faqih* has the last word on all issues. Whether they fail to realize it or not, these women have become puppets for Islamic Fundamentalism's effort to window-dress the international image of the Islamic Republic of Iran during Khatami's era.

As Khatami's presidency came to close, the conservatives backing Ali Khomeini took over the *majlis* and subsequently the office of President with Mahmmoud Ahmadinejad. In October 2004, Khomeini's hard-line paper, *Jumhori Eslami*, reported on the strategy to use non-governmental organizations (NGOs), especially the women's organizations, to support and strengthen the security of the Islamic Republic. The article

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<sup>115</sup> Eliane Sciolino, *The New York Times*, "Love Finds a Way in Iran: Temporary Marriage," October 4, 2000.

recommends that the government should infiltrate more in these organizations and groups to advance the agenda of “National Security.” It also suggests organizations which are formed outside of this framework should be considered as “enemies of Iran’s national security” and puppets of Zionism and the United States. Forooz Rejaeifar, a 47-year-old mother of three and former hostage taker, is now leading an NGO to train 15,000 recruits for one of three missions: killing members of the U.S.-led coalition in Iraq, slaughtering Israelis (all are deemed “occupiers of Palestine,” according to official Iranian policy) or assassinating author Salman Rushdie.<sup>116</sup>

The women in the current *majlis* are overwhelmingly against having Iran ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Nafiseh Fayaz-bakhsh (MP from Tehran), who holds a Ph.D. in Islamic theology, is against the convention because she believes it conflicts with Islam. She, along with Rafat Bayat (MP from Zanjan), argues that the convention rules and regulations are “Western” and Iran, as an Islamic country, cannot submit to Western definitions of women’s rights. This position is supported by Fatemeh Rahbar (MP from Tehran), who is in favor of filtering the Internet since it is a “Western” weapon and it harms Islamic values in Iran. Fatemeh Alia declared her position against CEDAW by supporting polygamy as a mean for women in need of economic support. She also believes “men’s abusiveness towards women is not harassment.”<sup>117</sup> Alia is currently serving as Ahmadinejad’s Minister of Education. Laleh Eftekhari (MP from Tehran), who is a member of *Zeynab*, a conservative state-run NGO which polices women in

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<sup>116</sup> E-Zan publication by WFAFI, vol. 10, March 15, 2005.

<sup>117</sup> <http://www.iranian.com/main/blog/multiple-personality-disorder/get-education-who-fatemeh-alia>, last accessed May 2010.

public spaces in regards to the Islamic dress-code and respect for *vali-e-faqih*, is also against CEDAW. Other MPs, such as Effat Shariati-Koohbani (Mashad), Hajar Tahriri (Rasht) and Fatemeh Ajarlou (Karaj) also follow the above-mentioned position on CEDAW.<sup>118</sup> The new parliament cannot even tolerate its own women's committee. In October 2005, the media announced that the "women's fraction of Parliament" had "dissolved itself." Effat Shariati-Koohbani, the leader of the fraction, explained the reason for this decision: "There is a committee in the Majlis called 'Women and Family.' It is a subcommittee of the Cultural Committee, which follows a number of objectives similar to those the women's fraction was preoccupied with. That is why we do not need the fraction."<sup>114</sup>

During President Ahmadinejad's first year in office, and the takeover by the pro-Khameini's faction in *majlis*, the issue of *hijab* (women's Islamic covering) became a primary focus of the security forces and MPs. To support this agenda, a group of fundamentalist women gathered in front of the parliament in Tehran on April 18, 2006, and requested the MPs take action against the problem of the "inobservance of Islamic dress code." The number of arrests and public harassment of women have increased dramatically since Ahmadinejad became the president.<sup>119</sup>

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<sup>118</sup> <http://www.iranian.com/Gheytanchi/2004/November/Women/index.html>, last accessed May 10, 2010.

<sup>119</sup> NCRI Website, May 31, 2008: In past three months, the State Security Forces (SSF)—mullahs' suppressive police—stopped more than 200,000 people in the streets under the pretext of "importer dressing" in the northwestern Azerbaijan province and Isfahan in central Iran. Brig. Gen. Amir-Abbas Soufivand, chief of security in Isfahan, said, "In compliance with the plan to double the number of chastity patrols for combating improper dressing in the streets of Isfahan, this year, we will deal swiftly with men and women undermining the security...the security patrols have given oral warnings to 2,300 individuals with improper outfits. The police also have taken written pledges from the offenders not to repeat their actions. Since the start of the new Iranian year (beginning on March 20), more than 188,000 individuals have been stopped on the streets of Isfahan for oral warnings," reported the state-run news agency Fars on May 28. "The police have given 14,560 oral warnings and arrested 18 men and 49 women for immoral

### ***Push for Legal Reforms***

The laws in Iran impact women's lives on daily basis. In courtrooms, on issues such as inheritance, marriage, polygamy, divorce, child custody and sexual rights, women are faced with patriarchy and religious male-dominance. Mir-Hosseini believes that women went through a state of disbelief in the 1980s when confronted with *Sharia* laws in the courtrooms. She says:

In October 1980, when I first started attending the Tehran branches of the new family courts, now presided over by Islamic judges, women who came to court were astonished to learn that their husbands could now divorce them without first securing their consent. Some remained incredulous and would ask more than one judge: Can he really divorce me, if I don't agree? Is this what the *Sharia* says? In 1985, when I resumed my court attendance, women, although no longer incredulous, were insistent on voicing their discontent; some used every occasion to remind the Islamic judge of his role as custodian of the *Sharia* and of the injustice of a system which could afford them no protection. It was common to hear women ask the judge, Is this how Islam honors women? Is this the justice of Islam, that he can dispose of me now that I have lost my youth and replace me with a younger wife? To these questions, the judges had no answer, especially when a man insisted on exercising his right to divorce a wife who was entirely dependent upon him, with no other source of income and nowhere else to go....<sup>120</sup>

Upon her return in 1997, Mir-Hossenini finds that "almost all" provisions of Family Protection Law of the shah's days, which were not much to begin with, were restored through a series of legislations regarding women's rights on divorce, custody and inheritance. While there was a lot of debate on the rights of women and hope for the protection of law during the "reform" era of President Khatami, there were other strong indicators such as domestic violence, suicide and depression rates among women. As

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behavior [so far this year]," said Brig. Gen. Mohammad Ali Nosrati, a commander of the SSF in an interview with Fars in Azerbaijan on Wednesday. Unable to deal with the increasing popular uprisings, in particular those of women and youths, the mullahs' medieval regime has implemented the so-called "boosting of public security" since April 2007.

<sup>120</sup> Ziba Mir-Hosseini, "Muslim Women's Quest for Equality: Between Islamic Law and Feminism," *Critical Inquiry* 32 (Summer 2006), The University of Chicago. p. 635.

research conducted by a Boston-based women's organization, Women's Forum Against Fundamentalism in Iran (WFAFI), during Khatami's presidency indicates, two out of every three Iranian women have experienced discrimination and domestic violence from the father or other male members of the family; 81% of married women have experienced domestic violence in their first year of marriage. The rate of mental and psychological problems among women was almost 26%. In the western and southern regions of the country, suicides are mostly self-immolations among women, with a rate more than 6 in every 100,000 women. In a western province of Iran, the deputy of governor on women's affairs, Heyran Pournajaf, reports, "About 70% of those who commit suicide in Ilam city are women." The director general of social affairs of the governor reports, "90% of these women were between 17 and 35 years old. The real number of suicides is much higher than what we have." The World Health Organization has placed Iran as the top third ranking country on death by suicide.<sup>121</sup>

While many women, including intellectuals and prominent feminists, had placed some amount of hope in Khatami's promise for reform, at the end, he sided with the system of *vali-e-faqih* and women's basic demands for human rights and protection of law remained unmet. With the arrival of Ahmadinejad, one of the first initiatives of the new government took up was to change the name of "The Center for Women's Participation Affairs" in the President's Office to "The Center of Women's and Family Affairs."

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<sup>121</sup> E-Zan Publication by WFAFI, vol. 8, January 15, 2005.

As seen over the past three decades, the system of *vali-e-faqih* by nature has proven to be irreformable, and women's role within this system cannot be taken as a sign of reform and genuine change. Once again the clock was turned back on women.

In the summer of 2006, frustrated with empty promises of Khatami's administration and setbacks by the Ahmadinejad presidency, Iranian women initiated a grassroots efforts and public demonstrations against the legalized gender discrimination. These protests led to a large number of arrests and the official launch of the "A Million Signature Campaign" drive. Both men and women have joined the campaign to raise awareness and collect signatures.<sup>122</sup>

While the campaign is still ongoing, it has transformed with the post-elections unrest in summer 2009. Its leaders have aligned with broader anti-government efforts.

### ***Resistance and Fight-Back***

The Ayatollahs consider women's defiance of Islamic Fundamentalism as a rejection of *vali-e-faqih* and crossing a red line with the Islamic Republic of Iran. Women are seen as enemies of the state. In the weekly Friday's sermon and other proclamations, women are warned not to cross the line. As noted before, in 1998, one of the Ayatollahs in Rasht city warned women by saying: "Under the Shah, women did not dare question religious authorities. Nowadays, those who, thanks to the revolution, have gained prestige...dare to ask us, why must we wear the veil? why is there inequality in inheritance, etc.... Be careful not to cross the red line!"<sup>123</sup> Yet, as covered in the previous

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<sup>122</sup> Human Rights First, "One Million Signature Campaign Timeline," [http://www.humanrightsfirst.org/defenders/hrd\\_iran/hrd\\_iran\\_timeline.htm](http://www.humanrightsfirst.org/defenders/hrd_iran/hrd_iran_timeline.htm), last accessed May 20, 2010.

<sup>123</sup> *Abrar*, Tehran Daily Newspaper (translated), February 8, 1998.



chapter, women have expressed their resistance to the system of *vali-e-faqih* from the early days of the revolution and are still fighting back.

Among all the political organizations opposing the system of *vali-e-faqih*, the People's Mojahedin Organization of Iran (PMOI), a Muslim organization, is considered as Tehran's number one enemy. By focusing on the fundamentalist nature of *vali-e-faqih*, the PMOI disarms the Islamic Republic's sole claim on Shiite Islam and challenges its authority by drawing on Quranic verses. Women of the PMOI are bypassing traditional means and taking their issues to oppose the state on legal, ideological, social, political and economic fronts. They are exposing the injustices to the world community while challenging Khomeini's Islamic Fundamentalism. After the 1979 revolution, the PMOI became the most popular organization with an ability to mobilize women in opposition to Khomeini. While there were many other organizations with socialist and communist ideologies, Khomeini was very watchful of the PMOI. For this reason, he unleashed the worst and most heinous atrocities directly against PMOI's members and supporters. The state's reaction has been very harsh, resulting in more than 120,000 political executions and 140,000 political prisoners. Thousands of Muslim women have been arrested, tortured and executed by the Islamic Republic.<sup>124</sup> Over the past three decades, Iranian women of all ages and status have been executed because of their opposition to Islamic Fundamentalism (Table 3.3).

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<sup>124</sup> NCRI, Foreign Affairs Committee, "Iranian Resistance, 1981 - Present," June 1997.

Table 3.3. Female Political Execution by the State<sup>125</sup>

Categories	Number of Executions (1979-2004)
Aged 10-21 years	263
Aged 22-70 years	1817
Pregnant	55
Mothers	157
<b>Total</b>	<b>2292</b>

### *Emergence of a Female Leader*

In 1993, the political coalition against Tehran's regime, the National Council of Resistance of Iran (NCRI), acting as parliament in exile with 550 members, half of whom are women, elected Maryam Rajavi as the president-elect for the transitional government in the post-*vali-e-faqih* system. Rajavi resigned from her role as the PMOI Secretary General to assume the role of President-elect of NCRI.<sup>126</sup> Her qualifications are based on her theory and practice of women's leadership in confronting the *vali-e-faqih* system. While with the PMOI, Rajavi was instrumental in organizing demonstrations against the onslaught of theocracy in the early months of the 1980s. She had a significant role in organizing two large peaceful rallies, in April and June 1981, in Tehran. With their rising popularity, Khomeini decided to publicly crack down on her organization and its Muslim supporters by calling them "*Monafiq*" (hypocrites).<sup>127</sup> By using his religious authority, he declared Rajavi's organization as the worst kind of enemy against Islam and sanctioned their death as a religious duty. This declaration was soon followed by street attacks on

<sup>125</sup> Sepehrrad's research for PUAD 611 class, Spring 2004; this table only represent the data for female political prisoners. It does not include data from other types of state-sponsored killings such as stoning, public hanging and executions for non-political reasons.

<sup>126</sup> [http://www.maryam-rajavi.org/English/about\\_en/about\\_en.htm](http://www.maryam-rajavi.org/English/about_en/about_en.htm), last accessed April 26, 2004.

<sup>127</sup> In recent months, Ahmadinejad has began killing anti-government protesters under the charges of "*monafiq*" and "*mohareb*" which means waging war against God. See media reports from Reuters: <http://www.reuters.com/article/idUSTRE55F54520090626>, last accessed May 23, 2010.

Rajavi's supporters. On June 20, 1981, Khomeini ordered the Revolutionary Guards to open fire on a peaceful demonstration of 500,000 people organized by Rajavi. Following that, tens of thousands were arrested or executed including Rajavi's own sister, who was pregnant at the time of her execution.<sup>128</sup>

As the systematic oppression in Iran became more sophisticated, the need for a better organized resistance became more apparent. In July 1981, various political parties, personalities and organizations came together as a coalition against the system of *vali-e-faqih* and announced their alliance in Tehran. Given Khomeini's decisive call to silence and kill all opponents, the political coalition National Council of Resistance of Iran (NCRI) moved its headquarter to Paris, France.<sup>129</sup> Maryam Rajavi and the PMOI joined the coalition because of its commitment to secularism, political pluralism, a multi-party system and popular sovereignty as pillars of democracy. Most of the NCRI members and opposition groups, including Rajavi's, moved to Paris while maintaining their underground network inside of Iran. Upon her arrival in Paris in 1982, Rajavi began her human rights campaign against the Iranian regime by exposing the atrocities against Iranian women. She met with many governmental and non-governmental organizations to reveal the true nature of the Iranian regime and raise the awareness of the plight of Iranian women.<sup>129</sup>

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<sup>128</sup> NCRI, Foreign Affairs Committee, "Iranian Resistance, 1981 - Present," June 1997.

<sup>129</sup> Mohammad Mohaddesin, *Enemies of the Ayatollahs: The Iranian Opposition's War on Islamic Fundamentalism*, London: Zed Books, Ltd, 2004, p. 62. NCRI emphasizes popular sovereignty and democracy as the sole guarantor of rights, progress and development for Iran, which is in diametric opposition to the political system of *vali-e-faqih*. NCRI calls for a government by the people, of the people and for the people.

Throughout her years in exile, Rajavi has lectured extensively on the topic that is of greatest interest to her: the modern, democratic version of Islam versus the reactionary, fundamentalist interpretation of that religion. For her, the most prominent distinction between Khomeini's fundamentalist view and progressive Islam is on the issue of gender equality. After joining the NCRI, Rajavi began to walk the path of a thinker who studied the pillars of Islamic Fundamentalism in Khomeini's framework. In the course of five years, while keeping up with her political and human rights activities in exile, she was able to present comprehensive research and findings of gender violence as a pillar of Islamic Fundamentalism in Iran to her organization, PMOI.

She outlines the system of *vali-e-faqih* in four areas: religion, social order, the state political structure and gender violence. In analyzing the religiosity of the regime, Rajavi reveals the violent nature of Islamic Fundamentalism and how it views women as the principle source of sin.

She uses *Quranic* verses to expose the un-Islamic nature of the system of *vali-e-faqih*.<sup>130</sup> In examining social order, she pointed to the social strata of Ayatollahs and gender subordination within the system of *vali-e-faqih*. In analyzing the state political structure, she outlines the institutionalized violence against women in Iran's constitution and the role of *vali-e-faqih*. In examining the gender violence, she explains how both men and women are subject to discrimination in the system of *vali-e-faqih*. I agree with Rajavi's point on misogyny as the pillar of Khomeini's style Islamic Fundamentalism. She says:

The raids by the Revolutionary Guards and Bassijis on private parties, inquisition in the streets and other suppressive measures are justified as attempts to control women and their relations with men based on the mullahs' *sharia*. If misogyny were rejected, the pretexts and religious superstructure built upon it would no longer be an issue. The rule by the mullahs and fundamentalists would have no theoretical basis. What would remain is a military-police state, similar to other dictatorships, devoid of any religious justification. On the surface, the mullahs hide the hostility to women under the pretext of morality and social chastity. In practice, however, their actions have resulted in savagery, brutality and a rise in moral corruption. Misogyny is the source of what the fundamentalists claim, reject, desire and stand for. When they oppose Western democracies and engage in anti-colonialist sloganeering, it is because they blame them for forcing women out of the home.<sup>131</sup>

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<sup>130</sup> Rajavi offers women an alternative way of looking at Islam. Iranian women are now drawn towards a fundamentally different approach to the religion they knew to be monopolized by Khomeini. Rajavi's approach to Islam has always been one of *Towhid* or oneness, which opposes all discrimination and makes a passionate call for the equality and unity of women and men. She draws upon references throughout the Quran where women and men have been addressed in equal terms. For example, Rajavi emphasizes that in not a single case are the criteria for the creation—and thus the natural abilities—of women differentiated from those of men. Rajavi denies that the physiological differences between men and women should be the basis of their political, social and economic identity and rights. She refutes Khomeini's mentality that "women are the source of sin" whose charm and beauty tempt men. Rajavi contends that Khomeini used such distortions of Islam to justify confining women to their homes and excluding them from society vis-à-vis political roles and leadership positions. While Khomeini defined piety through sex-tainted glasses, Rajavi counters his definition by referencing the Quran, which defines piety as "a quality, which expresses the liberation of individual and society from the individual, social, and class constraints through consciousness."

<sup>131</sup> Rajavi's speech in March 2005, [http://maryam-rajavi.org/m/index.php?option=com\\_content&task=view&id=181&Itemid=61&limit=1&limitstart=1](http://maryam-rajavi.org/m/index.php?option=com_content&task=view&id=181&Itemid=61&limit=1&limitstart=1), last accessed April 22, 2005.

In 1986, Maryam Rajavi noted that “although our women had assumed a great many roles in the struggle against the mullahs,” and everyone agreed in theory that women were equal to men, the women “did not move up the ladder of responsibility beyond a certain point.”<sup>131</sup> Rajavi insists that emancipation and leadership are responsibilities of every Muslim woman in the rank and file of the PMOI. Rajavi declared a “war” (not just reforms) on Khomeini’s Islamic Fundamentalism by charging, and indeed acknowledging, that a historical patriarchal mentality is hidden deep—even in the minds of the most enlightened sector of Iranian society. By taking her discussion to PMOI members, she recognized the social conditioning of both men and women in a patriarchal society will indeed be problematic, if not addressed, in confronting Islamic Fundamentalism.

On broader scale, Rajavi challenges those who oppose any form of discrimination against women to look deep inside and recognize the subjugation of women around them.<sup>132</sup> By recognizing the depth of Islamic Fundamentalism in the public domain and the invisible patriarchy in the private domain, she has taken the war of ideas to every home and every man and woman. Both men and women are challenged to see beyond their socially defined gender roles and break away from taboos set by fundamentalists’ interpretation of the history of Shiite Islam. Men and women are challenged to think of new sets of values where women are seen beyond femininity and men are seen beyond masculinity. Rajavi invites men and women to define gender as a concept of humanity and not sexuality.

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<sup>132</sup> “The Various Stages of Women’s Emancipation in the National Liberation Army of Iran,” remarks by Ms. Soraya Shahri, Frontline Feminist Conference, January 1997.

Through her innovative approach, Iranian women have increasingly abandoned traditional roles. The women's struggle in Iran has entered a new phase as Maryam Rajavi encourages women to take a stand against the traditional role defined by society and enforced by the laws of the Islamic Republic. Evidence of her thinking is now seen in blog postings from Iran and Iranian women's organizations abroad. Although it is very difficult to measure her support among women inside of Iran, many have joined her organization in the past three decades.

### **Conclusion**

While the shah was a dictator and had no tolerance for an egalitarian and equality movement, the systemic violence against women based on Khomeini's doctrine of *vali-e-faqih* has brought an incomparable challenge for women in Iran. For three decades, Iranian women have seen all forms of atrocities in the name of Islam and the law of the land. While some had hopes for change or reform within the system of *vali-e-faqih*, not much attention is given to the roots and history of Islamic Fundamentalism in Iran. Once Islamic Fundamentalism took on a political and legal role as a system of *vali-e-faqih* in 1979, its policies and international relations were defined based on the animosity of its Islam versus the enemies. Women were placed as the center of the enemy's camp. In the system of *vali-e-faqih* women are the "source of sin" and must be under the control of men.

The answer to the question posed at the beginning of this chapter, "what promotes violence against women?" is in Khomeini's own words: "Showing mercy for enemies is simplemindedness. Islam's decisiveness against God's enemies is the fundamental and

undoubted principle of Islamic discipline. We hope that with your revolutionary anger and hatred towards enemies of Islam, you earn the Almighty God's endorsement."<sup>133</sup>

After all, the core issue rests on misogyny, a deeply held value in the system of *vali-e-faqih*, which has turned into the law of the land, causing systemic gender-based violence in Iran. In patriarchal Iranian society, this value galvanizes support and mobilizes action against the otherness, in this case the women. Ongoing victimization of women is the effect of this ideologically driven and legalized gender-based violence.

Confronted with an endless cycle of violence, many women are facing socio-political persecutions, depression or suicide. Yet, many have chosen a path of resistance. Breaking the cycle of victimhood and believing in the power of resistance has brought the issue of gender equality to the forefront of the political, legal and ideological battle with Islamic Fundamentalism. The most notable woman among in the Iranian resistance ranks is Maryam Rajavi. The point of departure between Rajavi's theory, a devout Muslim woman, and Khomeini is the rejection of the *vali-e-faqih* system. In Rajavi's view, there are three important elements in the antithesis to Islamic Fundamentalism in Iran: understanding the depth of misogyny and patriarchy in the system of *vali-e-faqih*, understanding the need to organize, and understanding the need for leadership of Muslim women as a necessity to defeat misogyny in the name of Islam. Rajavi believes in the universality of rights and does not submit to the discourse of cultural relativism in regards to violence against women in Iran. While she recognizes and celebrates her Islamic

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<sup>133</sup> [http://www.mehr.org/Parvin\\_speech.htm](http://www.mehr.org/Parvin_speech.htm), last accessed April 22, 2005.



views, she challenges the West to preserve the level of polity when it comes to the definition of rights according to the Universal Declaration of Human Rights.

#### 4. Violence Indicators

In December 2006, the United Nations General Assembly adopted a resolution to escalate efforts to eliminate violence against women. The resolution reads:

Requests the Statistical Commission to develop and propose, in consultation with the Commission on the Status of Women, and building on the work of the Special Rapporteur on violence against women, its causes and consequences, a set of possible indicators on violence against women in order to assist States in assessing the scope, prevalence and incidence of violence against women.<sup>134</sup>

The resolution not only strongly “condemns all acts of violence against women and girls, whether these acts are perpetrated by the State, by private persons or by non-State actors,” it also places a mandate on governments to collect and monitor indicators, systematically.<sup>135</sup>

In Chapter 1, I outlined the questions that this research aims to address. I discussed the history of gender conflict and its cause and effect in Chapters 2 and 3. In

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<sup>134</sup> [http://www.un.org/womenwatch/daw/vaw/A\\_RES\\_61\\_143.pdf](http://www.un.org/womenwatch/daw/vaw/A_RES_61_143.pdf), last accessed March 12, 2010.

<sup>135</sup> The effort by the UN to establish violence indicators remains limited in scope. It covers violence in a wide range of settings, including the family, the community, state custody and armed conflict. It does not, however, cover legalized violence or what I call state-sponsored violence against women. The Secretary-General’s study addresses, inter alia, the following forms of violence against women: intimate partner violence; harmful traditional practices, including female genital mutilation/cutting, female infanticide and prenatal sex selection, early marriage, forced marriage, dowry-related violence, crimes against women committed in the name of “honour,” maltreatment of widows; femicide; sexual violence by non-partners; sexual harassment and violence in the workplace and elsewhere, and trafficking in women. These aspects are relevant in data collection efforts. While the study recognizes the “gender-based violence against women is a form of discrimination and deeply rooted in power imbalances and structural relationships of inequality between women and men,” it still relies on a patriarchal definition of women to collect violence data. In other words, the study never addresses the redefinition of women in a balance structure or hold states accountable against the data that violates women’s rights in the balance structure. The study also relied on international, regional and national frameworks. On its data collection, it relied on national statistical systems in providing and improving data to measure the scope, prevalence and incidence of violence against women. More will be discussed in later chapters.

this chapter, I discuss how the state and various actors violently target women differently than men and the different types of gender violence in Iran.

In order to understand different types of violence, I rely on the United Nations' proposed International Indicators for Violence Against Women (VAW), and I intend to outline the types of violence and indicators specific to the Islamic Republic of Iran (IRI).

### **Various Actors and Biased Attitudes**

In Chapter 3, I extensively outlined all the relevant laws and statutes in the Iranian Constitution, the Penal and Civil Codes. Additionally, I discussed how judicial decisions and acquiescence to common practices also promote gender-based violence in Iran. So, the next question is, who the various actors are and how do they target women differently than men?

I argue Iranian women are being victimized by four groups of actors:

1. The state (predominately men and mostly clerics) and its laws (a combination of *Sharia* and Khomeini's doctrine in practice).
2. The state's agents (male and female).
3. The non-state actors acting on behalf of the state (both male and female).
4. The non-state actors whose action is sanctioned by the state's laws (male and female).

I define the state as the highest level of authorities in Iran, starting with the *vali-e-faqih* (always a male cleric), the President and his cabinet (22 members, all men except the Minister of Medical Education), the Parliament (290 members with only 8 women in the eighth *majlis*), the Assembly of Experts (86 members, all male clerics), and the all-

male Guardian (12 members) and Expediency (28 members) Councils (see Chapter 2). Among the 439 members of the highest level of authority in Iran, only 9 are women. These women, as explained in the previous chapter, hold symbolic and non-essential roles in the government.

The primary state's agents are the paramilitary forces (the *Basijis*), the Iranian Revolutionary Guards Corp (IRGC) and Special Security Forces (SSF). These state agents are all aligned with the *vali-e-faqih* and called upon for action to control any public protests and dissent against the establishment. According to the SSF Commander in Tehran, Sajedi Nia, "22 organs must take steps with regards to veiling and chastity" issues in public. He added "...SSF is one of them...All the steps will be documented and tapes and pictures will be included in the case so that no one will be able to deny their actions. There will be evidence in court."<sup>136</sup> One primary example of these actors' violence against women is the killing of Neda Aga-Soltan in the summer of 2009 by a *Basiji* member.<sup>137</sup> Female *Basiji* members are also used as "morality police" against women in the street. They arrest women for their "un-Islamic" public or private conduct.<sup>138</sup>

The non-state actors in various NGOs are the groups who monitor, shape and direct women's role in public and private spheres in accordance with the system of *vali-e-faqih*. There are both women-only NGOs and other NGOs which are sponsored by the state. Most noteworthy is the Imam Khomeini Education and Research Institute, which

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<sup>136</sup> <http://ncr-iran.org/content/view/8202/1/>, last accessed May 26, 2010.

<sup>137</sup> *The Washington Post*, June 23, 2009 (<http://www.washingtonpost.com/wp-dyn/content/article/2009/06/22/AR2009062203041.html>).

<sup>138</sup> Radio Free Europe, Radio Liberty, December 7, 2008 ([http://www.rferl.org/content/Irans\\_Basij\\_Force\\_Mainstay\\_Of\\_Domestic\\_Security/1357081.html](http://www.rferl.org/content/Irans_Basij_Force_Mainstay_Of_Domestic_Security/1357081.html)).

focuses on the Khomeini's teaching and its continued applicability of his doctrine to the Islamic societies beyond Iran.<sup>139</sup> Among the women's NGOs, the most visible of all is the Sisters of *Zeynab*, an ultra-conservative NGO which polices women in public spaces on the observance of *hijab* (Islamic covering) and respect for *vali-e-faqih*. In 2004, the NGO publicly denounced CEDAW and has urged the parliament not to consider the convention.<sup>140</sup>

There are many more women's NGOs operating as non-state actors on behalf of the state, but the numbers are difficult to confirm. In 2002, Iran's official News Agency (IRNA) announced "Some 600 women non-governmental organizations are active throughout the country." Quoting the Director General for Women's Affairs Department at the Interior Ministry Fakhr-al-Saddat Mohtashami-pour, the report says "the organizations are engaged in cultural, social and research fields.... Workforce Training Project will be initiated throughout the country this year to remove the problems of women non-governmental organizations." According to the report published by Iran's Women's Information and Statistic Center, however, the 2002 number is much lower than 600. In fact, the Center for Women's Participation collected the numbers for a period of 10 years to demonstrate the growing number of NGOs during Khatami's era, and the closest number to 600 was in 2007 (see Table 4.1).<sup>141</sup>

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<sup>139</sup> <http://www.qabas.net/>. The website is in Farsi but it has the latest papers on concept of *vali-e-faqih*, women's role in the Islamic society and published decrees and opinion of various Ayatollahs. Last accessed May 28, 2010.

<sup>140</sup> <http://www.iranian.com/Gheytnchi/2004/November/Women/index.html>, last accessed May 10, 2010.

<sup>141</sup> <http://www.iranwomen.org/zanan/charts/level3/politic/Pol14.htm> (translated by Sepehrrad from Farsi to English), last accessed May 28, 2010.

Table 4.1. Categories of Women's NGOs from 1997-2007

Year	Cultural & Workforce Training	Civil & Social Issue	Charity	Total
1997	13	24	18	55
1998	20	28	19	67
1999	24	39	26	89
2000	32	60	45	137
2001	52	116	80	248
2002	54	122	84	260
2003	60	131	86	277
2004	76	162	99	337
2005	112	245	132	489
2006	104	346	127	577
2007	114	448	174	800

The final category of the non-state actors are men and women (mostly victims' relatives or members of their immediate community) who commit and/or facilitate violence against women in public and private spheres. According to UNIFEM, for "women and girls 16-44 years old, violence is a major cause of death and disability. In 1994, a World Bank study on ten selected risk factors facing girls and women in this age group, found rape and domestic violence more dangerous than cancer, motor vehicle accidents, war and malaria. Studies also reveal increasing links between violence against women and HIV and AIDS."<sup>142</sup> Azad Moradian, a psychologist from The Chicago School of Professional Psychology, conducted research on domestic violence against single and married women in Iranian Society which found "nine (9) main categories and forty-five (45) subcategories" of violence in both spheres which range from verbal abuse to honor killings. Mordian also found that "66% of married women in Iran are subject to some kind of domestic violence in the first year of their marriage, either by their husbands or

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<sup>142</sup> [http://www.unifem.org/gender\\_issues/violence\\_against\\_women/](http://www.unifem.org/gender_issues/violence_against_women/), last accessed May 28, 2010.

by their in-laws.”<sup>143</sup> According to Amnesty International, in 2003, in a matter of two months, forty-five women under the age of twenty were murdered publicly in so-called “honor” killings by close relatives in Iran’s majority ethnic Arab province of Khuzestan.<sup>144</sup>

It must be noted that the line between public and private spheres in Iran is not as we understand it in the West. State and non-state actors traverse between the two spheres legally according to the laws and statutes in the Islamic Republic of Iran (IRI). More specifically, the state’s control over both spheres is clearly defined in the Penal and Civil codes, statutes, judicial decisions and backed by the inherent ideology of Khomeini’s doctrine. Although until the mid-1990s the majority of institutions and individuals in North America and Western Europe, due to protection of the private sphere by privacy laws, did not recognize the non-public depth of VAW in their respective societies, this has never been an issue for the IRI who does not recognize the line between the public and private spheres.<sup>145</sup> Given that the IRI has established various legal methods of interference in the private sphere, the primary culpability begins and remains with the state and its agents more so than the non-state actors. Unlike the Western countries, if a

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<sup>143</sup> <http://www.iranian.com/main/blog/azad/domestic-violence-against-single-and-married-women-iranian-society>, last accessed May 28, 2010.

<sup>144</sup> So-called “honour” defences (partial or complete) are found in the penal codes of Peru, Bangladesh, Argentina, Ecuador, Egypt, Guatemala, Iran, Israel, Jordan, Syria, Lebanon, Turkey, the West Bank and Venezuela (UN 2002, *Middle East Times*, October 31, 2003), [http://www.sacredchoices.org/Special\\_Features/Amnesty\\_International\\_violence\\_vs\\_women.htm](http://www.sacredchoices.org/Special_Features/Amnesty_International_violence_vs_women.htm), last accessed May 28, 2010.

<sup>145</sup> Under this classical interpretation of rights (in the West), only states violated human rights and anyone else who acted inappropriately was a criminal. States had a great deal of latitude in terms of accountability and remedy, and the notion of a private sphere of human behaviour, in which the state could not or should not interfere, was sustained (<http://www.wluml.org/node/519>, last accessed May 15, 2010).

non-state actor commits VAW in the IRI, they would not be considered as “criminal,” rather it is considered as an extension of the state’s act within a non-public sphere.<sup>146</sup>

### ***Targeting Women Differently than Men***

I also argue these various actors target women differently than men due to the power imbalance created by the laws and the dominant ideology of Islamic Fundamentalism that places men in a superior position over women.

For example, while both men and women can face stoning under the charges of adultery, women are more likely to be sentenced to stoning than men because they are more often found guilty due to legally sanctioned discrimination inherent in Penal code, as well as higher rates of poverty and illiteracy among women. More specifically, “the most common source of proof of guilt in Iranian adultery cases is the judge’s ‘knowledge’ (*‘elm-e qazi’*, sometimes translated as ‘intuition’ or ‘gut feeling’).”<sup>147</sup> Knowing Iran’s constitution (Article 167), only men can be judges and they believe women are the “source of sin.” Within this framework, women have no chance of a fair trial on adultery charges when compared to men.

The laws, particularly the articles in the Constitution and Civil Code, also privilege men on various grounds such as leadership positions, age of consent, divorce, polygamy, child custody, and sexual rights including an unlimited number of temporary marriages. For instance, men and women do not have equal rights or access to divorce. A

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<sup>146</sup> This poses a main challenge for the effectiveness of human rights and conflict resolution methods of intervention. In other words, given this logic, can VAW be considered a crime regardless of its perpetrator, and will the fields of CR and HR consider the state as a “criminal” actor? I will come back to this point in later chapters.

<sup>147</sup> Rochelle Terman and Mufuliat Fijabi, *Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeri*, The Global Campaign to Stop Killing and Stoning Women and Women Living Under Muslim Laws, p. 10.



man can divorce his wife any time he chooses (Article 1133 of Civil Code). Women, on the other hand, in light of the reforms under Khatami (The Family Laws), can only obtain divorce by proving their husband is either an addict or unable to have children.<sup>148</sup> A man can marry up to four permanent wives simultaneously, and establish sexual relationships with an unlimited number of single woman through a temporary marriage without the requirements of marriage registration, ceremony or financial obligation—even if it results in pregnancy.<sup>149</sup> Women cannot have multiple marriages, temporary or permanent.

