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Iran's Discriminatory Ban and Seating Cap Imposed on Women Sport Spectators
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IRAN'S DISCRIMINATORY BAN AND SEATING CAP IMPOSED ON WOMEN SPORT SPECTATORS

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ABSTRACT

Soccer, Iran's most popular sport, serves as a source of patriotism and pride for many Iranian citizens. However, since the 1979 Islamic Revolution, Iran has generally prohibited women from entering sport stadiums where male soccer matches are held. In the rare cases where Iranian women have been permitted to attend male soccer matches, a mere five percent of tickets are available for purchase by women fans. In an attempt to elude this discriminatory ban and support their national team in-person, Iranian women and girls sneak into stadiums disguised as men, wearing wigs and fake mustaches. If caught, these women face brutal punishment at the hand of the Iranian government despite the ban not being expressly written into law.

According to the Fédération Internationale de Football Association ("FIFA"), the Islamic Republic of Iran Football Federation ("IRIFF") is a direct representative of FIFA. Through its discriminatory actions towards women, IRIFF is in violation of FIFA's Statutes, Code of Ethics, and Human Rights Policy. As such, this Note argues that FIFA must take immediate action to enforce its bylaws and cease its aid of the Iranian government's attempt to exclude women. FIFA must protect the Iranian women who put themselves at risk to attend FIFA sponsored events.

Further, this Note argues that the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") has risen to the level of customary international law and thus would be applicable to Iran as a non-signatory state. With this status, Iran has violated Article 13 of CEDAW which states that all women have the right to participate in sports.

This Note concludes with a call to action for FIFA and the Iranian government. Iranian women must have equal access to the game of soccer. Iranian women's exclusion from IRIFF matches is a clear human rights violation.

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INTRODUCTION

Soccer is Iran's most popular spectator sport.¹ Since the 1979 Islamic Revolution, Iranian women have been prohibited from entering sports stadiums, where male soccer matches are being held.² Islamic clerics argue that the ban is necessary under Sharia law, as women must be shielded from the "masculine atmosphere and sight of semi-clad man" present at sporting events.³ However, Iran is the only country in the world that enforces a ban of this nature.⁴ While this ban is not expressly written into law, Iranian authorities have brutally enforced it for the last forty years.⁵

Despite not being welcome in stadiums, Iranian women and girls remain determined to support their beloved national team.⁶ On match days, many women and girls, proudly paint their faces with the Iranian flag and gather closely in cafes to watch their national team on television, as their male counterparts enjoy the game live.⁷ While other women disguise themselves as men, wearing wigs and fake mustaches, in an attempt to elude the ban and support their national team in person.⁸

In March 2019, Sahar Khodayari, a twenty-nine-year-old woman disguised herself as a man in an attempt to enter Tehran's Azadi Stadium undetected and watch her favorite team play live, as over seventy thousand men were free to do that day.⁹ However, Khodayari was arrested by security before making it into the stadium.¹⁰ After learning that she faced up to two years in jail for her actions, she set herself on fire and died.¹¹ Khodayari's death drew national headlines and a broader conversation on Iran's discriminatory ban.¹²

With over 211 associations, including the Islamic Republic of Iran Football Federation, the Fédération Internationale de Football Association ("FIFA") is the world's governing body of soccer.¹³ As such, the Islamic Republic of Iran Football Federation is subject to FIFA's Statutes, Code of Ethics, and Human Rights Policy. Article 4 of FIFA's Statutes states that discrimination

¹ Jacob Bogage, *Iran allows women into soccer match for the first time in 35 years*, WASH. POST (Oct. 17, 2019, 10:19 AM), <https://www.washingtonpost.com/sports/2018/10/17/iran-allows-women-into-soccer-match-first-time-years/>.

² Agence France-Presse, *Iranian women allowed to watch football at stadium for the first time in decades*, THE GUARDIAN (Oct. 9, 2019), <https://www.theguardian.com/football/2019/oct/09/iranian-women-allowed-to-watch-football-at-stadium-for-first-time-in-decades>.

³ *Id.*

⁴ *Iran: Stadium Seating Cap Endangers Women*, HUM. RTS. WATCH (Oct. 4, 2019), <https://www.hrw.org/news/2019/10/04/iran-stadium-seating-cap-endangers-women>.

⁵ *Id.*

⁶ Tuqa Khalid, *Iran's female fans find buzz in cafes and malls*, REUTERS (Sept. 17, 2019, 8:57 AM), <https://www.reuters.com/article/us-iran-soccer-woman/irans-female-fans-find-soccer-buzz-in-cafes-and-malls-idUSKBN1W21WV>.

⁷ *Id.*

⁸ Brendan Cole, *Women Wear Fake Beards, Wigs In Iran To Sneak Into Soccer Stadiums*, NEWSWEEK (May 2, 2018), <https://www.newsweek.com/women-wear-fake-beards-wigs-iran-sneak-soccer-stadium-907946>.

⁹ Ramin Mostaghim & Melissa Etehad, *Dying after setting herself on fire, "Blue Girl" spotlights Iran's women's rights movement*, L.A. TIMES (Oct. 4, 2019), <https://www.latimes.com/world-nation/story/2019-10-04/death-of-irans-blue-girl-casts-spotlight-on-iranian-women-and-a-growing-movement-for-equality>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *FIFA Fast Facts*, CNN (Jan. 7, 2020), <https://www.cnn.com/2016/01/13/world/fifa-fast-facts/index.html>; *Associations and Confederations*, FIFA, <https://www.fifa.com/associations/> (last visited Feb. 13, 2020).

based on gender “is strictly prohibited and punishable by suspension or expulsion.”¹⁴ According to FIFA, the association has “a zero-tolerance policy towards wrongdoing of any kind and is committed to the principles of good governance and transparency in all areas of its operations.”¹⁵ However, FIFA has neither suspended nor expelled the Islamic Republic of Iran Football Federation for its continued discrimination against female spectators.¹⁶

Then, in October 2019, Gianni Infantino, the President of FIFA, historically stated that “women will be allowed to enter football stadiums” and that “this is something very important — in 40 years this has not happened, with a couple of exceptions.”¹⁷ However, Infantino neglected to inform the media that only a small portion of tickets would be available to women, approximately five percent.¹⁸ Of the 100,000 tickets available, merely 4,600 tickets were permitted to be sold to women.¹⁹ On October 3, 2019, the tickets available to women sold out within minutes.²⁰ Minky Worden, director of global initiatives at Human Rights Watch, has stated that “any concessions by FIFA to limit the number of women who can attend stadiums only empowers Iran’s hardliners who have previously pre-selected women to attend while keeping the discriminatory restrictions in place.”²¹

On October 10, 2019, once inside the stadium, women were segregated from men, enclosed by a metal fence that fans referred to as the “cage,” and watched by monitors.²² Additionally, media credentials were denied to women photographers applying to document the historic moment.²³ At the conclusion of the match, Infantino released a statement hailing the day and stating that FIFA “looks more than ever towards a future when ALL girls and women wishing to attend football matches in Iran will be free to do so, and in a safe environment.”²⁴ FIFA has yet to comment on the seat cap placed on woman or whether women will be permitted to attend future Islamic Republic of Iran Football Federation male soccer matches.

According to Article 3 of FIFA’s Statutes, “FIFA is committed to respecting all internationally recognized human rights and shall strive to promote the protection of these rights.”²⁵ The provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”) fall within the “internationally recognized human rights” mentioned in Article 3 of FIFA’s Statutes. CEDAW condemns all forms of discrimination against women.²⁶ Given that there are 183 state parties²⁷ and the CEDAW has been in effect for nearly forty years, the CEDAW has arguably risen to the level of customary international law. Thus, despite

¹⁴ *FIFA Statutes: June 2019 Edition*, FIFA (June 2019), <https://resources.fifa.com/image/upload/fifa-statutes-5-august-2019-en.pdf?cloudid=ggyamhxxv8jrdfbekrrm>.

¹⁵ *Who We Are: 2016 FIFA Reforms*, FIFA, <https://www.fifa.com/about-fifa/who-we-are/> (last visited Feb. 1, 2020).

