

**Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
A/66/374 para 76**

Full recommendation:

The Special Rapporteur encourages the Government to open greater space for the aforementioned groups of civil society actors to be able to carry out their work. He also wishes to stress the importance of freedom of expression and assembly for a democratic, open society governed by the rule of law, and encourages the Government to refrain from repressing dissent. The Special Rapporteur would also like to underscore the importance of perpetuating a culture of tolerance, and urges the Government to prevent discrimination against women, as well religious and ethnic minorities, in all spheres of public life and services, and to protect their freedoms to freely associate and express themselves.

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur encourages the Government to open greater space for the aforementioned groups of civil society actors to be able to carry out their work. He also wishes to stress the importance of freedom of expression and assembly for a democratic, open society governed by the rule of law, and encourages the Government to refrain from repressing dissent.

The UN Declaration on Human Rights Defenders (HRDs), adopted by consensus by the UN General Assembly in 1998, recognizes the role of HRDs in the advancement of human rights and requires specific measures for their protection because they are often exposed to additional and specific risks. While the Declaration is not a binding document, it articulates existing international human rights in a context applicable to the work of HRDs. Notably, the Declaration reiterates the State's duty to protect the rights to freedom of expression,² assembly³ and association⁴ for all, and specifically calls on States to guarantee these rights as they are crucial for any type of human rights work.⁵

Article 27 of the Constitution ostensibly protects the right to freedom of peaceful assembly but insufficiently complies with international standards set out in the International Covenant on Civil and Political Rights (ICCPR) because it requires that participants are not “in violation of the fundamental principles of Islam”. There is no clear definition or criteria that define what

¹ CCPR.19.1.S.1; CCPR.19.2.S.1; CCPR.21.1.S.1; CCPR.22.1.S.1; CCPR.25.1.S.3
CCPR.21.1.P.2; CCPR.25.1.P.1

CCPR.21.1.O.2; CCPR.21.1.O.3; CCPR.22.1.O.2; CCPR.25.1.O.1; CCPR.25.1.O.2

² Article 19, International Covenant on Civil and Political Rights

³ Article 21, International Covenant on Civil and Political Rights

⁴ Article 22, International Covenant on Civil and Political Rights

⁵ OHCHR, <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>

constitutes “fundamental principles of Islam”. Under Article 2 of the Law on Political Crimes, adopted in 2016, participation in an unauthorized assembly, even if it is peaceful, can effectively be considered a political offence.⁶ Unauthorized assemblies had previously been prohibited under the 1981 Law on the Activities of Parties, Populations and Political and Trade Unions and Islamic Associations or Recognized Religious Minorities.⁷ Those participating in peaceful unauthorized assemblies are often charged and sentenced to prison terms under Article 610 of the Islamic Penal Code.⁸

The right to freedom of expression, recognized under Article 24 of the Constitution, is similarly undermined by vague qualifications, such as being “deemed harmful to the principles of Islam or the rights of the public”. Article 40 further allows for restrictions of rights, including peaceful assembly, if the exercise is deemed “injurious to others” or “detrimental to public interests”. Similar provisions restrict the right to freedom of expression online through the criminalization of vaguely worded offences such as the “dissemination of lies” and what is deemed to offend “public morality and chastity”.⁹

The revised version of the Islamic Penal Code,¹⁰ adopted in 2013, maintains numerous provisions which criminalize the exercise of the right to freedom of expression, association and peaceful assembly, in contravention of international human rights law and standards. For example, under the Penal Code, the establishment or leadership of a group that “aims to perturb the security of the country” is criminalized,¹¹ as well as a variety of acts considered as propaganda¹² or conspiracy against the state (which has been interpreted to include peaceful protests).¹³ Encouragement to “violate public morals”¹⁴ as well as satire are also penalized.¹⁵ Similar vaguely worded provisions punish acts such as swearing at¹⁶ or insulting¹⁷ “the Great Prophet of Islam” as well as “sowing corruption on earth”¹⁸ with the death penalty.