According to Shadi Sadr, an Iranian lawyer who has been on the forefront of advocating women's human rights in Iran, there are four major areas in the Civil and Penal Codes where men are more advantaged than women.<sup>150</sup> They are:

1. Legalized Forced Marriage and Denial of Divorce Rights – Referring to Family Law, Sadr says “this law not only provides legal means for sexual abuse of young girls under the title of marriage but also makes it nearly impossible for a woman to get out of an abusive relationship. In essence, the Family Law of the Islamic Republic of Iran grants no sexual rights for women.”<sup>151</sup> It defines polygamous rights for men, emphasizes *tamkin* (a woman's duty to satisfy her husband's sexual demands and needs), marriage age of thirteen for women, declares men as the “head of the household,” grants men the child custody and unconditional divorce rights.

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<sup>148</sup> Since Ahmadinejad has come to office, there is a great level of pressure to reverse such reforms.

<sup>149</sup> <http://www.infosud.org/spip.php?article1901>, last accessed May 18, 2010.

<sup>150</sup> <http://www.stopstoning.net/spip.php?article20>, last accessed May 18, 2010.

<sup>151</sup> Ibid, Shadi Sadr 2006.

2. Punishments for Sexual Acts Outside of Marriage – “The punishment for adultery is stoning to death. Fornication is punished by one hundred lashes. The punishment remains the same for the repeated offence only up to three times. If the offense happens for the fourth time, then the punishment is hanging.”<sup>151</sup>
3. Discriminatory Judicial System – “The legal definition of ‘adults’ in Iran includes girls above the age of 8 years and 9 months (equivalent to 9 lunar years), thereby making them liable to punishments such as flogging, hanging and stoning for sexual misconduct. The age for men is 15 lunar years. There are no female judges in the judicial system. The sentencing verdicts are issued by male judges, and further approved by other male judges at the High State Court (*Divaane Aali Keshvar*). The method of crediting the presented evidence is discriminatory and undermines women’s dignity. A woman’s testimony is considered worthy as half of a man’s. That is, the testimony of two women is equivalent to the testimony of one man.”<sup>151</sup>
4. Women Most Victims of Stoning – “Out of the twelve stoning sentences that are currently being reviewed by the State Higher Court, ten cases pertain to women. Perhaps that is why the grassroots movement to oppose the law of stoning in Iran is rooted in the women’s movement. The majority of activists working on the Stop Stoning Forever campaign are female lawyers who have firsthand experience with Family Law in the court and have witnessed how the most basic human rights of their female clients are violated in the gender-

biased family courts.”<sup>151</sup> Even within the practice of stoning, there is discrimination against women. As explained by Sadr, “in some cases, during a stoning, if a victim can escape from the ditch, they will be freed. The fact that a man is buried only to his waist, and a woman all the way up to her shoulders, means that women have a smaller chance of escape than men.”<sup>151</sup>

I agree with Shadi Sadr and compliment her categories with the male-dominated leadership structure and their religious-driven patriarchic and misogynous ideology explained in previous chapters. In short, VAW in Iran is not only legalized but also backed by an ideology that draws its authority from God and Islam and targets women first and foremost.

### **Different Types of Gender Violence in Iran**

To begin with, it is important to see how the government of Iran views VAW. As mentioned before, the IRI is not a signatory of CEDAW, therefore it is not obligated to produce an annual Country Report for the UN’s Commission on Status of Women. It is also not subject to outside observers and fact-finding missions on VAW. To avoid lack of presence in this space, while evading fact checks, the Center for Women and Family Affairs, a function in the office of the President, produced a report which claims that today’s VAW is “not rooted in domestic phenomena anymore, but because of the attempt made by superpowers to consolidate politics, cultures and national and international economy and create common interests, it should be viewed from a wider perspective.”<sup>152</sup> To be clearer, the official position of the Islamic Republic of Iran regarding domestic

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<sup>152</sup> <http://www.women.org.ir/en/pages/content.php?id=238>, last accessed May 29, 2010.

VAW reads as follows: “Based on the strategy for providing security and justice for women in Iran, the issue of violence is considered widely and thoroughly and also because of Islamic culture and training influencing society's behavior, we are not facing serious problems in this regard....”<sup>152</sup> The IRI believes the type of violence by the international community “which has affected Iranian women includes actions that cause mental disorder and physical damage via cultural humiliation and political threats and economic limitations...” and the regional violence due to “years after the Islamic revolution and during the imposed Iraq war against Iran (1980-1988).”<sup>152</sup> The IRI claims that all government ministries and organizations are directly focusing on “the issue” in order to “support women.” The IRI backs its claim by a research report composed in Iran which asserted “violence in Iran does not exist as much as other countries, based on religious tendencies even this much violence is not acceptable.”<sup>152</sup>

The outright denial of VAW in Iran by the IRI is not a surprise, even in light of its official laws against women. The IRI has mastered the art of cultural relativism when it comes to its international standing on human rights and women’s rights. As stated by the UN’s Special Rapporteur on violence against women:

The parameters of women’s status in the Islamic Republic of Iran are intimately linked to the basic principles underlying the formation of the State, which aimed to deliver women from corruption and restore their dignity. This has led to a paradoxical situation whereby, on the one hand, women’s participation in public life is encouraged to legitimize the State gender policy and on the other this is done under strictly observed rules imposed on women. Consequently, compared to other developing and neighbouring countries, Iranian women have access to health, education and to some extent employment and political participation. However, the ground for their autonomous self-expression is precarious. Women are praised as mothers but they may not exercise authority in decisions regarding their children; they may become judges but not preside over a legal case; they may vote and be elected to office but not hold leadership positions, etc. This

paradoxical situation is a source of tension as well as a barrier to women's enjoyment of their rights as full persons, including the right to freedom from violence."<sup>153</sup>

Creating such paradox has in fact confused the issue of women's rights in the IRI's favor.

I plan to discuss this further in later chapters, but it is important to understand the types of VAW in Iran.

For this research, I propose four main categories of violence against women in Iran:

1. *Social/Civil Violence*: indicators in this category fall within both public and private spheres. Examples in this category are divorce rights, child custody, reproductive rights, access to public health, women's sexual relations with married or non-married partners, domestic violence, strict observance of *hijab* (public Islamic coverage) regardless of religious belief or other "un-Islamic" conduct such as public interaction between men and women as dictated in the Penal Code. Such violence leads to a number of public stoning, arrests and harassment of women including the harsh treatment of mal-veiling by throwing acid in women's faces.
2. *Economic Violence*: indicators in this category fall mostly within the public sphere since women are mainly dependent on their male guardian (husband, father, brother, son or other male next of kin). Examples in this category are inheritance laws, women's choice of employment or right to property

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<sup>153</sup> <http://www.cedaw-iran.org/impact-of-cedaw-violence-against-women/#violence>, last accessed May 28, 2010.

ownership as dictated in the Penal Code and Civil Code, which leads to feminization of poverty, prostitution and trafficking of women and girls.

3. *Cultural Violence*: indicators in this category fall mostly within the private sphere and they range from the type of VAW that is deeply rooted in the patriarchic traditions to ethnic practices across Iran's multi-ethnic society. Examples in this category are forced marriage, polygamy and temporary marriage, self-immolation of women, run-away girls and non-state-sponsored stoning and honor killings by relatives or the immediate community.
4. *Political Violence*: indicators in this category fall mostly within the public sphere and range from women's access to political domains such as presidency, judgeship and top-ranking political positions. It also includes women's access to various political parties and organizations, which has led to high political execution and imprisonment of women who belong to political groups against the IRI. Sexual torture and rape against female political prisoners before execution is another appalling example. This indicator also includes extraterritorial assassinations, threat and harm against female political personalities abroad.

The above categorization must not be taken as distinct categories where there is a one-to-one relation between the type, victim and the indicator. In other words, misogynous and patriarchy-rooted violence crosses all categories and a woman can be subjected to multi-category VAW types. This makes it harder to quantitatively measure

VAW in terms of number of incidents and frequency unless it is looked at qualitatively in terms of the depth of violence.<sup>154</sup>

Measuring VAW is a challenge in other countries as well. For example, sexual violence seems to be perpetrators' primary weapon of choice against women everywhere. In fact, Amnesty International recognizes the challenge in dealing with such violence and states,

Perpetrators of sexual violence against women are rarely held accountable for their acts. Many victims of sexual violence have little recourse, as state agencies often operate within a system of gender bias and discriminatory practices. Many women who do report cases of sexual violence are ostracized by their communities, which blame and mistreat victims of sexual abuses.<sup>155</sup>

In Iran's case, the problem is compounded with the laws, such as temporary marriage or adultery, that either sanctify sexual violence against women or make it very difficult for victims to step forward and not face repercussions.

It is true that women everywhere face gender-specific and other forms of violence, not only in times of conflict but also in ordinary times. Again, in Iran's case, this problem is compounded with the cyclic gender violence which has led to a gender conflict between women and the state and all its actors (direct agents or non-state actors). So, this conflict may begin for any women in any of the above categories and continue to span across multiple categories so long as the Islamic Republic is in power.

### **International Indicators**

In response to the 2006 UN General Assembly Resolution 61/143 (A/RES/61/143), a group of experts from various UN agencies and organizations came

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<sup>154</sup> I will return to this point in Chapter 5.

<sup>155</sup> <http://www.amnestyusa.org/women/sexualviolence.html>, last accessed May 10, 2010.

together to draft indicators to measure VAW. The meeting convened in Geneva with representation from the Statistical Commission and the Commission on the Status of Women, the United Nations Economic Commission for Europe (UN ECE), the United Nations Division for the Advancement of Women (UN DAW) and the United Nations Statistics Division (UNSD), in collaboration with the Economic Commission for Africa (UN ECA), the Economic and Social Commission for Latin America and the Caribbean (UN ECLAC), the Economic and Social Commission for Asia and the Pacific (UN ESCAP), and the Economic and Social Commission for Western Asia (UN ESCWA).<sup>156</sup>

The objectives were:

- Take stock of existing major national, regional and international initiatives aimed at developing indicators on violence against women;
- Assess advantages and disadvantages of various indicator proposals;
- Develop criteria for the identification of a possible set of indicators on violence against women;
- Summarize options, and put forward recommendations for a possible set of indicators to support countries to measure the scope, prevalence and incidence of violence against women;
- Outline related data collection requirements and constraints, as well as opportunities for overcoming these, taking into consideration users' needs;
- Consider the types of violence that should be covered in a possible set of indicators and propose an approach for defining a technical description of each possible indicator.<sup>157</sup>

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<sup>156</sup> [http://www.un.org/womenwatch/daw/egm/IndicatorsVAW/IndicatorsVAW\\_EGM\\_report.pdf](http://www.un.org/womenwatch/daw/egm/IndicatorsVAW/IndicatorsVAW_EGM_report.pdf), last accessed March 12, 2010.

<sup>157</sup> Ibid pp. 3-4.



The final report acknowledges that VAW is a “global phenomenon” and “gender-based violence against women is a form of discrimination and deeply rooted in power imbalances and structural relationships of inequality between women and men.”<sup>158</sup> Based on international, regional and national legal frameworks, the report proposed indicators in two categories: general and specific.<sup>159</sup> Acknowledging the methodological challenges across the board, the report ultimately recommends, for short-term objectives, the general international indicators that are “comparable between all countries” and are “common forms of violence against women.”<sup>160</sup> With that, the proposed international indicators are set as follows:

1. *Physical Violence*: The percentage of women (over the total number of women) who have experienced physical violence during the last year and over their lifetime. This indicator should be disaggregated further by severity (moderate/severe); perpetrator (intimate/other relative/other known person/stranger/state authority); and frequency (one/few/many time(s)).
2. *Sexual Violence*: The percentage of women (over the total number of women) who have experienced rape/sexual assault during the last year and over their lifetime. This indicator should be disaggregated further by perpetrator (intimate/other relative/other known person/stranger/state authority); and frequency (one/few/many time(s)).
3. *Intimate partner violence*: The percentage of women (over the total number of women who have ever had an intimate partner) who have experienced physical or sexual violence by current or former partners during the last year and over their lifetime. This indicator should be disaggregated further by frequency (one/few/many time(s)).
4. *Harmful Practices*: Female genital mutilation (FGM)/cutting and early marriage. The percentage of women (over the total number of women) subjected to female genital mutilation/cutting. The FGM indicator should be disaggregated further by age. On Early Marriage, the percentage of

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<sup>158</sup> Ibid p. 5.

<sup>159</sup> Ibid p. 20.

<sup>160</sup> Ibid p. 24.

women (over the total number of women) whose age at marriage is below 18 years.

The recommendation adds “as a long-term objective, all forms of violence against women should be measured.” It also adds that there is an urgent need to prioritize the following additional indicators:<sup>161</sup>

- Killing of women by intimate partners;
- Female infanticide;
- Threats of violence;
- Economic and emotional/psychological violence as part of intimate partner violence;
- Crimes committed against women in the name of “honour”;
- Conflict/crisis-related violence against women;
- Dowry-related violence;
- Sexual exploitation;
- Trafficking;
- Femicide;
- Forced marriage;
- Sexual harassment.

Given that there are different stakeholders in capturing and monitoring the VAW indicators, the experts presented specific action-based steps for global bodies such as the Intergovernmental bodies, International Organizations and the UN system. They also outlined actions for the regional organizations and the Member States, and the Donor Community. The noteworthy action for the Member States is, “By 2015, all Member States should regularly collect, disseminate and analyze data for all of the above-proposed indicators.”<sup>162</sup>

One can only imagine how the IRI will respond to the 2015 deadline.

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<sup>161</sup> Ibid p. 27.

<sup>162</sup> Ibid p. 31.

## Mapping Iran to International Indicators

Given the legalized VAW framework in Iran, one cannot trust the state to adhere to the international framework such as the one stated above. I argue that VAW in Iran is not only systematic but also systemic, and that makes it more difficult to map to international indicators which suggest continued monitoring and data collection over the course of victim's lifetime. According to Azad Moradian:

The Census Bureau in Iran, which is an official government agency, has never conducted a study on domestic violence and has not allowed international organizations to do so either; however, in 2004 The Women's Center for Presidential Advisory, The Interior Ministry, and The Ministry of Higher Education decided to undertake a project in Iran's 28 provinces, regarding domestic violence in Iran. A 32-volume study was concluded after several years. These volumes include findings regarding violence towards women and children, family issues, divorce, and marriages, remarriages, the statutes and effect of education and work on violence in the capital cities of each province. Only the main cities were visited and the research was conducted based on questionnaires. These 32-volume findings are not widely available for public viewing; however, it is available to scholars and researchers as a reference at the Center for Research in Tehran.<sup>143</sup>

The UN's Special Rapporteur on violence against women recognizes Iran's reluctance to reduce VAW, and in her view:

[V]iolence against women in Iran is ingrained in gender inequality, which is upheld and perpetuated by two interrelated factors: (a) patriarchal values and attitudes based on male supremacy; and (b) State-promoted institutional structure[s] based on gender-biased, hard-line interpretations of Islamic principles.... Both factors...represent a male-dominant society with male-empowering values laws and practices, making it difficult for women to escape public and private violence.<sup>153</sup>

Such challenges leave the responsibility to monitor and report on VAW in Iran to the independent NGOs who are either operating inside or outside of Iran. The role and manner in which these NGOs operate will be discussed in Chapter 6, but it is important to

understand the various methodologies these NGOs adopt to ensure the issue of VAW in Iran is not misrepresented by the State. The use of both qualitative and quantitative reporting has helped shed some light on the depth of VAW across all categories of social/civil, economic, cultural and political violence committed against women, by various actors, because of their gender. Above and beyond what the general international indicators are calling for, the fundamental denial of rights and legalized violence in Iran span across:

- Women's rights to their own body and choice of clothing.
- Women's rights to social, political and economic participation, including execution, extrajudicial and extraterritorial acts of violence against women.
- Women's rights in marriage, child custody and divorce.
- Women's equal rights to inheritance and court testimony.

Given that the IRI's legal age for women (age 9) is much lower than the international legal age (mostly understood as age 18), all of the above categories apply to both women and girls. For the duration of 2005-2008, Iran is responsible for 26 of the 32 juvenile executions worldwide.<sup>163</sup> So when it comes to looking at VAW indicators in Iran and mapping them to international indicators, one has to take into the account both qualitative and quantitative data. For example, women of all ages and status have been executed because of their various forms of opposition to the Islamic Republic's ideology of *vali-e-faqih* (see Table 4.2). Although Iran holds the highest number of female

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<sup>163</sup> Freedom House 2009 "Country Report on Iran." Although it has ratified two treaties on children's rights, well over a hundred juvenile offenders currently await execution in the country. <http://www.freedomhouse.org/template.cfm?page=363&year=2009&country=7627>, last accessed May 31, 2010.

executions per capita, it is not the only country executing women. As these numbers are aggregated at the international level, the fact that women are being executed due to gender gets lost in these numbers. It is for this reason that these numbers have to be contextualized and qualitatively explained in order for the practitioners in the fields of conflict resolution and human rights to appreciate the depth of the conflict between women and the Iranian state.

Table 4.2. Women Executed by the State 1980-2009<sup>164</sup>

Age Bracket	Number of Victims
Aged 10-21 years	273
Aged 22-70 years	1983
Pregnant	65
Mothers	387
<b>Total</b>	<b>2708</b>

Further breakdown of data will be covered in the following chapter in order to represent the quantitative and qualitative contexts.

### **Cycle of Violence and Impact on Violence Against Women (VAW)**

Gross violation of women's human rights began immediately after the 1979 revolution. The escalation and de-escalation of VAW in Iran is tightly coupled with the government's attempt to instill fear in society. Women and girls have always been targeted, first by various forms of violence in order to signal to the rest of the society the state's intolerance to dissent and expression of civil society. Like many other tyrannical governments, Iran has used tactics such as public hanging, stoning and a high number of

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<sup>164</sup> Source: PMOI Published list, Sepehrrad's research for PUAD 611 class, Spring 2004, updated in Summer 2009.

executions and arrests to silence its opponents. Since Khomeini's days, every summer there has been a renewed sense of street patrols and "morality" police guarding and taking actions against women in violation of the IRI's *hejab* or public conduct laws. Although I argue women are caught in an endless cycle of violence in Iran, to better guide the discussion, I break the cycles into three periods: 1979-1989, 1989-1999 and 1999-2009:

- *Cycle I – 1979-1989*: This period began with major legislation against women and the institutionalization of violence against women in Iran. The majority of victims were women and girls who publicly sympathized with opposition groups (mainly the PMOI) or independently opposed the legal gender discrimination. This period witnessed significant political executions, arrests and torture. A key event during this period was the massacre of political prisoners which began in summer 1988 and ended in December of the same year. Thousands were killed under charges of "waging war on God."<sup>165</sup>
- *Cycle II – 1990-1999*: This was the period of Khomeini's death and when Ali-Khameini became the *vali-e-faqih*. The majority were victims of gender discrimination in public and private spheres. This was a period with a significant rise of stoning in public, depression, suicide, prostitution among women including human trafficking and runaway girls. A key event during this period was the assassination of Zahra Rajabi, "39, who was gunned down on February 20, 1996, in Istanbul by a hit squad sent from Tehran and

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<sup>165</sup> <http://www.wfafi.org/wfafistatement7.htm>, last accessed March 3, 2010.

commanded by the mullahs' consular secretary in that city. She had arrived in Turkey several days earlier at the head of a delegation which attended to the problems of Iranian refugees in that country.”<sup>166</sup> This period also included several assassination attempts against Maryam Rajavi, the head of Iran’s main opposition based in Paris, France.<sup>167</sup>

- *Cycle III- 2000-2009:* This period is filled with major public protests, uprising, and women’s rallies coupled with brutal crackdowns and suppression for social, civil and political reasons. Initial excitement over Khatami’s presidency and the promise of an improvement in women’s rights in Iran was countered with a dramatic admission from the government about the proliferation of prostitution.<sup>168</sup> The decade began with major student

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<sup>166</sup> <http://www.iran-e-azad.org/english/ncr/970214.html>, last accessed March 3, 2010.

<sup>167</sup> By 1994, the Supreme National Security Council was putting pressure on VEVAK (the secret police) to step up its anti-MeK (aka PMOI) activities. Maryam Rajavi, a prominent exile, had been leading a successful political campaign against Tehran after her nomination as provisional president by the Paris-based National Council of Resistance of Iran. By 1994, the Supreme National Security Council was putting pressure on VEVAK to step up its anti-MeK activities. To tarnish Rajavi’s image and remove her threat, DGSO resorted to some extreme measures. On the military side, VEVAK and the Islamic Revolutionary Guards Corps worked jointly on a “super mortar” project that could lob 400 pounds of high explosives at a target several miles away. After successful tests, a 320mm super mortar and its missile were camouflaged as food cargo and placed on board an Iranian cargo ship bound for Hamburg. A GDSO (General Directorate of Special Operations) crack assassination team had been trained to receive the cargo in Hamburg, transfer it to France, and use the mortar to devastate Rajavi’s villa north of Paris. The elaborate plan hit a snag when Belgian police uncovered the super mortar and the explosives during an inspection as the ship anchored in the port of Antwerp on its way to Hamburg. The blow was a serious setback for VEVAK. In May 1995, Irvani made a hasty trip to Bonn to talk to German officials after VEVAK learned that Rajavi was to speak at a public rally of Iranian exiles in Dortmund, scheduled for June 16. Under Fallahian’s instruction, Irvani’s real mission was to organize an attempt on Rajavi’s life during her visit to Germany. He used VEVAK’s European headquarters on the third floor of the Iranian embassy in Bonn to coordinate the attack. Unknown to him, German counterintelligence had a mole in the embassy and discovered the plot to assassinate Rajavi. She was barred from attending the rally and Bonn quietly expelled two VEVAK officers working under diplomatic cover. The story was leaked to the *New York Times* (<http://www.iranfocus.com/modules/news/article.php?storyid=2224> and <http://www.iranterror.com/content/view/38/56/>, last accessed October 3, 2009).

<sup>168</sup> Not only are prostitutes becoming more and more visible on the streets due to economic hardships, but they are also becoming younger and younger.

uprisings in summer 1999, where thousands of women and female students participated and faced a brutal crackdown.<sup>169</sup> Women began to push for legal reforms during this period but continued to face oppression. Several thousand students staged a campus sit-in at Tehran University on November 13, 2002, demonstrating against the ruling religious dictatorship by chanting, “student movement ready for uprising,” “free all political prisoners,” and “down with dictatorship.”<sup>170</sup> Annual protests and women’s rallies began on March 8<sup>th</sup>, International Women’s Day, and joining the student uprising, and continued since 2002. In 2003, Zahra Kazemi, a Canadian-Iranian photojournalist, was raped and killed under torture.<sup>171</sup> In 2004, Atefeh Sahaleh Rajabi, a 16-year-old, was raped by her judge and publicly hanged in the city of Nekka.<sup>172</sup> In 2005, Ahmadinejad became president which was followed by a rise in public hangings, stonings and severe suppression leading to post-election unrest and brutality in summer 2009.

With that in mind, the following quantitative indicators, based on available data, are critical to understanding the specific aggregated cases and veracity of VAW in Iran from 1979-2009:

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<sup>169</sup> PBS Documentary: In July of 1999 Tehran experienced six days of student demonstrations, called by the press “reminiscent of scenes of the 1979 revolution” and “the worst unrest the Islamic Republic has ever faced.” The protests began as rumors began to circulate that parliament was considering further restrictions on freedom of the press and considering closing the reformist newspaper *SALEM*. The protests that started in Tehran and spread to other campuses—eventually there were student uprisings in twenty-two cities in Iran. The Islamic Republic cracked down and nearly 2000 students were arrested (<http://www.pbs.org/now/politics/iran.html>, last accessed August 2, 2009).

<sup>170</sup> Reuters News Agency, November 14, 2002.

<sup>171</sup> CBC News, November 27, 2007, <http://www.cbc.ca/news/background/kazemi/>.

<sup>172</sup> <http://www.wfafi.org/wfafistatement6.htm>, last accessed March 3, 2010.



1. Total number of women killed for political reasons (method of killing can be execution, assassination at home or abroad).
2. Total number of women killed for “immoral” conduct or behavior (method of killing can be public hanging or stoning).
3. Total number women arbitrarily killed by state agents in the streets (chain murder of prostitutes or runaway girls).
4. Sample number of women arrested in various stages (i.e. street protests, crackdown on mal-veiling).
5. Sample number of women and girls victimized by human trafficking, including number of brothels in Iran.<sup>173</sup>
6. Sample number of women subject to religious persecution or charges of “apostasy” in prison.
7. Number of arrests for One Million Signature Campaign for reforming anti-women laws.

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<sup>173</sup> According to the State Department’s 2009 *Human Trafficking Report, Iran*: Iran is a source, transit and destination for men, women and children trafficked for the purposes of sexual exploitation and involuntary servitude. Iranian women are trafficked internally for the purposes of forced prostitution and forced marriages. Iranian and Afghan children living in Iran are trafficked internally for the purposes of forced marriages, commercial sexual exploitation and involuntary servitude as beggars or laborers to pay debts, provide income or support drug addiction of their families. Iranian women and girls are also trafficked to Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, Iraq, France, Germany, and the United Kingdom for commercial sexual exploitation. There are reports of women and girls being sold for marriage to men in Pakistan for the purpose of sexual servitude. Men and women from Pakistan migrate voluntarily or are smuggled to Iran, or through Iran, to other Gulf states, Greece, and Turkey seeking employment. Some find themselves in situations of involuntary servitude or debt bondage, including restricted movements, non-payment of wages, and physical or sexual abuse. There are reports that women from Azerbaijan and Tajikistan travel to Iran to find employment and fall victim to forced prostitution. Press reports indicate that criminal organizations play a significant role in human trafficking to and from Iran, particularly across the borders with Afghanistan and Pakistan in connection with smuggling of migrants, drugs and arms among large flows of people. There are nearly one million Afghans living in Iran—some as refugees, others as economic migrants—who are vulnerable to conditions of human trafficking (<http://www.state.gov/g/tip/rls/tiprpt/2009/123136.htm>, last accessed May 31, 2010).

The following qualitative indicators, based on available data and interviews with victims, are critical to formulating an understanding of the depth of VAW in Iran from 1979-2009:

1. Treatment of female political prisoners including young girls, mothers and grandmothers.
2. Treatment of female prisoners charged with “immoral conduct.”
3. Treatment of women in public places such as hospitals, busses, schools and the workplace.
4. A case study of women in the courtroom on issues related to family law (i.e. divorce, child custody, inheritance, blood money, etc.).
5. A case study of women in government-controlled sex-slavery and human trafficking.
6. Women’s voice in anti-government protests and women-led rallies.
7. Interviews with activists from the One Million Signature Campaign for reforming anti-women laws.

It is the combination of the findings from the two datasets which speaks to the depth and breadth of the endless cycle of VAW in Iran.

## **Conclusion**

The Iranian government has established a system where fundamental denial of a woman’s rights to self-determination, and control over her body and mind on social, civil, political and economic grounds is defined by Khomeini’s doctrine coupled with patriarchy. Violence against women touches the lives of every woman in Iran regardless

of their age. Although both men and women face severe crackdowns and suppression, gender-based laws add more to the plight of women.

According to the Iranian laws, men have more rights than women. Given the prevalent legal and accepted culture of gender-based violence sponsored by the state, not only men commit VAW, but women are also pitted against other women. In other words, women who are victims of the system can also be victimizers serving as direct or indirect agents of the state. There are other countries where women are committing violence against other women (i.e. FGM condoned by mothers) in a private sphere, but in Iran, women are encouraged to participate in VAW in both public and private spheres. The proposed international indicators of VAW are helpful, but in Iran's case, they do not represent the true depth and breadth of VAW. In order to understand the scope and depth of VAW in Iran, I argue the need for qualitative and quantitative analysis.

My main argument in this chapter is that VAW in Iran is beyond individual victimizers. It is the system that promotes VAW, and it does it in a systematic way. For this reason, so long as the Islamic Republic of Iran is in power, Iranian women are caught in an endless cycle of violence which easily crosses the line between public and private spheres, and various agents. Although much hope was built on legal reforms during Khatami's presidency, women have yet to see real and lasting reform in the anti-women laws. One can easily conclude that there is no single woman alive in Iran today who has not faced VAW; even newborn girls are born into a system of male superiority and have less rights than newborn boys.

## **5. Understanding the Data and Methodology**

Up to this point, I have discussed how the gender conflict in the Iranian laws based on Khomeini's doctrine of *vali-e-faqih*, the misogynous laws, statutes and the judicial practices translate to violence against women. I also discussed the types of violence, relevant indicators and actors in the conflict. In this chapter, I provide data to support my arguments laid out in previous chapters. I utilize a mixed-methods approach for data collection and analysis. In this chapter, by combining qualitative and quantitative methods, I extract the convergence between the data and reasons for a protracted gender conflict in Iran. Borrowing the approach from experts who developed the proposed international indicators discussed in Chapter 4, I present the data in both general and specific groupings. Although the mixed-method approach is more complex, given problems with quantitative data, it helps contextualize the data and drive richer findings for this dissertation.

### **Background on Methodology**

As a committed participant in research, monitoring and reporting on the status of Iranian women since 1990, I rely on previous work and continued data collection from various sources such as:

- Amnesty International
- International Federation for Human Rights (FIDH)

- Human Rights Watch
- Published list by the opposition group: the PMOI and affiliate groups such as the NCRI
- Reports by Iranian women's organizations (WFAFI, OMID and NCWDI) in the U.S. and in Iran (Women Rights Association of Iran)
- Published electronic list by Clark (2007) of world female executions from 1988 to date
- Various media reports since 1990.

The data, both qualitative and quantitative, is compiled over the course of 1979-2009, with my personal and almost daily monitoring since 1990. I also rely on a network of women with whom I have come in contact, directly and indirectly, over the years to provide qualitative data for validation and final analysis.<sup>174</sup> Content and narrative analyses along with interviews are the methods that I employ for qualitative analysis. This approach has helped me overcome the challenges of working with a difficult and complex quantitative data set.

For example, I argue Iran continues to hold the highest number of female executions in the world. In fact, in order claim the high female execution rate in Iran, one has to conduct comparative research of all female executions in the world, analyze the data, and graph it using a scatter plot to recognize that Iran is indeed an outlier in the quantitative data analysis.<sup>175</sup> To verify the outlier is in fact valid, I monitor news over the

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<sup>174</sup> All participants were recruited based on their own willingness to talk, continued public activism and no risk of harm or repercussion by the government in Iran.

<sup>175</sup> Sepehrrad's research on Female Executions in the World, 2004.

years, validate and update the data against the above sources, and comments by the Iranian Nobel Peace Laureate, Shirin Ebadi, who says Iran currently has the world's highest per capita record of public hangings and executions, with “the number almost quadrupling since 2005.”<sup>176</sup> This approach has helped me to not only contextualize and validate the quantitative findings but also enrich my argument with facts and figures.

Being an Iranian native; understanding the background of the VAW in Iran through past activism by monitoring news, research and reporting; as well as active contacts with Iranian women’s organizations and victims of violence has helped me tremendously with data gathering and research.

### **Facts and Figures: Quantitative Analysis**

All the data sources used for quantitative analysis are secondary sources. The most complete source, with more than 20,000 names and biographical details, affiliations, backgrounds and methods of killing is published by the PMOI which covers a partial list for the period of 1981-1989.<sup>177</sup>

I have taken two approaches to organize the data from various sources. The first approach is to categorize the data based on the four general VAW indicators as explained in Chapter 4: Social/Civil Violence, Economic Violence, Cultural Violence and Political Violence over three decades from 1979-2009 to demonstrate the breadth of the VAW in Iran. The second approach is to extract specific cases to provide facts on numbers of arrests and killings (based on various methods) to demonstrated the depth of VAW in Iran.

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<sup>176</sup> Middle East Online, April 19, 2010.

<sup>177</sup> In 1985 the PMOI published a list of close to 15,000 names in a booklet. The booklet was updated and reprinted in 2006.

### *Measurement Assumptions*

There are a few assumptions on the quantitative data collection and analysis:

- All measurements are estimates and do not represent the actual figures given the inaccuracies and inconsistencies across multiple data sources.
- For calculating the estimated number of female victims of the death penalty sponsored by the state actors, I account for all methods of killing which include execution, assassination, stoning, public hanging and murder under torture or in the streets during the protests.
- For calculating the estimated number of female victims killed by non-state actors, I account for honor killing, suicide, and murder of runaway girls and prostitutes in the street.
- To overcome data inaccuracies, I crosscheck with more than three above-mentioned data sources to validate the number. Cases where data has failed the validation will be noted accordingly.

The data inaccuracy issues are as the result of several factors such as lack of official tracking by the government, a number of secret executions such as the serial

murder of the intellectuals and elites during the 1990s, and the lack of media reporting inside and outside of Iran.<sup>178</sup>

### ***General VAW Indicators in Iran***

By conducting content analysis of various media reports and NGO publications, inside and outside of Iran, I categorized the data based on three different time periods: 1979-1989, 1990-1999 and 1999-2009. After reviewing the content, I coded the content based on four categories explained in Chapter 4: Social/Civil, Economic, Cultural and Political violence against women in Iran.

The following figures are as the result of this effort to depict the percent breakdown of general VAW indicators in Iran.

In Figure 5.1, although there were a number of reported cases of cultural and economic violence against women in Iran, given the high volume of cases in political and social/civil violence, they get lost in the chart. The estimated total breakdown of reported cases of social violence was 1508, economic was 16, cultural was 22 and political was 5949. Given the disproportionate ratio, the figure depicts zero for those two categories.

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<sup>178</sup> Various organizations who monitor the human rights situation in Iran also acknowledge these challenges. According to the International Federation on Human Rights (FIDH), there are issues with data because:

1. The Iranian authorities do not publish official figures of executions.
2. There have been a large number of secret executions.
3. In the absence of officially provided figures, human rights organizations have to confine themselves to perusing the newspapers to record the executions.
4. The newspapers do not report all executions and they are occasionally ordered not to report them.
5. Information about executions in remote areas and provincial areas is especially hard to collect.
6. Information was very scant in the first few years after the revolution.

Iran: Death Penalty, FIDH, April 2009 Publication p. 8  
([http://www.fidh.org/IMG/pdf/Rapport\\_Iran\\_final.pdf](http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf)).



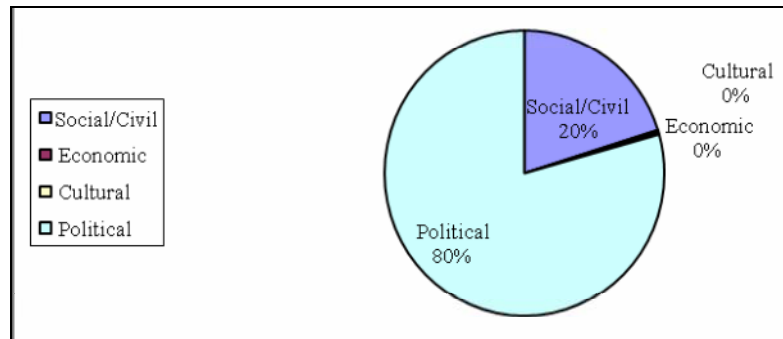


Figure 5.1. 1979-1989 Violence Against Women (VAW) Breakdown

In Figure 5.2, although the estimates having more data pointing to cultural and economic VAW remain low, they are proportionate for depiction in the chart.