¹⁶ See IR IRAN, <https://www.fifa.com/associations/association/IRN/> (last visited Apr. 19, 2021).

¹⁷ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

¹⁸ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

¹⁹ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

²⁰ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

²¹ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

²² Tariq Panja, *Iranian Women Allowed to Attend Soccer Games for First Time Since 1981*, N.Y. TIMES (Oct. 10, 2019), <https://www.nytimes.com/2019/10/10/sports/soccer/iran-women.html>.

²³ *Id.*

²⁴ *Id.*

²⁵ *FIFA Statutes: June 2019 Edition*, *supra* note 14.

²⁶ *Convention on the Elimination of All Forms of Discrimination against Women*, Dec. 18, 1979, 1249 U.N.T.S 14 [hereinafter CEDAW], available at <https://www.un.org/womenwatch/daw/cedaw/index.html>.

²⁷ Susan W. Tiefenbrun, *The Semiotics of Women’s Human Rights in Iran*, 23 CONN. J. INL’L L. 1, 65 (2007).

neglecting its international obligation to become a state party to CEDAW, Iran should be subject to CEDAW's provisions by customary international law.

Given this, Iran is in direct violation of the treaty, in its ban and stadium seating cap imposed on female sport-spectators at male sporting events. According to Article 13 of CEDAW, State Parties:

shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: the right to participate in recreational activities, sports and all aspects of cultural life.²⁸

FIFA has both the right and responsibility to take action against the Islamic Republic of Iran Football Federation for its failure to comply with FIFA's Statutes, Human Rights Policy, and Code of Ethics.

In Section I, I will give a brief background on Islamic Law and its role in shaping women's rights in Iran. In Section II, I will analyze the evolution of Iranian law leading up to the Islamic Revolution, Iranian women's role in the Islamic Revolution, and Iranian women's rights post-Islamic Revolution. In Section III, I will discuss Iran's backhanded inclusion of women in athletics and the obstacles they face while participating, as athletes, coaches, and spectators. In Section IV, I will discuss FIFA's structure, Statutes, Code of Ethics, and failure take action against the Football Federation of the Islamic Republic of Iran for its consistent breach of FIFA rules. Section V will analyze CEDAW as customary international law and Iran's violations of such, despite neglecting its international obligation to be a state party to CEDAW. Section VI will lay out my argument for the immediate removal of Iran's ban and stadium seating cap imposed on female sport spectators at male sport events, while Section VII will conclude.

I. ISLAMIC LAW IN IRAN

Islamic law is one of the "three major legal systems of the world after common law and civil law systems."²⁹ According to Iran's Constitution, Islamic principles are the primary source of all laws and regulation in the country.³⁰ Islamic law is derived from the Qur'an, as God's word revealed to men and Sunna, based on the words and acts of the Prophet Muhammad.³¹

There are two main sects of Islam: Sunni and Shia.³² "Today, about 85 percent of the approximately 1.6 billion Muslims around the world are Sunni, while 15 percent are Shia."³³ However, in Iran, Shia Muslims represent the majority.³⁴

²⁸ CEDAW, *supra* note 26, at Art. 13.

²⁹ Hossein Esmaceli, *The Nature and Development of Law in Islam and The Rule of Law Challenge in the Middle East and the Muslim World*, 26 CONN. J. INT'L L. 329 (2011).

³⁰ *Id.* at 348.

³¹ Ekaterina Yahyaoui Krivenko, *Islamic World and International Law: Islamic View of Women's Rights: An International Lawyer's Perspective*, 2 J. OF E. ASIA & INT'L L. 103, 115 (2009).

³² Sarah Pruitt, *Islam's Sunni-Shia Divide, Explained*, HISTORY (July 31, 2019), <https://www.history.com/news/sunni-shia-divide-islam-muslim>.

³³ *Id.*

³⁴ *Id.*

In Iran's view, the Qur'an is supreme and its teachings must therefore always be followed, even if this leads to a failure to comply with international law.³⁵ Sharia law was "formulated primarily from the Qur'an and the Sunna" and "details how to comply with Islamic laws."³⁶ Neither the Qur'an nor the Sunna can "be compared to codified law containing rules ready for application."³⁷ Instead, the Qur'an and Sunna are utilized as sources which qualified Islamic theorists and jurists may utilize to develop applicable legal rules.³⁸ For example, the Qur'an calls for women to dress in a "dignified manner."³⁹ Under Iran's more conservative Shia theocracy, the government "interprets the Shari'ah to mean that women must cover all but their hands and face, wear thick stockings, show no hair, and wear no visible cosmetics."⁴⁰

Iran's conservative interpretation of the Shari'ah is further reflected in its ban and stadium seating cap imposed on female sport spectators. The Iranian government justifies its discriminatory ban by claiming it is necessary under Islamic law. However, no other country enforces a ban of this nature. Most notably, aside from Iran, no other country under Shia theocracy finds a violation of Islamic law in allowing females to attend male sporting events.

II. WOMEN'S RIGHTS IN IRAN AFTER THE ISLAMIC REVOLUTION

In 1925, Reza Shah took control of Iran and introduced policies that reshaped the lives of Iranian women.⁴¹ Reza Shah's reign was based on the concept of bringing western influence to Iran.⁴² Reza Shah's vision for Iranian women was one where women dressed in western European clothing,⁴³ attended school, taught, and worked freely outside their homes.⁴⁴ In 1936, Reza Shah implemented unveiling, which was his first official state policy.⁴⁵ This policy required all Iranian women to unveil in public and dress in western European clothing.⁴⁶ Authorities ruthlessly enforced the unveiling policy, even going as far to entering private homes and arresting women wearing *chadors*.⁴⁷

For many Iranian women, a veil was a "sign of propriety and a means of protection against the menacing eyes of male strangers."⁴⁸ For these women, the removal of their veil meant sin and disgrace.⁴⁹ While the majority of urban women felt a mental and physical security wearing the *chador*, unveiling created physiological and physical insecurity.⁵⁰ However, some Iranian women

³⁵ Kristin J. Miller, *Human Rights of Women in Iran: The Universalist Approach and the Relativist Response*, 10 EMORY INT'L L. REV. 779, 802 (1996).

³⁶ *Id.* at 803.

³⁷ Krivenko, *supra* note 31, at 115.

³⁸ Krivenko, *supra* note 31, at 115.

³⁹ Miller, *supra* note 35, at 802.

⁴⁰ Miller, *supra* note 35, at 802.

⁴¹ Delaram Farzaneh, *One Step Forward, Two Steps Back: A Brief History of Legal Discriminations Against Women In Iran and Violations of International Human Rights*, 20 ANN. SURV. INT'L & COMP. L. 201, 213 (2014).

⁴² *Id.* at 236.

⁴³ *Id.* at 213.

⁴⁴ HAMIDEH SEDGHI, *WOMEN AND POLITICS IN IRAN: VEILING, UNVEILING, AND REVEILING* 87 (Cambridge University Press 2007).

⁴⁵ Farzaneh, *supra* note 41, at 213.

⁴⁶ Farzaneh, *supra* note 41, at 213.

⁴⁷ Sedghi, *supra* note 44, at 87.

⁴⁸ Sedghi, *supra* note 44, at 87.

⁴⁹ Sedghi, *supra* note 44, at 87.