These restrictions fail to meet international standards that require limitations to be necessary and proportionate, and in pursuit of one of a limited number of narrowly-drawn legitimate aims, per Article 19 of the ICCPR. The restrictions grant authorities’ significant discretion to impose

⁶ The 2016 Law on Political Crimes, available at: <https://rc.majlis.ir/fa/law/show/968421>

⁷ The 1981 Law on the Activities of Parties, Populations and Political and Trade Unions and Islamic Associations or Recognised Religious Minorities, available at: <https://rc.majlis.ir/fa/law/show/90226>

⁸ The new Islamic Penal Code was introduced in 2013 for an experimental period of five years and was revised in 2016. See the most updated version of the Islamic Penal Code here on the website of the Iranian parliament: http://rc.majlis.ir/fa/law/print_version/845048

⁹ “Islamic Republic of Iran: Computer Crimes Law,” ARTICLE19, 2012. <https://bit.ly/1RecP6R>

¹⁰ The Islamic Penal Code available at: http://rc.majlis.ir/fa/law/print_version/845048

¹¹ Article 498 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹² Article 500 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹³ Article 610 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁴ Article 639 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁵ Article 700 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁶ Article 262 Islamic Penal Code 2013, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

¹⁷ Article 513 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁸ Article 286 Islamic Penal Code 2013

overbroad and vague limitations on individuals' rights, in violation of the country's international human rights obligations. As the work of human rights defenders and civil society activities rely on freedom of expression assembly and association, their ability to carry out their work is particularly limited.

The authorities frequently resort to these provisions to intimidate, arrest and prosecute individuals who peacefully exercise their rights to freedom of expression, association and assembly. Iranian authorities have increasingly repressed human rights lawyers, resorting to arrests, detentions, and imprisonments solely based on the peaceful exercise of their rights to freedom of expression, association and assembly and for carrying out their professional duty to defend their clients.¹⁹ Other human rights defenders, including trade unionists, environmental or abolitionist activists have also faced increasing levels of harassment and persecution due to their peaceful activities.^{20 21 22 23} In his July 2020 report, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran raised serious concerns over recurrent arrests and detentions of HRDs solely for carrying out their legitimate work.^{24 25 26} The Special Rapporteur also referred to reports of harassment, imprisonment and mistreatment of HRDs in prison, as well as increased pressure on their families.²⁷ NGOs have reported a pattern of violations of the rights to freedom of expression, assembly and association disproportionately targeting members of minority or marginalized groups.^{28 29 30 31 32 33}

¹⁹ See more: Abdorrahman Boroumand Center, <https://www.iranrights.org/projects/timeline>

²⁰ See more : ARTICLE 19, Small Media, Human Rights Activists in Iran, Impact Iran, Human Rights Committee, 129th session (Geneva) 29 June – 24 July 2020,

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICJ_IRN_42315_E.pdf

²¹ See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

²² See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

²³ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

²⁴ Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020,

https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

²⁵ See more: United for Iran, database of Iran's prisons and political prisoners available at <https://ipa.united4iran.org/en/>

²⁶ See more: EN-Human Rights Activists News Agency, <https://www.en-hrana.org/?s=activists>

²⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020,

https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

²⁸ See more: Association for the human rights of the Azerbaijani people in Iran, <http://www.ahraz.org/association-for-the-human-rights-of-the-azerbaijani-people-in-iran-ahrazs-repot-regarding-the-current-situation-of-the-azerbaijani-arrestees-that-are-arrested-during-the-recent-protests-nove/>

²⁹ See more: Kurdistan Human Rights Geneva, <https://kmmk-ge.org/sd/annual-report-2020/>

³⁰ See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

³¹ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/10/more-bahais-begin-serving-prison-sentences-in-iran-simply-for-their-beliefs/>

³² See more: Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

³³ "Iran arrests 29 linked to protests against compulsory hijab laws", New York Times, 2 February 2018. <https://www.nytimes.com/2018/02/02/world/middleeast/iran-hijab-protests-arrests.html>

Further, the authorities have continued to respond to protests with excessive and unlawful force. Anti-government protests that erupted in late December 2017 were met with a heavy-handed response by state forces, reportedly resulting in at least 21 deaths and hundreds of arrests.³⁴ In November 2019, authorities violently repressed protests across the country.³⁵ ³⁶ Reportedly, the death toll ranges from verified reports of 304,³⁷ to unconfirmed reports of up to 1,500 deaths,³⁸ and the number of those injured by security forces is estimated at several thousand.³⁹ Around 7,000 persons were arrested and detained according to a spokesperson for Iran's parliamentary committee for national security and foreign policy, with trials ongoing, some resulting in death sentences as well as long prison sentences.⁴⁰ ⁴¹ As of January 2021, the Islamic Republic of Iran has not engaged in investigations consistent with international standards into the reported incidents that occurred during the 2019 November protests.⁴²

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Article 90 Commission of the parliament (established based on Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of the three branches of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated.⁴³

³⁴ "Iran: protect constitutional right to protest", ARTICLE 19, 3 January 2018. <https://www.article19.org/resources/iran-protect-citizens-right-protest/>

³⁵ Iran: Protests met with violent crackdown and online censorship," ARTICLE19, 19 November 2020.