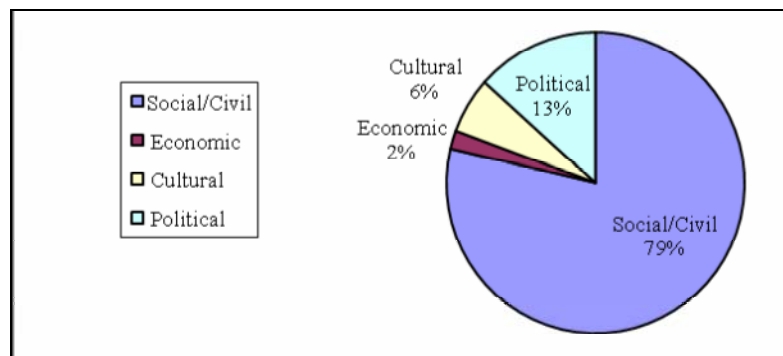


Figure 5.2. 1990-1999 Violence Against Women (VAW) Breakdown

In Figure 5.3, the estimates are more accurate given better monitoring and reporting of the VAWs in Iran.

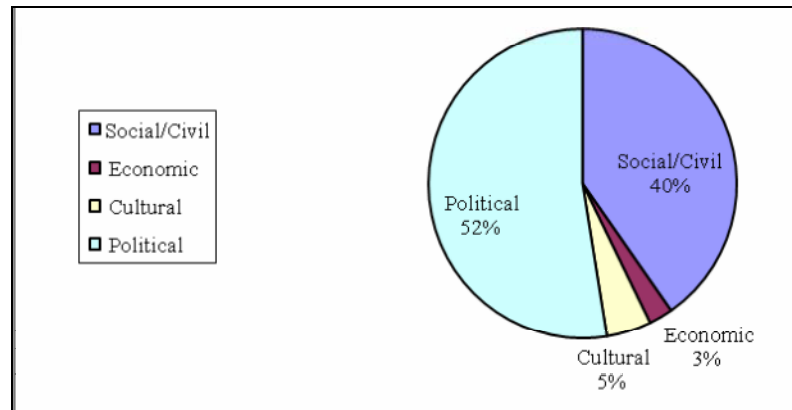


Figure 5.3. 2000-2009 Violence Against Women (VAW) Breakdown

### ***Specific VAW Indicators in Iran***

In Chapter 4, I outlined areas looking at specific aggregation of quantitative data and calling out the specific cases of those to demonstrate the veracity of VAW in the aggregated numbers. Appendix B captures estimates on specific categories discussed in the previous chapter during the various time cycles from 1979-2009.

Both general and specific qualitative VAW indicators in Iran represent the breath of various types of violence against women.

### **Contextualizing VAW Figures: Qualitative Analysis**

For qualitative analysis, I utilize both primary and secondary data sources. In order to add to causal and descriptive precision to what is already known about the institutionalized violence in Iran, clearly one has to look beyond the official and non-official reports, and reach out to the victims of violence directly. In the states like Iran, the truth is that “fighting for equal gender rights is considered a subversive act

threatening national security” and punishable by execution.<sup>179</sup> Therefore, the following qualitative indicators, based on available data and interviews with victims, are critical to understand the depth of VAW in Iran from 1979-2009:

1. Treatment of female political prisoners including young girls, mothers and grandmothers.
2. Treatment of female prisoners charged with “immoral conduct.”
3. Treatment of women in public places such as hospitals, public transportation, schools and workplace.
4. A case study of women in the courtroom on issues related to family law (i.e. divorce, child custody, inheritance, blood money, etc.).
5. Human trafficking and government controlled sex-slavery.
6. Interview with One Million Signature Campaigners for reforming anti-women laws.

### ***Female Political Prisoners***

The following is based on primary and secondary sources which capture stories of young girls, mothers and grandmothers who faced or witnessed brutal violence as political prisoners in Iran.

In July 1981, *Time Magazine* reported a story of how twelve young girls were ordered to be executed namelessly by Ayatollah Mohammadi Gilani in Tehran. The article reads:

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<sup>179</sup> Interview with Mrs. Nasrin Sotudeh, who represents a group of activists arrested for taking a part in a rally in Tehran on June 12, 2006. Interview conducted on March 4, 2007.

Their crime was that they had demonstrated against the dismissal of Banisadr from his post as President of the nation. The Islamic judge who sentenced them—Ayatullah Mohammadi Gilani—did not even know who they were. The twelve girls, the oldest 18, the others under 16, refused to identify themselves in court. When Gilani asked their names, each in turn replied, "Mujahed" (Crusader). To the question "Child of?" each replied, "The people of Iran." Gilani solved the problem of identifying the girls by having them photographed. Then he consigned them to the firing squad. Islamic guards led the dozen girls to the courtyard of Evin Prison in Tehran. The oldest was clad in a flowing black chador, the traditional Muslim veil. The others wore dark head scarves. As the guards began to blindfold them, the girls started chanting, "Death to fascism! Death to Khomeini!".... Three days later, the clergy-controlled newspaper *Ettela'at* printed the girls' pictures with a terse message asking the parents to call for the bodies. The parents should bring, the paper said, "birth certificates bearing their [the girls'] pictures." At a press conference Gilani defended the trials and executions of the girls. "By the Islamic canon," he said, "a nine-year-old girl is mature. So there is no difference for us between a nine-year-old girl and a 40-year-old man."<sup>180</sup> Roya Johnson, a former political prisoner, has lived in the United States since

1985. In an article, she recalls her memory of a peaceful rally mentioned above that took place on June 20, 1981 in Tehran, prior to her arrest. She says:

I was among the protestors in a provincial capital south of Tehran. Right in front of my eyes one of the mullahs' agents stabbed a female protestor in the chest. Another female protester's face was repeatedly slashed with a cutter. A few yards away, several agents were beating two teenage girls to death. I came very close to losing one eye when I was hit by a rock. On that day, hundreds of men and women were killed and wounded on the scene. The next day, the summary trials began. Firing squads were formed and gallows were erected. Khomeini had realized that without an all-out suppression of political dissent, the next nationwide demonstration could possibly bring his regime down.

I was arrested in 1982 at the age of 14, on the charge of distributing opposition newspapers and speaking in public against the dictatorship. During my years in prison, I witnessed the execution and torture of hundreds of prisoners, majority of them Muslims and supporters and members of Iran's main opposition group, the Mujahedeen—the Khalq (MEK). Many were my schoolmates and childhood friends.

The growing arrival of new prisoners had forced us to take turns sleeping and sitting. But that was the least of our sufferings. More than the pain of daily lashings and beating we had to endure, the defiant cries of other prisoners under

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<sup>180</sup> *Time Magazine*, July 6, 1981, "Terror in the Name of God," <http://www.time.com/time/magazine/article/0,9171,922597,00.html>.

torture tormented us. The stench of infection caused by deep torture wounds was everywhere. Seeing friends saying farewell before their execution and shouting “Down with Khomeini, long live freedom,” with fists raised as they walked to the gallows, had become a part of our daily routine.<sup>181</sup>

Roya still refrains from sharing a detailed account of the tortures she faced in prison. Roya’s mother, Robab Baraie, was also in prison in early 1982 for six months. “I was released a few days after my daughter’s arrest because I was diagnosed with cancer and the government did not want to be burdened with my cancer treatment.”<sup>182</sup> Robab adds:

I remember when my husband came to get me from prison after my release, he told me Roya was arrested. I started crying and begged him to take me back; I know what they do to young girls in prison. I saw firsthand how the young women were taken for rape the night before their execution.<sup>182</sup>

Robab names Leyla Adlou, a twenty-year-old student in Shiraz, who was raped by a Revolutionary Guard the night before her execution in 1982.<sup>183</sup> Robab, who continued her activism after her release and stayed in touch with families of victims, names other young women like Sara Bourmandian (nineteen years old, executed in 1983)<sup>184</sup> and Simin Zaeri (twenty-one yearsold, executed in 1983)<sup>185</sup> who were both raped the night before their execution. Robab recalls “Simin wrote on her body ‘I want the world to know that the temporary marriage to a *Pasdar* was against my will. He raped me.’”<sup>186</sup>

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<sup>181</sup> *The American Thinker*, “The 1988 Iran Massacre: Crimes Against Humanity,” September 22, 2004, [http://www.americanthinker.com/2004/09/the\\_1988\\_iran\\_massacre\\_crimes.html](http://www.americanthinker.com/2004/09/the_1988_iran_massacre_crimes.html).

<sup>182</sup> Interview with Robab on September 14, 2009.

<sup>183</sup> Leyal’s name is listed as part of the PMOI list of “Fallen for Freedom” published in 2006, p. 28 row 00,356.

<sup>184</sup> Sara’s name is listed as part of the PMOI list of “Fallen for Freedom” published in 2006, p. 102 row 03,219.

<sup>185</sup> Simin’s name listed as part of the PMOI list of “Fallen for Freedom” published in 2006. p. 551 row 18,849.

<sup>186</sup> *Pasdar* is a Farsi word for a Revolutionary Guard.

The rape of female political prisoners was a direct *fatwa* from Khomeini to ensure these virgins are prevented from going to heaven since they deserve to be “in hell.”<sup>187</sup> In summer 2009, in an exclusive interview with the *Jerusalem Post*, an unnamed male member of the Revolutionary Guards described how, as an 18-year-old *Basij* recruit, he was tasked with taking the virginity of girls who were sentenced to die. He says:

I could tell that the girls were more afraid of their “wedding” night than of the execution that awaited them in the morning. And they would always fight back, so we would have to put sleeping pills in their food. By morning the girls would have an empty expression; it seemed like they were ready or wanted to die.... I remember hearing them cry and scream after [the rape] was over.... I will never forget how this one girl clawed at her own face and neck with her fingernails afterwards. She had deep scratches all over her.<sup>188</sup>

Eshrat Najibzadeh, a mother of four, has lost several family members under this regime. Her oldest son, Mehran was eighteen when he was killed in 1982. Her oldest daughter Mondana (age twenty-four) and Mohammad (who had just turned eighteen) were killed in 1988. Two of her nephews, Mohammadreza (eighteen) and Dariush (twenty-six) were killed by the regime as well. She recalls “Mohammadreza was arrested in 1981. He was only 18 years old. When my brother took his body for burial, we realized they had shot him at least 20 times from head to toes.”

Eshrat was arrested twice. The first time, she was arrested in 1983 and was in prison for four months. In early 1985, the forty-five-year-old mother was detained for the second time by the Revolutionary Guards. The second time she was in prison for four years. She says:

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<sup>187</sup> Massoumeh Malek-Mohammadi, *Misogyny in Power: Iranian Women Challenge Two Decades of Mullahs' Gender Apartheid*, Auvers-sur-Oise, France: National Council of Resistance of Iran Committee on Women, 2000, pp. 118-120.

<sup>188</sup> The Raw Story Report with Agence France Press, July 19, 2009 (<http://rawstory.com/08/news/2009/07/19/basiji-militiaman-i-raped-virgins/> last accessed May 1, 2010).

For the first year, they did not allow me to see my family. It was during that time that I was taken for torture and interrogation several times. Every time they would take me they would ask me about who I worked with and pressure me to name names. I was not as active as other mothers. The only thing I did was to help my son Mehran and his friends. They were student activists. I went to see the Revolutionary Court Judge three times. The first two times, he gave an order for my torture session. The first order was 75 lashes with cable and the second order was 50 lashes with cable. Both times I got very sick after the beating. Kicks in the head, punches in the face and back was a routine torture during the interrogation sessions for me. After they moved me to a larger prison, I found out my younger daughter was there. They did not allow us to see each other. After much pleading, they allowed us to have visitation inside the prison's common area. When they handed me the 7-year sentence, I was shocked. I remember other prisoners told me you should be thankful they did not issue an execution order.... Our cell was next to the prison's courtyard and every night we heard the agonizing screams and painful voices of the young boys tortured by the guards. Each morning when we would go out for 5 minutes fresh air to the courtyard, we would see bloody torture devices, the splash of blood and remnants of the victims there....<sup>189</sup>

Eshrat was released in early 1988 right before the massacre of the political prisoners that summer. But she later found out that some of her fellow cellmates were killed during that massacre. She remembers the “innocent face of” Fatimeh Massoumi, whose brother was executed at the same time as Eshrat's son was killed.<sup>190</sup> According to Eshrat, Susan Ayatollahi, who was a in her last year of dental school prior to her arrest, and her mother were both executed that year too.<sup>191</sup> Lastly, she remembers Fariba Changizi, who was also executed during the massacre.<sup>192</sup>

Eshrat's only surviving child, Marjan, has also been victimized by the IRI. Marjan says:

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<sup>189</sup> Interview with Eshrat on September 25, 2009.

<sup>190</sup> Fatemeh's name listed as part of the PMOI list of “Fallen for Freedom” published in 2006, p. 300 row 09,797.

<sup>191</sup> Susan's name listed as part of the PMOI list of “Fallen for Freedom” published in 2006, p. 62 row 02,093.

<sup>192</sup> Fariba's name listed as part of the PMOI list of “Fallen for Freedom” published in 2006, p. 111 row 03,296.

In the spring of 1981, Khomeini's followers and the Revolutionary Guards harassed us all the time when we would stand in public squares for advocacy and campaign for other political parties like the PMOI. I was a student activist at the time. This was before the bloody summer where Khomeini called for all-out crackdown on all parties, especially the PMOI sympathizers. So, we always stood as a team of three or four people to support each other. One day they attacked us with clubs and chains. So, we dispersed and I accidentally went in to a dead end street and two of them, both men, cornered me. They kicked, punched and stabbed me in the back with a machete. I passed out and after a while gained consciousness hearing them fighting over who is going to take me to their "base." It seemed like they would get pay for arresting me and were fighting over who should get the credit. After I was taken to the Revolutionary Guard's detention center, it took them several hours to attend to my wounds. I lost a lot of blood, so I fainted several times while in custody. But, the last time I fainted I woke up to the pain of stitches. They stitched the deep cut in my back without any anesthesia. I was 14 at the time, so my parents were contacted. They came to the detention center, gave them some money for my release and I was let go after 48 hours.<sup>193</sup>

Marjan was arrested for a second time, a month prior to her mother's second arrest, and spent several years in the Shiraz prison.<sup>194</sup> After leaving Iran, she ended up having multiple surgeries to not only correct the badly healed wound in her back but also to repair the nerve that was damaged as the result of her injury. She suffers from chronic back, shoulder and neck pain due to the injuries and torture she faced in prison.

Among the older women, there are several mothers and grandmothers, such as Akram Islami, Malek Taj Hakimian, Mrs. Shayesteh and Mrs. Zakeri. Akram was seventy years old when she was arrested due to her support for her children and the PMOI. On more than one occasion, she was so severely tortured that she almost lost her life. Malek, a fifty-year-old mother, lost her child in the executions. She lost an eye and her feet were badly mutilated due to severe torture. Malek was also raped before execution. Mrs. Shayesteh, a grandmother, was publicly hung in the city of Mashhad in

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<sup>193</sup> Interview with Marjan in September 2009.

<sup>194</sup> Marjan is a native of Shiraz which is a southern city in Iran, close to the Persian Gulf.



northeast of Iran. Her last words to the Revolutionary Guards were “If I had a gun, I would have gunned you all down.” Mrs. Zakeri, also seventy years old, was executed by a firing squad. She refused to be blindfolded and told the Revolutionary Guards, “Don’t blindfold me, I want to see your terror of the Mojahedin in the hail of your bullet.”<sup>195</sup>

### ***Non-Political Female Prisoners***

Tala Raassi, a twenty-seven-year-old fashion designer who now lives in the United States, was sixteen when she was arrested in 1999 at her sweet 16<sup>th</sup> birthday party which was hosted at her friend’s house. She was charged with “immoral conduct” because she attended her birthday party wearing a “miniskirt” in a presence of boys. Tala did not observe the Islamic covering in the private party that was thrown for her. In her interview with *Marie Claire* magazine, she speaks of how she survived the “40 lashes” in prison. Raasi says:

I'm standing in line in a long, dark hallway, handcuffed to a friend, while listening to the horrifying sound of two other friends screaming out in pain. I'm in a jail in Iran's capital, Tehran, and I'm about to be served my punishment: 40 lashes. My friends emerge from a room down the hall, tears streaming down their faces and blood staining the backs of their shirts. I can barely breathe as I wait for the guards to call my name. Finally, it's my turn. My friend and I, still cuffed, enter the torture room together. Two expressionless, middle-aged female guards, each dressed in a chador, or long black robe, remove our cuffs, then instruct us to lie face down on a pair of bare mattresses. We will be lashed on our backs. The guards grab two black leather whips and dip them in water, to make the lashes sting. I turn my head and see them raise the whips high in the air, then I squeeze my eyes tight, terrified. The first of 40 lashes comes down hard across my back. I feel a shock of searing pain.... I keep thinking, I can't believe this is happening to me. I'm a good student; I come from a great family. I'm not a criminal. The worst part is knowing that my family members, who are sitting right outside this room, can hear the lashing. The emotional pain is almost worse than the physical pain.<sup>196</sup>

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<sup>195</sup> Massoumeh Malek-Mohammadi, *Misogyny in Power: Iranian Women Challenge Two Decades of Mullahs' Gender Apartheid*, Auvers-sur-Oise, France: National Council of Resistance of Iran Committee on Women, 2000, p. 114.

<sup>196</sup> <http://www.marieclaire.com/celebrity-lifestyle/articles/living/tala-raassi-punishment-iran>.

Tala vividly recalls her experience during the arrest, adding:

The police drove us to a local jail, then separated the boys and girls, throwing my 15 girlfriends and me into a barren, rat-infested room—no chairs, no beds, just a cold concrete floor. I looked around and saw a pregnant woman and a woman with a baby, along with several other sullen young women. One woman had clearly been plucked straight from her wedding; she sat quietly on the floor in her flowing white dress. I wondered what she had done "wrong."

After graduating from high school, she left Iran and not gone back since.

### ***Treatment of Women in Public***

Iranian women face various types of violence in public places. This violence ranges from how they are treated in health care system to how they face segregation in using public transportation, education and employment. The following are samples of secondary resources regarding these types of VAW in Iran.

1. In winter of 1994, the *majlis* (the parliament) adopted legislation called "Conformity of medical institutions' administrative and technical functioning to sacred religious standards."<sup>197</sup> The bill requires the full segregation of all medical and medically centers, "...Including hospitals, obstetrical clinics, convalescence centers, laboratories, outpatient clinics, doctors' consulting rooms and pharmacies and electro-physiotherapy, hydrotherapy, clinical laboratories of diagnostics and research, radiology, nuclear centers, urban and rural health and treatment centers, injection and wound dressing cabinets or any establishment created or to be created under any label authorized by the Ministry of Health, Therapy and Medical Education and similar departments in universities of medical science and all their technical, administrative and

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<sup>197</sup> The Official News Agency IRNA, October 4, 1998.

service personnel.”<sup>197</sup> Such legislation places women at enormous risk of not receiving medical attention or help given the low female medical staff/facility ratio to the women’s population. In December 1999, Dr. Farrokh Soheil Arshadi, a member of the medical school’s scientific board, told a conference: “The high morbidity rate among pregnant women in Iran is not due to the lack of professional manpower; rather, it is due to the inequitable distribution of health services.”<sup>198</sup> By passing this law, the IRI has violated the international human rights standards, which were specified in the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of which were ratified by Iran on June 24, 1975.<sup>199</sup>

2. Buses, taxis and metros are segregated in Iran. In 1994, Iran launched women-only taxis, setting aside 300 vehicles for that service, to segregate men and women.<sup>200</sup> For the buses, men should get on and off through the front door while the back section and back doors are for women. Although the bus services in Iran are sex-segregated, women should remain fully covered while in a bus. In other cities such as in Mashhad, males and females were prevented from traveling on the same bus.<sup>201</sup> Metro services maintain separate cars for men and women.<sup>202</sup>

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<sup>198</sup> *Hamshahri Newspaper*, December 1, 1999.

<sup>199</sup> AAAS Science and Human Rights Program, “Iran-Women’s Health Endangered,” Case Number: IR9806.

<sup>200</sup> Agence France Presse, February 5, 1994. This was part of moves to segregate men and women according to Islamic principles, the official Iranian news agency IRNA said.

<sup>201</sup> Sadighi Fard, *Javanan e Iran* (2001), p. 114.

<sup>202</sup> Agence France Presse, October 20, 2000.

3. Iranian women outrank men in the universities. More than 60% of university students are women.<sup>203</sup> The widening gap between women versus men in the university has alarmed the authorities. One ultra-conservative newspaper demanded a gender-based quota system to tackle "this dangerous imbalance." *Ya Lessarat* newspaper, linked to the hardline Ansar Hezbollah militia, argued that the large number of women in the classrooms encouraged "corruption"—in other words they distract their male counterparts from the serious task of studying.<sup>204</sup>
4. The assistant of the Minister of Industry and Mines on women's affairs announced a plan to cut the work hours for women in industrial jobs. "If this plan is ratified, the working hours of married women will at least be reduced by one hour depending on how many children she has," said Soraya Zafari. An Iranian sociologist in Sweden, Ali Tayefi, called this plan sexist and said that if this plan is carried out Iran's job market will be dominated by men. Tayefi said that this plan will lead to employers not hiring women and will also lead to regression in the progress of women in the working area.<sup>205</sup>

### ***A Woman Legally Enchained***

There are numerous cases of women fighting for their rights in the courtrooms. I chose the following case because it touches on the depth of VAW on multiple levels. It provides a case for early marriage, deadly domestic abuse, lack of divorce rights, fear of

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<sup>203</sup> BBC News, September 19, 2006.

<sup>204</sup> Agence France Presse, October 20, 2002.

<sup>205</sup> Deutsche Wele Radio, Dec. 9, 2008 [http://www.wafe-women.org/index.php?option=com\\_content&task=view&id=322&Itemid=58](http://www.wafe-women.org/index.php?option=com_content&task=view&id=322&Itemid=58).

losing child custody and women's access to healthcare. The story appeared in the *Zanan Magazine*, a monthly Farsi publication reporting on women's issues. In 1999, *Zanan* featured an article about a young woman who was caught between her husband's abuse and legal chains by the state. Her story reads:

I was married at the age of 12, and I had my first child when I was 13. My husband was unemployed and we fought all the time. We never applied for a divorce because I was afraid of losing my child. Finally one night, he poured a bucket of acid over my body and I was completely burned. When I rushed to the sink to flush my face and body, I realized that he had shut off the main water supply. I was taken to the hospital. My operation was held up pending advance money for the surgery, and permission from my husband to operate on my face. My mother sold all of her valuables and provided the money. My husband said he would only permit my operation if I consented to not seeing my children for the rest of my life. Finally, with the hospital's pressure on the family court they allowed me to receive the operation on my face and body.<sup>206</sup>

In 2009, after sixteen years of publication, the government shut down the magazine and accused its editor and staff of "offering a dark picture of the Islamic Republic through the pages of *Zanan*" and of "compromising the psyche and the mental health" of its readers by providing them with "morally questionable information."<sup>207</sup>

### ***Victims of Trafficking and Prostitution***

Ayatollah Muhammad Moussavi Bojnourdi speaks out in favor of "chastity houses," the IRI's name for brothels. The only difference is these houses initiate the practice of temporary marriage, or *sigheh*, as a way to sanction prostitution. Publicly approved by the highest officials, particularly Hashemi Rafsanjani, the president during the 1990s, *sigheh* is a way to channel young people's sexual urges under the strict sexual

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<sup>206</sup> *Zanan Magazine*, vol. 42 (translated from Farsi to English).

<sup>207</sup> <http://www.learningpartnership.org/advocacy/alerts/zanan0208>, last accessed May 24, 2010.

segregation of the Islamic republic.<sup>208</sup> The *New York Times* reports on a story of twenty-six-year-old Susan: "This is the only job I know," she said as she rolled up her sleeve to show the scars on her arm from beatings by her heroin-addicted husband, who forced her onto the streets at sixteen to help support his habit.<sup>208</sup> Although she has left her husband for years, she continues in this line of work to support her ten-year-old son. "I'll do anything to give him a different life," she said. Susan did not know much about risks of contracting the HIV virus, said she would never go to a "chastity house," even if it would guarantee that her sexual partner was healthy. "How can I trust a government that never cared about women like me?" she said. "They just want to find another way to raise money for themselves."<sup>208</sup>

Human trafficking and prostitution have been profitable channels for the government officials. The same article in the *New York Times* talks about the arrest of a Revolutionary Court judge who was caught in city of Karaj for forcing runaway girls into prostitution. In 2002, sociology professor Majid Abhari, quoted in the daily *Entekhab* said the number of runaway girls has increased 12% since 2000. He believes Tehran is home to "around 84,000 prostitutes," explaining that many young runaway girls take up this profession in order to survive. "Investigators say there are around 200 to 250 brothels in Tehran...the number of prostitutes rises every year by 10 to 15 percent. They are

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<sup>208</sup> According to official figures, about 300,000 work on the streets of the capital, which has a population of 12 million. Newspapers reported this month that nearly a dozen brothels had been shut down around the country (The *New York Times*, August 28, 2002, <http://www.nytimes.com/2002/08/28/international/middleeast/28IRAN.html?pagewanted=1>).

generally girls aged between 16 to 18," he said. "Recently, two HIV positive girls, aged 16 and 17, contaminated 1,100 people in two months on the run," he added.<sup>209</sup>

In April 2005, a number of government officials and security officers were arrested during raids on at least five houses used as brothels in and around the town of Neka (northern Iran).<sup>210</sup>

The appalling direct involvement of an Iranian official in a prostitution ring is the story of Tehran's Policy Chief, Ahamdinejad's "moral enforcer." In spring 2008, Brigadier General Ali Reza Zareie, who for years led the "moral" police in the streets against women and set the bar for suppression and crackdown, was arrested in a Tehran brothel. Zareie, fifty-three and a close confidant to Ahmadinejad, was caught with six prostitutes performing nude "Islamic" group prayers. There has been no mention of the case in the official Iranian media, but a spokesman for the Justice Ministry admitted that an unnamed senior official had been arrested.<sup>211</sup> The story of Zarei stayed out of the media until the state's television reported that he was released on bail after five months. The report added "Brigadier General Zareie was jailed for four to five months over moral accusations and was retired as a colonel."<sup>212</sup>

### ***One Million Signature Campaign***

Since 2006, hundreds have been arrested for participating in the One Million Signature Campaign. I chose three cases for demonstrating various treatments by the government.

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<sup>209</sup> Agence France Presse, June 1, 2002.

<sup>210</sup> Iran Focus, April 11, 2005.

<sup>211</sup> *WFAFI Monthly Newsletter*, vol. 46, March 15, 2008 issue, <http://www.wfafi.org/E-ZanVol46.htm>.

<sup>212</sup> Agence France Presse, June 14, 2008.

The first case is Maryam Mirza, a twenty-eight-year-old who has been an active member of this campaign. She was arrested during a silent protest in June 2006.

I was one of 33 women arrested for protesting in front of our Revolutionary Court. Policemen and soldiers arrived at the scene and ordered us to leave, but we refused. In response, they screamed at us and called us “prostitutes.” Then the beating started. Some of the women were beaten badly and needed medical attention. They placed 18 women on one small minibus and took us to the prison for prostitutes and drug addicts. They forced us to clean the toilets there.<sup>213</sup>

A few hours later, she said, police told the women they were free to go but instead took them to Tehran's notorious Evin prison. "They blindfolded me and sat me with my face against the wall," she said. "They tried to interrogate me, but I refused to answer any questions." Maryam was released without charge after four days of interrogation.

The second case is about one of the founders of the One Million Signatures campaign, Noushin Ahmadi Khorasani. She and thirty-one Iranian women were arrested in Tehran on March 4, 2007 just before the International Women's Day demonstrations. In 2007 she and several other women were sentenced to three years in prison for "threatening national security."<sup>214</sup> In her open letter to the IRI, just before her arrest, Noushin writes:

Perhaps we will be imprisoned and become weary with the continuous summons to court. Perhaps we will not be able to continue along our path and educate our female counterparts about the existence of such discriminatory laws. But, what will you do with the countless women who come into contact with the court system—in fact, these very courts are the best educational facilities for women, through which they quickly learn that in fact they have no rights. Yes, perhaps with your security planning and your modern technology, you may be able to isolate and paralyze the current generation of Iranian women's rights activists, and stop the progression of our campaign, but what will you do with the love that we

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<sup>213</sup> *The Washington Times*, May 31, 2009, <http://www.washingtontimes.com/news/2009/may/31/women-campaign-for-greater-rights-as-iran-vote-nea/>.

<sup>214</sup> <http://www.zcommunications.org/how-social-movements-can-change-iran-by-noushin-ahmadi-khorasani>, last accessed May 28, 2010.



plant in the hearts of our children? Perhaps with your advanced technology, you will be able to attack the hearts of our personal computers, but what will you do with our dreams?<sup>215</sup>

The third case is Shiva Nazar Ahari, a twenty-six-year-old journalist, human rights activist, blogger and reporter of the Committee of Human Rights Reporters (CHRR). Shiva's charges were reported by a news agency close to Ahmadinejad, the Raja News, which listed nine accusations against her. Not recognizably criminal offences, these included contacts with the PMOI, including sending it information about prisoners; "being a member and former secretary and current spokesperson for the CHRR" and "defending political prisoners." Others included "taking part in 'illegal gatherings,'" including in previous years and preparing a list of those killed in the period of the revolution. Shiva was put on trial on May 23, 2010. These charge could lead to a death sentence. Amnesty International has issued an Urgent Action describing her and others in similar situation as "prisoners of conscience, detained for the peaceful exercise of their right to freedom of expression and association." Shiva has been in prison since December 2009. Iran's state news agencies have accused Ahari of being affiliated with the main opposition group People's Mojahedin (PMOI). Shiva's mother, Shahrzad Kariman, says "Nobody has seen her file, not even her attorneys and the court sessions till now have been held in camera with no reporters present. No trial has been held till today either for anyone to claim that her charges have been proven. So I do not know where these newspapers have raised these accusations from."<sup>216</sup>

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<sup>215</sup> [http://www.opendemocracy.net/democracy-irandemocracy/iran\\_alavi\\_4406.jsp](http://www.opendemocracy.net/democracy-irandemocracy/iran_alavi_4406.jsp), last accessed May 28, 2010.

<sup>216</sup> <http://www.amnesty.org/en/library/asset/MDE13/057/2010/en/857ef9f7-381f-4006-b6e4-115c67ed3bea/mde130572010en.html>, last accessed May 28, 2010.

## **Conclusion**

The utter disregard for women as human beings, and their rights, is seen in the examples and cases presented in this chapter. My intention in presenting the above data was to demonstrate both the breadth and depth of VAW in Iran. By looking at just statistics, one loses the stories and depth of violence Iranian women face politically, socially, culturally and economically. By looking at just the stories of women who have suffered in various ways, one loses the breadth and the mass scale of violence that is occurring in Iran.

The data above also tells another story of VAW in Iran throughout the three different time periods. Iranian women faced significant political violence during the first decade of the revolution. The period of 1979-1989 was filled with political executions, arrests and unrest. Social and civil violence also targeted women during this period given Khomeini's post-revolution "Islamization" effort. Violence in the following decade shifted from political to social and civil. During this period many women were arrested for mal-veiling, more stoning took place and assassination of female activists abroad also took place during this period. Post-2000, with the rise of anti-government protests, women's push for legal reform, rallies and women's launch of the One Million Signature Campaign, the political violence began to rise and as the data above suggests, political, social and civil violence targeted women more than cultural and economic violence. All three time periods included data on cultural and economic violence, but compared to the other two categories, it was lower in quantity.

The data analysis in this chapter supports my previous arguments that Iranian women are facing more structural and ideologically driven violence than cultural or economic. It is for this reason that I argue Iran's case is different. It is also for this reason I argue that understanding the gender conflict in Iran is critical for the human rights and conflict resolution fields because it raises the need for partnership between the two fields.

## **6. Role of NGOs**

The function of Iranian NGOs at home and their collaboration with INGOs abroad has evolved over the past three decades. To better organize the discussion in this chapter, I use the same timeline breakdown of three phases: 1979-1989, 1990-1999 and 2000-2009. The acute and most visible phase of human rights abuse takes place during phase one, 1979-1989. As a result, the NGOs tactics at home are more secretive and underground due to severe violent and visible government response during this period. The second phase, 1990-1999, begins after Khomeini's death in June 1989. During this period both the government and NGOs adopt new tactics and operate in various arenas to advance their agenda. Although the political executions have subsided during this period, the number of political prisoners in Iran and asylum seekers abroad continue to be the visible indicators of the continued human rights abuse. It is during this period that the IRI increasingly justifies its internationally censured rights violations under the pretext of "cultural relativism" as Tehran begins to find like-minded member states at UN conferences. Formation of state-run NGOs on the government side and flourishing NGOs in exile are also noticed during this phase. I characterize the second phase as the acute social rights violation crisis, which is among factors leading to the rise of the "reformist" faction within the construct of IRI.

These dynamics carry into the third phase, 1999-2009, where the IRI's social and political predicaments sharply worsen, marking the most confrontational period between Iranian civil society and the state. The third phase is also filled with qualitative repeats of patterns established in the 1980s: political executions, arrests, torture, rape of detainees, and brutal crackdown of women's protests and rallies. Use of cyberspace and technology has also created a new dimension for sharing information with the outside world about the widening conflict between the state and Iranian civil society.

### **Phase I: Acute Human Rights Crisis in Iran, 1979-1989**

As discussed in previous chapters, the abuse of basic human rights in Iran begins immediately after the 1979 revolution. As the Iranian government sought to consolidate the theocratic core of the new regime and gradually eliminate its republic veneer, it expanded its religiously sanctioned political violence against its citizens. In addition to democratic and progressive organizations, women, and religious and ethnic minorities are targeted. Early on, the presence of the Revolutionary Guards Corp (IRGC) and state security forces (SSF) in every major square and main intersections of every city and town, the nightly checkpoints in major neighborhoods, and unannounced inspection of people's houses became routine practice, aimed at establishing the IRI's control by cowing Iranian citizens. During this period various groups, including some political parties, become increasingly underground, and some came together as formal and informal NGOs to spread the news about various abuses in Iran.

During this period, the domestic activities for these NGOs were mainly to criticize the government for the rights abuses since the mass media was almost

completely in control of the government. By spring 1981, the government had full control, and public outreach through mass media was practically non-existent for political parties and NGOs. At the time, I do recall my family participating in informal NGO functions by hosting various meetings in our home where victims of state violence would provide firsthand accounts of how the government treated them. These types of meetings began in the early 1980s and gradually moved from public spheres such as universities, political headquarters, associations and clubs to private homes of sympathizers of various political parties whose disagreements with the theocratic regime had become more public and irreconcilable.

According to the IRI's admission, by May 1980, a year after the revolution, the government had conducted between 1500-1700 political executions. Within the first three years of the revolution, the government acknowledged killing 4,400 political prisoners and activists.<sup>217</sup> In 1985, Iran's main opposition group, the PMOI, published the partial list of victims of political executions and killings in Iran which included the particulars of 16,000 individuals. The number of political executions reached 90,000 by 1990.<sup>218</sup> Today, various media reports put the number at 120,000.<sup>219</sup>

With suppression, crackdowns and tight state control over all political and social affairs engulfing them, Iranian NGOs increasingly adopted a function-based approach to their fact-finding missions.<sup>220</sup> Formal and informal NGOs aligned with the opposition and

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<sup>217</sup> Patrick James Flood, *The Effectiveness of UN Human Rights Institutions*, Praeger Publishers, 1998, pp. 103-104.

<sup>218</sup> Secretariat NCRI Journal, *Human Rights Betrayed*, July 1990, p. 11-33.

<sup>219</sup> <http://briefoniran.com/content/view/1766/1/>, last accessed May 31, 2010.

<sup>220</sup> It is understood domestic NGOs can take different forms in different contexts, and their efforts can take two general approaches: actor-oriented and function-based (Paffenholz and Spurk, 2006).

so-called “outlawed” political parties and organizations such as the PMOI on three main functions:

1. Citizens’ protection,
2. Monitoring, data gathering, and reporting (shaming), and
3. Advocacy and outreach (giving voice to the voiceless).

Starting in December 1981, formal NGOs such as The National Union of Teachers, The Committee of Academicians, Muslim Jurists Association, Democratic Union of Iranian, and Student Unions all began their outreach campaign with International NGOs such as Amnesty International, the UN Human Rights Commission, the Red Cross, the International Human Rights Committee and the Chairman of the General Assembly.<sup>221</sup>

Informal NGOs such as Mothers of Victims and Political Prisoners, Wives of Victims and Political Prisoners, and various student activists also played a crucial role in various phases of NGO advocacy in Iran. Although their role transformed over the years, their courageous networking skills have been an asset for the broader human rights community. Many paid with their lives to accomplish their mission.<sup>222</sup>

### ***Protecting Citizens***

After Revolutionary Guards and state security forces, decreed by Khomeini, opened fire on the peaceful demonstration of mothers and sympathizers of the PMOI protesting the government’s iron fist stifling of any voice of dissent in June 1981, many political organizations and NGOs began to focus on citizens’ protection. By autumn

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<sup>221</sup> See copies of the letters from WFAFI and personal archives.

<sup>222</sup> See number of mothers killed in Chapter 4, Table 4.2.

1981, the number of arrests and raids on people's houses "skyrocketed."<sup>223</sup> Many organizations' leadership and rank-and-file were either on the run from one city to the next or in the process of leaving the country. Many activists were encouraged to leave Iran to evade persecution and probable death. The flow of refugees to Europe, Canada and the U.S. increased dramatically. During the 1980s, the United States alone admitted more than 150,000 Iranian immigrants and asylum seekers.<sup>224</sup> My family was among those who came to the United States in 1985 via Germany (see Table 6.1).

Table 6.1. Iranian Immigrants Admitted to Five Popular Countries in North America and Europe

Country	1981-1990	1991-2000	2001-2005
U.S.	154,857	112,597	55,098
Germany	67,022	24,131	6,024
Canada	20,700	41,329	25,35
Sweden	38,167	16,804	6,086
U.K.	Not Available	12,665	8,640

Many leaders of opposition groups, political figures, and intellectuals left Iran. The most headline-grabbing and spectacular of these departures was that of Massoud Rajavi, the top leader of the PMOI. Prior to his departure to France in July 1981, Rajavi and the then-dismissed President Abol-Hasan Bani Sadr formed the coalition National Council of Resistance of Iran and called on all opposition parties and personalities to join it. After establishing their offices in Paris, the PMOI and NCRI began an extensive and

<sup>223</sup> Interview with Robab Baraie, September 2009.

<sup>224</sup> See Iran Country Profile from Migration Information Source, <http://www.migrationinformation.org/feature/display.cfm?ID=424>.



intense political and public relations campaign to raise awareness on the gross violations of human rights in Iran.<sup>225</sup>

Those who for a variety of reasons could not leave, stayed back to support and carry out many tasks including monitoring and reporting on the situation of human rights in Iran. The PMOI's underground network, families and close relatives of political prisoners made up the bulk of these activists. The informal NGO networks among mothers and wives of political prisoners and victims continued its work in a non-public manner given the prevailing climate of terror. Their only public gatherings were in front of the prisons, cemeteries or funerals. Using those venues, these groups were able to collect data and validate information on various news regarding victims and political prisoners. They played a significant role in dispatching detailed information on the status of political prisoners, number of arrests and executions to their counterparts in exile.<sup>226</sup>

By the mid-1980s, the underground network of the PMOI also helped survivors of torture to flee Iran. Many of them later connected with the PMOI offices overseas. This led to a breakthrough in human rights advocacy by an NGO abroad since it provided these groups the personal stories and eyewitness accounts of these survivors of torture. For example, in 1985 the NCRI sent a group of these torture victims to Human Rights Commission meetings in Geneva and New York. Among them, were two women, Ms. Narges Shayesteh and Ms. Mojgan Homayounfar, and Mr. Hossein Dadkhah. Their testimony was instrumental in the subsequent adoption of a UN General Assembly Resolution censuring Iran for its gross human rights abuses.

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<sup>225</sup> Ervand Abrahamian, *The Iranian Mojahedin*, Yale University Press, 1989, pp. 243-245.

<sup>226</sup> Interviews with Robab and Eshrat during September 2009.

### ***Monitoring, Data Gathering and Reporting***

On monitoring and reporting, it is important to note that, when it comes to monitoring, data gathering and reporting in repressive societies or those seized by conflict, domestic human rights groups are invariably squeezed into a narrow operating space or are shut down.<sup>227</sup> Given such inherent restrictions, the only viable approach for collecting data, documenting and reporting on types and indicators of violence is the bottom-up approach. For Iran, the bottom-up approach worked on two fronts: domestically and internationally.

In Iran, mainly female families and relatives of victims and political prisoners continued to collect data and reports on the human rights violations. While the public display of anti-government political sentiments was suppressed significantly by 1984, the protests for food and other basic staples surged due to economic sanctions and the burden of Iran-Iraq war. With that, the NGOs at home expanded their scope beyond focusing on political repression and reported on social unrest as the result of the dire economic conditions. Given the financial networking among these NGOs, aid and support of families and relatives of victims also became part of their agenda.<sup>226</sup> In addition, these NGOs also combed through the IRI's media outlets for news on victims of violence. The result of their work was clandestinely sent to NGOs and opposition groups abroad.

In exile, the PMOI and NCRI published regular multi-language reports on human rights violations in Iran based on these reports. In addition, the PMOI also established a presence in various locations in Europe, North America, Turkey, Pakistan and India to

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<sup>227</sup> Ellen Lutz, Eileen F. Babbitt, and Hurst Hannum (2003) "Human Rights and Conflict Resolution from the Practitioners' Perspective," *The Fletcher Forum of World Affairs*, Winter/Spring 2003.

stay connected with the growing Iranian Diasporas and refugee communities. It also established radio stations close to the Iranian borders to broadcast into Iran and keep in contact with their network and NGOs there. They also established various hotlines, in multiple locations, for the at-home NGOs to contact and report on various political, social and economic facts and figures.<sup>225</sup>

### ***Advocacy and Outreach***

In 1987, a group of Iranian political prisoners wrote a letter directly to the UN Secretary General. A copy of the letter was also sent to the UN Office in Tehran, UN Human Rights Commission, foreign news bureaus in Tehran, the office of the PMOI and the NCRI office in various Western capitals. In the letter, the prisoners provided specific information about many cases of violations of civil, political and social rights in Iranian jails. The letter listed various forms of torture and intimidation tactics during arrest, detention and trial of political prisoners. It talks about sentencing period and lack of visitations with families. It reads:

[The] majority of political prisoners are made up of individuals aged between 14 and 25 at the time of their arrest and their maximum political activity has been reading opposition publications, distribution of leaflets, participation in meetings and lectures sessions, or making small contribution to opposition political groups....<sup>221</sup>

While calling on the UN Secretary General to send a fact-finding mission to the Iranian prison and conduct a review of the IRI's judicial system, the letter specifically called out how the political prisoners view the root cause of the violence in Iranian prisons. It reads:

In our view, the Iranian regime's constant and all-pervasive violation of the most elementary human rights and its disrespect for the Universal Declaration of

Human rights clearly originates...from its corrupt, backward, fundamentalist and reactionary nature....<sup>221</sup>

It is believed the letter was smuggled out of prison by a mother who was given an in-person visitation to her son.<sup>228</sup>

In exile, the PMOI was one of the leading groups in organizing advocacy and outreach campaigns. The PMOI sent delegations to the international human rights organizations, UN annual meetings, and special hearings on human rights in Iran. The group published newsletters in various languages.<sup>225</sup> It circulated various petitions in Europe and North America. By mid-1983, the organization obtained endorsement for its pro-democracy anti-government petitions from 1700 politicians, labor unions and university professors including known academics like Maxime Rodinson, Eric Hobsbawm and Charles Tilly.<sup>229</sup> In 1986, in more than fifty-seven countries a PMOI petition was signed by 5000 public and political figures including parliamentarians from the United Kingdom, France, Germany (West), Italy, Sweden, the Netherlands and India.<sup>230</sup>

With information and facts coming from underground NGOs inside Iran, the PMOI public relations offices reached out to Western media outlets to raise awareness on the political and rights situation. Massoud Rajavi held numerous interviews and press conferences in Paris with media outlets such as *The Washington Post*, *The Christian Science Monitor*, ABC News, *Newsweek*, *TIME Magazine*, the *Le Monde*, *Liberation*, and *Guardian*, among others.

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<sup>228</sup> Interview with Jila Kazerounian, December 2009.

<sup>229</sup> Mojahedin Publication, *Mojahed*, No. 159, July 7, 1983.

<sup>230</sup> Mojahedin Publication, *Mojahed*, No. 287, April 25, 1986.

Additionally, the PMOI organized large protest rallies and protests in major Western cities to draw attention to the ongoing violations of human rights in Iran and the political objectives of their opposition coalition, NCRI.

### ***Response from the United Nations Organizations***

In summer 1981, during the expert-level meeting of the UN Subcommission on Prevention of Discrimination and Protection of Minorities, representatives of various member states, including the British diplomat, provided a graphic testimony on the persecution and execution of fifty people of the Bah'ai faith in Iran. The Ghanaian member, Jona Foli, said in that meeting that the Iranian Government was engaged in a “campaign of extermination against the Bahai’s.” The Moroccan member, Halima Warzazi, said the wave of execution in Iran “violated basic tenants of Islam.”<sup>217</sup> The subcommittee adopted a resolution urging the UN Secretary-General to “intercede” on their behalf with the Iranian government. They also asked the Human Rights Commission (HRC) to take up this issue in their February-March meeting of 1982. Although the hesitation to “elevate complaints against Iran” and mixed messages sparked heated debate for the HRC meeting that spring, the first UN resolution on the human rights situation in Iran was adopted with nineteen votes in favor, nine opposed and fifteen abstaining. The resolution did not have a provision for follow-up action by a Special Rapporteur. Nevertheless, the Commission appointed Mr. Amos Wako of Kenya as the thematic Special Rapporteur on extrajudicial executions, serving from 1982 to 1989. Mr. Wako reported on many countries, including Iran. He did not travel there but met with

the Iranian representative in Geneva in January 1983 prior to submission of his report to the Commission.<sup>231</sup>

In March 1984, the Commission's resolution included a provision for follow-up action by an appointed Special Rapporteur to Iran, Mr. Andres Aguilar of Venezuela. The government in Iran did not permit him to visit the country in accordance with his mandate and he could not even elicit a reply to detailed accounts of torture and summary executions. Tehran continued to send him a boilerplate description of its legal procedures, similar to the report presented to Mr. Wako the year before.<sup>232</sup> Nevertheless, the first General Assembly Resolution censuring Iran for rights violations was adopted on December 13, 1985 expressing "deep concerns" on the situation of human rights and "urging" the IRI to extend its full cooperation with the Special Rapporteur, including a visit to that country.<sup>233</sup> The Iranian government did not allow the Special Rapporteur to visit Iran until five years and nine resolutions (combination of Human Rights Commission and General Assembly resolutions) later.<sup>233</sup>

In 1986, Mr. Reynaldo Galindo Pohl of El Salvador was appointed by the Commission to serve as the Special Rapporteur who visited Iran three times during his tenure.<sup>234</sup> In his 1987 report, Mr. Pohl explained that his sources "for the preparation of the present report" were "various documents published by the Ministry of Foreign Affairs of the Islamic Republic of Iran. In addition, information regarding the human rights

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<sup>231</sup> UN Doc/E/CN.4/1983/16, January 31, 1983, pp. 5, 34, 68-85.

<sup>232</sup> *The New York Times* Editorial, November 2, 1985.

<sup>233</sup> Situation of Human Rights in the Islamic Republic of Iran [1985] UNGARsn 183; A/RES/40/141 (13 December 1985), <http://www.worldlii.org/int/other/UNGARsn/1985/183.pdf> and Secretariat NCRI Journal, *Human Rights Betrayed*, July 1990, p. 26.

<sup>234</sup> UN Doc/E/CN.4/1996/59, March 21, 1996.

situation in the Islamic Republic was provided by various organizations opposing the present regime, and in particular the People's Mojahedin Organization of Iran, Organization of Iranian People's Fedaian and the Tudeh Party of Iran.”<sup>235</sup> Additionally, other INGOs enjoying consultative status with the Economic and Social Council, such as the Baha'i International Community and Amnesty International, were instrumental in providing information and testimonies to Mr. Pohl.

Mr. Pohl's first of two trips took place in 1990, January 21-28 and October 9-15. His final trip was in 1992.<sup>236</sup> As a result of continued efforts by the NGOs at home and the opposition abroad, the IRI was increasingly viewed by the world community as a pariah state for its retrograde policies and gross violations of human rights during the 1980s.

## **Phase II: Continued Suppression and New Tactics, 1990-1999**

Ayatollah Khomeini died in June 1989. His once-would-be successor Ayatollah Montazeri was dismissed a few months earlier. In what amounts to major political horse trading among various factions within the apex of ruling establishment, Ali Khamenei, who hardly possessed the required religious credential and political stature to replace Khomeini, was named the new *vail-e-faqih* the night Khomeini died.<sup>237</sup> With that, while the core tenants of the theocratic regime remained intact, there was a major realignment

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<sup>235</sup> E/CN.4/1987/23 also available on <http://www.iranrights.org/english/document-180.php>. His submission to the Commission and IRI included "...made available to the Special Representative by the People's Mojahedin Organization of Iran including a list of names and particulars of 12,028 victims of executions, a report on 64 forms of torture in the Islamic Republic of Iran and a report on the Iranian physicians' strike in July-August 1986."

<sup>236</sup> Reza Afshari, *Human Rights in Iran*, University of Pennsylvania Press, 2001, p. 165.

<sup>237</sup> There was a growing public conflict between Montazeri and Khomeini over the treatment of political prisoners, particularly women. This conflict was later made public through Montazeri's memoirs where he outlined extensive correspondence with Khomeini advising him not to execute the PMOI and other political prisoners.

of tendencies within it. This led to the employment of a set of new measures to shield the new political balance from the weaknesses it was suffering in the domestic and international arenas as a result of Khomeini's death. These measures included:

1. Overcoming dire domestic and international implications of the 1988 massacre of political prisoners, and other changes of tactics such as:
  - a. Amnesty of political prisoners on the anniversaries of 1979 revolution.
  - b. Allowing visits by the UN Special Rapporteurs.
  - c. Transformation of the framework of the UN debates regarding universality of human rights.
  - d. Formation of state-run NGOs.
2. Countering the change of tactics by NGOs in exile.
3. The emergence of a "reformists" debate in the IRI.

### ***The 1988 Massacre***

In July 1988, Khomeini issued a *fatwa* stating:

It is decreed that those who are in prisons throughout the country and remain steadfast in their support for the Monafeqin [the PMOI] are waging war on God and are condemned to execution.<sup>238</sup>

In March of 1989, *Le Monde* writes:

...Khomeini summoned the Revolutionary Prosecutor, Hojjatol-Islam Khomeiniha, to instruct him that henceforth all Mojahedin, those in prison or elsewhere must be killed for waging war on God. The executions followed summary trials. The trials consisted of various means of pressuring the prisoners to repent to change their way and confess. Cases of young Mojahedin who were executed included

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<sup>238</sup> Ibid ii. Ironically, Khomeini issued the *fatwa* against Salman Rushdi six months later which got much attention from the West. His *fatwa* against the political prisoners could have served as an early warning sign, and had the international community—including the human rights and conflict resolution fields—paid attention to this *fatwa*, perhaps the massacre could have been prevented.



some who were flogged about eight years earlier, when they were 12 to 14 years old, for taking part in public demonstrations.<sup>238</sup>

Although the massacre of the 1988 prisoners occurred not too long prior to this phase, its political and international reverberations continued to surface during this phase and even later. At the time, unlike the speed and the extent to which the government's atrocities of summer 2009 became known to the international community, the 1988 massacre, carried out in utmost secrecy, was not common knowledge except in a handful of short media reports. It was only as a result of painstaking and relentless work of NGOs inside Iran and opposition groups and NGOs abroad through which, some years later, the extent and horrors of this massacre gradually became evident. Many experts such as the Vice Chair of British Parliamentary Human Rights Group Lord Avebury, Pier Bercis from the National Consultative Commission on Human Rights in France, and a number of parliamentarians in the UK and elsewhere in Europe call the massacre of reportedly 30,000 political prisoners in the summer of 1988, a "crime against humanity."<sup>239</sup> In 2008, Amnesty International renewed its call for investigation of the "prison massacre" and stated that "those responsible for the killings—one of the worst abuses to be committed in Iran—should be prosecuted and tried..."<sup>240</sup> The massacre, however, was the beginning of a new era in the IRI's strategy to control its image internationally and silence the opposition once and for all at home and delegitimize it abroad.

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<sup>239</sup> Foreign Affairs Committee of the NCRI, *Crime Against Humanity*, 2001.

<sup>240</sup> AI Index: MDE 13/118/2008, Public Statement, 19 August 2008, <http://www.amnesty.org/en/library/asset/MDE13/118/2008/en/f5123dcd-6de3-11dd-8e5e-43ea85d15a69/mde131182008en.html>.

### *The IRI's Change of Tactics*

After the IRI leadership implemented Khomeini's *fatwa* and completed the cleansing of political prisoners by December 1988, Khomeini issued amnesty for the other prisoners in February 1989 just a few months before he died. The IRI also launched an extensive media campaign targeting Western media. A couple of days before Iran's 10<sup>th</sup> anniversary of the 1979 revolution, the *St. Petersburg's Times* writes,

...[Iran] would release several thousand political prisoners to commemorate the 10th anniversary of the Islamic revolution Saturday. But it said about 900 opponents of the government accused of murder and other serious crimes would not be freed. The move to free most of the political prisoners came after a series of policy shifts apparently intended to soften the government's image as a harsh revolutionary regime. A variety of opponents of the government of Ayatollah Ruhollah Khomeini are expected to be freed. Experts said the amnesty would benefit at least 3,000 prisoners and perhaps as many as 10,000.<sup>241</sup>

This was the first sign of image rehabilitation tactics utilized by the IRI: emptying prisons with mass killings while simultaneously publicizing the amnesty with much fanfare. The other measure was to politically and diplomatically prepare for the first visit by the UN's Special Rapporteur, Mr. Reynaldo Galindo Pohl, in January 1990.

In September 1989, the amount of correspondence between IRI's Foreign Ministry and the Special Rapporteur Pohl increased and led to an agreement which allowed a visit to Iran under the condition of expanding his role to a "mediator" between the IRI and the countries who sponsored the human rights resolution on Iran.<sup>242</sup> Just one month before Pohl's visit, the IRI embarked on media diplomacy and arranged for the Western media to visit Iranian prisons in December 1989. According to a German (West)

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<sup>241</sup> *St. Petersburg Times* (Florida), "Iran to Free Most Political Prisoners," February 9, 1989 p. 16A.

<sup>242</sup> *Ibid* p. 35.

daily, *Die Welt*, “Iranian Interior Ministry pompously showed off some of its hand-picked prisons in North Tehran’s infamous Evin Prison to Western journalists. Evin prisoners were described as the most fortunate prisoners in the world, a point stressed by those questioned in presence of the guards.”<sup>243</sup> The much-anticipated visit by Mr. Pohl mobilized the NGOs at home and the opposition abroad. According to the public statements by the PMOI at the time, volumes of documentations, details, locations and lists of names of victims and witnesses were provided to Mr. Pohl by the PMOI and others. In spite of the risks, the PMOI and the opposition coalition NCRI offered to accompany Mr. Pohl’s UN delegation to ensure they were afforded “precise examinations” during this trip.<sup>244</sup> Their offer was in light of the PMOI’s warning concerning the IRI’s attempts to cover up its tracks and launch a disinformation campaign. The opposition’s request was rejected by Mr. Pohl since, it was explained, their presence would “jeopardize the objectivity” of his report. Nevertheless, relatives and families of victims braved the risks to line up to meet with Mr. Pohl during his trip.

According to *The Washington Times* report on January 25, 1990:

Iranians lined up in light snow at the U.N. office in Tehran yesterday, waiting for appointments to tell a human rights investigator about the jailing or killing of relatives.... The men and women, in two separate lines, included relatives of members of the People's Mujahideen of Iran.... They waited to meet and give evidence to Reynaldo Galindo Pohl, U.N. Human Rights rapporteur for Iran, who arrived in Tehran Sunday to probe allegations of human rights abuses.... Massoud Rajavi called for widespread protests in Iran to alert the United Nations to the plight of Iranian prisoners. The Mujahideen said relatives of jailed or executed dissidents began a sit-in in front of the U.N. office in north Tehran Monday and that their number had risen to 1,000 by yesterday. It also said the government had

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<sup>243</sup> *Die Welt*, December 21, 1989.

<sup>244</sup> Ibid p. 37, Rajavi’s letter to the UN Secretary General on December 6, 1989.

arrested a number of relatives of prisoners around the country to prevent their meeting Mr. Pohl.<sup>245</sup>

The IRI arranged for a tightly coordinated visit for Mr. Phol which included visits with officials, non-officials and the so-called “victims” of the PMOI “terrorist” acts.<sup>246</sup> The relatives of real victims of abuse were not given the opportunity to meet with Mr. Phol.

Pohl’s visit to Iran and his subsequent report, regrettably, exceeded his official mandate. It was shrewdly exploited by the IRI as a conduit to improve its severely marred image and communicate with the Western capitals over the issue of human rights without actually directly engaging the “arrogant West.” Implicit in Articles 140-142 of Mr. Phol’s trip report are the indications of the IRI’s new tactics and what it calls a “new age” of relations. It reads:

Deputy Foreign Minister, Mr. M. Mottaki...said that the first visit had opened a new chapter in the relations between the Islamic Republic of Iran and the United

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<sup>245</sup> *The Washington Times*, “Iranians Line Up to Complain of Abuses,” January 25, 1990, p. A2.

<sup>246</sup> See Article 85, 243, 248 of Pohl’s report. The organization mentioned in Article 85 later becomes a state-sponsored NGO participating at the UN conferences. More will be discussed in Chapter 7. Article 85: The Organization for Defending Victims of Violence presented several witnesses, three of whom stated that they had been former members of the Mojahedin Organization. They had subsequently been imprisoned and amnestied. All of them stated that they had received “humane and Islamic treatment” while in prison. At present they did not have problems with the authorities but were living in constant fear of reprisals by the Mojahedin Organization. One of them said that he had been given a job in the administration. A fourth witness said that he was a former communist but realized that his activity as a journalist for communist publications was equivalent to the crime of spying. Two persons presented by the Organization, Ismail Asghar-Nejad and Mohammad Shabanzadeh, stated that their names had been included in a list published by the Mojahedin Organization of persons allegedly executed by the Government. They showed their identity cards, of which photocopies were taken. The name of the first person appears in the list of alleged executions annexed to the Special Representative’s report to the forty-fifth session on the Commission on Human Rights. The name of the other person does not figure in any list available to the Special Representative. Article 243: The Association of Families of Martyrs requested the Special Representative to devote particular attention in his report to the problem of terrorist acts committed by the Mojahedin Organization and, in this connection, reported several killings. The Special Representative was also asked to reaffirm the specific rights of the martyrs of terrorism. The Association further referred to the Baha’i community, which they accused of financially supporting the State of Israel. Those Baha’is who refrained from such activity did not suffer any discrimination in the country. Article 248: The Association for the Defence of the Victims of Violence also denounced several attacks by the Mojahedin Organization.

Nations.... The Islamic Republic of Iran is strengthening its spirit of co-operation with all nations and with the United Nations. The search for negotiated solutions to all international problems is another feature of the new age. The issue of human rights figures prominently among the concerns and goals of the Islamic Republic of Iran.... Mr. Mottaki said that the Government of the Islamic Republic of Iran had examined closely the recommendations of the Special Representative. The Iranian Government was now in a position to refute the false allegations made by its political enemies.<sup>247</sup>

Mr. Phol visited Iran twice in 1990, and the skillfully choreographed visits and the PR ruses by the IRI resulted in a misguided report on the human rights situation in Iran. Tehran Radio, which serves as the mouthpiece of *vali-e-faqih*, had previously reported in December 1988 about

...this fellow who is in charge of Iranian affairs at the UN and represents human rights, repeatedly insists on coming to Iran. He is from El Salvador. How much are human rights respected in El Salvador that a representative of this country should claim to defend human rights in Iran?<sup>248</sup>

In February 1990, the same radio changed its tone and reported:

Galindo Pohl's report brought to the surface the contradictions and conflict resulting from long years of mendacity and hype by the counter-revolutionaries. His visit to Iran and inspection of the human rights situation dispelled many of the public's allegations and doubts and rejected the extensive propaganda of the belligerent grouplets [referring to the PMOI] trying to tarnish the revolution's image....<sup>249</sup>

While Pohl's report was rightfully criticized by human rights advocates, NGOs and the opposition, it was much praised by the leaders of the IRI. Ali Khamenie, Iran's *vali-e-faqih*, even criticized the "American, Western and Zionist media propaganda" for

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<sup>247</sup> UN DOC A/45/697, also available on <http://www.iranrights.org/english/document-181.php>. "Article 141: Mr. Mottaki said that the Islamic Declaration of Human Rights had been adopted by experts at the Islamic Conference and that the Declaration was taken up and adopted at the meeting of Ministers of the members countries of the Islamic Conference held at Cairo." This was the beginning of publicizing Iran's position on the universality of human rights versus cultural relativism and the need for understanding the concept of Islamic Human Rights.... Mr. Mottaki currently serves as the Foreign Minister under Ahmadinejad."

<sup>248</sup> Tehran Radio, December 6, 1988.

<sup>249</sup> Tehran Radio, February 27, 1990.

“not covering the UN representative’s report in which the Revolution’s enemies and the Mojahedin have been disgraced.”<sup>250</sup>

Knowingly or not, Mr. Phol’s report facilitated the IRI’s shrewd tactic to shift the framework of its human rights abuses to a universality of rights versus cultural relativism framework.<sup>251</sup> Two days before his arrival in Tehran, the state-run *Abrar* daily writes: “Before any visits and meetings, Galindo Pohl must familiarize himself with the Islamic laws governing this country; otherwise he will not be able to judge human rights in the Islamic Republic.... In many instances, these laws cannot and should not be compatible with the UN Charter improvised by the West.”

In short, Mr. Pohl’s mandate to investigate human rights abuses by the government in Iran was severely compromised given his apparent fall for the IRI ploys and filling his reports with a conciliatory tone, posturing, and efforts to soften the image of the IRI.<sup>252</sup> This was a huge missed opportunity to understand the scope of human rights violations in Iran.

Perhaps the only positive aspect of Pohl’s report was the recognition of the dire “Situation of Women.” For the first time, the UN rights investigator had recognized that Iranian women “have suffered from various acts of discrimination.”<sup>253</sup> Unfortunately, given that the rest of the report—which in the opinion of many human rights experts and NGOs was too slanted in favor of the IRI—this aspect of the report was lost in the eyes of the NGOs, INGOs and the opposition groups. Although the Special Rapporteur’s

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<sup>250</sup> *Ressalat Daily*, March 14, 1990.

<sup>251</sup> To be discussed more in Chapter 7.

<sup>252</sup> According to the NCRI’s response to Pohl’s report, 69% of the entire report and 88% of its conclusion is “slanted in regime’s favor.”

<sup>253</sup> UN DOC A/45/697, Section G, Article 79.

subsequent reports to the UN Human Rights Commission dealt with the status of women in Iran, they lacked accuracy and completeness.

Despite the efforts by the informal NGOs at home, INGOs and the opposition abroad, the IRI to some extent took control of the human rights discourse and transformed it into counter charges, categorical denial and denunciation of the universality of human rights and assertions that human rights standards must be redefined by “taking into account [Iran’s] spirituality and religious roots.”<sup>254</sup>

In 1993, at the UN conference where the Vienna Declaration was adopted, the IRI delegation, joined by China and Syria, formally challenged the universality of human rights.<sup>255</sup> These countries, all known for their human rights dismal record, concluded:

1. Human Rights as currently defined are not universal but based on Western morality.
2. They should not therefore be imposed as norms on non-Western societies in disregard of those societies’ historical and economic development and in disregard of their cultural differences and perceptions of what is right and wrong.
3. Furthermore they contend that the imposition of one’s standard on another culture is unjust and imperialist in nature.<sup>256</sup>

To further establish the IRI’s concept of human rights, Iran’s *vali-e-faqih* followed with several publicized amnesty grants for prisoners. In December 1993, Ali Khomeini launched another media fanfare that “amnesty to 109 women prisoners... was granted at the request of Iran's chief justice Ayatollah Mohammad Yazdi, state television

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<sup>254</sup> Statement by Iran’s Foreign Minister, Mehdi Kharrazi, in UN General Assembly on September 22, 1997; text published by Iran’s UN Mission, p. 6-7.

<sup>255</sup> Singapore, Malaysia, Indonesia, Yemen, Vietnam and Cuba also backed this claim.

<sup>256</sup> *The New York Times*, “U.S. Rejects Notion That Human Rights Vary With Culture,” June 15, 1993, <http://www.nytimes.com/1993/06/15/world/us-rejects-notion-that-human-rights-vary-with-culture.html?pagewanted=1> and email correspondence with Sophie M. Clavier, San Francisco State University, Assistant Professor of International Relations, paper published on <http://userwww.sfsu.edu/~sclavier/>, last accessed March 1, 2010.

said. No word was given on the offenses of the prisoners, who were convicted by revolutionary and special religious courts. They were pardoned on the occasion of the birth anniversary of Prophet Mohammad's daughter, Fatima, who is highly revered in Shiite Islam.”<sup>257</sup> In November 1994, he repeated the gesture, this time, “190 women prisoners were granted amnesty at the request of Iran's chief justice Ayatollah Mohammad Yazdi.... Khamenei grants amnesty to prisoners several times a year on religious and national feasts. Of the total 100,000 prisoners in Iran, some 6,000 are women, according to official figures.”<sup>258</sup>

### ***Formation of State-Run NGOs***

With the creation of its very own NGOs, the IRI succeeded in further diluting the human rights discourse on Iran. Since 1982, the IRI has attempted to pin the “violation” tag on its opposition, mainly the PMOI. In its first report to the UN Special Rapporteur, Mr. Wako, the IRI provided a list of names of those “victimized” by the PMOI. For seven subsequent years, in every response to Special Rapporteur, the IRI claimed to be victimized by the PMOI’s “terrorism” and repurposed the same list. In his 1988 report—two years prior to his 1990 visit to Iran—Galindo Pohl ignored the IRI’s claims by stressing that “granting of recognition or status would go beyond the mandate of the Special Representative and would not correspond with his intention.”<sup>259</sup> On July 17, 1989, in preparation for Pohl’s visit and in tandem with the new tactics, Tehran sent a group of five people as the “Special Human Rights Delegation” to the UN Human Rights

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<sup>257</sup> Agence France Presse, December 4, 1993.

<sup>258</sup> Agence France Presse, November 24, 1994.

<sup>259</sup> 1988 Galindo Pohl Report, Article 62, <http://www.iranrights.org/english/document-373.php>.



Commission in Geneva, to meet with Galindo Pohl.<sup>260</sup> In those meetings, the dispatched delegation claimed that the PMOI had killed their relatives. The only woman among the delegation claimed that “the Mojahedin (PMOI) assassinated her son and they killed her husband two years later. She gave no date for these assassinations.”<sup>236</sup> Two men “introduced themselves as former Mojahedin members who saw the true light of Islam and the terrorist nature of the Mojahedin Organization.”<sup>261</sup> Another man claimed that in his estimates the Mojahedin had killed “57,000 persons,” but he never explained how and through what research he had arrived at this number. The most incredible account was by a self-proclaimed high-ranking ex-member of the PMOI who had been “responsible for two hundred members.” He was arrested “on a base for armed operations,” after a few months in prison, he received a trial. Of course, “he could have had legal counsel, but he chose not to, as he recognized that he was guilty of the criminal charges against him.” Upon his release “the only condition was to report monthly...his family suffered no repercussion and the authorities left his home untouched.”<sup>262</sup>

In his second visit, October 1990, Mr. Pohl, at the request of Iran’s Foreign Minister, met with a number of state-run NGOs including the Organization of Iranian Women (OIW), whose representative assured Mr. Pohl that “women enjoyed freedom in

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<sup>260</sup> Reza Afshari, *Human Rights in Iran*, University of Pennsylvania Press, 2001, p. 169.

<sup>261</sup> Ibid p. 169, UN Doc A/44/620 1, 1989.

<sup>262</sup> Ibid p. 170. Afshari adds: “If Galindo Pohl wanted to know what happened to political prisoners in Iran, he better examined what happened to him.... It seemed that the diplomats assumed that the government’s stories about political prisoners would sound more credible if the ex-prisoners repeated them.... The irony was the government accused the Special Representative of wrongdoing by collecting allegations from members of the Mojahedin who could not be trusted. Now the government displayed ex-members who had changed their views in captivity and remained under the regime’s control to validate the government’s credibility and to counter charges of human rights violations. The diplomat expected Galindo Pohl to believe those ex-members who repented in captivity, but not those members who were free, living in Europe.”

absolute terms without any limitations.” Representatives of OIW insisted women “freely chose the law of Islam” and complained how it has not been fully implemented yet. Pressing on the biological and physical differences between the sexes, the members of OIW told Pohl that it is cruel to “pretend men and women are equal.”<sup>263</sup>

One of the most active IRI-run NGOs in providing witnesses and testimonies on those allegedly “victimized” by the PMOI is the Organization for Defending Victims of Violence (ODVV).<sup>264</sup> According to their website, “ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.”<sup>264</sup> The ODVV members met with Mr. Pohl during both of his visits to Iran.<sup>246</sup> They also continued to send witnesses to meet with him in Geneva and testify about “personal experiences.” On July 12, 1990, they managed to produce an “ex-Baha’i” individual who said “Baha’is were totally free and experienced no discrimination....”<sup>265</sup> Another organization, similar to ODVV, is the Association for the Defense of the Victims of Violence. They also presented cases to condemn violations by the PMOI in Iran.

There are several other IRI-run NGOs, formal and informal, such as “Families of Martyrs,” “Workers,” “Teachers,” “Writers” and “High School Students” who were paraded before Galindo Pohl during his visits. Their major complaints were economic

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<sup>263</sup> See Pohl’s 1990 report, Article 239-248, <http://www.iranrights.org/english/document-181.php>.

<sup>264</sup> <http://www.odvv.org/Default.aspx?ctrlId=1&AspxAutoDetectCookieSupport=1>, last accessed May 1, 2010. The ODVV is also associated with the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labour (based in New Delhi) which cooperated on a variety of issues with international organizations and has working relations with many NGOs in Iran and around the globe. The ODVV is also member of the International Action Network on Small Arms (IANSA), Conference of Non-Governmental Organization (CONGO), and the International Movement for a Just World.

<sup>265</sup> Ibid p. 172.

hardship as the result of the sanctions.<sup>266</sup> Pohl's successor, Maurice Copithorne, continued to meet with these IRI-run NGOs and reflect their concerns in his reports.

In 1995, Mr. Maurice Copithorne of Canada was appointed by the Commission Chairman and served until 2002. Mr. Copithorne visited Iran once in July 1996. His trip was just in time to review the IRI's effort to institutionalize implementation of the "Islamic Human Rights." In 1995, Iran had established Islamic Human Rights Commissions (IHRC) under the supervision of Ayatollah Yazdi, the Head of the IRI's Judiciary. The IHRC had no intention of including the UN recommendations in its mandate. Indeed, it was established by the IRI to articulate "human rights from an Islamic point of view."<sup>267</sup> Iran's Foreign Ministry has also established a Human Rights Department that offered responses to UN resolutions, mostly denials of requests for international monitoring or visits from INGOs. According to Reza Afshari, "the governmental human rights organizations were mostly smoke-and-mirrors. They often justified mistreatment of citizens or provided misinformation."<sup>268</sup>

### ***Change of Tactics for NGOs in Exile***

Observing how UN reporters can be cunningly influenced and exploited by the IRI and faced with IRI's intense campaign to mellow down the international community's criticism of Iran's human rights practices, the human rights advocates in the Iranian Diaspora began to form various NGOs. Their heightened efforts coincided with

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<sup>266</sup> Ibid.

<sup>267</sup> Ibid p. 278.

<sup>268</sup> Ibid p. 279.

the arrival of more torture victims and survivors of Iranian prisons who began to speak out as they reached the U.S. and Europe.<sup>269</sup>

In February 1990, a *Washington Times* columnist wrote about her conversation with a surviving prisoner, Mitra, who was in prison from 1981-1984. Mitra tells the columnist about her experience and how she saw “a woman and two young people burned alive in a prison oven.”<sup>270</sup> The survivor was introduced to the columnist via a representative of the PMOI office who continued its effort on monitoring, reporting and advocacy in the 1990s. In addition to the PMOI, other organizations began to fill the voids in monitoring the status of women in Iran and reporting on violations of their rights.

In France, *Ligue des Femmes Iranienne pour la Démocratie*, a non-governmental women’s organization, is actively engaged in monitoring of and reporting on violence against women in Iran. In the United States, the National Committee of Women for a Democratic Iran (NCWDI) was founded in summer 1990 in Washington D.C. to

inform the public and human rights community of the deplorable abuse of the rights of Iranian women, advocate observance and implementation of internationally accepted standards of human rights, in particular those pertaining to women, by disseminating information to interested individuals and groups, and heighten the awareness of Iranian women of their inviolable rights, as guaranteed by the Universal Declaration of Human Rights and other international covenants.<sup>271</sup>

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<sup>269</sup> The majority of asylum seekers during the first half of 1990s are former political prisoners and victims of torture during the first period. The second wave of the 1990s asylum seekers was due to acute social rights violations in Iran. This important factor impacted the work of the NGOs in exile and transformed their focus to not just address the human rights issues at home but also provide assistance to refugees and settlement seekers.

<sup>270</sup> *The Washington Times*, “Tales of Continuing Tortures in Iran,” February 1, 1990 p. F1.

<sup>271</sup> <http://newdi.igc.org/html/about.html>, last accessed June 2, 2010.

In addition to these women's groups, other NGOs also presented reports to the Special Rapporteur on an annual basis.<sup>272</sup>

In the early 1990s the major focus of the Iranian women's NGOs in exile was to counter the IRI's campaign to dilute the issue of violence against women in Iran. From 1990 on, every UN annual report on human rights in Iran included a section regarding the status of women. Women's NGOs work every year in New York and Geneva to ensure the language in that section is not watered down and diluted by the IRI's propaganda. As the acute human rights crisis of the 1980s was replaced by the acute social rights crisis of the 1990s, women continued to be the target of inhumane treatment and everyday state-sponsored violence.

Among opposition groups in exile, the PMOI and NCRI have been the most active and outspoken on the need for the political empowerment of women—not just reporting on the state-sanctioned abuses they are exposed to. In August 1993, in a display of the political maturity of the Iranian opposition in accepting women in its leadership and in direct response to the anti-women ideology of the regime in Tehran, the NCRI coalition elected a Muslim woman, Maryam Rajavi, as its president-elect for the

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<sup>272</sup> According to a 1998 report by the Commission's Special Rapporteur Capithorne, "During the reporting period, the Special Representative received written communications from the following groups: About Iran; Amnesty International; Cross Colors Communication, Inc.; Association of Iranian Political Prisoners in Exile; Association for World Education; The Joint Committee of Iranian Opposition; Baha'i International Community; Democratic Party of Iranian Kurdistan; Iranian Worker Left Unity; Labour Council (*Shoray kar*); Sharareha Association; Solidarity Radio (Hambastegi Radio); Wamen Radion (Zanan Radio); Left activists; International Federation of Iranian Refugees; International PEN; People's Mojahedin Organization of Iran; Lawyers Committee for Human Rights in New York; National Council of Resistance of Iran; National Committee of Women for Democratic Iran; Organisation for Defending Victims of Violence; Organization of Iranian People's Fedaian (Majority); Labour Party of Iran Tofan; Group Defending Freedom of Expression in Iran; Iranian Association of Writers in Exile; Organization of Revolutionary Workers of Iran (*Rahe Kargar*); Fadaian (*Aghaliat*); Communist Party of Iran; Combatant Workers Party of Iran; Hasteh Aghaliat; Society for the Defense of Political Prisoners in Iran; Working Group for Institutionalization of Human Rights in Iran (WGIHRI); World Association of Newspapers; and Human Rights Watch."

transitional period if the NCRI were to run the provisional government following the fall of the clerical regime. Since her appointment, Rajavi has presented her doctrine for women, which is a political, social and ideological refutation of the system of *vali-e-faqih*'s views on women. In her many lectures and essays she, a Muslim women, has argued for the universality of human rights and its compatibility with core tenants of Islam and has rejected the use of cultural relativism as a pretext.

It can be argued that, based on available literature, more than any other opposition political figure, Rajavi energized and mobilized the Iranian women in exile. Despite severe censorship and surveillance in Iran, her message reached many women in Iran. Many women began to use her arguments even in their everyday conflicts within the private sphere.<sup>273</sup>

### ***The Rise of “Reformists” in the Regime***

In the mid-1990s, short of extreme suppressive measures employed during the 1980s, the IRI's could no longer contain the growing pressure from the bottom of Iranian society up. As discussed in Chapter 5, VAW indicators during this period are mainly due to social and civil violence (79%). The growing social unrest and increasing demands for better standards of living and social rights, particularly among women and youth, could no longer be ignored. As Reza Asfhari, an Iranian human rights scholar, points out, “Given the controlling nature of *velayat-e-faqih*, the widespread desire for lifting the burden of Islamization could find no open and independent manifestation outside of official recognized political space and tolerated political groups.” The existing balance of

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<sup>273</sup> Interview with Zahra B. during her 2001 trip to U.S. According to Zahra, married women are “pushing back” on their husbands’ demands, stressing they now have a “leader who is fighting for their rights.” Zahra B. still lives in Iran.

power among the three main factions within the IRI during the 1997 presidential election resulted in the defeat of Khamenei's desired candidate and the victory of Khatami, who later said he had come to preserve the *velayat-e-faqih* system as a whole. With the relatively noticeable support from women and youth, Mohammad Khatami defeated the candidate endorsed by the *vali-e-faqih* endorsed candidate, Nateq-e-Nouri.

In reaction to Khatami's victory, Khomeini's allies, known in the foreign media as the hardliners, began to speak out in defense of *vali-e-faqih*. The powerful Revolutionary Guards with its entire inelegance and security apparatus raised their public rhetoric in support of *vali-e-faqih*. By October 1997, just two months after Khatami's inauguration, the pro-hardliner paper *Ressalat* writes "In Islamic system, the legitimacy of posts and organizations is derived from and depends on *vali-e-faqih*."<sup>274</sup>

For his part, Khatami, who had come to office with promise of "rule of law," "women's rights," "civil society," "freedom of the press," and "democracy" did little to fulfill them. With the growing impatience from women and youth, Khatami was faced with either bowing to the demands of the people or submitting to the system of *vali-e-faqih*. In November of 1997, he clarified what he meant by "rule of law": "the defense of the law means above all the defense of the *vali-e faqih*."<sup>275</sup> His presidency facilitated a widening gap between the people and the government; the political and social will of the general public has been manifested in demonstrations, protests, workers' strikes, labor walkouts, and street protests over local issues such as water shortages. In the meantime, the intellectuals who seized the moment to criticize the IRI's structure were targeted by

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<sup>274</sup> *Ressalat Newspaper*, October 29, 1997.

<sup>275</sup> NCRI, Foreign Affairs Committee, "Iran Under Khatami, The Myth of Moderation," July 1998.

agents of Ministry of Intelligence. More than fifteen intellectuals, men and women, were killed in what is known as “Serial Killing” during the 1990s.<sup>276</sup>

In July 1999, IRI saw its most serious unrest since the 1980’s, as students staged demonstrations across the country calling for reform and press freedom.<sup>277</sup> The IRI responded with harsh crackdown on the unrest.

The 1997 Presidential election was a milestone for the IRI and inspired much domestic and international talk of anticipated moderation and reforms. Rather than his “reform” promises, Khatami, however, at every crucial point, opted to side with the *vali-e-faqih*, not the people. This new posturing, however, enabled the IRI leadership to take control of the reform discourse for international consumption. Although it was becoming increasingly clear to the Iranian people that Khatami was not an agent for change, the international community was too quick to accept him as such. The implication was a noticeable willingness on the part of the world community to hold Iran accountable for continuing rights violations. While NGOs in Iran and abroad found fewer forums to expose the rights violations in Iran, the IRI-run NGOs thrived.

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<sup>276</sup> This was an orchestrated effort against the Iranian dissident intellectual who had been critical of the Islamic Republic system in some way. Various methods were used to kill the victims—car accidents, stabbings, shootings in staged robberies, injections with potassium to simulate a heart attack—in what some think was an attempt to avoid outside attention from the international community. The killings spanned several years and the victims included more than eighty writers, translators, poets, political activists, and ordinary citizens. The subject of the murders came to a head in late 1998 when three dissident writers, a political leader and his wife were murdered in the span of two months. After great public outcry, journalistic investigation in Iran and publicity internationally, prosecutors announced in mid-1999 that one Saeed Emami had led “rogue elements” in Iran’s intelligence ministry in the killings, but that Emami was now dead, having committed suicide in prison. In a trial that was “dismissed as a sham by the victims’ families and international human rights organizations” three Intelligence Ministry agents were sentenced in 2001 to death and twelve others to prison terms for murdering two of the victims. Two years later, the Iranian Supreme Court reduced two of the death sentences to life.

<sup>277</sup> BBC News, July 9, 2004, [http://news.bbc.co.uk/2/hi/middle\\_east/3879535.stm](http://news.bbc.co.uk/2/hi/middle_east/3879535.stm).



### Phase III: Public Confrontation, 2000-2009

Khatami's promises to women included changing laws in the areas of divorce and employment rights, changes in the legal age of marriage for girls from nine to fourteen, and even the talk of ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Although divorce laws were revised to allow additional conditions for women to request divorce, no other revisions to other anti-women laws were adopted into the law. In fact, more laws were adopted against women during Khatami's tenure.<sup>278</sup> His incompetence or refusal to implement real social and legal reforms gave way to the wider emergence of a new gender discourse that argues for equality within both Islamic and secular framework. According to Ziba Mirhosseini, an Anglo-Iranian anthropologist specializing law and gender:

Reformists in Iran have faced and continue to face many political setbacks, and during their period in office (1997-2005) they failed to bring about changes in the structure of power. But they had one major and lasting success: they demystified both the power games conducted in a religious language and the instrumental use of religion to justify autocratic rule and patriarchal culture.<sup>279</sup>

Invoking religious authority and using religion as a tool have been the long-run characteristics of the system of *vali-e-faqih*. I agree with Mirhosseini's assessment and argue that Khatami's era proved that the IRI is inherently irreformable. I also argue that the everyday form of women's resistance in Iran has brought us to this assessment. As mentioned before, this period, 2000-2009, is filled with social unrest, women's protests, student uprisings and overt political opposition in Iran which has led to irreconcilable

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<sup>278</sup> See Chapter 3 for laws such as health segregation law, temporary marriage law and passport laws for women.

<sup>279</sup> Ziba Mir-Hosseini, "Muslim Women's Quest for Equality: Between Islamic Law and Feminism," *Critical Inquiry* vol. 32 (Summer 2006), The University of Chicago, p. 637.

differences among the IRI leadership. As discussed in Chapter 5, this period is filled with both social/civil (40%) and political (52%) violence against women.

In the early part of this period, there was much praise for Khatami because of the emergence of the government-tolerated overt NGO sector in Iran. Unlike the state-run NGOs mentioned in previous decades, in this period, there were some indigenous and authentic efforts for social activism and NGO formation on “non-threatening” topics such as environment, animal protection, children’s wellbeing, and training. Women’s NGOs were also forming with a limited scope on activism in the areas of culture, economics and environment policy. According to the director of the Iranian chapter of the Society for the Prevention of Cruelty to Animals (SPCA), Seyed Javid Aledavoud, in the absence of a pluralistic political system, many Iranians have turned to NGOs as the only way to fight for social change. He says:

The only possibility for social [activism] was to establish NGOs.... I don't attribute this to the fact that everyone wants to be engaged in environmental activities. If getting permission for political activities and establishing political parties was as easy as establishing NGOs, then I think the activity of political parties and organizations would have grown in Iran to the same extent [that NGOs have].<sup>280</sup>

Victoria Jamali, a professor with the environmental faculty of the University of Tehran and a cofounder of the Women's Society Against Environmental Pollution, says women and young people—who have virtually no political representation despite making up nearly 65% of the population—are playing an important role in the nongovernmental sector. "Our young generation is very much aware of the different issues [affecting Iran],

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<sup>280</sup> <http://www.rferl.org/content/article/1051564.html>, last accessed June 5, 2010.

and [this] growing awareness has led them to found many of the NGOs that have been established in recent years.”<sup>280</sup>

The IRI, however, remained unresponsive to the demands of these NGOs, and in 2005 with the arrival of Ahmadinejad the space created for these NGOs vanished overnight.<sup>281</sup>

### ***Continued Flow of Refugees***

In 2004, efforts of *vali-e-faqih* and Ali Khamenei, to eliminate the gaps within the IRI’s leadership grew.<sup>282</sup> The ensuing factional infighting between the reformers and hardliners led to further disenfranchise the NGOs and civil society, which in turn led to a continued flow of Iranian refugees to Western countries.

At the end of 2005, the United Nations High Commissioner for Refugees (UNHCR) estimated there were 111,684 refugees, asylum seekers, internally displaced persons (IDPs) and other persons of concern from Iran. The countries hosting the largest populations of Iranian refugees were Germany (39,904), the United States (20,541), Iraq (9,500), the United Kingdom (8,044), the Netherlands (6,597), and Canada (6,508). In 2004, Iran ranked tenth among the top countries of origin for asylum seekers across Europe. Fifty-five percent of the total Iranian asylum applications in 2000 were submitted in Western European countries, including the United Kingdom, Germany, Belgium, Austria, and the Netherlands.<sup>283</sup>

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<sup>281</sup> Interview with Firoozeh Z. from Iran, Spring 2008.

<sup>282</sup> NPR News, February 21, 2004.

<sup>283</sup> <http://www.migrationinformation.org/feature/display.cfm?ID=424> last accessed May 11 2010

### ***Women's Protests***

During this decade, women's NGOs became more organized and publically expressed their demands. A few days prior to the 2005 presidential elections in Iran, women launched a rally to protest against the discriminatory laws. "We are women, we are the children of this land, but we have no rights," they chanted.<sup>284</sup> While dismissing Khatami's effort to push for equity and not equality, women insisted "democracy will not be possible in Iran unless full rights of women are recognized." Their published declaration states "legal rights are our minimum demand" and the organized women's movement in Iran will continue:

- Until there is a ban on forced marriages,
- Until divorced women gain equal rights for child custody,
- Until polygamy is banned and all temporary marriages, legal or illegal, are totally abolished.
- Until violence against women ends and shelters are provided for runaway girls and women.
- Until there are more options available to young women in their choice of lifestyle.
- Until there is no more self-immolation of women because of their social despair and depression.

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<sup>284</sup> *The New York Times*, June 12, 2005.

- Until there is a social safety net for poor and economically-deprived women and girls.
- Until there is democracy and freedom established in Iran.<sup>285</sup>

In a vivid display of a new balance of power within the establishment and the resurgence of the most extreme faction and its takeover of all major levers of power, the endorsed candidate by *vali-e-faqih*, Mahmmoud Ahmadinejad, wins the 2005 presidential elections. With this move, the *vali-e-faqih* aligned all branches of the government with his hardliners partners. Ahmadinejad, a former mid-level commander of the Iranian Revolutionary Guard Corp (IRGC), effectively ended talk of “reform” both at home and in the IRI’s political and diplomatic discourse with the international community. The IRI’s campaign to “Stabilize Iranian Affairs” resulted in metamorphosis of the IRGC into a political, financial, and economic military giant.

### ***Ahmadinejad and Escalation of VAW***

Ahmadinejad immediately began his tenure with a crackdown on women. He deployed squads of women-only vice police in a new crackdown on “un-Islamic” dress.<sup>286</sup> Women responded with public commemoration of International Women’s Day in March 2006. Mehri Ameri, a member of the Society for Defense of Women's Rights in Iran, characterized the rally as a courageous “message of Iranian women” to the international community. “Even the most basic rights of women are not recognized in Iran, so we have no choice but to fight back.... The Iranian regime is not capable of respecting even the minimum rights for women,” she said. When asked about the future

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<sup>285</sup> WFAFI Monthly Newsletter *E-Zan*, vol. 13, June 15, 2005.

<sup>286</sup> Iran Focus, July 31, 2005.

of women in Iran, she responded “Iranian women have no future so long as this regime is in power. This regime rejects women and that is why we want our voice to be heard by the world community. We want the international community [to] recognize that our resistance and demonstrations will continue until we change this regime. We see no other options.”<sup>287</sup>

On June 12, 2006, a group of leading women’s rights activists officially launched the “One Million Signature Campaign” at a rally in Tehran. More than seventy activists were arrested. From 2006 to summer 2009, several hundred members and advocates of the campaign were arrested in public or detained from their homes. Numerous Iranian NGOs in exile aligned with key INGOs such as the Amnesty International, Human Rights Watch and Human Rights First have issued reports and public statement in support of the women who risk their lives for legal reforms in Iran.

The women’s rights movement in Iran remains one of the most challenging domestic issues for Ahmadinejad even after his first term in the office President.

### ***Summer of 2009***

The reelection of Ahmadinejad in 2009 radicalized the women’s movement even further. According to Nayereh Tohidi, chairwoman of the Gender and Women's Studies Department at California State University, Northridge, “Women have become primary agents of change in Iran.”<sup>288</sup> Parisa, a protester of 2009 post-election unrest in Tehran, says, “This regime is against all humanity, more specifically against all women.... I see lots of girls and women in these demonstrations," she said. "They are all angry, ready to

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<sup>287</sup> Speaking on the phone, Amiri addressed questions in the National Press Club in Washington DC on March 9, 2006.

<sup>288</sup> CNN, June 19, 2009.

explode, scream out and let the world hear their voice. I want the world to know that as a woman in this country, I have no freedom.”<sup>289</sup>

A day after Parisa was interviewed by CNN, Neda Agha-Soltan was killed in public by a paramilitary *Basiji* sharpshooter. Her death became the “symbol” of protest in Iran.<sup>290</sup> While the IRI attempted to deny her death at first, they quickly resorted to old tactics by shifting the blame to its main opposition, the PMOI, to the BBC, to the CIA, and even those coming to her aid after she was shot. According to Amnesty International’s statement on September 4, 2009:

Caspian Makan, the fiancé of Neda Agha Soltan...has been held in detention since 26 June, after he made a statement linking her murder to the pro-government Basij militia. Currently held in Evin Prison in Tehran, Caspian Makan is reported to have told his family that if he signs a "confession" saying that the People's Mojahedeen Organization of Iran (PMOI), a political body banned in Iran since 1981, killed her, then he may be released.<sup>291</sup>

Since the summer of 2009, Iranians have faced the most brutal crackdown, torture, arrest and executions. The pattern of the 1980s’ gross violations of human rights is being repeated again. This time, the reports are not coming via torture victims and survivors with years of delay. They are coming through cell phones, emails, and social media networking by activists, bloggers, observers and NGOs.

The IRI brushes “aside allegations that it has resorted to torture, executions and mass detentions to crush political opposition.... [On the contrary] it promoted and defended human rights and that Western critics were exploiting the issue for political

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<sup>289</sup> CNN, June 19, 2009; CNN is not fully identifying Parisa for security reasons.

<sup>290</sup> *The New York Times*, June 22, 2009.

<sup>291</sup> <http://www.amnesty.org/en/news-and-updates/news/neda-agma-soltan-murder-witness-risk-torture-tehran-prison-20090904>, last accessed June 3, 2010.

ends.<sup>292</sup> In response, Britain's ambassador to the United Nations in Geneva, Peter Gooderham said: "Grave human rights violations continue to be committed." The French ambassador, Jean-Baptiste Mattei, says that Iran had launched "a bloody repression" of its own population, and also called on Iran to accept an independent international investigation. Seyyed Hossein Rezvani, the Iranian Foreign Ministry's deputy director-general for human rights, replied "That's totally out of the question" since Iran had numerous domestic mechanisms for handling such issues.<sup>292</sup>

## **Conclusion**

The IRI has certainly failed to measure up to international standards on human rights. Had it not been for the NGOs at home and abroad, the world may not have learned about the abuses of rights since the 1980s. Iranian human rights groups, while working underground with limited resources, have to the best of their ability utilized the international institutions to expose and shame the IRI. It is important to note that the change, throughout the years, in the strategy and practice of Iranian human rights groups has been in direct response to the IRI's change of strategy. The politicization of human rights and women's rights by the IRI has forced the NGOs to branch out and expose the unjustified politics of "Islamic Human Rights" in defense of the universality of human rights. The transformation and enhancement of NGOs methods in the 1980s, 1990s and 2000s also points to the fundamental issue of sanctity of state versus civil society in international forums which will be discussed more in the next chapter. Denials, concealment, and misinformation campaigns are not unique to the IRI. The use of

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<sup>292</sup> *The New York Times*, February 15, 2010, <http://www.nytimes.com/2010/02/16/world/middleeast/16geneva.html>.



religious debates over Islamic versus Western rights is a unique tactic for the Iranian leaders.

## **7. Human Rights and Conflict Resolution Perspectives**

This dissertation is designed in two parts: the first part, covered in Chapters 2 through 6, is designed to provide a detailed analysis on gender conflict in Iran. The second part is to evaluate the applicability and impact of Human Rights (HR) and Conflict Resolution (CR) theory and practices on gender conflict in Iran.

Focusing first on the human rights field, I outline how the human rights regime impacts the status of women and their rights in Iran. Then I build on the HR theory by Jack Donnelly and address the emergence of tension between universalism and relativism. In the previous chapter, I briefly addressed how the Iranian government along with China and others (all repressive regimes) introduced the tension between universalists versus relativists at the 1993 Vienna Conference on Human Rights. In this chapter, I present the counterargument from the perspective of Iranian women and NGOs who negate the idea that universalism equates to Westernism. I argue how “relativism” is exploited as a means to preserve the structure of power for the IRI and to fragment the global movements which promote defense of human rights.

Second, I focus on the conflict resolution field. I utilize Dugan’s Nested Model and other relevant theories to analyze the conflict, the cycle of conflict and outline various options on conflict resolution or transformation offered by the CR field and Iranian NGOs.

## Human Rights and Gender Conflict in Iran

I begin with a Persian proverb and a poem to highlight the historical recognition of fighting for one's rights and the universality of human rights in Iranian culture.

Ancient Persian proverb: "Rights are to be claimed, they are not just given out."<sup>293</sup>

Also a poem by Saadi reads:

### *English*

### *Farsi*

*Children of Adam are members of one body Bani Odam azoye yek digarand*

*Who are created from the same origin; Ke dar ofahrinesh ze yek goharand*

*If one member is in pain, Cho ozvi beh dard ovarad ruzgor*

*the other members cannot be at peace.<sup>294</sup> Degar ozvho ra namonad gharor*

These two literary references are most used among human rights advocates and political movements in Iranian history. The Iranian women's movement is no exception. The convergence of these two literary influences can be seen in Iran's gender equality movement and their strategy to network with global NGOs (transnational networks) on preventing violations of human rights in Iran and aiding victims.

There is a notable similarity between these indigenous influences, particularly the poem by Saadi and what Jack Donnelly presents in human rights theory:

Human rights are equal rights: one either is or is not a human being, and therefore has the same human rights as everyone else...they are also inalienable rights....  
And they are universal rights....<sup>295</sup>

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<sup>293</sup> Farsi: *Haq gereftani ast, dadani nist.*

<sup>294</sup> Saadi, one of the major Persian poets of the medieval period. He is recognized not only for the quality of his writing, but also for the depth of his social thoughts. A translation of this poem is also engraved on the entrance of the UN office in Geneva.

<sup>295</sup> Jack Donnelly, *Universal Human Rights in Theory and Practice* (2nd edition, 2003), Cornell University Press, p. 10.

Saadi's poem also rings true in what Mark Goodale says about Bolivia: "people's experiences of human rights are more intransitive: human rights reveal to people a fact about themselves that is beyond their control—as the fact of a person's humanness to other members of their community, the community itself, and indeed, all other social categories in terms of which actors...shape their identities."<sup>296</sup>

So, if one were to look at the dominant and historically rooted human rights discourse in Iran, one can conclude those in Iranians social movements are universalists.<sup>297</sup> However, by examining the IRI's discourse, one can see the relativist framing of human rights given the separation of "human" from its rights. The basis of the IRI's entire claim in pushing back the universalists' approach to human rights debate lies

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<sup>296</sup> Mark Goodale and Sally Engle Merry, *The Practice of Human Rights: Tracking Law Between Global and Local*, (Cambridge University Press, 2007), p. 142.

<sup>297</sup> I borrow the definitions of universalists and relativists from Sophie M. Clavier: The universalist theory of Human Rights is indeed largely based on Western philosophy and the value it places on the individual. A product of Greek philosophy, Christianity and the Enlightenment thinkers, the universalist approach to Human Rights contends that one can use nature, God, or reason to identify basic rights, inherent to every human, which preexist society. Jack Donnelly best summarizes the contemporary doctrine of the universalist approach by putting forward the following conclusions: (1) All humans have rights by virtue of their humanity; (2) A person's rights cannot be conditioned by gender or national or ethnic origin; (3) Human rights exist universally as the highest moral rights, so no rights can be subordinated to another person (e.g. a husband) or an institution (e.g. the state). Donnelly reinforces the universal validity of this theory by demonstrating that it is increasingly the practice of states to accept it, through ratification of international instruments. In so many words, certain rights, because they are natural or God-given or inherent to humanity, are so fundamental that there should be no exception to their application. By contrast, cultural relativism is based on the idea that there are no objective standards by which others can be judged. The debate between universalism and relativism is as old as the history of philosophy itself and its discussion of truth. Relativism was introduced by, among others, the sophist Protagoras. He rejected objective truth by saying in so many words, later quoted by Plato: "The way things appear to me, in that way they exist for me and the way things appear to you, in that way they exist for you." Relativism as linked to culture will appear later thanks to the work of anthropologists who empirically demonstrated that there exist in the world many different cultures, each equally worthy. However, International Law has only recently begun to tackle the issue of cultural relativism, which first emerged in a 1971 book by Adda Bozeman entitled *The Future of Law in a Multicultural World*. The central themes of the book are as follows: (1) There exist profound differences between Western legal theories and cultures and those of Africa, Asia, India and Islam; (2) In order to fully understand a culture, one must be a product of that culture; (3) Even if a culture were to borrow a concept from another culture, that concept's meaning would be filtered through the first culture's unique linguistic-conceptual culture; (4) There can be no universal meaning to a moral value; (5) A universal text on values is a futile exercise. More to read: <http://userwww.sfsu.edu/~sclavier/research/hrdebate.pdf>

in this very distinction. According to Reza Afshari, the IRI “placed the stress on ‘human’ and not on rights, making sure that they first obtained a ‘true’ human being, mindful of God’s presence and fearful of divine injunctions, before considering his rights.”<sup>298</sup> The definition of a “true” human being is subject to manipulation (interpretation) by the system of *vali-e-faqih*. The definition of a “true” human being already a highly subjective matter, and when it comes to women, is immensely subject to the retrograde and interpretations by the system of *vali-e-faqih* where women are considered as possessions of their male guardian, the “source of sin,” their worth is only half that of a man, and whose equal participation in society is “negative, primitive, and childish.”<sup>299</sup>

### ***Impact of Human Rights Regimes***

As Jack Donnelley explains, “Human rights are regularly addressed today in bilateral foreign policy and in a variety of multilateral schemes.”<sup>300</sup> My first focus is to examine the impact of UN-centered human rights regimes and multilateral schemes on the status of Iranian women.

I begin with the Universal Declaration of Human Rights (UDHR) where personal, legal, economic, political, civil liberties and subsistence rights are clearly defined

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<sup>298</sup> Reza Afshari, *Human Rights in Iran*, University of Pennsylvania Press, 2001, p. 5. The concept of *ensan-e-kamel* (perfect human) is in sharp contrast with Western liberalism which relies on *ensan-e-normal* (normal human).

<sup>299</sup> Comments by Khomeini and Khomeini; see Chapter 2.

<sup>300</sup> Jack Donnelly, “International Human Rights: A Regime Analysis” *International Organization* 40(3), Summer 1986, the Massachusetts Institute of Technology and the World Peace Foundation, <http://classes.maxwell.syr.edu/intlmgt/readings/donnellyhr.PDF>.

regardless of gender, race, religion or culture.<sup>301</sup> Iran is a signatory of UDHR. As explained in previous chapters, the IRI has violated every aspect of UDHR when it comes to its citizens, particularly women. Although throughout the years, Iranian opposition groups, women's NGOs and INGOs have exposed the continuous and systematic rights abuse in Iran using a UN-centered human rights regime, the IRI has not yet halted the rights violations. The two main engines in violence against women in Iran continue to be the patriarchic (misogynous) ideology and discriminatory laws which are beyond the reach of influence and mandate of UN-centered human rights dealing with an unwilling member state. The human rights resolutions by the UN General Assembly and the UN Commission on Human Rights and periodic assignment of the UN Special Rapporteurs have been the extent of the UN involvement and impact on Iran. There have been more than fifty-seven resolutions censuring Iran from 1981-2009 by various UN bodies and organizations.<sup>302</sup> There have been a number of visits by the UN Special Rapporteurs focusing on investigating human rights abuses (Pohl and Copithorne's trips during the 1990s), and the thematic Special Rapporteurs such as Freedom of Opinion and

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<sup>301</sup> (1) *Personal rights*, including rights to life; nationality; recognition before the law; protection against cruel, degrading, or inhumane treatment or punishment; and protection against racial, ethnic, sexual, or religious discrimination (Articles 2-7, 15). (2) *Legal rights*, including access to remedies for violations of basic rights; the presumption of innocence; the guarantee of fair and impartial public trials; prohibition against ex post facto laws; and protection against arbitrary arrest, detention, or exile, and arbitrary interference with one's family, home, or reputation (Articles 8-12). (3) *Civil liberties*, especially rights to freedom of thought, conscience, and religion; opinion and expression; movement and residence; and peaceful assembly and association (Articles 13, 18-20). (4) *Subsistence rights*, particularly the rights to food and a standard of living adequate for the health and well-being of oneself and one's family (Article 25). (5) *Economic rights*, including principally the rights to work, rest and leisure, and social security (Articles 22-24). (6) *Social and cultural rights*, especially rights to education and to participate in the cultural life of the community (Articles 26, 27). (7) *Political rights*, principally the rights to take part in government and to periodic and genuine elections with universal and equal suffrage (Article 21), plus the political aspects of many civil liberties.

<sup>302</sup> <http://ncr-iran.org/content/view/7554/1/>. The most recent resolution has been issued by the UN Human Rights Council in Spring of 2010 which brings the count to fifty-eight in total to date.

Expression (Abid Hussein's trip in 1996) and Violence against Women (Yakin Erturk's trip in 2005).

One can argue these visits, trip reports and resolutions have had no impact on the status of Iranian women. In fact, Reza Afshari says,

the rationale for appointing a Special Representative was based on the expectation that the state under consideration would cooperate with the UN monitoring process. The Islamic Republic never complied. No governmental investigation of the allegations presented to it by the UN Special Representative has been launched. Thus, despite the passage of many years of intense interaction with the UN human rights organs and with the Special Representatives, and the issuance of hundreds of UN reports, resolutions, and pleas, the diplomats still refuse to treat the issues related to the charges of human rights violations with a modicum of straightforwardness and honesty.<sup>303</sup>

While I agree with Afshari and share his frustration on more meaningful enforcement mechanisms and compliance, I argue the UN responses have been effective in two ways:

1. Placing the IRI in a position to respond to UN inquiries and recommendations, regardless of the IRI's lack of honesty, serves as a vivid indication for Iranian women and the regime that the world is monitoring the situation.
2. Monitoring processes, visits, reports and resolutions are the only available means for the victims of violence to engage with the world community. They are also the only available means to expose the dishonesty and deceptive nature of the IRI in this area.

Although I believe the UN continues to operate inefficiently, disengaging the IRI from its obligation to UDHR is detrimental, particularly when the world has begun to embrace the idea that women's rights are human rights. Iranian women suffer from the

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<sup>303</sup> Reza Afshari, *Human Rights in Iran*, University of Pennsylvania Press, 2001, p. 285.

most violent forms of rights abuses. As Lauren states, “Ironically, visions of human rights have always gained the greatest support during times of greatest human abuses.”<sup>304</sup> In Iran’s case, visions of women’s rights have gained the most support since the televised killing of Neda Agha-Soltan in summer 2009. Jila Kazerounian, executive director of an NGO in the U.S., says “since summer of 2009 where everyone saw the brutality through the news and web, it is much easier to defend our position on human rights. It is much easier to convince others that universalism does not mean Westernism.”<sup>305</sup> The Iranian NGOs which focus on the plight of women and the defense of their rights enjoy a more receptive and active audience for their cause since June 2009.

Iran has not signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), but in addition to UDHR, it has ratified the Convention of the Rights of the Child, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Abolition of Slavery. Given Iran’s human rights record over the past three decades, and the discussion laid out in Chapters 3 through 5, the IRI has also been in violation of these international norms and standards as well.

Now, I turn the focus to addressing Iran’s human rights issues through bilateral foreign policy means; Iran has been criticized by the United States and a number of European countries since the 1980s.

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<sup>304</sup> Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*. Philadelphia: University of Pennsylvania Press, 1988, p. 281.

<sup>305</sup> Interview with WFAFI leadership team, September 2009.



The U.S. State Department annually reports on Iran's human rights practices and has a dedicated section on women.<sup>306</sup> Its 2009 report includes a number of cases of arrests, torture and executions from the summer's post-election unrests. It also includes a list of discriminatory laws against women like

The government enforced gender segregation in most public spaces, including medical care, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances.<sup>307</sup>

According to Michael Posner, assistant secretary for the State Department's Bureau of Democracy, Human Rights and Labor, the report has many impacts because it is the single most comprehensive look at human rights around the world done by anyone.... Activists in many countries rely on the report...both because it gives them information they can't get from their own media, and also because as a product of the United States government it has some extra importance and power. And so we find that a lot of activists not only read the report, they circulate the report, they cite the report, and it gives them a sense of amplifying their own concerns [about human rights] and gives them some more authority in debating these issues within their own societies.... And governments under the pressure of that kind of scrutiny decide to make changes.<sup>308</sup>

While I hesitate to go as far as Posner has gone in defining the impact of the report, I agree with the amount of weight this report carries, given that it is issued by the United States. It also serves as an encouragement factor for U.S. allies to speak out on Iran's human rights. On the same token, given the incompleteness and, sometimes, inaccuracies of the report, it is difficult to defend Posner's inflated claim. The report has

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<sup>306</sup> In the early 1970s the United States formalized its responsibility to speak out on behalf of international human rights standards. In 1976 Congress enacted legislation creating a Coordinator of Human Rights in the Department of State, a position later upgraded to Assistant Secretary. Legislation also requires that U.S. foreign and trade policy take into account countries' human rights and workers' rights performance and that country reports be submitted to the Congress on an annual basis. Read more: <http://www.america.gov/st/texttrans-english/2010/March/20100311150938eaifas0.6720087.html#ixzz0qLLqEYpu>.

<sup>307</sup> <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136068.htm>, last accessed April 14, 2020.

<sup>308</sup> <http://www.america.gov/st/democracyhr-english/2010/March/20100310130013ajesrom0.153927.html>, April 14, 2010.

not helped or even recognized the activists who risk their lives with their indigenous and independent efforts in monitoring, reporting and advancing the cause of human rights. It also takes a selective approach in defending or even citing human rights abuses against the opposition groups with which the U.S. has political differences. Moreover, with his enthusiastic comments about the report's overarching impact, Posner might inadvertently invite criticism from the relativists' camp.

In recent years, particularly following the 2009 unrests, many countries in Europe have been outspoken on the issue of human rights violations in Iran. In February 2010, the European Union and the United States issued a joint statement "calling on the Iranian government to fulfill its human rights obligations." It reads

The European Union and the United States condemn the continuing human rights violations in Iran since the June 12 election. The large-scale detentions and mass trials, the threatened execution of protestors, the intimidation of family members of those detained and the continuing denial to its citizens of the right to peaceful expression are contrary to human rights norms. Our concerns are based on our commitment to universal respect for human rights....<sup>309</sup>

Overall, I argue the impact bilateral foreign policy on human rights and the status of women in Iran has been positive but insufficient. At times, the topic of human rights has been totally removed from the stated items for negotiations with Iran by Western capitals. The inclusion, even if periodic, is positive because it allows women to contextualize human rights, even VAW, in questions of foreign policy, humanitarian intervention and the overall rights discourse in Iran. It is insufficient, however, because in the eyes of the women's movement in Iran:

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<sup>309</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/112843.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/112843.pdf), last accessed March 1, 2010.

- Core foreign policy decision making is not based on human rights. Other perceived policy and political priorities often take precedence.
- It is chaotic and filled with inconsistencies. Diplomats and policymakers often change their human rights stance in light of “national security” expediencies and foreign policy interests.

The net impact of inefficiencies of bilateral foreign policy and multilateral schemes has created a space for the IRI to remain unaccountable and in violation of both international laws and bilateral policy demands under the relativists’ banner.

### ***Tension Between Universalists and Relativists***

As stated in the previous sections, attempts to hold the IRI accountable under international law or even through bilateral foreign policy means have failed to this day. On the issue of human rights of Iranian women, the violence continues to be systematic and systemic. While both multilateral and bilateral efforts continue with a universalist approach, the IRI’s response has been wrapped in a relativist cloak, primarily invoking the still vague notion of Islamic human rights. As established in previous sections, the IRI’s response has no grounding in Islam—or Iranian culture for that matter. The IRI also claims that the criticism over its human rights record is actually a “political tool” manufactured by Western governments. The tone was set by Khomeini during the early years of the IRI. In 1982, he called the UN Human Rights Commission and Amnesty International “enemies of revolution.”<sup>310</sup> In 1983, Khomeini framed the universalist approach as a Western government objective and said "It is not a question of humanity as

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<sup>310</sup> BBC Summary of World Broadcasts, March 3, 1982: French Socialism "Responsible for Crimes Committed in Iran."

far as they are concerned. They intend to achieve their own ends. What they intend to do is bring Iran into disrepute." <sup>311</sup> In 1994, after the UN Human Rights Commission condemned Iran for its rights abuses, the spokesperson for the IRI's Foreign Ministry, Mohammad Mohammadi, said that the UDHR "must be revised and used correctly" because it "no longer corresponds to the needs of people today...and is just used to further political aims by putting pressure on countries." <sup>312</sup> As recently as February 2010, the Iranian Ambassador to the UN claims, "The situation of human rights has been consistently used as a tool to apply pressure against us" by some Western governments. <sup>313</sup> The repeated tone over the past three decades in Iran's response to international concerns over its human rights record typifies a relativist response to the universalists' approach.

Kristin J. Miller best explains the IRI's response to the universalists' approach.

She says,

When defending its actions, the government tends to offer three justifications for its treatment of women. First, Iran justifies its separate treatment of women through its own interpretation of Islamic tenets. Second, it rejects universalist arguments as based on notions of Western cultural supremacy. Finally, Iran characterizes international attacks on its conduct as politically motivated. <sup>314</sup>

I argue, to clear up the tension, one has to de-frame the debate from universalists versus relativists and look to indigenous response. To demonstrate my point, I examine the articles of Iranian laws and statutes from three perspectives, the universalists'

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<sup>311</sup> BBC Summary of World Broadcasts, Sept. 8, 1983, Khomeini on the Objectives of the Superpowers.

<sup>312</sup> Agence France Presse, March 9, 1994.

<sup>313</sup> *The New York Times*, February 15, 2010, <http://www.nytimes.com/2010/02/16/world/middleeast/16geneva.html>.

<sup>314</sup> *Emory International Law Review*, winter 1996, Rev. 779 vol. 10.

perspective, the relativists' perspective and the indigenous response (Table 7.1). My definition of indigenous response is the response from Iran's civil society.

Table 7.1. Comparative Response to the Islamic Republic of Iran's (IRI) Laws

IRI's Laws	Universalists' Approach	Relativists' Response	Indigenous Response
Article 19 of IRI's constitution that guarantees equality omits gender equality. The constitution provides equality to women only if Islamic law is observed.	By qualifying women's equality, the government fails to grant its female citizens the right of equality pursuant to UDHR Article 2.	The IRI claims that Islam creates a "separate" standard for women which takes precedence over the status of "equal," guaranteed by international law.	<ol style="list-style-type: none"> <li>1. The declaration by women in March of 1979.</li> <li>2. Response from the PMOI and Maryam Rajavi, 1982-present.</li> <li>3. The declaration of a women's group in a 2005 rally.</li> <li>4. One Million Signature Campaign in 2007.</li> <li>5. Response from Shirin Ebadi, Nobel Peace Laureate, in 2010.</li> </ol>
Article 26 of the Iranian Constitution allows freedom of association unless that association violates "the criteria of Islam, or the basis of the Islamic Republic."	This restriction on freedom of association violates ICCPR, Article 22 and UDHR, Article 20-1.	Iran's position is that while Islam requires a separate standard for women, its laws do not breach its international legal obligations.	<ol style="list-style-type: none"> <li>1. Challenges from political parties, NGOs and opposition at home, 1979-present.</li> <li>2. Challenges from exiled NGOs and opposition, 1981-present.</li> </ol>

IRI's Laws	Universalists' Approach	Relativists' Response	Indigenous Response
<p>Penal and Civil code:</p> <p>1. Woman's testimony is worth only half that of a man's.</p> <p>2. Enforcement of <i>hijab</i> (Islamic covering for women)</p> <p>3. Temporary marriage</p>	<p>1. This unequal valuation of worth violates UDHR Article 7, which states that all people are equal before the law, and ICCPR Article 3, guaranteeing men and women equal civil and political rights; this is particularly troubling since trials in Iran are often deemed unfair by the standards set forth in Articles 6 and 14 of the ICCPR, and Articles 10 and 11-1 of the UDHR.</p> <p>2. This enforcement of the dress code violates UDHR and ICCPR provisions prohibiting degrading treatment, guaranteeing freedom of expression, and upholding personal security.</p> <p>3. This provision violates UDHR Article 16-1 and ICCPR Article 23-4.</p>	<p>In one instance, when a U.N. investigator reported alleged Iranian human rights abuses, the government first called the report false but later called on the U.N. representative to study the issue further. Foreign Ministry spokesman Mohammad Mohammadi stated that if the U.N. representative studied the issue of inequality between men and women thoroughly, "he would admit that the moral and material rights of women in Iran are being much better respected according to the Islamic law than that of the West." <sup>314</sup></p>	<p>1. One Million Signature Campaign to reform laws.</p>

The indigenous response poses a formidable challenge to the IRI's relativist response, since it contends that:

1. If, as the IRI claims, its laws are compatible with Islam, then should compliance not come naturally to a Muslim nation like Iran and not through oppression?

2. If as the IRI claims, Islam dictates the separation of men and women in society, and the IRI also claims this is culturally rooted in Iran, then why would the civil society not follow the cultural and religious norms to begin with? Why would the society not be receptive to practices of stoning and other methods of punishments such as flogging in public?
3. Lastly, if in fact the IRI's Islamic claims are true, why would its most challenging opposition, particularly on issue of women's rights, come from a Muslim organization like the PMOI or a Muslim woman like Maryam Rajavi?

While the questions above are just a sample list of indigenous challenges to the IRI, they all point to one simple conclusion: Islam and culture are just excuses for the IRI to legitimize and preserve their institutionalized conflict against women. Kristin Miller says "If current laws were actually a norm, no oppression would be needed to induce compliance."<sup>348</sup> The indigenous response from Iran proves her point.<sup>315</sup>

Kevin Avruch, a scholar of Conflict Resolution and Anthropology, says "any culture's 'position' on human rights will depend on who, exactly, is given the privilege of

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<sup>315</sup> Kristin Miller also points to successful models where "persuading a culture to adopt foreign concepts using indigenous methods include those used by the Peace Corps, Christian missionaries, and human rights groups in Muslim countries such as Tunisia. The missionaries and the Peace Corps have influenced peoples within diverse cultures by addressing those peoples' basic needs and not directly challenging their belief system. In addition, Islam itself encourages persuasion and argument. Because of the importance of cultural legitimacy, the Islamic model is relevant to this discussion. Tunisia provides an Islamic model with parallels to Iran. Tunisia and Iran are both Muslim countries, yet human rights for women have improved in Tunisia. This success proves that Iran cannot validly reject the improvement of women's rights solely because it is a Muslim country. Legal reform combined with NGO activity enabled the status of women in Tunisia to improve, while the status of women in Iran has not. Women's rights groups in Tunisia worked at a grassroots level to change attitudes about women, enabling legal reform to occur and to be effective once enacted. Tunisia is an important example for several reasons. First, it shows that even in the presence of state domination, groups within a country can make strides for human rights. Second, by looking at how these groups organized their efforts, individuals can apply similar techniques in Iran. Finally, the shortcomings of the human rights movement in Tunisia can be noted and corrected in Iran. The case of Tunisia illustrates that achieving universalist ideals using relativist methods is possible. This grassroots approach succeeds because it rejects both radical universalism and radical relativism."

articulating the position (and the resources that agent has for disseminating and impressing it).”<sup>316</sup> While Avruch’s argument can be generally applied to strengthen or weaken the argument for all three perspectives, the question which separates them is who is in the position of power and has access to resources. In Iran’s case, the indigenous or civil society certainly does not have a position of power nor does it have access to state resources.

### **Conflict Resolution and Gender Conflict in Iran**

Gender conflict in Iran is complex and protracted where the violence indicators shift with various social and political developments. Since 1979’s coming to power of the IRI, where misogyny constitutes a major ideological pillar, this conflict can be best described as a visible and invisible war of ideas and ideals between women and the IRI.

Many scholars focus on Islam and women when it comes to the gender conflict in Iran. There is an array of available research and publications ranging from compatibility to incompatibility of Islam with ideals of gender equality movements. I take the position that women’s rights abuse in Iran should not be framed in the narrow framework of Islamic-compatibility. As stated previously, the IRI resorts to religion to justify and legitimize its conflict with women. Noting in the subsequent analysis how the IRI’s version of Islam targets women, however, is important.

Gender conflict in Iran can be viewed as a conflict between two groups with deeply held values which are not entirely rooted in cultural traditions or Islamic tenants. They are based on the IRI’s cultural patriarchal views and an utterly backward

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<sup>316</sup> Julie Mertus and Jeffrey Helsing, *Human Right and Conflict: Exploring the Links Between Rights, Law, and Peacebuilding* (Washington DC: USIP, 2006), p. 115.



interpretation of Islam. I argue one cannot fully declare that the gender conflict in Iran is primarily based on values revolving around differing concepts of good and bad, right and wrong. In fact, I have argued that gender conflict in Iran is both systematic and systemic because of the IRI's laws and ideology. With that said, one has to look at multiple theories to conduct an analysis of gender conflict in Iran.

### ***Conflict Analysis***

One approach to analyze the gender conflict in Iran is to evaluate the structural violence that places women in more vulnerable positions than others in Iranian society. Iranian women face significant legal discrimination in social, political and economic areas. Iran's constitution accounts for specific measures to bar women from many areas of education, employment and even freedom of travel.<sup>317</sup> There is institutionalized violence against women that contributes to the intractability of this conflict.

Using Dugan's Nested Model, one can clearly outline how discrimination leads the conflict at issue, relations, subsystem and system level. Figure 7.1 demonstrates how the legal discrimination at a structural level against women in Iran influences all the other nested layers. In fact, Iranian laws and statutes are designed in such a way to explicitly direct the public and private lives of women at all levels.

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<sup>317</sup> <http://www.watsoninstitute.org/bjwa/archive/9.2/Iran/Sepehrrad.pdf>.

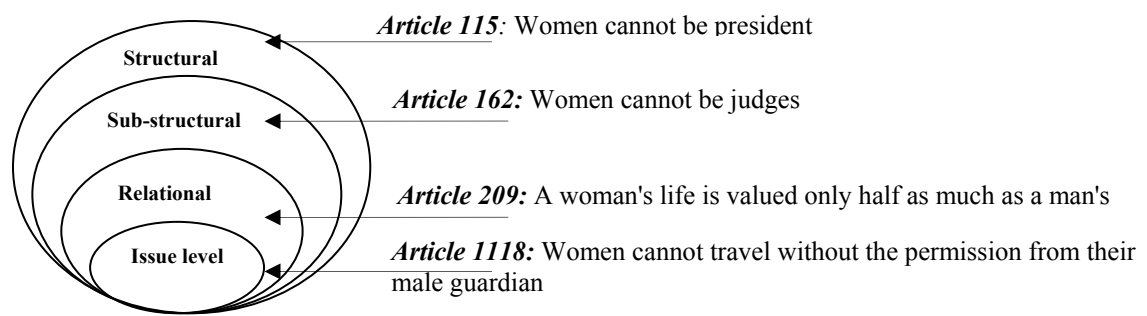


Figure 7.1. Applying Dugan's Nested Model to Gender Conflict in Iran

Another approach for analysis is to distinguish conflict parties (women vs. state), conflict issues (gender equality, political recognition), conflict causes (ideological and structural), or all of the above as seen in Table 7.2 where I have listed the most relevant conflict theories for this case study.

Table 7.2. List of Relevant Conflict Resolution Theories

Conflict Theory	Women's Demand	State's Denial
John Burton: basic human needs (BHN) for identity, recognition and security.	Women are in constant conflict for recognition of BHN.	Ideology of Islamic Fundamentalism and the IRI's laws are the major obstacle for allowing women's BHN to materialize.
Ted Gurr: relative deprivation.	Women face a deeper relative deprivation than any other group in Iranian society (see Penal and Civil Codes).	Laws contribute to deeper relative deprivation and the state's unwillingness to reform continues to deepen the gap.
Edward Azar Protracted Social Conflict: characterized by "incompetent, parochial, fragile, and authoritarian governments that fail to satisfy basic human needs." <sup>318</sup>	Women face protracted social violence in both public and private spheres.	Ideology of Islamic Fundamentalism and IRI's laws do not provide women any protection against violence. In fact, the state often uses VAW as a way to enforce broader social authority.

<sup>318</sup> Oliver Ramsbotham et al., *Contemporary Conflict Resolution* (Cambridge: Polity Press 2005), pp. 84-89.

Whether we look at the gender conflict from Dugan's model or the three theories listed in Table 7.2, it is clear that Iranian women are locked in a conflict, and have been for more than three decades. Ramsbotham, Woodhouse and Miall. define conflicts that are not rooted in a particular issue or interest but in the very structure of the relationship between the parties as *asymmetrical* conflict.<sup>319</sup> On this basis, gender conflict in Iran can be viewed as an asymmetrical conflict because it is based on the structural relation of denial and demands of rights between women and the state. The existing IRI institutions are characterized by relational exploitation, political exclusion and unequal access to resources for women where structural forces have created a system of winners and losers. The winners and losers are not necessarily the men versus women. Instead, it is the state versus women. The state continues to resist against any changes (even legal reforms) that women push for; and women continue to push for changes that the state refuses to adopt. The cycle of denial and demand over three decades has intensified the conflict, which on many occasions has, inevitably, merged and commingled with the larger nationwide movement for change. Although there has been escalation and change of tactics throughout the years, the continuous abuse of women's rights has become both the systematic and systemic cause and symptoms of gender conflict in Iran. As Julie Mertus and Jeffery Helsing point out, "human rights violations can be both symptoms and cause of conflict."<sup>320</sup>

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<sup>319</sup> Ibid p. 21.

<sup>320</sup> Ibid p. 11.

### ***Conflict Cycle***

According to Pruitt and Kim, “escalation occurs when one or both parties adopt contentious tactics that are harsher than those previously used.”<sup>321</sup> In Iran’s case, the harsher tactics are used by the government which places women in the center of repeated escalations (see Figure 7.2). If one were to look at various phases of conflict between women and the state since 1979, the cycle of phases seems to only traverse in actions that cause a circular escalation. Figure 7.2 borrows the Ramsbotham, Woodhouse and Miall. model and definition of various stages of conflict escalation to demonstrate how the circular escalation does not allow for any de-escalation stage to enter and gain traction.<sup>322</sup> The model includes other stages such as war (last stage of escalation), and the subsequent de-escalation stages like ceasefire, agreement, normalization and reconciliation.

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<sup>321</sup> Dean Pruitt and Sung Hee Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, New York: McGraw Hill Publishing, 2004, p. 8.

<sup>322</sup> Ibid p. 11.



Figure 7.2. Cycle of Gender Conflict in Iran

However, even if Iranian women try the de-escalation strategies such as avoiding, yielding and withdrawing from the front lines of conflict, the misogynist nature of the IRI draws them in to the circular flow (Figure 7.2) for a broader suppression of the Iranian society.<sup>323</sup> This goes back to an earlier argument that I made about how the IRI targets women first and foremost to terrorize and intimidate an entire population. Although it is beyond the scope of this research, it also rests on the overall attitude and behavior of repressive regimes that are in conflict with their civil society as a whole.

### ***Conflict Resolution***

More than any other segment of Iranian society, women will gain the most from resolving the conflict with the state. Attempts to resolve the conflict peacefully through

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<sup>323</sup> I borrow the definitions of avoiding, yielding and withdrawing from Pruitt and Kim, which are: Avoiding = no engaging in the conflict, Yielding = lowering one's own aspirations and settling for less than one would have liked, and Withdrawal = abandoning the conflict.

negotiation, grassroots advocacy and legal reforms have been answered with harsher violence. Therefore, the conflict handling measures should aim at structural changes in order to allow for negotiation space to take place between the conflict parties: women versus state. Since 1979, Iranian women have aimed to peacefully resolve the conflict with the state, which has led to senseless violence in response. In recent years women have refocused their campaign for equality to transform the conflict and raise awareness on the need to change—at least—the discriminatory laws. The following declaration was announced at a peaceful demonstration on June 12, 2006, and women publicly began collecting signatures for the “One Million Signatures” campaign. Their statement reads:<sup>324</sup>

Iranian law considers women to be second class citizens and promotes discrimination against them. It is noteworthy that legal discrimination of this type is being enforced in a society where women comprise over 60% of those being admitted to university. It is generally believed that laws should promote social moderation by being one step ahead of cultural norms. But in Iran the law lags behind cultural norms and women’s social position and status.

Without a doubt, women of lower socio-economic status or women from religious and ethnic minority groups suffer disproportionately from legal discrimination. On the other hand, these unjust laws have promoted unhealthy and unbalanced relationships between men and women and as a result have had negative consequences on the lives of men as well.

On the other hand, the Iranian government is a signatory to several international human rights conventions, and accordingly is required to bring its legal code in line with international standards. The most important international human rights standard calls for elimination of discrimination based on gender, ethnicity, religion, etc.

The Campaign aims to collect one million signatures in support of changes to discriminatory laws against women. It will provide education on legal issues to the public and especially to women, raise public awareness, promote collaboration between groups demanding equality between men and women, and document experiences....

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<sup>324</sup> <http://www.wechange.info/spip.php?article19>.

As described by *The New York Times*, “the concept is simple and revolutionary, melding education, consciousness-raising and peaceful protest. Starting last year, women armed with petitions began to go to wherever other women gathered: schools, hair salons, doctors’ offices and private homes.”<sup>325</sup>

From a conflict resolution perspective, one can categorize women’s effort as a bottom-up approach to widen the political space to allow for de-escalation to take place. According to Ramsbotham, Woodhouse and Miall, cultural peacemaking, structural peace building and cultural peace building can take place during the de-escalation phase and various stages ending hostility can result in agreements, normalization and reconciliation. Since the launch of the campaign, both men and women from different backgrounds participate in collecting signatures. According to an international NGO, Human Rights First, formerly known as Lawyers Committee for International Human Rights, by the first anniversary of the campaign, more than 130 women and 48 men were arrested for participating and campaigning on this issue.<sup>326</sup> In fact, the IRI responded with escalated violence beyond the campaign. Amnesty International and other human rights NGOs have reported a significant escalation of violations of human rights since 2006. On January 15, 2008, Amnesty International issued a press release stating “As nine women and two men in Iran wait to be stoned to death, Amnesty International today called on the

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<sup>325</sup> Muria Casey, “Challenging the Mullahs, One Signature at a Time,” *The New York Times*, February 7, 2007, <http://www.nytimes.com/2007/02/07/opinion/07observer.html>.

<sup>326</sup> [http://www.humanrightsfirst.org/defenders/hrd\\_iran/hrd\\_iran\\_timeline.htm](http://www.humanrightsfirst.org/defenders/hrd_iran/hrd_iran_timeline.htm).

Iranian authorities to abolish death by stoning and impose an immediate moratorium on this horrific practice, specifically designed to increase the suffering of the victims.”<sup>327</sup>

The number of public hangings and the public campaign to crackdown on women’s dress code has also increased since 2006. Through its actions, the IRI once again narrowed the political space and conveys zero tolerance of any attempt for social reforms.

### ***Violent Escalation***

In summer 2009, the public responded with strong protests and non-violent opposition to the reelection of Ahmadinejad. With the threat of a widening schism within the IRI’s leadership rising as a result of several-million-strong protests, the government responded with heavier contentious tactics to crush the opposition with lethal violence in the streets and behind prison walls. The violent escalation on the government side produces greater human cost in terms of killing, arrests and torture. As Pruitt and Kim explain, “Escalation is commonly accompanied by several other transformations: issues proliferate, parties become increasingly committed to the struggle, specific issues give way to general ones, the desire to succeed turns into a desire to win, which turns into a desire to hurt. Other, positive feelings give way to negative feelings, and both sides grow by recruiting formerly neutral individuals and groups.”<sup>328</sup>

Iranian women’s rights leaders have characterized the IRI’s harsh response as the “beginning of the end “of the regime. In 2009, Maryam Rajavi in her speech before more than 90,000 exiled Iranians in Paris said, “The real scenes depict the courage and the

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<sup>327</sup> <http://www.amnesty.org/en/for-media/press-releases/iran-death-stoning-grotesque-and-unacceptable-penalty-20080115>.

<sup>328</sup> Ibid p. 99-100.



leading role of heroic women who have impressed everyone by their resistance against the Revolutionary Guards.... The people of Iran do not want the regime of *velayat-e faqih* and are crying out, ‘Khamenei shame on you, let go of your absolute rule.’”<sup>329</sup>

On the anniversary of the 2009 unrest, all opposition groups called for a global day for action. Shirin Ebadi, the Noble Peace Laureate and one of the more internationally-known advocates of the One Million Signature Campaign, said:

... the government continues its crackdown on any opposition or dissent with ever increasing brutality. Shirin Alam Holi, a 28-year-old Kurdish woman, was executed along with four men. In letters from Evin prison, Shirin wrote of being tortured to confess to charges of terrorism. She refused to confess, sealing her fate. At least 25 other men and women await the same fate on death row. However, as we see time and time again, the harsher the repression, the stronger the movement grows. And as the story of Shirin Alam Holi demonstrates, women are at the forefront of the struggle for human rights in Iran...for 31 years the women's movement has resided in every Iranian household that cares about human rights.... The struggle for human rights and gender equality continues in Iran as we mark the anniversary of the disputed elections. This global day of action has united activists, students, NGOs and concerned citizens worldwide to spotlight the horrific human rights abuses that have become all too common. Women will be at the forefront of this weekend's peaceful activities, as they were today and will be tomorrow. Mark my words, it will be women who will bring democracy to Iran.

I argue the subsequent events to the IRI’s violent response to the 2009 protesters have led to broader Iranian desire for a democratic government, and gender conflict is at the center of broader social conflict in Iran.

### **Designing an Intervention**

A cursory narrative analysis of comments and speeches by leading opposition leaders and figures points to further escalation with the IRI. As Pruitt and Kim have pointed out with their theoretical ground of what to expect, I argue the gender conflict in

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<sup>329</sup> <http://ncr-iran.org/content/view/6544/1/>, last accessed June 10, 2010.

Iran has transformed into a “committed struggle” and “desire to succeed” against the IRI regime. Returning to Ramsbotham, Woodhouse and Miall’s model of conflict escalation and de-escalation, the last stage of escalation, war, is left out from the above cycle of gender conflict. Given the anticipated escalation, efforts should be focused on preventing war—a civil war in this case. To do so, I argue for the role of a “comprehensive transnational” movement for profound and real change in Iran. John Dale argues for benefits of transnational movements that act as a “boomerang pattern of influence” in cases where the “channels between the state and its domestic actors are blocked.” I agree with him. As the Iranian NGOs and opposition groups at home and in exile search out international allies, they are able to bring greater pressure to the IRI from outside.<sup>330</sup> In Iran’s case, I argue the pressure can be on three different fronts: diplomatic shunning and shaming, economic sanctions and a comprehensive divestment campaign.

### ***Diplomatic Shunning and Shaming***

Diplomatic shunning and shaming—a transnational shunning and shaming strategy—is already in play targeting Iranian diplomats in Europe. On June 1, 2010, members of the European Parliament protested against the Brussels visit of Iranian Foreign Minister Manouchehr Mottaki. A British lawmaker, Struan Stevenson, launched his denunciation of Mottaki as he entered the foreign affairs committee for a closed-door hearing. Stevenson was holding a picture of Neda Agha Soltan, while calling Motaki a “murderer.” Stevenson told the media, “They abuse women. They execute women and children and men. They execute political prisoners. They execute peaceful protesters.

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<sup>330</sup> Mark Goodale and Sally Engle Merry, *The Practice of Human Rights: Tracking Law between Global and Local* (Cambridge University Press, 2007) p. 312.

Motaki's visit is like inviting [Nazi Germany foreign minister Joachim von Ribbentrop] to the European Parliament, the man is a disgrace." French Green MEP Isabelle Durant said,

The qualification of Iran as a democracy, supported by the people, as minister Mottaki portrayed his country, indicates a grossly misleading picture of the reality we have witnessed since the contested presidential elections. It is most important, as elected representatives of the people of Europe, that the Iranian people know we stand by them, and their struggle for fundamental rights and democracy.<sup>331</sup>

### ***Economic Sanctions***

There are significant benefits for the Iranian people and their desire for freedom when they see how the Western governments are willing to economically sanction repressive arms of the IRI, the governmental entities that have direct involvement in oppression of civil society (Iran Revolutionary Guards Corp). The United States and Europe are increasingly tightening their sanctions regime against the IRI. Although the main driving force is due to Iran's nuclear threat, it is still impactful from overall pressure on the government. The United States has much tighter economic sanctions than Europe. However, in March 2010, *The New York Times* published a list of seventy-four corporations that received more than \$107 billion in federal government contract payments, grants and other benefits from 2000-2009. The list included foreign and multinational American companies doing business in Iran, despite Washington's efforts to discourage investment there.<sup>332</sup> The report reads that

both the Obama and Bush administrations have sent mixed messages to the corporate world when it comes to doing business in Iran, rewarding companies whose commercial interests conflict with American security goals.... Many of

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<sup>331</sup> *EU Observer*, June 2, 2010, <http://euobserver.com/9/30190>.

<sup>332</sup> *The New York Times*, March 6, 2010, <http://www.nytimes.com/interactive/2010/03/06/world/iran-sanctions.html>, last accessed June 17, 2010.

those companies are enmeshed in the most vital elements of Iran's economy. More than two-thirds of the government money went to companies doing business in Iran's energy industry—a huge source of revenue for the Iranian government and a stronghold of the increasingly powerful Islamic Revolutionary Guards Corps, a primary focus of the Obama Administration's proposed sanctions because it oversees Iran's nuclear and missile programs.<sup>332</sup>

### ***South African Model***

One of the most successful and relatively peaceful conflict resolutions which relied upon an indigenous solution while drawing on transnational support is the case of South Africa. The International Solidarity Movement with Antiapartheid struggle offers a comprehensive Divestment Campaign which can be applied to the case at hand.<sup>333</sup> Using the South-African model, various Iranian and non-Iranian NGOs are urging for:

1. "Corporate Divestment Campaign Recognizing IRGC's control over all economic affairs and its active role in suppression"; NGOs urge divestment movement by all foreign companies currently trading with or operating in Iran.
2. Bank Divestment Campaign Recognizing Iranian leaderships' mafia-style control of capital, banking and finance...this will directly impose massive capital pressure on Iran's leadership to fund its suppressive campaign against the Iranian people.
3. "College and University Divestment Campaign in solidarity with the students, teachers and academics in Iran"; NGOs call on all universities and colleges worldwide to end direct and indirect investment with Iran.
4. "Comprehensive Peoples Sanctions Beyond governmental focus on Tehran's regime." NGOs call upon other civil societies to pressure their state and

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<sup>333</sup> The African Activist Archive Project, directed by Richard Knight, is working to preserve for history the record of activities of U.S. organizations and individuals that supported African struggles for freedom and had significant collective impact on U.S. policy during the period 1960-1994. The movement included community activists, students, faculty, churches, unions, city and county councils, state governments, and others. Much of the focus was sanctions and divestment from companies doing business in apartheid South Africa. This democratization of foreign policy was unprecedented, and it is important that the lessons learned be documented for the benefit of continuing social justice activism. Read more: <http://richardknight.homestead.com/sanctions.html>.

municipal governments on “taking actions against companies and banks doing business in Iran, as well as individual divestment.”<sup>334</sup>

Since September 2009, six international corporations have either ended or limited their business with Iran. The list includes General Electric, Huntsman, Siemens, Caterpillar, Ingersoll Rand, Royal Dutch Shell, and KPMG.<sup>335</sup>

## **Conclusion**

To look at gender conflict in Iran from HR’s perspective, I conclude by saying that one of the most sobering moments in interviewing women for this research was when a survivor asked why “the West has such a low expectation and standards when it comes to the defense of human rights in Iran?”<sup>336</sup> Her question embodies three important arguments on the theory and practice of international human rights regimes. The first argument is that universality of human rights should not be a subject for debate, particularly with a repressive regime like Iran. Second, if there is a question on cultural relativity, it is best to look to the indigenous voice of victims and not the victimizer. In other words, universal standards should be the goals while cultural legitimacy would offer a method of reaching out to victims. Third, if there is a commitment to defending human rights based on universal standards, then bilateral and multilateral actions should align accordingly and not be subject to diplomatic or political expediency.

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<sup>334</sup> Based on WFAFI’s statement on February 11, 2010 <http://www.wfafi.org/wfafistatement52.htm> and United Front Against Nuclear Iran <http://unitedagainstnucleariran.com/>.

<sup>335</sup> General Electric (9/18/2009), Huntsman (1/23/2010), Siemens (1/27/2010), Caterpillar (2/26/2010), Ingersoll Rand (3/8/2010), Royal Dutch Shell (3/9/2010), KPMG (4/1/2010). Currently the NGO is working on pressuring Honeywell. Source: <http://www.unitedagainstnucleariran.com/iran-disclosure-project>.

<sup>336</sup> Email correspondence with Maryam F., former political prisoner who still lives in Iran.

From CR's perspective, I would say gender conflict in Iran is indeed multilayered and complex in nature. Clearly there is a need to contextualize, understand and explain the conflict with more causal and descriptive precisions. More importantly, it requires a clear definition on the conflict parties, the conflict issues and how the structural gender violence makes the state the winner and women the losers in this conflict. While there is a need to transform the conflict, Iranian women cannot do it alone. With the 2009 post-elections unrest and the subsequent violence escalation by the IRI, there is a need for Iranian women to not only work within the broader social movement in Iran but also to network with transnational advocacy groups. In order to prevent a civil war in Iran, there is a need for an intervention design that works with both top-down and bottom-up commitment and coordination, similar to the South African model.

## **8. Historical Precedence and Critique of Both Fields**

In the last chapter, I discussed the impacts of human rights (HR) and conflict resolution (CR) on gender conflict in Iran. I highlighted some inefficiency in both fields, which calls for deeper discussion in this chapter. Here, I focus on the history of both fields and their grounding and continued dependencies in the international relations paradigm. I also briefly cover the transformation of each field, including their commonalities and differences, a brief comparison of past cases, missed opportunity, and current opportunities for early detection and warning systems. My primary goal is to use the gender conflict in Iran to illuminate areas where human rights and conflict resolution can collaborate successfully, diminish or reduce their respective gender-blindness and advocate for a composite practical methodology—a hybrid approach—to overcome inefficiencies discussed in the previous chapter. By no means are the topics that I cover in this chapter a comprehensive exploration of both fields. My intention is to only highlight the relevant areas to further contextualize the case study and my critiques of the two fields.

### **History and Precedence**

Both the human rights and conflict resolution fields emerged after World Wars I and II and, some even say, in direct response to crimes against humanity by the fascist and Nazi movements in Europe. Lutz, Babbitt and Hannum argue, “International

momentum to establish a legal order that would prohibit state-sponsored human rights abuses surged during World War II, as the scope of Nazi atrocities became known.”<sup>337</sup>

The Universal Declaration of Human Rights (UDHR) considers human rights as the foundation for freedom, justice and peace. Justice and peace are the two fundamental goals of CR practices in conflict management, prevention and post-conflict goals such as reconciliation and reparation.

Although each field has gone through transformative phases since its inception, it is important to note that both are firmly grounded in the international relations (IR) paradigm and utilize its theoretical and conceptual methods for discourse on human rights and peaceful coexistence. This also means both fields have inherited some of the inefficiencies of the IR paradigm. The most relevant ones to this study are IR’s gender-blindness, placement of authority (power) and unquestionable sanctity of the state in the IR system.

### ***Commonalities and Differences***

There are many commonalities between the two fields. They both academically span across multidisciplinary fields of social sciences, they both have become social movements locally and globally, and they both sustain similar transnational norms such as peace and human rights. When confronted with crisis or conflict, however, the two fields respond very differently in theory and practice, sometimes even competitively. They have different methodology for data collection and research focus. They have different end goals, objectivity and institutional alliances and constraints. As a result, in

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<sup>337</sup> E. Lutz, E. Babbitt, and H. Hannum H, “Human Rights and Conflict Resolution from Practitioner Perspective,” *The Fletcher Forum of World Affairs*, vol. 27:1, Winter/Spring 2003:173-193.



practice, the two fields sometimes grow suspicious of each other. Lutz, Babbit and

Hannum quote a human rights advocate, Barbra Frey, who says:

In general, human rights people and conflict resolution people don't speak the same language. They come from different backgrounds and there is a lot of suspicion between them. Human rights people are judgmental and tend to come from a legal background, whereas conflict resolution people are more interested in stopping hot conflict and are willing to rub hands with bad actors.<sup>337</sup>

### ***Shortcomings***

There are also general shortcomings in both fields. Neither field has paid much attention, theoretically and practically, to the need for early warning systems that trigger prevention mechanisms. While there are other shortcomings, I raise issue this because I believe the emergence of the fields is based on past violent outbreaks such as crimes against humanity by ideologically driven leaders like Hitler. There is more than adequate research and data from scholars and practitioners' perspectives for developing early warning systems in both fields. To support my claim, I compare Hitler to Khomeini, two ideologically driven leaders with an ambitious drive for reshaping their respective societies. I argue that the views of Hitler and Khomeini on women are more similar than what is currently understood among scholars—even the feminist scholars—and practitioners in CR and HR fields.

### ***Precedence***

Throughout this research I came to recognize how similar Hitler's Nazi views on women are to Khomeini's personal views on women and his design for the system of *vali-e-faqih*. Both men displayed similar misogynous tendencies in their speeches and writings before coming to power.

According to Jill Stephenson, author of *Women in Nazi Germany*, “Adolf Hitler claimed that the emancipation of women was a slogan invented by Jewish intellectuals.” He argued that for the German woman her “world is her husband, her family, her children, and her home.”<sup>338</sup> In 1932, Hitler ran on a campaign promise that if he gained power he would “take 800,000 women out of employment within four years.” As soon as he gained power in 1933, he appointed Gertrud Scholtz-Klink as “Reich Women's Leader and head of the Nazi Women's League.” Her main task was to promote male superiority and the importance of childbearing. In one speech she pointed out that “the mission of woman is to minister in the home and in her profession to the needs of life from the first to last moment of man's existence.” The recurring theme of women’s role at home can be seen in many speeches Hitler made from 1932 to 1942. Married female doctors and civil servants were dismissed in 1934, and from June 1936 women could no longer act as judges or public prosecutors. Hitler's hostility to women was shown by his decision to make them ineligible for jury service because he believed them to be unable to “think logically or reason objectively, since they are ruled only by emotion.” In 1942, he expanded his view to ensure German women do not enter politics. On January 26, 1942, Hitler said “I detest women who dabble in politics. And if their dabbling extends to military matters it becomes utterly unendurable. In no section of the Party has a woman ever had the right to hold even the smallest post.”<sup>339</sup>

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<sup>338</sup> Jill Stephenson, *Women in Nazi Germany*, United Kingdom: Pearson Education Limited, 2001.

<sup>339</sup> <http://www.spartacus.schoolnet.co.uk/GERwomen.htm>, last accessed March 12, 2010.

Although Hitler's ideology was based on fascism, racism and anti-Semitism, one cannot help noticing the similarities to Khomeini's fundamentalist view. They both advocate and rely on men's supremacy over women.

In Khomeini's 1963 book, *Tahrir-ol Vasileh*, it reads

women are sinister creatures. If a woman refrains from providing a favorable atmosphere to please her husband, he has the right to beat her, and he should make her submit by beating her more every day...men need to be respected more. A wife should abide by the orders of her husband, and should not go out of her house without his consent, even if she wants to visit her family or her father, or to attend a funeral...women hold no authority over their property, and cannot make a contribution without the permission of their husbands...a woman should be fed and clothed by her husband....<sup>340</sup>

As discussed in earlier chapters, Khomeini implemented his views in terms of laws, penal codes and statutes after he came to power in 1979.

I raise this startling historical comparison for two reasons:

- To highlight the missed opportunity for scholars and practitioners, in the very fields which emerged in the post-Hitler era—and some say because of Hitler, who failed to recognize Khomeini and the misogyny-centric governing system he established.
- To reemphasize the need to diminish or reduce gender-blindness in both fields and learn from the past.

By no means should my focus on the issue of women in Hitler's view minimize the greater crime he committed against humanity, particularly against the Jewish populations across Europe. Rather, it is to highlight Hitler's invisible crimes against women.

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<sup>340</sup> Ruhollah Moussavi Khoemini, *Tahrir-ol Vasileh* (Instrument of Writing), a collection of Khomeini's views and *fatwas*, (Iraq: 1963) vol. 2, p. 305-316.

As it has taken years to uncover the scope of the Nazis' atrocities, perhaps it is a lofty goal to expect the fields of human rights and conflict resolution to understand the scope of the ongoing gender conflict in Iran. With the lessons learned from the past, however, both fields should be able to appropriately contextualize the conflict, understand the consequences of such a misogyny-centric ideology when put in practice for governance, recognize where the power lies, define and distinguish the victim from the victimizer, and develop strategies for relief and resolution.

### **Gender-Blindness**

In the last twenty years, Cynthia Enloe has been one of most influential scholars in subverting gender-blindness in realist and neo-realist theories within the IR paradigm. Enloe argues that "gender made the world go round" and demonstrated her point by asking "where are the women?" and exposing "how much power it takes to maintain the international political system in its present forms?" She insists on the "importance of gendered analysis in the international systems." More importantly, she encourages activism and the dismantling of the "wall that often separates theory from practice."<sup>341</sup>

Both the fields of human rights and conflict resolution can greatly benefit from asking the question "where are the women" in any human rights crisis or conflict. Had some asked this simple question over the last three decades about Iran, they would have quickly discovered the anti-women laws that bar women from being visible beyond the crafted image of the IRI.

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<sup>341</sup> V. Spike Peterson, "Feminisms and International Relations," *Gender and History*, vol. 10, no. 3, November 1998, pp. 581-589.

### *In the Human Rights Field*

Various human rights theories focus on the issue of gender, or at least acknowledge the deficiencies in their scholarship.<sup>342</sup> Given the CEDAW treaty and UN annual Conferences on Women, there are more forums and more specific focus on gender-related issues for the human rights field compared to the conflict resolution field. In fact, in the 1995 Beijing conference, then-First Lady of the United States Hillary Clinton's famous speech on "women's rights are human rights" broadened the scope of all human rights regimes and treaties to include, at least conceptually, the gender dimension.

Where the human rights field is lagging is on developing practice that is in line with its theory. Human rights NGOs and INGOs have worked very hard to break down the wall between practice and theory. In fact, it has been noticed how during the 1980s they were instrumental in incorporating conflict-related crimes in international human rights and humanitarian laws.<sup>337</sup> The field certainly has various means of enforcement

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<sup>342</sup> For human rights field, various legal and academic scholars have drawn attention to the deficiencies of CEDAW and the need for ratification of Beijing's Optional Protocol. Among these scholars are Noreen Burrows, who discussed the need to place the Women's Convention in the context of the United Nations' efforts to establish a body of human rights law in 1985. In 1989, Andrew Byrnes discussed how the women's rights community and, to a lesser extent, the human rights community, have made efforts to integrate women's rights issues into the human rights agenda, but progress has been slow. In 1994, Laura Donner discusses the gender bias in drafting international treaties by comparing the 1979 women's convention to the 1965 racial convention. She also draws attention to inadequate provisions and mechanisms in the Women's Convention, especially as compared to its model the Racial Convention, and reveals a "lower priority for women's rights that can be attributed to the type of discrimination the Convention claims to prohibit." In 2002, Elizabeth Evatt discussed "finding women's voice" and pays tribute to those who fought to have women's rights included on the UN agenda and who drafted the 1979 Women's Convention. In 2003, Felipe Isa Gómez discussed the need for elaboration on Optional Protocol which aims to strengthen the mechanisms that exist to protect the rights of women at the international level. In 2006, Bal Sokhi-Bulley concludes that the OP is essential in strengthening protection mechanisms for women's human rights but is inadequate because it does not have compelling sanctions and penalties for non-compliance with obligations under CEDAW and decisions made by the Committee following a communication or inquiry. More: [http://www.law-lib.utoronto.ca/diana/whrr/display\\_articles.cfm?ID=1&sister=utl](http://www.law-lib.utoronto.ca/diana/whrr/display_articles.cfm?ID=1&sister=utl).

mechanisms when it comes to interstate human rights crisis. When dealing with the intrastate human rights crisis, however, the human rights practitioners and NGOs fall short and are hamstrung by the institutional constraints and sanctity of state sovereignty. As Lutz, Babbitt and Hannum point out, “it is one thing for a state to pledge to uphold human rights and another for it to tolerate policing of its compliance.”<sup>337</sup> Beyond institutional constraints, human rights practitioners have looked to alternative means to pressure states on compliance with international human rights and humanitarian laws. Even in these alternative means, the gender issues seem to lag behind other human rights agendas. On the gender issue, ratification of CEDAW and Beijing’s Optional Protocol remain the focus of human rights practitioners. While invoking and utilizing the International Criminal Court (ICC) in cases of crimes against humanity is gaining traction as an alternative means, the lack of CEDAW ratification by countries like Iran makes alternative means a non-alternative.

### ***In the Conflict Resolution Field***

I argue gender shapes conflict issues and strategies for resolution, particularly in an asymmetric conflict such as the one in Iran. Conflict resolution theories seem to limit their focus to the following categories: gender and armed conflict, gender and post-conflict reconstruction, or sexual violence in war zones such as Somalia, Bosnia and Rwanda. These categories tend to only focus on the most visible aspect of violence against women. There has been little focus on conflict between gender and state among the CR scholars and researchers.

The scarcity of a full range of scholarship could be due to the gap between the practice and theory of the field. A significant portion of gender influence on conflict resolution theories comes from its practitioners and not its scholars. Elis Boulding, who established the theoretical groundwork for conflict research and conflict resolution, contributed significantly to making women visible in peacemaking efforts and conflict resolution practice. As a sociologist, her study of women in history presented the case for feminist projects to abolish structural and behavioral aggression toward women. She insisted on broader focus of feminist theories to include the “oppression of both sexes.”<sup>343</sup>

Beyond practice, the most relevant contribution comes from Anita Taylor and Judie Beinstein Miller who, through their work, challenged the conflict resolution field on the “necessity of seeing gender in conflict.” In their view, since the 1970s, both conflict studies and feminist studies have “benefited from a convergence of interest by...practitioners, theorists and researchers” which has led to academic studies of conflict, conflict management and conflict resolution. They also talk about how “women’s movement brought major challenges to social and political organizations.... Yet, curiously, these developments have remained largely separate from each other.” In their view, women are mostly engaged in conflict management practice, and because of that “too much theory, research and practice of conflict management and conflict resolution fails to contextualize the conflict being addressed. As a result, our

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<sup>343</sup> Oliver Ramsbotham et al., *Contemporary Conflict Resolution* (Cambridge: Polity Press 2005), pp. 265-274.

understandings of conflicts are often incomplete, as are our attempts at resolving conflict.”<sup>344</sup>

There has been some progress recently. In 2006, Ramsbotham, Woodhouse and Miall presented four stages of engendering conflict resolution:<sup>343</sup>

- Stage 1: Making women visible as agents of change in conflict resolution.
- Stage 2: Removing male bias in conflict resolution data collection and empirical research.
- Stage 3: Rethinking conflict resolution theory to take gender into account.
- Stage 4: Incorporating gender into conflict resolution policy-making and practice.

To date, the more noticeable progress is in stage one where women are increasingly more visible in the practice of conflict resolution. According to Taylor and Miller, more women are now engaged in the conflict management field than before. But one must not confuse diminishing or reducing gender-blindness with feminization of the practitioners in the field. In other words, the field still has to implement the remaining stages to diminish or reduce gender-blindness in both theory and practice.

In this field, practitioners have more findings to offer the scholars for research and studies, but due to “multiplicity” and variety of practitioners’ backgrounds, there is no cohesive method of collecting these data for scholars. I would argue that breaking the wall between the theory and practice is more challenging for CR than HR. Moreover, unlike human rights, conflict resolution practitioners operate on a set of principles and

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<sup>344</sup> A. Taylor and J. Miller, “The Necessity of Seeing Gender in Conflict,” *Conflict and Gender*, Cresskill (1994):1-17.



not “codified norms” such as the international treaties and laws (i.e. UDHR, etc.).<sup>345</sup> Each practitioner may have more reliance on certain principles than others, which could skew the findings. Nevertheless, the need for more alignment between scholars and practitioners in conflict resolution becomes more pressing than before given its inherent gender-blindness.

### **Norms and Principals in Practice**

Prior to offering my critiques, a review of operating norms and principles of both fields is in order. Depending on the type of crisis and conflict, interstate or intrastate, each field responds differently. Here, I only offer general norms and principals of both fields. In theory all of these norms and principles are very important. In practice, however, some of these norms and principles are subjective depending on the level of engagement.

### ***Operating Norms for Human Rights Advocates***

Human rights advocates respond to human rights crises and victims of rights abuse. In response to an intrastate crisis, domestic human rights NGOs assume various roles such as citizens’ protection, reporting and monitoring, and advocacy and outreach to press their state on its obligation to protect the human rights of its citizens. INGOs advocate on behalf of the victims and domestic NGOs advocate in global forums and campaign internationally in defense of human rights. INGOs’ efforts including lobbying other governments and the UN to press the human rights abusers, organize fact-finding missions, publish reports, issue statements, and engage in various shaming strategies to

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<sup>345</sup> Ibid.

ensure compliance with international laws and human rights treaties. Rights advocates tend to remain neutral on the legitimacy of the crisis. They operate on a set of “codified norms” such as the international treaties and laws. They work independently of governments and usually do not engage in “partisanship” or politics to protect their impartiality and objectivity.<sup>346</sup>

### ***Operating Principals for Conflict Resolvers***

Conflict resolvers respond to conflicts and parties to conflict. Given their level of engagement, they work directly with government. They mostly focus on engagement of parties, including rights abusers, while remaining neutral to conflict issues. Some conflict resolvers, however, only declare neutrality to the process and not the issue. They also consider shaming strategies used by the HR field as a hindrance for willingness and active engagement of the shamed party. According to Lutz, Babbitt and Hannum, conflict resolvers operate on the following principles:

- *Participation*, where practitioners ensure all parties who “have direct stakes in the outcome are actively engaged” in the decision-making process.
- *Inclusion*, which is different than participation, is to ensure no stakeholder is left out.
- *Empowerment* is to ensure those parties who lack experience and resources are trained and coached to balance the sides during the engagement.
- *Cultural Sensitivity* is to ensure utilization of existing and indigenous methods and practices during the engagement.

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<sup>346</sup> I deliberately say “usually” given the case of Galindo Pohl’s report on Iran discussed in Chapter 6.

- *Equity*, as opposed to equality, is to ensure all parties are treated fairly and equally with respect to time and attention throughout the process, “even though there are differences in power.”<sup>337</sup>

### **Other Critiques**

Since the direction of influence for both fields is from practice to theory, my critiques below are limited to the practice fields of CR and HR. While both fields have shared goals in decreasing violence, limiting suffering and abuse and providing assistance, they operate differently. As mentioned earlier, the human rights field operates based on ratified norms and international laws, while conflict resolution operates on a certain set of principles depending on the type of intervention and conflict. With that, some of the critiques below are shared between both fields, and some are more specific to a field. Given the case study at hand, the following critiques may only be relevant to an intrastate conflict between parties (i.e. state versus women).

### ***Shared Critiques***

As mentioned before, both human rights and conflict resolution fields are derivatives of an international relations paradigm. In the case of gender conflict in Iran, both fields are subject to criticism because they continue to:

- Assume the legitimacy of the state based on sovereign status defined in the international system and not of a nation (popular sovereignty).
- Sometimes equate impartiality (not taking sides) with indifference towards politics.
- Miss the opportunity to develop a gender-centric early warning system.

Probably one of the most difficult topics to tackle for both fields is the sanctity of a sovereign state in international systems. It is often confused with the issue of the territorial integrity of a state or safeguarding status against external interferences by other states. There is no universal definition of state sovereignty. Some assume state sovereignty is based United Nations membership. It assumes domestic legitimacy of a state by equating nation and state as one concept. In practice, the criterion is mainly political among governments and not binding among nations. In the opinion of Justice Evatt of the High Court of Australia, “sovereignty is neither a question of fact, nor a question of law, but a question that does not arise at all.”<sup>347</sup> With that said, one wonders why the human rights and conflict resolution fields remain committed to such a loose and subjective concept? If the norms of the human rights field are based on a set of unified codes and ratified laws by sovereign states, then the practitioners must first validate the state sovereignty prior to engagement. The same argument holds with the conflict resolution field: If there is a need to engage at Track 1, 1½ or 2 (governmental, intergovernmental and nongovernmental) levels, they must know with whom they are engaging to honor their *participation* in and *inclusion* of principals. The bottom line is that both fields should be more sensitive to the roots of popular legitimacy of a state, which should come from its people and not governmental or intergovernmental relations.

On the issue of “impartiality,” or better said, contextualizing “impartiality” claims by both fields, I argue that when a repressive regime violates the rights of its people systemically and systematically, there is no room left for impartiality by those who

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<sup>347</sup> S. Akweenda, “Sovereignty in cases of Mandated Territories,” *International Law and the Protection of Namibia's Territorial Integrity*, Martinus Nijhoff Publishers, 1997., p. 40.

advocate human rights, peace and justice. In other words, both fields must be more sensitive to the politics of repressive regimes and not be afraid to call it out. In recent years, the United Nations also has moved towards a rights-oriented approach to its conflict resolution activities by calling out impunities for serious violations of international humanitarian and criminal law, including genocide, crimes against humanity, war crimes and torture.<sup>337</sup>

These shared critiques have a profound impact on practice within each field. Yet there is growing interest and promising movements within the field of human rights to address the tension between the competing notions of state sovereignty and international norms. Many practitioners have pushed for the states to relinquish some of their traditional state prerogatives in the area of human rights and adhere to international policymaking through a political process spearheaded by non-state actors, or through fomenting bottom-up approaches via civil society. For example, legal reform combined with NGO activities enabled the status of women in Tunisia to improve. Women's rights groups in Tunisia worked at a grassroots level to change attitudes about women, enabling legal reform to occur and to be effective once enacted. Success in Tunisia is due, in part, to groups organized by the general population. The manner by which these groups gained enough strength to lead movements for human rights despite government obstacles is worth examining.<sup>348</sup>

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<sup>348</sup> *Emory International Law Review*, winter 1996, Rev. 779, vol. 10.

### ***Specific Critique on Human Rights Norms***

In my view, there are two specific critiques to the HR norms.

1. Gender conflict in Iran highlights how universalism has failed the women because it has failed to hurdle two obstacles: government resistance to active monitoring, compliance with international laws through its laws and practices and the dominance of popular views. The universalists' ideals applicable to gender conflict in Iran as argued previously are not foreign to Iranian women given their century-long struggle for their rights. In fact, Iranian women rely on UHDR for moral and legal support because it offers a "standard of achievement for all peoples and all nations." As with any ideal, however, it must gain cultural legitimacy before people will adopt it. Because many times the universalists have attempted to implement universalist ideals using Western methods in non-Western cultures, they lose legitimacy in the eyes of the people and fuel the relativists' response from a resisting state like the IRI.
2. In addition, rights advocates tend to remain neutral on the legitimacy of the crisis. In conflicts where facts on the ground dictate otherwise, single-minded insistence on neutrality works to the detriment of the objectives of rights advocates and torpedoed the prospects for success.

Nevertheless, the human rights field continues to progress more in this space given its institutional access to various forums through UN institutions which allow for the Paris Principles, the Rome Statute of the International Criminal Court, the 2005 World Summit outcome document, and the Millennium Declaration to redefine the

tension and create more space for negotiation between rights and responsibilities of the international community, national governments, NGOs and private citizens.

Conflict resolution, on the other hand suffers from absence of such refinement and it is often slow to catch up with the broader global movement on human rights.

### ***Specific Critique on Conflict Resolution Principles***

In theory, all of CR's operating principles for practitioners are very important. In practice, however, some of these principles are subjective depending on the level of engagement by the conflict resolver. For example in Track 1, where there are official interveners either at governmental or intergovernmental bodies, all of these principles are subject to the sanctity of the state's sovereignty. In other words, participation, inclusion, empowerment, equity and cultural sensitivity are all subjective in the eyes of conflicting parties, particularly if at least one party is a sovereign state. Cultural sensitivity is even more subjective in gender-based conflicts since traditionally women have not taken a large part in determining the culture, and generally male activities have set the standards. Equity is also more subjective, particularly when women, who are among the vulnerable people in most societies and are likely to be victims of conflict, are often left out of negotiations at any level. With the systematic and systemic political and social violence and bloodletting committed by the state in Iran's gender conflict, to the degree the conflict resolver or the process bestows legitimacy—under the sovereignty pretext—to the state, he or she and the whole conflict resolution practice and process could very well lose legitimacy in the eyes of the victims, the NGOs, and the broader civil society. As a result, the practice will not produce any meaningful de-escalation of the conflict.

It is for the above reasons that I believe a hybrid approach between CR and HR is called for, where in addition to operating norms and principals, the practitioners can utilize guiding principles as a response to the above critiques.

### ***Need for Early Warning Systems***

To help diminish or reduce the gender-blindness in both HR and CR fields, they must develop gender-centric indicators that can serve as a warning mechanism during pre-conflict and indicate the likelihood of conflict.

I propose enhancing existing conflict early warning systems and data collection methodology to include gender-based measurements: “an indicator that captures gender-related changes in society over time.”<sup>349</sup> There are many benefits to this approach. As argued by Susanne Schmeidl and Eugenia Piza-Lopez, it will enhance “existing approaches of information collection, analysis, and response formulation. In sum, the integration of gender into current early warning practices would lead to more practical, accurate and realistic approaches.”<sup>350</sup> In addition to root cause indicators in political, social and economic equities for women in various societies, Schmeidle and Piza-Lopez suggest adding “proximate indicators” which account for abrupt changes in societies. They used Afghanistan as a case study to draw attention to the following specific negative indicators that speak to the sudden change of gender role in a society:

- A move from open to closed societies.
- Imposition of restrictive laws, especially for women.

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<sup>349</sup> Tony Beck, 1999, “Using Gender Sensitive Indicators: A Reference Manual for Governments and Other Stakeholders,” *Gender Management Series*. London: Commonwealth Secretariat.

<sup>350</sup> Gender and Conflict Early Warning: A Framework for Action, <http://portals.wi.wur.nl/files/docs/ppme/getdata4.pdf>, last accessed June 20, 2010.



- Increasing restrictive interpretation of existing laws.
- Reward for aggressive behavior.
- Propaganda emphasizing hyper-masculinity.

For “Increasing the likelihood of Conflict,” they used the case of Rwanda to draw attention to the following indicators:

- Media scapegoating of women.
- Engagement of women in a shadow war economy (e.g. trafficking of women and prostitution).
- Resistance to women’s participation in peace processes and peace negotiations on the part of guerrilla/armed groups, warlords and governments.
- Lack of presence of women in civil society organizations and lack of women's organizations.
- Short-term empowerment of women and communities.
- Growth of discriminatory movements such as fundamentalism.
- Insensitive (to gender, etc.) response by international actors.

Had an early warning system been in place thirty years ago, perhaps the gender conflict we see in Iran today could have been identified and understood sooner and perhaps de-escalated.

### **A Hybrid Approach**

Gender conflict in Iran presents a unique opportunity to not only heighten the gender sensitivity in the CR and HR fields, but also develop a hybrid approach. Julie Mertus and Jeffery Helsing argue how the different approaches of HR and CR can

complement each other, in fact, “the differences in outlook have much to do with setting of priorities.”<sup>351</sup> In their view, prior to operational engagement for either field, it is important to correctly identify the conflict stage.<sup>352</sup> I agree with them and take their point one step further using the case of gender conflict in Iran with the following approaches.

First, recognizing that the conflict for Iranian women has remained in the “intensification” stage, in various forms, for more than 30 years. An inaccurate recognition of the conflict stage has negatively impacted the priorities and operational engagement of both fields because, due to its protracted nature, gender conflict in Iran has emerged, diverged and converged with broader social conflict since 1979.

Second, a new set of guiding principles is needed so that both fields can effectively define the joint priorities and engage efficiently and non-contradictorily. For example, in response to a conflict, both fields must have a clear understanding and agreement on:

- How to identify pre-conflict indicators and conditions to develop an early detection or early warning exercise.
- How to identify the conflict type from a power relations perspective. The answer to this question triggers a decision tree. If it is a symmetrical or asymmetrical conflict, then the next set of questions will alter based on this answer, which impacts the overall approach for engagement. As discussed in

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<sup>351</sup> Julie Mertus and Jeffrey Helsing, *Human Rights and Conflict: Exploring the Links Between Rights, Law, And Peacebuilding* (Washington, DC: USIP, 2006), pp. 7-8.

<sup>352</sup> Ibid p. 10 referring to stage 1 (conflict intensification), stage 2 (armed conflict), and stage 3 (post-conflict/post-crisis stage).

the previous chapter, in the case of gender conflict in Iran, the conflict is asymmetrical conflict.

- How to identify gender placement in the conflict. Simply ask the question “where are the women?” even if the conflict is not gender-based. This guiding principle will help make women more visible and create equitable conditions for resolution.
- How to identify conflict parties and create a placeholder for the most vulnerable people (minorities, children, disabled, etc.).
- How to challenge the sanctity of state sovereignty and emphasize the voice of civil society when dealing with repressive regimes.
- Do not equate political impartiality with moral indifference. It delegitimizes the practitioner in the view of the oppressed party

### ***Other Considerations***

Over the past two decades, both fields have faced more intrastate conflicts than interstate. The above shared critiques hold regardless of the practitioner’s neutrality to the conflict or to the engagement process. However, if the intervener is influential and powerful, it can play as a third party advocate for a non-state conflict party, in this case, the Iranian women. In those cases, more collaboration is needed between HR and CR. The conflict resolvers and human rights advocates clearly have to take sides and take a position on the legitimacy of a conflict for the underrepresented party in the conflict. Such an approach may, in the interim, even escalate the conflict and lead to more violence, but ultimately it stays true to the principle of equity while balancing the power

symmetry in the conflict.<sup>353</sup> This is where collaborating human rights advocates can mobilize and coordinate shaming strategies to prevent human rights abuses despite escalation. This approach may work in favor of the state in some instances (i.e. dealing with transnational corporations or criminal enterprises). According to Lutz , Babbitt and Hannum ., in recent years human rights NGOs have expanded their willingness to criticize rights violations by all parties to armed conflicts, and, in some cases, to condemn private actors, such as terrorist groups, criminal enterprises and transnational corporations for their complicity in rights abuses.<sup>337</sup> Still, the benefits of this approach surpass its possible negative implications.

## **Conclusion**

Having been a human rights practitioner with a focus on women's rights in Iran for the past two decades, and studying conflict resolution for the last five years, I cannot help but add my voice and advocate for a collaborative approach between the two fields.

In 2000, during the Beijing+5 Women's Conferences in New York City, I organized a panel titled "Governments Against Women" to highlight the plight of women in Iran and Afghanistan. The overwhelming response and attendance by other NGOs, including INGOs like the Amnesty International, was not only heartwarming but also raised the point for the broader conference on the need to think about ways to hold states accountable for their deliberate acts of victimization of women within an intrastate context. I raise this to highlight how various practitioners—both in women's rights and human rights—are looking for alternative means to overcome the challenges in the field.

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<sup>353</sup> By no means am I advocating power equity through military means or intervention.

I began this chapter by historically grounding the two fields in the IR paradigm and discussed where the two fields have inherited some of the inefficiencies, particularly on the issue of gender-blindness. My main point is that the two fields must recognize that if they continue to single-mindedly honor the sovereignty of the state and operate within the constraints of the existing institutions which also honor the sovereignty of state, then they will miss opportunities to provide support for most people whose rights are violated or do not have equal access to the law. If HR and CR continue to operate as they do now, these victims will never be at the negotiating table. This is especially the case for women in many countries. The point of this argument is to present the main critique of both HR and CR where I question their effectiveness when repressive states are treated as sovereign states according to the very international laws which these states have systematically violated through repeated and appalling abuse of their own citizens' rights. Through application of the hybrid approach, guiding principles and gender-centric early warning systems, I call for recognition of civil society and popular sovereignty as an alternative to loosely defined state sovereignty.

## 9. Final Conclusion

Patriarchy is not unique to Iran and is still a problem in the most progressive societies. While patriarchy is best defined as control by men, it can lead to “oppression of both” genders as Elis Boulder says.

For Iranian women the struggle against patriarchy began long before 1979, during the 1906 Constitutional Movement where women increasingly pushed for their rights as equal partners in society. As the women’s movement in Iran evolved, the issue of women’s equality became one of the objectives of the overall social movements against the monarchies. Women’s role against the shah’s dictatorship, leading up to the 1979 revolution, was a high point in their unfinished journey to uproot the patriarchy which, for decades, targeted Iranian women through social, cultural and religious practices.

With the 1979 establishment of the IRI and the doctrine of *vali-e-faqih* as the highest authority and ratification of the Constitution and the Penal and Civil Codes, the patriarchy was theorized, institutionalized and codified into all laws of the land; it evolved to a different level of zealotry. Shirin Ebadi believes the “clock was set back on women” in Iran after the revolution. Maryam Rajavi believes “misogyny is embedded, in the worst possible manner, in the inhumane mindset and within the constitution of the mullahs who rule Iran.”

Cruel and inhumane treatment of women, condoned through the constitution, statutes, judicial decisions, and acquiescence to common practices target women differently than men. Various actors, state and non-state, men and women, commit violence against women in both public and private spheres. The culture of violence against women is an acceptable culture for the IRI. It is not, however, acceptable to the women's movement in Iran. This conflict has resulted in three decades of social and political confrontation between the civil society and the state. In Iran, NGOs have played a significant role in highlighting the gross violations of human rights. Formal and non-formal formation of NGOs during the 1980s in Iran and in exile led to a greater international awareness of how the IRI treats its citizens. Although the depth and breadth of violence against women was not known until the 1990s, the overall movement for defense of human rights in Iran brought annual condemnation and shame for the IRI.

Within the first three years of the revolution (1979-1982), Ayatollah Khomeini as the Supreme Leader and creator of the *vali-e-faqih* system set the tone for the IRI's response to any outside criticism. By calling INGOs (i.e. Amnesty International) and UN human rights bodies "enemies of revolution," he signaled the world community that no amount of pressure would lead to the IRI changing behavior. By invoking the sanctity of *vali-e-faqih*, the very fundamental premise of the IRI and its laws and statutes, the state has concocted a religion-based relativist response to the world community when scrutinized about its human rights abuse, particularly regarding women.

Feeling particularly vulnerable after loss of its *vali-e-faqih*, Ayatollah Khomeini in 1989, and faced with increased isolation and a damaged reputation, the IRI changed its

tactics during the 1990s to not only deflect the issue of human rights with its relativist approach but also dilute the work of the NGOs with its own state-run NGOs.

Although throughout the years, Iranian opposition groups, women's NGOs and INGOs have exposed the continuous and systematic rights abuse in Iran using a UN-centered human rights regime, the IRI has not yet halted the rights violations. The repeated tone over the past three decades in Iran's response to international concerns over its human rights record typifies a relativist response to the universalists' approach:

- The IRI justifies its separate treatment of women through its own interpretation of Islamic tenets.
- The IRI rejects UN arguments (universalist approach) as based on notions of Western cultural supremacy.
- The IRI characterizes international attacks on its conduct as politically motivated.

Gender conflict in Iran is a complex and protracted case where the violence indicators shift with various social and political developments. Since 1979, the cycle of denial and demand for rights has intensified the conflict, which on many occasions has, inevitably, merged and commingled with the larger nationwide movement for change. The centrality of this conflict to the overall movement for change has given rise to the emergence of various movements such as the main opposition group in exile which is led by women, the One Million Signature Campaign in Iran which is led by brave activists, men and women, and the active and courageous presence of women of all ages and walks of life at the frontlines of post-June 2009 unrests in Iran.



For human rights and conflict resolution practitioners, this case study offers clear evidence of the need to look to the facts on the ground before applying any methods and practices, especially when these fields suffer from an inherited gender-blindness. In the last chapters, I offered my critiques and outlined inefficiencies I have seen in the field as a HR practitioner and CR scholar. Although I believe this requires further studies, my attempt is to provide an experiential and practitioners' point of view on where the two fields need to improve and collaborate.

As a first step, I argue the need for both fields to contextualize the conflict, understand who the conflict players are, and without losing the importance of applying the UDHR as standards and starting points for defense of human rights, to also look to indigenous methods for intervention, prevention, protection and assistance. In the proceeding pages, I offered a thirty-year window into the lives of Iranian women from all walks of life, women who have become the first and foremost targets of state violence since the 1979 revolution. Understanding the behavior of the IRI, its ideology, misogynous laws and practices is critical to contextualize the gender conflict in Iran. A systematic and systemic violence is conducted through the IRI's constitution, statutes, judicial decisions and acquiescence to common practices. By simply asking "where are the women?" the two fields can develop a hybrid approach in cooperation with indigenous civil society.

It is also imperative for both fields to not buy into the IRI-inspired and superficial tension between universalism and relativism. It is also imperative to create a "legal space" for the voice of civil society when dealing with repressive regimes. Using the case

of gender conflict in Iran can help both fields build gender equity and equality as essential considerations in building sustainable peace and reconstructing democratic processes. Moreover, establishing an engendered early warning system will prompt analysts to ask new questions relating to pre-conflict and likelihood conditions.

The bottom line is that the two fields can do so much more to help gender inclusion and mainstream it into the agendas of relevant policy makers much earlier, which in turn could help with prevention mechanisms. Engendering the fields will also help with negotiating tensions between rights and responsibilities of the international community, national governments and private citizens—all of which will continue to define the world we live in.

## APPENDIX A

Table A1. Penal Code Articles Against Women

	<b><i>Hodud (Punishment Prescribed in Religious Law)</i></b>
1	<b>Article 63.</b> Adultery is the act of intercourse, including anal intercourse, between a man and a woman who are forbidden to each other, unless the act is committed unwittingly.
2	<b>Article 64.</b> Adultery shall be punishable (subject to <i>hadd</i> ) when the adulterer or the adulteress is of age, sane, in control of his or her action and cognizant of the illicit nature of his or her act.
3	<b>Article 65.</b> Only the adulterer or the adulteress who is cognizant of the illicit nature of his or her act shall be punished for adultery.
4	<b>Article 66.</b> If either the adulterer or the adulteress claims ignorance of law or fact, he or she shall not be punished for adultery if his or her claim is presumed to have <i>prima facie</i> validity, even if no witnesses to verify said claim are produced.
5	<b>Article 67.</b> If either the adulterer or the adulteress claims to have been under duress while committing the act of adultery, he or she shall not be punished if his or her claim is not otherwise clearly disproved.
6	<b>Article 68.</b> If a man or a woman repeats his or her confession of adultery four times before the judge, he or she shall receive the designated punishment, but if he or she repeats his or her confession fewer than four times, the punishment shall be at the judge's discretion.
7	<b>Article 73.</b> Pregnancy of an unmarried woman shall not by itself be the cause of punishment unless relevant evidence, as defined in this code, proves that she has committed the act of adultery.
8	<b>Article 74.</b> Adultery, whether punishable by flogging or stoning, may be proven by the testimony of four just men or that of three just men and two just women.
9	<b>Article 75.</b> If adultery is punishable only by flogging it can be proven by the testimony of two just men and four just women.
10	<b>Article 76.</b> The testimony of women alone or in conjunction with the testimony of only one just man shall not prove adultery but it shall constitute false accusation which is a punishable act.

	<b><i>Hodud (Punishment Prescribed in Religious Law)</i></b>
11	<b>Article 81.</b> If the adulterer or the adulteress repents prior to confessing to the act of adultery, he or she shall not be punished (subject to <i>hadd</i> ). If, however, he or she repents following his or her confession the punishment for adultery shall apply.
12	<b>Article 82.</b> The penalty for adultery in the following cases shall be death, <b>regardless of the age</b> or marital status of the culprit: (1) Adultery with one's consanguineous relatives (close blood relatives forbidden to each other by religious law); (2) Adultery with one's stepmother in which the adulterer's punishment shall be death; (3) Adultery between a non-Muslim man and a Muslim woman, in which case the adulterer (non-Muslim man) shall receive the death penalty; (4) Forcible rape, in which case the rapist shall receive the death penalty.
13	<b>Article 83.</b> Adultery in the following cases shall be punishable by stoning: (1) Adultery by a married man who is wedded to a permanent wife with whom he has had intercourse and may have intercourse when he so desires; (2) Adultery of a married woman with an adult man provided the woman is permanently married and has had intercourse with her husband and is able to do so again. <b>Note.</b> Adultery of a married woman with a minor is punishable by flogging.
14	<b>Article 84.</b> Old married adulterers and adulteresses shall be flogged before being stoned.
15	<b>Article 85.</b> Revocable divorce shall not relieve the husband or wife from the bond of marriage during the waiting period whereas irrevocable divorce shall do so.
16	<b>Article 86.</b> Adultery of a permanently married man or a permanently married woman who does not have access to his or her spouse, due to travel, incarceration or similar impediments, shall not require stoning.
17	<b>Article 88.</b> The punishment for an unmarried adulterer or adulteress shall be one hundred lashes.
18	<b>Article 90.</b> If a man or a woman has committed the act of adultery several times and has been punished after each act, he or she shall be put to death following his or her fourth act of adultery.
19	<b>Article 91.</b> An adulteress shall not be punished while pregnant or in menstruation or when, following birth and in the absence of a guardian, the newborn's life is in danger. If, however, the newborn becomes the ward of a guardian the punishment shall be carried out.
20	<b>Article 92.</b> If the flogging of a pregnant woman or a woman nursing her child poses risks to the unborn or to the child respectively, the execution of the punishment shall be delayed until the said risk is no longer present.

<b><i>Hodud (Punishment Prescribed in Religious Law)</i></b>	
21	<b>Article 93.</b> If an ailing woman or a woman in menstruation has been condemned to death or stoning, the punishment shall be carried out. If, however, she is condemned to flogging, the punishment shall be delayed until she is recovered or her menstruation period is over.
22	<b>Article 100.</b> The flogging of an adulterer shall be carried out while he is standing upright and his body bare except for his genitals. The lashes shall strike all parts of his body—except his face, head and genitals—with full force. The adulteress shall be flogged while she is seated and her clothing tightly bound to her body.
23	<b>Article 102.</b> The stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts.
24	<b>Article 103.</b> In case the person sentenced to stoning escapes the ditch in which they are buried, then if the adultery is proven by testimony then they will be returned for the punishment but if it is proven by their own confession then they will not be returned. Note. If the person sentenced to flogging escapes they shall be returned in any case.
25	<b>Article 104.</b> The size of the stone used in stoning shall not be too large to kill the convict by one or two throws and at the same time shall not be too small to be called a stone.
26	<b>Article 105.</b> The Shari'a Judge can act upon his own knowledge in the cases of [defending] the God's Rights ( <i>Haghollah</i> ) and People's Rights ( <i>Haghonnas</i> ) and carry out the punishment constituted by the God and it is necessary that he documents his knowledge. The execution of the punishment in case of God's Rights ( <i>Haghollah</i> ) is not contingent upon anyone's request but in the case of People's Rights ( <i>Haghonnas</i> ) is contingent on the owner of the right.
27	<b>Article 106.</b> Adultery during the holy times such as religious festivities and Ramadan and Friday and at holy places such as mosques will constitute flogging in addition to the regular punishment..
28	<b>Article 107.</b> The presence of the witnesses is necessary when stoning punishment is carried out but the punishment shall not be annulled due to their absence but it shall be annulled with their escape.
29	<b>Article 119.</b> Testimony of women alone or in conjunction with that of a single man shall not prove sodomy.
30	<b>Article 127.</b> Lesbianism consists in genital sexual acts carried out between women.
31	<b>Article 128.</b> Evidence for proof of lesbianism and sodomy is the same.
32	<b>Article 129.</b> The punishment for lesbianism is a hundred lashes for both parties to the act.

<b><i>Hodud (Punishment Prescribed in Religious Law)</i></b>	
33	<b>Article 130.</b> Punishment for lesbianism applies only to the person who is of age, sane, in control of her actions and who has been a willing party to the act of lesbianism. Note. In the application of the penalty for lesbianism there shall be no distinction as to whether the culprit has been passive or active or as to whether she is a Muslim or non-Muslim.
34	<b>Article 131.</b> If the act of lesbianism has been repeated three times and punishment has been carried out each time, the death penalty shall apply if the act is committed a fourth time.
35	<b>Article 132.</b> If the perpetrator of the act of lesbianism repents prior to the testimony of witnesses, the penalty of <i>hadd</i> shall not apply. Repentance following the witnesses' testimony, however, shall not bar <i>hadd</i> punishment.
36	<b>Article 133.</b> If the act of lesbianism is proved through confession and the culprit repents afterwards, the judge may ask the supreme jurist ( <i>vali-ye amr</i> ) for waiver of punishment.
37	<b>Article 134.</b> If two women, who are not consanguineous, go under the same bed cover while nude and without justification, they shall be given fewer than one hundred lashes. In case of repetition of the act for a third time each shall be given one hundred lashes.
38	<b>Article 138.</b> The penalty for procurement is in the case of a male procurer 75 lashes and banishment between three months and a year and in the case of a female procurer only 75 lashes.
39	<b>Article 140.</b> The penalty for false accusation is 80 lashes regardless of the gender of the culprit.
40	<b>Article 145.</b> Any insult that causes indignation to the victim but which does not constitute false accusation of adultery or male homosexuality, such as when a husband tells his wife: 'You were not a virgin,' is punishable by up to 74 lashes.
41	<b>Article 150.</b> If the husband falsely accuses of adultery his deceased wife who is survived only by a child from him, no punishment shall apply. If, however, the said deceased wife is survived by inheritors other than the said child, the penalty shall apply.
42	<b>Article 164.</b> The right to demand punishment for false accusation belongs to all survivors except the husband and the wife. Any one of the survivors may demand the application of said punishment even if other survivors waive their right.
43	<b>Article 174.</b> The punishment for intoxication is 80 lashes for both men and women.

	<b><i>Hodud (Punishment Prescribed in Religious Law)</i></b>
44	<b>Article 176.</b> When flogging is carried out, the man being flogged shall be in a standing position and be bared except for his genitals, whereas the woman being flogged shall be seated and her clothing tightly bound to her body. Note. The face and head and genitals of the condemned shall not be struck by the lashes during flogging.
	<b><i>Qasas (Retribution)</i></b> <b>Penal Code Articles Against Women</b>
45	<b>Article 209.</b> If a Muslim man commits first-degree murder against a Muslim woman, the penalty of retribution shall apply. The victim's next of kin, however, shall pay to the culprit half of his blood money before the act of retribution is carried out.
46	<b>Article 210.</b> If a non-Muslim commits first-degree murder against another non-Muslim, retribution shall apply even if the culprit and his or her victim profess to two different religions. In the said case, if the victim is a woman her next of kin shall pay the culprit half his blood money before retribution is carried out.
47	<b>Article 237.</b> (1) First degree murder shall be proven by testimony of two just men; (2) Evidence for second-degree murder or manslaughter shall consist in the testimony of two just men, or that of one just man and two just women, or the testimony of one just man and the sworn testimony of the accuser.
48	<b>Article 243.</b> The claimant [in the case of murder] may be either a man or a woman but in either case he or she must be one of the victim's inheritors.
49	<b>Article 248.</b> In case of doubt, first-degree murder may be proved by the sworn testimony of 50 men who must be sanguineous relatives of the claimant.... Note 2. If the number of the sworn testimonies does not reach 50, any of the male testifiers may repeat his oath as many times as it is necessary to constitute 50 testimonies. Note 3. If the claimant cannot present any of his sanguineous male relatives to provide sworn testimony in support of his or her claim, the claimant may repeat the sworn testimony 50 times, even if she is a woman.
50	<b>Article 258.</b> If a man murders a woman, the woman's next of kin may ask for retribution if he pays the murderer half of his blood money or they may agree to a settlement whereby the murderer pays him an amount less or more than the victim's blood money.
51	<b>Article 261.</b> Only the inheritors of the victim of a murder shall have the option of retribution or pardon. The victim's husband or wife, however, shall have no say in either retribution, pardon or execution of the punishment.

	<b><i>Qasas (Retribution)</i></b> <b>Penal Code Articles Against Women</b>
52	<b>Article 262.</b> Retribution shall not be carried out against a pregnant woman. In said case, if post-delivery retribution endangers the newborn's survival it shall be delayed until such time as the child's life is no longer in danger.
53	<b>Article 273.</b> In retribution for injury to, or loss of, bodily organs men and women shall be treated equally. Thus, a male culprit who has maimed a woman or otherwise caused her bodily injury shall be subject to commensurate retribution unless the blood money for the lost organ is a third or more than a third of the full blood money, in which case the female victim pay the culprit half of the blood money for said organ.
	<b><i>Diyeh (Money Paid in Lieu of Criminal Damage)</i></b> <b>Penal Code Articles Against Women</b>
54	<b>Article 300.</b> The blood money for the first- or second-degree murder of a Muslim woman is half of that of a murdered Muslim man.
55	<b>Article 301.</b> The blood money is the same for men and women except when it reaches a third of full blood money, in which case a woman's blood money shall be half of a man's.
56	<b>Article 441.</b> Defloration of a virgin by insertion of a finger that results in incontinence shall entitle the victim to her full blood money plus a sum equal to her potential dowry.
57	<b>Article 459.</b> In case of disagreement between the culprit and the victim, the testimony of two just male experts or that of one male expert and two just female experts asserting unrecoverable loss of sight or loss of sight for an indeterminate period shall entitle the victim to blood money. In the said case, the blood money is due the victim if the eyesight is not recovered at the time predicted by the experts, or if the victim dies before his or her eyesight is restored, or if someone else gouges his or her eye.
58	<b>Article 478.</b> If a man's reproductive organ is severed from the circumcision line or lower he shall be entitled to his full blood money, otherwise the amount of blood money shall be proportional to the size of the severed part.
59	<b>Article 479.</b> If a woman's genital is totally severed she shall be entitled to her full blood money and if only half of her genital is severed half of her blood money is due her.
60	<b>Article 483.</b> Compensation for injury to hand or foot caused by spear or bullet shall be 100 diners if the injured party is male and commensurate with the injury if the injured party is female.
61	<b>Article 487.</b> Section 6. Blood money for the aborted fetus which has taken in the human spirit shall be paid in full if it is male, one-half if it is female, and three-quarters if its gender is in doubt.



	<b><i>Diyeh (Money Paid in Lieu of Criminal Damage)</i></b> <b>Penal Code Articles Against Women</b>
62	<b>Article 488.</b> If the fetus is destroyed as a result of its mother's murder its blood money shall be added to the blood money of its mother.
63	<b>Article 489.</b> If a woman aborts her fetus at any stage of pregnancy she shall pay its full blood money and no share of the blood money shall go to her.
64	<b>Article 490.</b> Separate blood monies shall be paid for each aborted fetus if more than one is involved in an abortion.
65	<b>Article 491.</b> Blood money for loss of limb of, or injuries to, the fetus shall be proportionate to its full blood money.
66	<b>Article 492.</b> The blood money for the aborted fetus in cases involving deliberate intent shall be paid by the culprit, otherwise by the fetus's next of kin.
	<b><i>Ta'zirat (Punishment at the Judge's Discretion)</i></b> <b>Penal Code Articles Against Women</b>
67	<b>Article 513.</b> Anyone who insults the Islamic sanctities or any of the <i>imams</i> or her Excellency <i>Sadigheh Tahereh</i> should be executed if his insult equals to speaking disparagingly of Prophet Muhammad. Otherwise, should be imprisoned from one to five years.
68	<b>Article 514.</b> Anyone who somehow insults the founder of Islamic Republic of Iran—Khomeini, or the Supreme Leader of the country—should be sentenced to imprisonment from six months to two years.
	<b><i>Ta'zirat (Punishment at the Judge's Discretion)</i></b> <b>Penal Code Articles Against Women</b>
69	<b>Article 637.</b> Any man and woman who are not married and who commit a crime against public morality, excluding adultery, should be sentenced to flogging (99 lashes). If one of them did not consent to the crime, then only the one who initiated the crime should be punished..
70	<b>Article 638.</b> Anyone who explicitly violates any religious taboo in public beside being punished for the act should also be imprisoned from ten days to two months, or should be flogged (74 lashes). <b>Note. Women who appear in public without a proper <i>hijab</i> should be imprisoned from ten days to two months or pay a fine of 50,000 to 500,000 Ryal.</b>

	<b><i>Ta'zirat (Punishment at the Judge's Discretion)</i></b> <b>Penal Code Articles Against Women</b>
71	<b>Article 640.</b> The following people should be imprisoned from three months to one year and pay a fine of 1,500,000 to 6,000,000, and also be flogged up to 74 lashes, or any of these punishments.... c) anyone who publicizes any picture, text, photo, drawing, article, newsletter, newspaper, movie, or any other thing that violates public morals; d) anyone who is included in the circulation of the above items;
72	<b>Article 698.</b> Anyone who in order to hurt some one else or to disturb public mentality or the officials publishes false information in the form of letter, or complaint, or report, or any other press, should be imprisoned from two months to two years or be flogged 74 lashes.

*Note.* Misogynous and patriarchic language has been highlighted.

## APPENDIX B

Table B1. Multi-Source Comparison on Specific VAW Indicators

Estimate of	Source 1	Source 2	Source 3	Specific Cases
Number of women killed by the state through execution, assassination, stoning, public hanging and murder under torture in prison, during protests and in safe houses	PMOI Published List:  2292	OMID Database <sup>1</sup>  1035	WFAFI Database <sup>2</sup>  2345	<ol style="list-style-type: none"> <li>1. From 1980-1991, 21 women were stoned to death by the state.<sup>3</sup></li> <li>2. From 1998-2002: At least 14 women have been stoned to death.</li> <li>3. Assassination abroad: Fereshteh Esfandiari and Effat Haddad both were assassinated when their vehicle came under fire by Tehran's agents in Baghdad on May 17, 1995<sup>4</sup></li> <li>4. Assassination abroad: Zahra Rajbi killed in Turkey in 1996.<sup>5</sup></li> <li>5. Assassination abroad: Fariba Moozarmi and Massoumeh Goodarzi were killed by car bomb on June 9, 1999 in Iraq.<sup>6</sup></li> <li>6. Murder under torture: Zahra Kazemi killed in Evin Prison in 2003.<sup>7</sup></li> </ol> <p>During the anti-government protests in Summer 2009:</p> <ol style="list-style-type: none"> <li>7. Neda Agah-Soltan assassinated in public in 2009.</li> <li>8. Taraneh Mousavi, kidnapped, raped and killed in safe house in summer 2009.<sup>8</sup></li> <li>9. Fatemeh Samsarian, killed during the silent march in Azadi Sqaure on June 15 2009; her son was also shot.<sup>9</sup></li> <li>10. Fatemeh Rajab Pour, 38, was shot and killed in Tehran on 15 June 2009.<sup>30</sup></li> <li>11. Tina Soudi, shot and killed in Enghelab Square on June 25, 2009.</li> <li>12. Fatemeh Barati, student, died during the attacks on Tehran University dormitories on June 14, 2009.</li> </ol>

Estimate of	Source 1	Source 2	Source 3	Specific Cases
				<p>13. Fahimeh Salahshour, 25, died due to beating and head injuries on June 15, 2009 in Tehran.</p> <p>14. Maryam MehrAzin, 24, shot and killed on Azadi Street on June 16, 2009.</p> <p>15. Parisa Keli, 25, shot in the neck on July 21 on Keshavarz Boulevard in Tehran.</p>
Number of women killed by non-state actors through honor killing, suicide, self-immolation and murder of runaway girls	<p>Asia Pacific Women's Watch</p> <p>In 2001 only: 565 women lost their lives to honor killings, 375 of whom immolated themselves.</p> <p>State's Officials announced the number of suicides among women in 2003 had a 46% increase compared to 2002, and 74% of the successful suicides (that led to death), were those of women.<sup>10</sup></p>	<p>OMID Database</p> <p>26</p>	<p>WFAFI Database 1990-2009</p> <p>3523</p>	<p>1. Public hanging: In 2004, Atefeh Sahaleh Rajabi, a 16-year-old was raped by her judge and publicly hanged in the city of Nekka.<sup>11</sup></p> <p>2. Dr. Homa Darabi, head of a Psychiatric Clinic in Tehran, sets herself on fire in 1994 to protest in a crowded square in northern Tehran on February 21, 1994. Her last cry was "Death to Tyranny, Long Live Liberty." Her action was in protest to the death of a 16-year-old girl who was shot to death in Northern Tehran for wearing lipstick.<sup>12</sup></p> <p>3. In 2004, less than two months, there has been public hanging of a 16-year-old girl, execution order of a 33-year-old mother and stoning sentence for a 14-year-old girl.<sup>13</sup></p>

Estimate of	Source 1	Source 2	Source 3	Specific Cases
Estimated number of women arrested at various stages	<p><i>New York Times</i>, 1991: In city of Esfahan, 300 women arrested over colorful scarf.<sup>14</sup></p> <p>AP Newswire November 1991: 2,000 women were arrested in Tehran in two days on charges of being improperly veiled and their husbands were demoted or dismissed from government jobs.<sup>15</sup></p> <p>PMOI 1992: "113,000 persons were arrested and referred to the judicial authorities on charges of dissemination of moral corruption and mal-veiling."<sup>3</sup></p> <p>In 1994, Head of the Prison Organization of Iran, Assadollah Lajevardi, said 5% of the total</p>	<p>State's official in 2007: "During the first four days [since the code came into effect] we have picked up 150,000 women who were not properly veiled, but many of them were released after they signed an admission of guilt and a formal apology."<sup>17</sup></p> <p>Human Rights First: More than 250 women have been arrested between 2006 and 2008, since the launch of One Million Signature Campaign.<sup>21</sup></p>	<p>Amnesty International (AI): "During anti-government protest on June 19, 2009, the authorities said 43 died in the protests but opposition sources said the true total was likely to be over 100. Hundreds were injured. Well over 5,000 people" were detained, most if not all were systematically denied access to legal representation, with many tortured and raped in prison. At least 12 died in custody.<sup>18</sup></p>	<p>On May 13, 1990, AI calls for the release of 8 women arrested and in prison since 1983.<sup>19</sup></p> <p>On June 12, 2006, Iranian women's rights activists took to the streets again and planned a similar protest in Haft-e Tir Square, in Tehran, with similar objectives and demands. The protest was violently broken up and over 70 persons arrested. This was the first major crackdown against peaceful women's activism in Iran.<sup>20</sup></p> <ol style="list-style-type: none"> <li>1. Jila Baniyaghoob was charged for "acting against national security by participating in an illegal gathering," due to her presence at the June 12, 2006 demonstration. The presiding judge subsequently dropped charges.<sup>21</sup></li> <li>2. 26 prominent women's rights activists were arrested during a gathering marking the International Women's Day. Two days later, the women started a hunger strike while Shahla Entesari was being held in solitary confinement.</li> <li>3. 33 women were arrested during a silent protest in front of the Islamic Revolutionary Court in Tehran where four women were prosecuted for their involvement with the June 12, 2006 demonstration.</li> <li>4. The 8 youngest detainees arrested on March 4, 2007 were released without being charged.</li> <li>5. On April 11, 2007, Azadeh Forghani was sentenced to two years' imprisonment for "acting against national security by participating in an illegal gathering."</li> <li>6. Fariba Davoodi Mohajer and Sussan Tahmassebi were sentenced on April 18, 2007 to four years' imprisonment for "collusion and assembly to endanger the national security" and "acting against national security," respectively.</li> </ol>

Estimate of	Source 1	Source 2	Source 3	Specific Cases
	<p>prisoners are women (estimating 4500 women).<sup>16</sup> In August 1994 of the same year, the number went up to 6000 women in prison.</p> <p>In 2002, the head of the Prisons Organization, Morteza Bakhtiari said that there are more than 3,000 prisoners with high school and higher education. 5,693 women are among the prisoners. He put the total number of prisoners at 167,475. The head of the Prisons Organization acknowledged that more than 800 professionals and graduates of universities and schools of higher education with BA, BS and MS degrees are in prison.<sup>16</sup></p>			<p>7. April 23, 2007, two more women's activists were sentenced to prison, reportedly charged with "gathering and colluding to disturb national security," "disturbing public order" and "disobeying the orders of officials."</p> <p>8. January 2008: Ronak Safarzadeh and Hana Abdi were arrested in October and November of 2007. As of February 2008, they continue to be imprisoned without charges or trial.</p> <p>9. Ehteram Shadfar, a member of the Mothers Committee of the One Million Signatures Campaign, is sentenced to 6 months suspended prison term for collecting signatures.</p> <p>10. June 13, 2008: Mahboubeh Karami, a member of the Campaign, was arrested in Tehran, near Mellat Park.</p> <p>11. July 9, 2008: Zeinab Bayzeydi, a women's rights activist and member of the Human Rights Organization of Kurdistan and active with the One Million Signatures Campaign in the city of Mahabad in Kurdistan Province, is arrested.</p>

Estimate of	Source 1	Source 2	Source 3	Specific Cases
Sample number of women and girls victimized by human trafficking, including number of brothels in Iran. <sup>22</sup>	<i>FrontPage Magazine</i> 2004: In Tehran, there are an estimated 84,000 women and girls in prostitution, many of them are on the streets, others are in the 250 brothels that reportedly operate in the city. <sup>23</sup>	2005 UNHCR: Conference of NGOs: Child prostitution has risen 635% in recent years.  There are at least 300,000 runaway girls in Iran. <sup>24</sup>	WFAFI: On the issue of trafficking of women and girls, a military Colonel says: “The exact statistics on trafficking of women and girls does not exist in Iran....” The Colonel adds: “The girls who run away from home have no idea what the future holds for them. We have 200 missing girls in Tehran, as we speak and we only know of the fate of a few. There are many rings lurking for these young women and girls. They use these runaway girls for stealing, trafficking and	<ol style="list-style-type: none"> <li>1. Golnaz, an Iranian girl who returned home after months, says: “When they came to our house with a marriage proposal they said they were from Zabol but would like to live in Mashhad. I left my house to relocate to Mashhad but found myself in Pakistan. They took me to a city where I was able to use the phone in the neighbors’ house and call to notify my family. As my family was trying to rescue me I was sold to many different clients. They kept me in a house during the day and did not allow me to leave the house. They beat me up badly several times because of my protests.” This girl was sold for \$500 to the network of sex traffickers.</li> <li>2. A number of government officials and security officers were arrested during raids on at least five houses used as brothels in and around the town of Neka (northern Iran). The raids, conducted during the past two weeks, uncovered several organized child prostitution rings running the brothels. Many runaway girls, some as young as 13, were being forced into prostitution by these gangs.<sup>26</sup></li> </ol>

Estimate of	Source 1	Source 2	Source 3	Specific Cases
			for illicit drugs and sex. Most of all they use these victims for their organs.” <sup>25</sup>	
Sample number of women subject to religious persecution or charges of “apostasy” in prison	10 women convicted of the crime of teaching in a Baha’i religious school and hanged in Shiraz Iran on June 18, 1983. <sup>27</sup>	Maryam Rostampour, 28, and Marzieh Amirizadeh, 31, were arrested in March 2009.	VOA news, January 14, 2010: 7 leaders of Iran’s Baha’i community including two women—Mahvash Sabet and Fariba Kamalabadi—have been held in Evin prison for more than 20 months. No evidence against them has been made public. <sup>28</sup>	<ol style="list-style-type: none"> <li>1. According to eyewitness reports, the women, ranging in age from 17 to 57, went to their fate singing and chanting, as though they were enjoying a pleasant outing. All of the women had been interrogated and tortured in the months leading up to their execution. Some still bore visible wounds. The youngest of the martyrs was Muna Mahmudnizhad, known as Mona, a 17-year-old schoolgirl who, because of her youth and conspicuous innocence, became a symbol of the group. In prison, she was lashed on the soles of her feet with a cable and forced to walk on bleeding feet.</li> <li>2. The two Iranian Christian women, Maryam Rustampoor (27) and Marzieh Amirizadeh (30), continue to be held in Evin prison in Iran because of their Christian faith, unfairly labeled as “anti-government activists” because of the hostility of the government towards practicing Christians.<sup>29</sup></li> </ol>
Number of arrests in 2009 for One Million Signature Campaign for reforming anti-women laws	Iranian blogs: About 600 women were brought to Evin prison during the days of the protests. <sup>29</sup>	AWID: More than 9 members were arrested against after the unrest in summer 2009.	ICHRI: On July 10, 2009, Tehran’s prosecutor general said that more than 2,500 people have been detained in Tehran alone, with 500 still in	<p>Pressures faced by human rights activists, reporters and those involved in the One Million Signatures Campaign since the June 2009 unrest:</p> <ol style="list-style-type: none"> <li>1. Somayeh Rashidi was arrested on December 19 after appearing in court in response to a summons.</li> <li>2. Shiva Nazar Ahari, a member of the Committee of Human Rights Reporters and a member of the One Million Signatures Campaign, was arrested on her way to attend the funeral of Ayatollah Montazeri in Qom on December 2, 2009. She is currently facing</li> </ol>



Estimate of	Source 1	Source 2	Source 3	Specific Cases
			detention. <sup>30</sup>	<p>death sentence.</p> <p>3. Atiyeh Yousefi, arrested on December 27, held in Lakan Prison in Rasht, without any reason having been given for her detention.</p> <p>4. Bahareh Hedayat, student activist, on December 30.</p> <p>5. Mansoureh Shojae, arrested at her home on December 29.</p> <p>6. Parisa Kakaee, a member of the Campaign and the Committee for Human Rights Reporters, was arrested on January 1, 2010.</p> <p>7. Ehteram Shadfar received a final sentence of six months imprisonment, suspended for two years.</p> <p>8. Parvin Ardalan, Maryam Hosseinkhah, Nahid Keshavarz and Jelveh Javaheri were sentenced to a suspended sentence of six months, which is to be suspended for four years.</p> <p>9. Nasim Sarabandizadeh and Fatemeh Dehdashti have received six months of imprisonment.<sup>31</sup></p>

## Endnotes to Table B1

- <sup>1</sup> This is a new online database and seems to be the most incomplete of all sources. The results are to be from 1979-present but the discrepancies between this source and others are significant.
- <sup>2</sup> The database was made available upon request for research from August 2009 to July 2010.
- <sup>3</sup> Based on primary sources compiled and translated by The National Council of Resistance of Iran Foreign Affairs Committee. Available on [http://www.iran-e-azad.org/english/book\\_on\\_women/chapter2.html](http://www.iran-e-azad.org/english/book_on_women/chapter2.html).
- <sup>4</sup> The PMOI Publication, *Fallen for Freedom*, Chapter 5: Victims of Mullahs Terrorism. 2006, p. 878.
- <sup>5</sup> <http://www.iran-e-azad.org/english/ncr/970214.html>, last accessed March 3, 2010.
- <sup>6</sup> The PMOI Publications *Fallen for Freedom*, Chapter 5: Victims of Mullahs Terrorism. 2006, p. 879.
- <sup>7</sup> CBC News, November 27, 2007, <http://www.cbc.ca/news/background/kazemi/>.
- <sup>8</sup> *The Huffington Post*, July 15, 2009, [http://www.huffingtonpost.com/shirin-sadeghi/the-rape-of-taraneh-priso\\_b\\_233063.html](http://www.huffingtonpost.com/shirin-sadeghi/the-rape-of-taraneh-priso_b_233063.html).
- <sup>9</sup> <http://www.iranhumanrights.org/2009/06/list/>, last accessed March 3, 2010.
- <sup>10</sup> Translated from Peik-e Iran website, May 1, 2004. The report adds: The director general of social affairs of the governorate of Kohkiluyeh and Boyer Ahmad said this and added: "90% of these women were between 17 and 35 years old. The real number of suicides is much higher than what we have."
- <sup>11</sup> <http://www.wfafi.org/wfafistatement6.htm>, last accessed March 3, 2010.
- <sup>12</sup> [http://www.homa.org/index.php?option=com\\_content&view=article&id=65&Itemid=54](http://www.homa.org/index.php?option=com_content&view=article&id=65&Itemid=54), last accessed March 15, 2010.
- <sup>13</sup> <http://www.wfafi.org/E-ZanVol6.htm>, last accessed March 15, 2010.
- <sup>14</sup> *The New York Times*, July 30, 1991, Section A p. 8.
- <sup>15</sup> The Associated Press, November 14, 1991.
- <sup>16</sup> *Tehran Time*, February 20, 1994, "Chinese News Agency Xinhua News Agency – August 15, 1994 reported a total of 96,000 prisoners, including 6,000 women and 4,784 foreigners, are serving sentences in Iranian prisons, according to an official here today. Assadollah Lajevardi, chairman of the national prison organization. The data was updated in 2002." Translated from *Azad Daily Newspaper* in Farsi, July 10, 2002.
- <sup>17</sup> Italian News Agency AKI report posted on [www.wfafi.org](http://www.wfafi.org) last accessed October 14, 2008
- <sup>18</sup> <http://ncr-iran.org/content/view/8216/105/>, last accessed May 28, 2010.
- <sup>19</sup> <http://www.iranrights.org/english/document-350.php>, last accessed December 14, 2010.
- <sup>20</sup> <http://learningpartnership.org/advocacy/alerts/iranmillionsigns0207>, last accessed December 14, 2010.
- <sup>21</sup> [http://www.humanrightsfirst.org/defenders/hrd\\_iran/hrd\\_iran\\_timeline.htm](http://www.humanrightsfirst.org/defenders/hrd_iran/hrd_iran_timeline.htm), last accessed December 14, 2010.
- <sup>22</sup> According to the State Department's 2009 *Human Trafficking Report, Iran*: Iran is a source, transit, and destination for men, women, and children trafficked for the purposes of sexual exploitation and involuntary servitude. Iranian women are trafficked internally for the purpose of forced prostitution and forced marriages. Iranian and Afghan children living in Iran are trafficked internally for the purpose of forced marriages, commercial sexual exploitation and involuntary servitude as beggars or laborers to pay debts, provide income or support drug addiction of their families. Iranian women and girls are also trafficked to Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, Iraq, France, Germany, and the United Kingdom for commercial sexual exploitation. There are reports of women and girls being sold for marriage to men in Pakistan for the purpose of sexual servitude. Men and women from Pakistan migrate voluntarily or are smuggled to Iran, or through Iran, to other Gulf states, Greece, and Turkey seeking employment. Some find themselves in situations of involuntary servitude or debt bondage, including restriction movements, non-payment of wages, and physical or sexual abuse. There are reports that women from Azerbaijan and Tajikistan travel to Iran to find employment and fall victim to forced prostitution. Press reports indicate that criminal organizations play a significant role in human trafficking to and from Iran, particularly across the borders with Afghanistan and Pakistan in connection with smuggling of migrants, drugs, and arms among large flows of people. There are nearly one million Afghans living in Iran—some as refugees, others as economic migrants—who are vulnerable to conditions of human trafficking. <http://www.state.gov/g/tip/rls/tiprpt/2009/123136.htm>, last accessed May 31, 2010.

- <sup>23</sup> [http://www.uri.edu/artsci/wms/hughes/sex\\_slave\\_trade\\_iran.pdf](http://www.uri.edu/artsci/wms/hughes/sex_slave_trade_iran.pdf), last accessed May 1, 2010.
- <sup>24</sup> [http://web.archive.org/web/20060722093055/http://ngochr.org/view/index.php?basic\\_entity=DOCUMENT&list\\_ids=521](http://web.archive.org/web/20060722093055/http://ngochr.org/view/index.php?basic_entity=DOCUMENT&list_ids=521), last accessed May 1, 2010.
- <sup>25</sup> <http://www.wfafi.org/SINA-Trafficking-Market.htm>, last accessed May 1, 2010.
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## CURRICULUM VITAE

Ramesh Sepehrrad of Shiraz, Iran, is an American citizen. She came to the United States as a political refugee in 1985. She completed high school and her bachelor's degree in Buffalo, NY. Her educational background includes Computer Science (B.S.) and Political Science (M.A.). She is currently serving as a Technology Executive as well as President and Founder of the National Committee of Women for a Democratic Iran (NCWDI). Because of her family's experiences, Mrs. Sepehrrad has firsthand knowledge of the Iranian people's suffering, particularly women's, since 1979. While living in Iran, her entire family was interrogated numerous times by the Revolutionary Guards, which resulted in the arrest of her parents, older sister, aunts and uncles. Her academic and advocacy focus has been defense of human rights, particularly women's rights in Iran.

From 1992-2006, Mrs. Sepehrrad served as conference director, moderator and panelist at various academic institutions, congressional seminars and United Nations events in North America, Europe, Asia and Latin America. In March 1997, Mrs. Sepehrrad moderated a conference, "Women Against Fundamentalism," at George Mason University. She has written several articles and papers which have been published in *The Brown Journal World Affairs*, *The Washington Post*, *The Washington Times*, *Women e-news*, *Feminist Voice*, *Global Politician*, United Press International and *American Chronicle*.

In addition to her executive experience in corporate America and non-profit entities in the United States, Mrs. Sepehrrad served as Adjunct Faculty in New Century College of George Mason University in 2006-2007.