⁵⁰ Sedghi, *supra* note 44, at 88.

were avid supporters of the unveiling policy.⁵¹ These women were typically “less culturally and personally attached to the veil,” coming from privileged backgrounds and of the younger generation.⁵²

Reza Shah’s primary aim was a Westernized state and achieving secularization, rather than eliminating the subordination of women in Iran. Under Shah’s rule, women were still being denied fundamental rights. Until the 1960’s, women along with “murderers, thieves and other wrongdoers who have violated Islamic laws” were barred from voting or serving as public officials.⁵³

The 1960’s marked significant social and political change across the world, particularly regarding women’s rights. In the United States, throughout the 1960’s, women’s rights improved through the Equal Pay Act of 1963 and Title VII of the 1964 Civil Rights Act.⁵⁴ Similarly, in Iran in 1963, Mohammed Reza Shah Pahlavi, who took over his father Reza Shah’s reign, launched a series of reform policies known as the “White Revolution,” which focused on implementing equal rights for women.⁵⁵

The “White Revolution” was a broad government program that included objectives such as land share reform, naturalization of forests, voting rights for women, and the reduction of illiteracy.⁵⁶ While these programs were praised by many in Iran, particularly women, Islamic leaders expressed concern that these programs undermined Shia’s traditions through the modernization and westernization of Iran.⁵⁷

Ruholla Khomeini, a Shiite Muslim cleric and the founder of the Islamic Revolution, “called for the overthrow of the Shah and establishment of an Islamic state.”⁵⁸ In 1964, Khomeini was exiled, but continued to call for an uprising via radio messages to his supporters.⁵⁹ In the following years, any criticism of the “White Revolution” or policy of the Shah was a punishable offense, being viewed as a direct expression of disloyalty to the Shah.⁶⁰ Thus, nearly all objective political discussions on the “White Revolution” were barred unless in favor of the Shah. This led to the alienation of “students and intellectuals in Iran, while support for Khomeini continued to grow.”⁶¹

In 1976, religious disapproval only further increased when the Shah, seeing himself as a Persian king first, formally replaced the Islamic calendar with the Persian calendar.⁶² On September 8, 1978, anti-Shah protests resulted in hundreds being killed and thousands being wounded at the hand of the Shah’s security team.⁶³ Two months later, thousands of Iranians protested, destroying signs of westernizations, such as liquor stores and banks, demanding the end of what many saw as a corrupt regime.⁶⁴

⁵¹ Sedghi, *supra* note 44, at 87.

⁵² Sedghi, *supra* note 44, at 87.

⁵³ Farzaneh, *supra* note 41, at 214-15.

⁵⁴ The Civil Rights Act, 42 U.S.C. § 2000e et seq. (1964).

⁵⁵ Farzaneh, *supra* note 41, at 212.

⁵⁶ Farzaneh, *supra* note 41, at 212.

⁵⁷ See Farzaneh, *supra* note 41, at 215-16.

⁵⁸ *Shah flees Iran*, HISTORY (July 21, 2020), <https://www.history.com/this-day-in-history/shah-flees-iran>.

⁵⁹ *Id.*

⁶⁰ *Iran 1979: Anatomy of a Revolution*, AL JAZEERA (Feb. 1, 2019), <https://www.aljazeera.com/programmes/specialseries/2017/11/iran-1979-anatomy-revolution-171112085321494.html>.

⁶¹ *Shah flees Iran*, *supra* note 58.

⁶² *Shah flees Iran*, *supra* note 58.

⁶³ *Shah flees Iran*, *supra* note 58.

⁶⁴ *Shah flees Iran*, *supra* note 58.

On January 16, 1979, the Shah fled Iran ending a two-thousand-year-old Persian monarchy in Iran.⁶⁵ On February 1, 1979, Khomeini returned to Iran after fifteen years of exile.⁶⁶ In December 1979, a new Iranian constitution was ratified and Khomeini was named Iran's political and religious leader for his entire life.⁶⁷ Khomeini was proclaimed to be the leader of the Islamic Revolution.⁶⁸

After taking power, Khomeini stated that from this day forward "all men and women will be free unless they want to do something against the country's interests," and "all political parties will be authorized to operate freely."⁶⁹ However, under Khomeini's reign, thousands of individuals were executed for any opposition to his policy.⁷⁰ With this, Iranian women were denied equal rights, all forms of westernization were banned, and traditional Islamic laws were reinstated.⁷¹ On June 3, 1989, Khomeini died.⁷² However, the effects of the Islamic Revolution and Khomeini's rule are still seen today, particularly by women.

Women's Role in the Islamic Revolution

Women played an imperative role in the victory of the Islamic Revolution. Millions of women participated in daily demonstrations, expressing their support for Khomeini and disapproval of the Shah.⁷³ The supporters of the Islamic Revolution strongly held that the participation of women in politics was paramount in returning Islam to power.⁷⁴

Khomeini understood the power of his Iranian women supporters and emphasized the vital obligation that women have to participate politically, even without the approval of their father or husbands, which goes against traditional Islamic customs.⁷⁵ In return, Khomeini promised women equality with the success of the Islamic Revolution.⁷⁶ However, when Khomeini became Iran's political and religious leader, "women were the first to sacrifice...as they experienced their legal status and social positions dramatically decline in the name of religion."⁷⁷

Women's Role After the Islamic Revolution

Women's rights have gone through significant changes throughout the course of Iranian leadership regimes. Today, Iranian women are still subordinate to men in many ways, both publicly and privately.⁷⁸ Iranian women are prohibited from passing on their nationality to their foreign-born spouses or their children, while men do not face the same limitations.⁷⁹ A married

⁶⁵ *Shah flees Iran*, *supra* note 58.

⁶⁶ *Ayatollah Khomeini returns to Iran*, HISTORY (Feb. 9, 2010), <https://www.history.com/this-day-in-history/ayatollah-khomeini-returns-to-iran>.

⁶⁷ *Ayatollah Khomeini returns to Iran*, *supra* note 66.

⁶⁸ *Ayatollah Khomeini returns to Iran*, *supra* note 66.

⁶⁹ *What Happened To Freedom After Iran's Islamic Revolution?*, RADIO FARDA (Feb. 3, 2019), <https://en.radiofarda.com/a/iranians-speak-about-what-happened-to-freedom-after-revolution/29748478.html>.

⁷⁰ *Ayatollah Khomeini returns to Iran*, *supra* note 66.

⁷¹ *Ayatollah Khomeini returns to Iran*, *supra* note 66.

⁷² *Ayatollah Khomeini returns to Iran*, *supra* note 66.

⁷³ Farzaneh, *supra* note 41, at 217.

⁷⁴ Farzaneh, *supra* note 41, at 217.

⁷⁵ Farzaneh, *supra* note 41, at 217.

⁷⁶ Farzaneh, *supra* note 41, at 217.

⁷⁷ Farzaneh, *supra* note 41, at 218.

⁷⁸ *See generally Iran: Events of 2018*, HUM. RTS. WATCH, <https://www.hrw.org/world-report/2019/country-chapters/iran>.

⁷⁹ *Id.*

woman is not permitted to obtain a passport or leave Iran without written permission from her husband.⁸⁰ Under the Iranian civil code, a husband can limit his wife from obtaining certain occupations, if he deems them to be against his own “family values.”⁸¹

After the victory of the Islamic Revolution, Iran became the first and only country that made wearing the *hijab* compulsory and punishable by law.⁸² The compulsory *hijab* law applies to all women, even young schoolgirls must wear a *hijab* to attend elementary school.⁸³ This law “explicitly violates a woman’s right to freedom of expression.”⁸⁴ Today, Iranian authorities regularly use this law to arrest women attempting to sneak into male soccer matches disguised as men wearing wigs, rather than *hijabs*.

III. WOMEN’S RELATIONSHIP WITH ATHLETICS

In many ways, women in Iran are treated as second class citizens.⁸⁵ Some may argue there is a strange dichotomy present when it comes to Iranian women’s relationship between athletic participation and attendance.⁸⁶ However, female sports fans, coaches, and athletes in Iran are subjected to regulations and obstacles in all aspects of athletics that men are not.

In Iran, women are free to participate in sports, such as soccer, taekwondo, volleyball, and tennis.⁸⁷ Given the compulsory *hijab* laws in Iran, women are required to wear *hijabs* that fully cover their bodies while participating in sport, including during Olympic competition.⁸⁸ There are also laws in place that prohibit men from coaching Iranian women in their respective sports.⁸⁹ Iranian women’s participation in athletics often intersects and is limited by the post Islamic Revolution regulations imposed on women.

For example, Niloufar Ardalan, the captain and star of the Iranian women’s national soccer team, was prohibited from attending the Asian Football Confederation’s Women’s Championships in Malaysia.⁹⁰ This is because Ardalan’s husband refused to grant her permission to travel abroad to compete for Iran’s national team, as she would miss her son’s first day of school.⁹¹ Under Islamic law, a married woman must be given permission from her husband to legally travel abroad.⁹² However, Iranian men may travel freely abroad, with or without the permission of their wives.⁹³

Ardalan expressed her frustration stating that “as a Muslim woman, I wanted to work for my country’s flag to be raised [at the games]” and that she wishes authorities would create

⁸⁰ *Id.*

⁸¹ *Iran: Events of 2018, supra* note 78.

⁸² Farzaneh, *supra* note 41, at 218.

⁸³ Farzaneh, *supra* note 41, at 218.

⁸⁴ Farzaneh, *supra* note 41, at 218.

⁸⁵ *See generally Iran: Events of 2018*, HUM. RTS. WATCH, *supra* note 76.

⁸⁶ Rishika Pardikar, *In Iran, Watching Soccer is Part of Women’s Fight For Equality*, SOJOURNERS (Nov. 27, 2019), <https://sojo.net/articles/iran-watching-soccer-part-womens-fight-equality>.

⁸⁷ *Iranian women and sport: every obstacle an opportunity*, THE GUARDIAN (Apr. 20, 2015),

<https://www.theguardian.com/world/iran-blog/2015/apr/19/iran-women-sports-stadium-competitive-obstacles>.

⁸⁸ Pardikar, *supra* note 86.

⁸⁹ Pardikar, *supra* note 86.

⁹⁰ Golnaz Esfandiari, *Iranian Female Soccer Star Faces Husband-Imposed Travel Ban*, RFERL (Sept. 14, 2015), <https://www.rferl.org/a/iran-female-soccer-star-protests-husband-travel-ban/27248135.html>.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

regulations to “allow female athletes to defend their rights in such situations.”⁹⁴ Ardalan’s case reflects the impact Islamic law can have on a women’s career. Shadi Sadr, a well-known Iranian women’s rights activist, supports this sentiment stating “[e]ven if a woman reaches the highest ranks in politics, sports, or culture, she still needs her husband’s consent for one of her most basic rights – traveling abroad.”⁹⁵

While women in Iran may be encouraged to compete in athletics and their successes will be celebrated, the law expressly favors men. Kimia Alizadeh won a taekwondo bronze medal for Iran at the 2016 Rio Olympics.⁹⁶ Alizadeh is the only female athlete to ever earn an Olympic medal for Iran.⁹⁷ After her Olympic victory, Alizadeh was regarded as a national hero.⁹⁸ However, in January 2020, Alizadeh defected from Iran.⁹⁹

When Alizadeh reflected on her time as an Iranian Olympian, she stated that “they took me wherever they wanted” and “whatever they said, I wore. Every sentence they ordered, I repeated.”¹⁰⁰ It is unclear whether Alizadeh’s German naturalization will be finalized in time to compete in the 2020 Tokyo Olympic Games.¹⁰¹ However, despite this uncertainty, Alizadeh stated that “I have no other wish except for taekwondo, security, and a happy healthy life.”¹⁰²

Sadly, the limitations Iran places on female athletes also extends to female coaches wishing to coach men, whether they are an Iranian women coach or not. In January 2020, Lee Turrell, a woman from Wellington, New Zealand and coach of a youth men’s volleyball team, attempted to enter a volleyball stadium in Iran to coach her team in the Asian Youth Championships.¹⁰³ Immediately, Turrell was directed to the “women only” seating section at the stadium,¹⁰⁴ as female coaches of male teams are strictly prohibited. After some time, Turrell was permitted to enter the stadium and appear as the only female coach in the tournament.¹⁰⁵ However, Turrell was not wearing a *hijab* and as such her picture was excluded from the tournament program.¹⁰⁶

While Iranian women athletes will be upheld as national heroes for their athletic achievements, Alizadeh’s and Ardalan’s story are clear representations of Iran’s backhanded inclusion of Iranian women in athletics. The oppression of women in athletics is only further reflected in Iran’s exclusion of female sports spectators at male sporting events. In the past forty years, there have been minimal instances where Iranian women have been permitted to enjoy sports live and in-person, as millions do around the world.

⁹⁴ *Id.*

⁹⁵ Esfandiari, *supra* note 90.

⁹⁶ Erol Dogrudogan, *Runaway Iranian athlete wants to compete for Germany in Tokyo*, REUTERS (Jan. 24, 2020, 1:09 PM), <https://www.reuters.com/article/us-iran-defection-alizadeh/runaway-iranian-athlete-wants-to-compete-for-germany-in-tokyo-idUSKBN1ZN28K>.

⁹⁷ Megan Specia, *Iran’s Only Female Olympic Medalist Defects Over ‘Lies’ and ‘Injustice’*, N.Y. TIMES (Jan. 13, 2020), <https://www.nytimes.com/2020/01/13/world/middleeast/kimia-alizadeh-iran-defection.html>.

⁹⁸ Dogrudogan, *supra* note 96.

⁹⁹ Specia, *supra* note 97.

¹⁰⁰ Specia, *supra* note 97. (While Ms. Alizadeh’s statement did not refer to her country’s geopolitical troubles, she did address the “oppressed people of Iran” and pointed to restrictive policies on women’s public conduct and appearance, including the “obligatory veil.”)

¹⁰¹ Dogrudogan, *supra* note 96.

¹⁰² Dogrudogan, *supra* note 96.

¹⁰³ Suzanne McFadden, *Kiwi smashing gender barriers*, NEWSROOM (Jan. 28, 2020), <https://www.newsroom.co.nz/@lockerroom/2020/01/28/1005748/the-kiwi-who-gave-gender-barriers-a-serve-in-iran#>.

¹⁰⁴ *Id.* (“It was 2018 and one of the first times women had been allowed to watch men play volleyball in Iran.”)

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

While this discriminatory ban is not expressly written into law, the ban is actively enforced by Iranian authorities.¹⁰⁷ Iranian officials justify this ban on female attendance by claiming that it is “un-Islamic, threatens public order, and exposes women to crude behavior by male fans.”¹⁰⁸ Islamic clerics argue that the ban is necessary under Shari’ah law, as women must be shielded from the “masculine atmosphere and sight of semi-clad man.”¹⁰⁹ However, Iran remains the only country to enforce a ban of this nature.¹¹⁰

Iranian women and girls show their resilience by disguising themselves as men and boys in an attempt to thwart the ban, while others have conducted peaceful protests outside the stadiums.¹¹¹ In 2014, Ghoncheh Ghavami, a British-Iranian woman,¹¹² was arrested along with twenty others for holding a peaceful protest outside of a men’s volleyball match in Iran.¹¹³ Ghavami was charged with “propaganda against the state.”¹¹⁴ She was sentenced to one year in prison and served more than a month in solitary confinement at Evin prison, which is notorious for its harsh conditions.¹¹⁵ Ghavami’s story shed light on Iranian authorities’ determination to “criminalize the peaceful exercise of basic rights,” particularly given that no other Sharia law country enforces a ban of this nature.¹¹⁶

The recent death of Sahar Khodayari shifted international attention to Iranian women’s rights in athletics, particularly regarding those implemented post-Islamic Revolution. In March 2019, Khodayari, a twenty-nine-year-old woman disguised herself as a man, wearing a bright blue wig and a long overcoat.¹¹⁷ With her disguise, she attempted to enter Azadi Stadium undetected and watch her favorite team play live, as over seventy thousand men were free to do that day.¹¹⁸ However, Khodayari was arrested by security before making it into the stadium.¹¹⁹ She was charged with violation of the compulsory *hijab* laws for “appearing in public without a hijab.”¹²⁰ On September 9, 2019, after learning she faced up to two years in jail for her actions, she set herself on fire and died.¹²¹ Khodayari’s death drew national headlines and a broader conversation on Iran’s discriminatory ban.

Khodayari’s death has “sparked anger both in Iran and across the world.”¹²² In turn, the stories of Ardalan, Alizadeh, Turrell, and Ghavami have received similar reactions. Since

¹⁰⁷ *Iran: Women Detained, Accused of Flouting Stadium Ban*, HUM. RTS. WATCH (Aug. 16, 2019), <https://www.hrw.org/news/2019/08/16/iran-women-detained-accused-flouting-stadium-ban>.

¹⁰⁸ *Iran: End Ban on Women at Volleyball Matches*, HUM. RTS. WATCH (Oct. 29, 2015), <https://www.hrw.org/news/2015/10/29/iran-end-ban-women-volleyball-matches>.

¹⁰⁹ France-Presse, *supra* note 2.

¹¹⁰ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

¹¹¹ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

¹¹² An Nahar, *Ghoncheh Ghavami: The Shifting Goal Posts of Iran’s Hardliners*, HUM. RTS. WATCH (Oct. 21, 2014), <https://www.hrw.org/news/2014/10/21/ghoncheh-ghavami-shifting-goal-posts-irans-hardliners>.

¹¹³ Nahar, *supra* note 112.

¹¹⁴ Nahar, *supra* note 112.

¹¹⁵ Nahar, *supra* note 112.

¹¹⁶ Mostaghim & Etehad, *supra* note 9.

¹¹⁷ Mostaghim & Etehad, *supra* note 9.

¹¹⁸ Mostaghim & Etehad, *supra* note 9.

¹¹⁹ Mostaghim & Etehad, *supra* note 9.

¹²⁰ Samantha Lewis, *Death of Blue Girl Shines Light on Women’s Rights in Iran*, THE GUARDIAN (Sept. 20, 2019), <https://www.theguardian.com/football/2019/sep/21/death-of-blue-girl-shines-light-on-womens-rights-in-iran>.

¹²¹ *Id.*

¹²² Christina Macfarlane, Sean Coppack & James Masters, *FIFA Must Act After Death of Iran’s ‘Blue Girl,’ Says Activist*, CNN (Sept. 12, 2019), <https://www.cnn.com/2019/09/12/football/iran-blue-girl-sahar-khodayari-spt-intl/index.html>.

Khodayari's death, she has been dubbed the "Blue Girl," after the colors of her favorite team Esteghal.¹²³ As news of the tragic story of Blue Girl spread, a demand for FIFA to take immediate action has occurred.

Open Stadiums has become a leading voice on this issue, as a national platform calling for the lift of Iran's ban on female sports spectators.¹²⁴ The Open Stadiums movement was created in 2005 and since the death of Blue Girl has "become a lightning rod for critical discussions on how football's governing bodies act on human rights abuses."¹²⁵ Twitter has become Open Stadium's main resource to reach people globally.¹²⁶ According to Open Stadiums, approximately ninety percent of women in Iran know about this ban, and regardless of whether or not they are fans, they believe that this discriminatory ban must be removed.¹²⁷

On September 9, 2019, after the death of the Blue Girl, Open Stadium took to Twitter stating, "[i]f humiliation, detention and prison wasn't [sic] enough for #FIFA to take action now one [sic] us burnt herself to show Iranian women want to watch football too."¹²⁸ This statement was only the beginning of what has since become an international outcry for change.

Kosovare Asllani, a Swedish national team soccer player, tweeted "FIFA its time to act and not be silent. WE need to help the women of Iran fight against gender apartheid. This is about human rights!"¹²⁹ FC Barcelona, a professional soccer team and FIFA member, tweeted "[f]ootball is a game for everyone – men AND women, and everyone should be able to enjoy the beautiful game together in stadiums."¹³⁰ While most notably, Esteghlal F.C., Khodayari's beloved team, the team she fought to see despite the ban, tweeted "[o]ur dear Sahar burnt herself to death, when she was charged to 6 months in jail for...going to support her #Esteghlal. She supported us despite the politics that made it illegal for her, but what can we do to support her? ABSOLUTELY NOTHING. We are cowards."¹³¹ These statements all reflect the call for immediate change and action from both the Iranian government and FIFA.

The women in Iran fight for their rights every day. According to Open Stadiums, Iranian women are "fighting against compulsory hijab. They are fighting for going to school, to universities, for their jobs; everything."¹³² The younger generation in Iran are vocal and determined to claim their rights.¹³³ Open Stadiums states that the stadium ban has become a symbol that Iranian women are steadfast in breaking down.¹³⁴ For Iranian Women, the lift of the

¹²³ Macfarlane, Coppack & Masters, *supra* note 122.

¹²⁴ Lewis, *supra* note 120.

¹²⁵ Lewis, *supra* note 120.

¹²⁶ Lewis, *supra* note 120.

¹²⁷ Lewis, *supra* note 120.

¹²⁸ Open Stadiums (@openStadiums), TWITTER (Sept. 9, 2019, 7:56 PM), https://twitter.com/openStadiums/status/1171225825997459456?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1171225825997459456&ref_url=https%3A%2F%2Fedition.cnn.com%2F2019%2F09%2F12%2Ffootball%2Firan-blue-girl-sahar-khodayari-spt-intl%2Findex.html.

¹²⁹ Kosovare Asllani (@Kosovare Asllani), TWITTER (Sept. 10, 2019, 6:21 AM), https://twitter.com/KosovareAsllani/status/1171383260036964354?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1171383260036964354&ref_url=https%3A%2F%2Fedition.cnn.com%2F2019%2F09%2F12%2Ffootball%2Firan-blue-girl-sahar-khodayari-spt-intl%2Findex.html.

¹³⁰ FC Barcelona (@FCBarcelona), TWITTER (Sept. 11, 2019, 10:12 AM), https://twitter.com/FCBarcelona/status/1171788631641661441?ref_src=twsrc%5Etfw.

¹³¹ Esteghlal (@EsteghlalFC_En), TWITTER (Sept. 9, 2019, 5:00 PM), https://twitter.com/EsteghlalFC_En/status/1171166566362341378.

¹³² Lewis, *supra* note 120.

¹³³ Lewis, *supra* note 120.

¹³⁴ Lewis, *supra* note 120.

discriminatory stadium ban would be a major step in destroying one of many walls in front of them.¹³⁵ As the story of Blue Girl's bravery and death spread, many have stood with Iranian women and demanded a repeal of the stadium ban.

IV. FIFA'S FAILURE TO ACT

With 211 associations, including the Islamic Republic of Iran Football Federation, FIFA is the world's governing body of soccer.¹³⁶ Additionally, FIFA is comprised of six confederations that offer FIFA support.¹³⁷ These 211 associations make up the membership of the six FIFA sponsored confederations:¹³⁸ the Asian Football Confederation ("AFC"), the Confederation of African Football ("CAF"), the Confederation of North, Central American and Caribbean Association Football ("CONCACAF"), the South American Football Confederation ("CONMEBOL"), the Oceania Football Confederation ("OFC"), and the Union of Europeans Football Associations ("UEFA").¹³⁹

FIFA supports their 211 associations "financially and logistically through various programs."¹⁴⁰ According to FIFA, each of their 211 associations are to be viewed as direct representatives of FIFA.¹⁴¹ As such, the Islamic Republic of Iran Football Federation is subject to FIFA's Statutes, Code of Ethics, and Human Rights Policy.¹⁴²

The Islamic Republic of Iran Football ("IRIFF") was founded in 1920.¹⁴³ In 1948, the IRIFF became a member of FIFA.¹⁴⁴ In 1954, the IRIFF became a member of the AFC, a FIFA sponsored confederation.¹⁴⁵ Notably, Esteghlal F.C., the IRIFF club team deeply loved by the Blue Girl, is an active member of the AFC.¹⁴⁶

According to FIFA, the association has "a zero-tolerance policy towards wrongdoing of any kind and is committed to the principles of good governance and transparency in all areas of its operations."¹⁴⁷ FIFA's Human Right Policy emphasizes a goal of creating a "discrimination-free environment within its organizations" and promoting gender equality.¹⁴⁸ Specifically, Article 4 of FIFA's Statutes states that discrimination based on gender "is strictly prohibited and punishable by suspension or expulsion."¹⁴⁹ According to FIFA, "[h]uman rights commitments are binding on all FIFA bodies and officials when exercising their respective powers and competences."¹⁵⁰

¹³⁵ Lewis, *supra* note 120.

¹³⁶ *FIFA Fast Facts*, *supra* note 13; *Associations and Confederations*, *supra* note 13.

¹³⁷ *Associations and Confederations*, *supra* note 13.

¹³⁸ *Associations and Confederations*, *supra* note 13.

¹³⁹ *Associations and Confederations*, *supra* note 13.

¹⁴⁰ *Associations and Confederations*, *supra* note 13.

¹⁴¹ *Associations and Confederations*, *supra* note 13.

¹⁴² *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 14.

¹⁴³ *Islamic Republic of Iran Football Federation: Association Information*, FIFA, <https://www.fifa.com/associations/association/irn/about> (last visited Apr. 19, 2021).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Who We Are: 2016 FIFA Reforms*, *supra* note 15.

¹⁴⁸ *FIFA's Human Rights Policy: May 2017 Edition*, FIFA, https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf (last visited Feb. 1, 2020).

¹⁴⁹ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 4.

¹⁵⁰ *FIFA's Human Rights Policy: May 2017 Edition*, *supra* note 148.

Article 4 of FIFA's Statutes clarifies that FIFA remains a neutral party with regard to politics and religion.¹⁵¹ According to Article 15 and 23 of FIFA's Statutes, member associations and confederations may only implement statutes that are "neutral in matters of politics and religion" and "prohibit all forms of discrimination."¹⁵² With this, FIFA states that exceptions in neutrality may only be made if in furtherance of its statutory objectives.¹⁵³ Notably, here, FIFA's statutory objectives include enforcement of its regulations, promotion of ethics, and availability of FIFA sponsored soccer to everyone who wishes to participate, regardless of gender.¹⁵⁴ However, despite its proclaimed zero-tolerance policy, FIFA has neither suspended nor expelled IRIFF for its facially discriminatory ban on female's attending FIFA sponsored events.

As noted above, IRIFF has prohibited women from attending soccer games for nearly forty years. In March 2018, FIFA president Gianni Infantino attended a match to watch FIFA confederation members, Esteghlal and Persepolis, compete at the Azadi Stadium in Tehran.¹⁵⁵ FIFA praises the Azadi Stadium for being "among the world's most legendary stadiums," as the home stadium to Esteghlal, Persepolis, and the Iranian National Team.¹⁵⁶

In March 2018, Infantino had an opportunity to push for women in Iran to be allowed into Azadi Stadium while he enjoyed the FIFA sponsored match along with 100,000 others.¹⁵⁷ However, while Infantino posed for photo opportunities with Iranian President Hassan Rouhani, just outside Azadi Stadium, thirty-five women and teenagers disguised as men in an attempt to thwart the ban.¹⁵⁸ "Ironically, "Azadi" means "freedom" in Farsi."¹⁵⁹ Sadly, Infantino condoned this denial of freedom despite its blatant violation of FIFA regulations.

In November 2018, Infantino again traveled to Azadi Stadium, where he praised the Iranian government for the number of women permitted to attend the soccer match.¹⁶⁰ While Infantino stated that this was a "real breakthrough," the women in attendance were hand selected and allowed to attend.¹⁶¹

Shortly after Infantino's visit, the FIFA Human Rights Advisory Board published a report recommending that FIFA be "explicit about the timeframe in which it expects its Member Association [Iran] to align with FIFA's human rights expectations and the anticipated sanctions if it does not, including under the FIFA Statutes, Disciplinary Code and Ethics Code."¹⁶² However, despite the praise of the proclaimed "breakthrough," in March 2019, Blue Girl was arrested for attempting to enter into Azadi Stadium.¹⁶³ Then again in June 2019, more women in Iran were

¹⁵¹ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 4.

¹⁵² *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 15; *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 23.

¹⁵³ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 4.

¹⁵⁴ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 2.

¹⁵⁵ Minky Worden & Tara Sepehri Far, *Banned from Watching Soccer, the Women of Iran are Being Failed by FIFA*, HUM. RTS. WATCH (Mar. 8, 2018), <https://www.hrw.org/news/2018/03/08/banned-watching-soccer-women-iran-are-being-failed-fifa>.

¹⁵⁶ *Esteghlal FC*, FIFA (Sept. 16, 2009), <https://www.fifa.com/news/esteghlal-the-iranian-crown-1101649>.

¹⁵⁷ Worden & Far, *supra* note 155.

¹⁵⁸ Worden & Far, *supra* note 155.

¹⁵⁹ Worden & Far, *supra* note 155.

¹⁶⁰ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

¹⁶¹ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

¹⁶² *FIFA President Announces Deadline for Iran to Take "Concrete Steps" to Let Women Into Stadiums*, CENTER FOR HUM. RTS. IN IRAN (June 24, 2019), <https://iranhumanrights.org/2019/06/fifa-president-announces-deadline-for-iran-to-take-concrete-steps-to-let-women-into-stadiums/>.

¹⁶³ *Iran's 'blue girl' dies after setting herself on fire*, BBC NEWS: MIDDLE EAST (Sept. 10, 2019), <https://www.bbc.com/news/world-middle-east-49646879>.

reportedly physically assaulted by Iranian authorities for attempting to enter Azadi Stadium disguised as men.¹⁶⁴ Finally, on June 18, 2019, Infantino wrote a letter to the IRIFF's president stating:

I would be very grateful if you could inform FIFA, at your earliest convenience but no later than July 15, 2019, as to the concrete steps which... [Iran] will now be taking in order to ensure that all Iranian and foreign women who wish to do so will be allowed to buy tickets and attend the matches of the Qualifiers for the FIFA World Cup Qatar 2022, which will start in September 2019.¹⁶⁵

In Infantino's June 18, 2019 letter, he expressed FIFA's awareness of the "challenges and cultural sensitivities" and duty to women all over the world to abide by the principles set forth in the FIFA Statutes.¹⁶⁶ However, Infantino did not state what repercussions IRIFF would face for continued noncompliance. On August 13, 2019, Iranian authorities exercised its choice to not comply with FIFA's demands by arresting six women disguised as men attempting to enter Azadi Stadium.¹⁶⁷ Subsequently, on September 9, 2019, the Blue Girl died after learning she faced between six months and two years in prison for attempting to sneak into Azadi Stadium in March of 2019.¹⁶⁸

Shortly following the death of Blue Girl, FIFA released a statement that read "[w]e are aware of that tragedy and deeply regret it."¹⁶⁹ Further, FIFA stated that it sends its "condolences to the family and friends of Sahar and reiterate our calls on the Iranian authorities to ensure the freedom and safety of any women engaged in this legitimate fight to end the stadium ban for women in Iran."¹⁷⁰ Then on September 22, 2019, Infantino made a historic announcement that women would finally be permitted to enter Tehran's Azadi Stadium to watch a FIFA sponsored match on October 10, 2019.¹⁷¹

On October 3, 2019, for the first time in forty years, women were legally permitted to purchase tickets to watch the Iranian national team compete against Cambodia at the legendary Azadi Stadium.¹⁷² However, of the 100,000 available seats, a mere five percent of tickets were available for purchase by women.¹⁷³ Additionally, female photographers who applied to document

¹⁶⁴ *FIFA President Announces Deadline for Iran to Take "Concrete Steps" to Let Women into Stadiums*, *supra* note 162.

¹⁶⁵ *Infantino Tells Iran to Let Women into World Cup Qualifiers*, USA TODAY (June 21, 2019), <https://www.usatoday.com/story/sports/soccer/2019/06/21/infantino-tells-iran-to-let-women-into-world-cup-qualifiers/39609863/>.

¹⁶⁶ *FIFA President Announces Deadline for Iran to Take "Concrete Steps" to Let Women into Stadiums*, *supra* note 162.

¹⁶⁷ *Iran: Women Detained, Accused of Flouting Stadium Ban*, *supra* note 105.

¹⁶⁸ *'Blue Girl': Iran's Football Fan, Denied Stadium Entry, Dies*, AL JAZEERA (Sept. 10, 2019), <https://www.aljazeera.com/news/2019/09/iran-blue-girl-dies-entry-denied-football-stadium-190910170109925.html>.

¹⁶⁹ *Iran's 'Blue Girl' Dies After Setting Herself on Fire*, *supra* note 163.

¹⁷⁰ Sanya Masoor, *FIFA Says Women 'Have to Be Allowed' Into Iran's Soccer Stadiums*, TIME: IRAN (Sept. 22, 2019), <https://time.com/5683512/fifa-women-iran-football/>.

¹⁷¹ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

¹⁷² *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

¹⁷³ *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

the historic match were denied access.¹⁷⁴ According to the Iranian Student News Agency, the tickets available to women sold out in seconds.¹⁷⁵

Once allowed inside the stadium, male and female fans were segregated.¹⁷⁶ The female fan section now being referred to as the “cage” was enclosed by metal fencing and equipped with monitors while the male fan section was not.¹⁷⁷ “In one video posted online, a woman who had help up a sign paying tribute to Blue Girl was soon in a struggle with female police officers who had taken it down.”¹⁷⁸ While most of the stadium seating remained empty, authorities issued several warnings to the women gathered outside of Azadi Stadium who were unable to obtain tickets.¹⁷⁹ Iran’s stadium seating cap, seating segregation, and seating conditions are in direct violation of FIFA Statutes and Human Rights Policy.

Despite these conditions, hours prior to kickoff, women could be found outside the stadium and in their seats.¹⁸⁰ One woman was seen embracing her ticket and crying while others were awe struck at their first sight of Azadi Stadium’s turf.¹⁸¹ Inside the stadium, women were seen proudly wearing face paint of the Iranian flag and posing for pictures.¹⁸² Despite, Iran’s discriminatory ticket limit, women sang and chanted in support of their beloved team throughout the game.¹⁸³ At the conclusion of the match, Masoud Shjaei, the Iranian National team captain, led his team to the female fan section where they saluted the women with applause for their attendance.¹⁸⁴

After the October 10, 2019 match, Infantino released a statement praising the day stating that he now “looks more than ever towards a future when ALL girls and women wishing to attend football matches in Iran will be free to do so, and in a safe environment.”¹⁸⁵ Although, Infantino did not address the stadium cap or conditions imposed on female spectators. FIFA, the IRIFF, and Iranian authorities have made no indications that the discriminatory ban on female spectators at sporting events has been permanently lifted.

V. IRAN’S INTERNATIONAL OBLIGATIONS UNDER THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Iran has neglected its international obligation to be a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”). In 1979, CEDAW was adopted by the United Nations General Assembly and regularly regarded as the international bill of rights for women.¹⁸⁶ The thirty articles which comprise the CEDAW define “what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.”¹⁸⁷

¹⁷⁴ Tariq Panja, *Iranian Women Allowed to Attend Soccer Game for First Time Since 1981*, N.Y. TIMES (Oct. 10, 2019), <https://www.nytimes.com/2019/10/10/sports/soccer/iran-women.html>.

¹⁷⁵ Panja, *Iran: Stadium Seating Cap Endangers Women*, *supra* note 4.

¹⁷⁶ Panja, *supra* note 174.

¹⁷⁷ Panja, *supra* note 174.

¹⁷⁸ Panja, *supra* note 174.

¹⁷⁹ Panja, *supra* note 174.

¹⁸⁰ Panja, *supra* note 174.

¹⁸¹ Panja, *supra* note 174.

¹⁸² Panja, *supra* note 174.

¹⁸³ Panja, *supra* note 174.

¹⁸⁴ Panja, *supra* note 174.

¹⁸⁵ Panja, *supra* note 174.

¹⁸⁶ CEDAW, *supra* note 26.

¹⁸⁷ CEDAW, *supra* note 26.

CEDAW offers a foundation for attaining gender equality and equal access to women in all aspects of life. Accordingly, state parties condemn all forms of discrimination against women.¹⁸⁸ With this, state parties agree to take the necessary measures, including legislation, to ensure women have equal rights in all aspects of life, principally in the political, social, economic, and cultural fields.¹⁸⁹ Currently, 183 states are a party to Convention.¹⁹⁰ As a state party to CEDAW, states accept a “series of measures to end discrimination against women in all forms.”¹⁹¹ According to CEDAW, discrimination is defined as:

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing, or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.¹⁹²

States that “have ratified or acceded to the Convention are legally bound to put its provisions into practice.”¹⁹³

Initially, Iran’s Parliament approved Iran becoming a state party to the Convention.¹⁹⁴ However, in August 2003, the Guardian Council, which has the power to approve and veto bills approved by Parliament,¹⁹⁵ rejected CEDAW.¹⁹⁶ According to the Guardian Council’s spokesperson, Ibrahim Azizi, the CEDAW was vetoed as it was unconstitutional and a direction violation of Islamic law.¹⁹⁷ However, other Shari’ah law countries such as Afghanistan, Egypt, Iraq, Qatar, Pakistan, United Arab Emirates, Saudi Arabia, and Yemen are parties to CEDAW and find no violation of Islamic law in their participation.¹⁹⁸

“Customary international law is comprised of those practices and customs that States view as obligatory and that are engaged in or otherwise acceded to by a preponderance of States in a uniform and consistent fashion.”¹⁹⁹ Further, customary international law is a “widespread and consistent state practice with a sufficient duration, accompanied by a sense of legal obligation.”²⁰⁰ The general provisions of CEDAW demonstrate customary international law, particularly in the legal obligation accepted by the 183 state parties to ensure legislation and regulation is in place to mitigate and end gender discrimination.

Furthermore, given that more than ninety percent of U.N. members are state parties and the treaty has been in effect for over forty years,²⁰¹ arguably, CEDAW can be considered customary

¹⁸⁸ CEDAW, *supra* note 26.

¹⁸⁹ CEDAW, *supra* note 26.

¹⁹⁰ CEDAW, *supra* note 26.

¹⁹¹ CEDAW, *supra* note 26.

¹⁹² CEDAW, *supra* note 26.

¹⁹³ CEDAW, *supra* note 26.

¹⁹⁴ Nazila Fathi, *Iran’s Hard-Liners Reject Reform Bills Approved by Parliament*, N.Y. TIMES (Aug. 14, 2003), <https://www.nytimes.com/2003/08/14/world/iran-s-hard-liners-reject-reform-bills-approved-by-parliament.html>.

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ CEDAW, *supra* note 26.

¹⁹⁹ Chantalle Forgues, *A Global Hurdle: The Implementation of An International Nondiscrimination Norm Protecting Women From Gender Discrimination in International Sports*, 18 B.U. INT’L L.J. 247 (2000).

²⁰⁰ *Id.*

²⁰¹ CEDAW, *supra* note 26.

international law.²⁰² With this status, CEDAW would be applicable to even non-signatory states.²⁰³ Thus, despite neglecting its international obligation to become a state party to CEDAW, Iran should be subject to CEDAW's provisions by customary international law.

Given this, Iran has violated its customary international law obligations. According to Article 13 of CEDAW, state parties shall take:

all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular...(c) *the right to participate in recreational activities, sports and all aspects of cultural life.*²⁰⁴

Thus, Iran's failure to offer men and women the same rights in its discriminatory ban on female sports spectators and gender-imposed stadium seating is a direct violation of Article 13 of CEDAW.

Historically, the United Nations has recognized the importance of the role of sports in the creation of sustainable development, where gender equality is one of seventeen primary goals.²⁰⁵ Aside from Article 13 of CEDAW, this assertion is further supported by the Transforming our world: the 2030 Agenda for Sustainable Development ("Sustainable Development Resolution"). The Sustainable Development Resolution was adopted without a vote.²⁰⁶ According to the United Nations, a consensus "is reached when all Member States have agreed to adopt the text of a draft resolution without taking a vote."²⁰⁷ Thus, the Sustainable Development Resolution was adopted by its 192 Member States, including Iran. Here, the United Nations states:

[S]port is also an important enabler of sustainable development. We recognize the growing contribution of sport to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities as well as to health, education and social inclusion objectives.²⁰⁸

The Sustainable Development Resolution and CEDAW demonstrates the world acknowledgment of the power of sport, particularly as a fundamental right and as a vehicle for achieving gender equality. Iran is an outlier in its failure to be State Party to CEDAW, as more than ninety-five percent of United Nations Member States are State Parties. Again, Iran is the only country in the world to enforce a discriminatory ban on female sport spectators while other Sharia law countries whose populations are predominately Shia Muslims including Afghanistan, Qatar, Syria, and Saudi Arabia are State Parties to CEDAW. Accordingly, these countries comply with

²⁰² Tiefenbrun, *supra* note 27, at 65.

²⁰³ Tiefenbrun, *supra* note 27, at 65.

²⁰⁴ CEDAW, *supra* note 26, at Art. 13 (emphasis added).

²⁰⁵ *UN recognizes role of sport in achieving sustainable development*, UN NEWS (Dec. 4, 2018), <https://news.un.org/en/story/2018/12/1027531>. See also *Goal 5: Achieve gender equality and empower all women and girls*, UNITED NATIONS, <https://www.un.org/sustainabledevelopment/gender-equality/> ("Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world.").

²⁰⁶ *How Decisions are Made at the UN*, MODEL UNITED NATIONS, <https://www.un.org/en/model-united-nations/how-decisions-are-made-un> (Apr. 19, 2021).

²⁰⁷ *Id.*

²⁰⁸ G.A. Res. 70/1, para. 37 (Oct. 21, 2015).

Article 13 of CEDAW in allowing women to attend male sporting events. Despite neglecting its international obligation to become a state party to CEDAW, Iran should be subject to CEDAW's provisions by customary international law and thus immediately repeal its discriminatory ban on female sport spectators.

VI. ARGUMENT

For decades, while FIFA remains complacent, Iranian women have put themselves in danger, been subjected to brutal beatings, and faced criminal charges in pursuit of enjoying FIFA sponsored events. According to FIFA's Human Rights Policy paragraph 11, "[w]here the freedoms of human rights defenders and media representatives are at risk, FIFA will take adequate measures for their protection, including by using its leverage with the relevant authorities."²⁰⁹

FIFA has yet to fulfill its commitment to provide protection for the women in Iran, who are fighting against their denial of equality in FIFA sponsored events. FIFA has both the right and responsibility to act against IRIFF for its failure to comply with FIFA's Statutes, Human Rights Policy, and Code of Ethics. FIFA possesses important leverage, particularly as soccer is Iran's most popular sport, to ensure women's rights in Iran and must exercise it.

According to Article 3 of FIFA's Statutes, "FIFA is committed to respecting all internationally recognized human rights and shall strive to promote the protection of these rights."²¹⁰ Further, according to Article 7 of FIFA's Human Rights Policy:

[W]here national laws and regulations and international human rights standards differ or are in conflict with each other, FIFA will follow the higher standard without infringing upon domestic laws and regulations. Where the national context risks undermining FIFA's ability to ensure respect for internationally recognized human rights, FIFA will constructively engage with the relevant authorities and other stakeholders and make every effort to uphold its international human rights responsibilities.²¹¹

Here, Iran's discriminatory ban and stadium seating cap imposed on female fans is not expressly written into law and thus cannot be considered a "domestic law" under Article 7 of FIFA's Human Rights Policy. However, even if considered a "domestic regulation," FIFA may sanction IRIFF for its violation of the "international human rights" set forth in CEDAW.

According to Article 13 of CEDAW, which should arguably be viewed as customary international law, the right to equal participation in sports is fundamental in eliminating discrimination against women.²¹² While Article 4 of FIFA's Statutes states that FIFA "remains neutral in matters of politics and religion," when a statutory objective is affected, FIFA will depart from its neutrality.²¹³ Although Iran argues that the ban is based on Islamic principles, FIFA's statutory objective of ensuring the game of soccer "is available to and resourced for all who wish to participate, regardless of gender" is directly affected.²¹⁴ Accordingly, FIFA is not prohibited

²⁰⁹ *FIFA's Human Rights Policy: May 2017 Edition*, *supra* note 148.

²¹⁰ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 3.

²¹¹ *FIFA's Human Rights Policy: May 2017 Edition*, *supra* note 148, at Art. 7.

²¹² CEDAW, *supra* note 26, at Art. 13.

²¹³ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 4.

²¹⁴ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 4.

by Article 4 of its Statutes or Article 7 of its Human Rights Policy from taking action to ensure women in Iran have access to its “internationally recognized human right.”²¹⁵ FIFA must take immediate action per Article 3 of its Statutes.

According to Article 8 of FIFA’s Statutes, “all bodies and officials must observe the Statutes, regulations, decisions and Code of Ethics of FIFA in their activities.”²¹⁶ Further, FIFA’s Congress shall “decide whether to admit, suspend or expel a member association solely upon the recommendation of the Council.”²¹⁷ Thus, FIFA has the discretion to either suspend IRIFF and the AFC until Iran’s ban and stadium seating of female fans is entirely lifted. Alternatively, FIFA could expel IRIFF and AFC from all future FIFA participation for its forty-year discrimination against women. However, here, a win for the women of Iran, who have been tirelessly fighting for inclusion, would be the freedom to support their beloved FIFA sponsored teams in the same way men are.

Alternatively, despite neglecting its international obligation to become a State Party to CEDAW and FIFA’s continued failure to act, Iran should be subject to CEDAW’s provisions by customary international law. According to Article 13 of CEDAW, “State Parties: shall take all appropriate measures to eliminate discrimination against women in the right to participate in recreational activities, sports and all aspects of cultural life.” Here, Iran has no basis for denying its international obligation, particularly given that countries who are under Shia theocracy including Afghanistan, Qatar, Syria, and Saudi Arabia are State Parties to CEDAW.

Ninety-five percent of U.N. members are State Parties to CEDAW, majority of which have soccer clubs that are member associations to FIFA and actively compete against IRIFF. Both Iranian women and women from countries that are State Parties to CEDAW are prohibited from attending FIFA sponsored male soccer games in Iran. Here, by allowing its national teams to participate against IRIFF, State Parties to CEDAW fail to take “take all appropriate measures” to eliminate Iran’s discrimination against women in sport.

Both non-signatory countries and State Parties to CEDAW manage to comply with FIFA regulations and customary international obligations of Article 13 of CEDAW. This includes allowing female sport spectators to attend male sporting events. Here, Iran remains the outlier in its failure to be State Party to CEDAW and its implementation of its discriminatory stadium ban and seating cap. As such, Iran should be forced to immediately repeal its discriminatory ban on female sport spectators which directly violates CEDAW via customary international law.

VII. CONCLUSION

As Iran’s most popular sport, soccer, like baseball or football in the United States, could unify “Iranians across the ideological spectrum around a common national identity, fostering patriotism and social cohesion.”²¹⁸ For this objective to be achieved, women must have equal access to the game of soccer. Iran’s discriminatory ban and stadium seating cap imposed on female sports spectator’s is a direct violation of its customary international law obligation under CEDAW and FIFA Statutes, Code of Ethics, and Human Rights Policy. Further, in FIFA’s failure to suspend or sanction IRIFF, FIFA continues to violate its own bylaws and aid the Iranian government in its

²¹⁵ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 4.

²¹⁶ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 4.

²¹⁷ *FIFA Statutes: June 2019 Edition*, *supra* note 14, at Art. 4.

²¹⁸ Tzvi Kahn, *The ‘Satanic’ women of Iranian Soccer*, THE HILL (Jan. 2, 2019), <https://thehill.com/opinion/civil-rights/423480-the-satanic-women-of-iranian-soccer>.

exclusion of women. Here, FIFA must act immediately to ensure gender equality, particularly in protection of those women “who put themselves at risk by challenging the discriminatory limits on ticket sales and stadium access.”²¹⁹

²¹⁹ *Iran: Stadium Seating Cap Endangers Women, supra* note 4.