<https://www.article19.org/resources/iran-protests-met-with-violent-crackdown-and-online-censorship/>

³⁶ "Iran: Details released of 304 deaths during protests six months after security forces' killing spree," Amnesty International. 20 May 2020.

<https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreec/>

³⁷ Iran: Details released of 304 deaths during protests six months after security forces' killing spree," Amnesty International. 20 May 2020.

<https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreec/>

³⁸ "Special Report: Iran's leader ordered crackdown on unrest - 'Do whatever it takes to end it,'" Reuters. 23 December 2019.

<https://www.reuters.com/article/us-iran-protests-specialreport/special-report-irans-leader-ordered-crackdown-on-unrest-do-whatever-ittakes-to-end-it-idUSKBN1YR0QR>

³⁹ "Iran: Details released of 304 deaths during protests six months after security forces' killing spree," Amnesty International. 20 May 2020.

<https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreec/>

⁴⁰ "November Protests; the details of the case of three prisoners who were sentenced to death," HRANA.5 March 2020.

<https://www.en-hrana.org/november-protests-the-details-of-the-case-of-three-prisoners-who-were-sentenced-to-death>

⁴¹ See more : Article 19, Small Media, Human Rights Activists in Iran, Impact Iran,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42315&Lang=en

⁴² Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/190/27/PDF/N2019027.pdf?OpenElement>

⁴³ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

In light of the above, the government of the Islamic Republic of Iran has not opened a greater space for civil society actors to be able to carry out their work. The Government of the Islamic Republic of Iran has not refrained from repressing dissent.

B. The Special Rapporteur would also like to underscore the importance of perpetuating a culture of tolerance, and urges the Government to prevent discrimination against women, as well religious and ethnic minorities, in all spheres of public life and services, and to protect their freedoms to freely associate and express themselves.

As described above, the freedoms of association and expression are restricted under Iranian law.

Article 19 of the Constitution guarantees that all people enjoy equal rights, “whatever the ethnic group or tribe to which they belong” and that “color, race, language, and the like, do not bestow any privilege”. However, the Constitution omits an explicit provision recognizing religion or belief as a protected characteristic. Article 20 of the Constitution states that “All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria”. Additionally, Article 23 of the Constitution stipulates that “the investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief”.⁴⁴

Despite these legal safeguards, the rights of ethnic and religious minorities are not fully protected under Iranian law. Notably, representation and participation in public affairs by members of ethnic nationalities or religious minorities is limited. For instance, the Iranian Constitution places religious requirements on certain high-ranking positions. The President, the Supreme Leaders, members of the Guardian Council, of the Assembly of Experts and of the Expediency Council must all adhere to Shi’a Islam.⁴⁵ These constitutional rules exclude persons belonging to religious minorities such as Sunnis, Jews, Christians, Zoroastrians, Yarsan or Baha’is from these key positions. It also indirectly excludes most Kurds, Turkmen and Baloch who are Sunni in majority. None of the provinces that are populated in majority by minority groups, like Kurdistan, Sistan-and-Balochistan, Golestan, East and West Azerbaidjan, are run by a person belonging to that minority.⁴⁶

⁴⁴ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁴⁵ The Constitution of the Islamic Republic of Iran, English translation, Articles 5, 91, 109, 111 and 115. <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁴⁶ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020,

Positive developments have been slow and limited in scope, like the appointment by the government of three Sunni county governors belonging to the Turkmen, the Baloch and the Kurd minorities in 2017 and 2018. There are 324 counties in Iran, and therefore less than 1% are currently headed by a person belonging to an ethnic minority. While President Rouhani created a new post of Special Assistant to the President for Ethnic and Religious Minorities' Affairs after his election in 2013, the person appointed to this position does not belong to any ethnic or religious minority himself.⁴⁷

In municipal executives as well, minorities remain largely under-represented. In September 2017, protests erupted in Ahvaz after the results of municipal elections showed that only three out of 13 seats on the municipal council had been won by Arab candidates, which many suspected was the result of fraud. The Baluchi, Kurdish and Turkmen minorities are also underrepresented in high- and medium-ranking political posts according to Minority Rights Group International.⁴⁸

Additionally, Members of minorities face serious hurdles in accessing public sector employment due to the *gozinesh* process.⁴⁹ Such process bars *de facto* minorities or anyone who is unable or unwilling to accept religious requirements (notably adhering to Islam) from seeking employment in the public sector.^{50 51 52}

Similarly, women in Iran have a limited presence in decision-making bodies in the country. Women are completely prohibited from holding the position of Supreme Leader. Candidates for the presidency in Iran must be what the constitution refers to as *Rajol-E- Siasi* (“political men”).⁵³ Though many argue that the phrase as a whole could be understood as “political persons,” without a specification as to gender, the Guardian Council of the Constitution, a body of Islamic jurists responsible for vetting candidates for elections, has never approved a woman to stand in presidential elections or elections to the Assembly of Experts.⁵⁴ Additionally, no woman

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

⁴⁷ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

⁴⁸ Minority Rights Group International, Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights, Rights Denied: Violations against ethnic and religious minorities in Iran, March 2018, p.28, accessible at: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

⁴⁹ See <http://rc.majlis.ir/fa/law/show/92541> (in Persian).

⁵⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F74%2F188&Language=E&DeviceType=Desktop>

⁵¹ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2017/05/most-yarsani-religious-minority-candidates-disqualified-from-irans-2017-councils-elections/>

⁵² Baha'i International Community, Submission to the Universal Periodic Review of Iran, 2019, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWG.6%2F34%2FIRN%2F3&Language=E&DeviceType=Desktop>

⁵³ Art 115, Constitution of Iran.

⁵⁴ The council that should choose the Supreme Leader and its mandate is to monitor him.

has ever served on the Guardian Council (body mandated to bring parliamentary resolutions in line with *Shari'a* and the Constitution and to oversee elections and vet candidates),⁵⁵ nor on the Expediency Council (body which serves as the Supreme Leader's advisory arm, formulating "general policies for the state" and overseeing the implementation of those policies on the behalf of the Supreme Leader).⁵⁶

There are no legal restrictions on the ability of women to vote or become a candidate for parliament or the City and Village Councils. However, the Guardian Council is known to arbitrarily disqualify women candidates from running for election. For example, in the run-up to the 2020 elections, the Guardian Council disqualified 60 percent of female candidates.⁵⁷

Election law designates the Guardian Council as arbitrator for complaints related to election process or candidate vetting, but the Guardian Council is the body responsible for the impugned decisions.

There are currently no female ministers in the government's cabinet. No provincial governors are women. The government recently appointed three women as "county governor" out of 430 positions across the country.⁵⁸ The administration appointed women to 13 out of 1,058 district governors, mostly in small provinces across the country. Women currently occupy only 5.8 percent (16 out of 290) of parliamentary seats in the new parliament elected in February 2020.⁵⁹

Despite these positive steps, the structural and institutionalized obstacles limit the access of women to the political life who, in practice, still face widespread discrimination to participate in the political life.⁶⁰

In light of the above, the Government of the Islamic Republic of Iran has not prevented discrimination against women, as well religious and ethnic minorities, in all spheres of public life and services, and to protect their freedoms to freely associate and express themselves.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁵⁵ In addition, the Guardian Council is responsible for overseeing elections and vetting candidates.

⁵⁶ The body, whose members are all appointed by the Supreme Leader, was initially established as an arbitration body between parliament and the Guardian Council.

⁵⁷ See more: All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva (KMMK-G) Association for the Human Rights Of The Azerbaijani People In Iran (AHRAZ), Iran Human Rights Documentation Center (IHRDC), OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, Submission to the Human Rights Committee, 129th session, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

⁵⁸ Executive rankings at the provincial level: 1) Governor, 2) County Governor, 3) District Governor, 4) Village President.

⁵⁹ See more: All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva (KMMK-G) Association for the Human Rights Of The Azerbaijani People In Iran (AHRAZ), Iran Human Rights Documentation Center (IHRDC), OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, Submission to the Human Rights Committee, 129th session, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

⁶⁰ Minority Rights Group https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf