

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/71/418 para 83

Full recommendation

The Special Rapporteur urges the authorities to strengthen aspects of the 1985 Press Law to ensure that persons are protected from acts that impair the free communication of information and ideas about public and political issues between citizens, which is essential to the protection of other rights. He also urges the Government to reconsider aspects of policies that undermine the rights of individuals to associate and assemble with like-minded persons for the purposes of promoting peaceful activities.

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur urges the authorities to strengthen aspects of the 1985 Press Law to ensure that persons are protected from acts that impair the free communication of information and ideas about public and political issues between citizens

The 1986 Press Law, amended in 2000, provides content-based restrictions on traditional and online media. The law mentions that publications should “duly [observe] Islamic criteria and the best interests of the community.” Reports may only be published in pursuit of at least one of the five “legitimate objectives”, including “to campaign against manifestations of imperialistic culture” or “to propagate and promote genuine Islamic culture and sound ethical principles.” The law also provides twelve conditions under which the press might be censored, including “publishing heretical articles,” “spreading fornication and forbidden practices,” and “propagating and spreading overconsumption.”² Additionally, the law prohibits publishing content on matters, among others, relating to atheism, against the national security, dignity of interests of the State, insulting Islam or offending religious officials and material deemed critical of key political figures.³ Additionally, Article 9 of the law specifies vaguely worded requirements for those applying for a newspaper or magazine licenses, including “Practical adherence to the constitution”. Such provisions effectively grant Iranian authorities with wide powers of interpretation as to whom may be barred from exercising this right. In effect, the Press Law limits critical reporting and the free communication of information and ideas about public and political issues between citizens.

The authorities frequently refer to the Iranian legal framework to intimidate, arrest and

¹ CCPR.19.1.S.1; CCPR.19.2.S.1; CCPR.19.2.S.2; CCPR.22.1.S.1
CCPR.19.2.P.1; CCPR.19.2.P.2; CCPR.19.2.P.3; CCPR.22.1.P.1; CCPR.22.1.P.2
CCPR.19.1.O.1; CCPR.19.2.O.1; CCPR.19.2.O.2; CCPR.19.2.O.5; CCPR.22.1.O.2

² Iranian Press Law, Article 6.

³ See more: Article 19, <https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>

prosecute individuals who peacefully exercise their rights to freedom of expression, association and assembly, including journalists and media workers.^{4 5 6 7 8 9} The State's repression of these rights extends online. In 2018, Iran's Cyber Police announced that, since its foundation in 2010, it had arrested 74,917 individuals due to their online activities.¹⁰ This number includes bloggers and social media personalities. Iranian authorities regularly block or restrict access to websites and social media platforms.¹¹ The Government blocked the messaging application Telegram in 2018¹² and arrested a number of its administrators on charges of encouraging protests, "disturbing public opinion" and/or "promoting homosexuality".¹³ During the 2019 November protests, the Government ordered a country-wide internet shutdown, impairing the possibility to document acts of violence in real time.¹⁴

Article 168 of the Constitution of the Islamic Republic of Iran stipulates that crimes related to the press and media should be tried in a specific court, the press court. However, in recent years a large number of journalists have been arrested and tried in public and revolutionary courts for their professional work on the basis of, notably, national security charges.¹⁵ Additionally, Article 4 of the Press law states that "No government or non-governmental authority has the right to impose pressure on the press or to censor and control the press in order to publish an article" and Article 5 sanctions such acts with up to two years of dismissal from office or a permanent dismissal from public service in case of recidivism. Despite these safeguards, there are no readily available reports of trials against government or non-governmental officials under these articles, as of February 2021, in spite of numerous reports indicating regular pressure and censorship from security and judicial authorities in Iran.¹⁶

⁴ 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

⁵ See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

⁶ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

⁷ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

⁸ "Alireza Farshi has been released from Evin," HRNA News Agency. 11 April 2020. <https://www.hra-news.org/2020/hranews/a-24375/>

⁹ "Iran arrests 29 linked to protests against compulsory hijab laws", New York Times, 2 February 2018. <https://tinyurl.com/ybmdozuy>

¹⁰ Small Media, Digital Rights in Iran, UPR Submission, Session 34 : <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6980&file=EnglishTranslation> >

¹¹ Small Media, Digital Rights in Iran, UPR Submission, Session 34 : <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6980&file=EnglishTranslation> >

¹² Human Rights Watch, <https://www.hrw.org/news/2018/05/02/iran-assault-access-information>

¹³ Small Media, Digital Rights in Iran, UPR Submission, Session 34 : <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6980&file=EnglishTranslation> >

¹⁴ See more : Article 19, <https://www.article19.org/wp-content/uploads/2020/09/TTN-report-2020.pdf>

¹⁵ Human Rights Watch, <https://www.hrw.org/news/2016/05/03/iran-flawed-convictions-journalists>

¹⁶ See more: Article 19, Small Media, Human Rights Activists in Iran, Impact Iran, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICJ_IRN_42315_E.pdf

The Government of the Islamic Republic of Iran has not strengthened aspects of the 1985 Press Law to ensure that persons are protected from acts that impair the free communication of information and ideas about public and political issues between citizens.

B. The Special Rapporteur urges the Government to reconsider aspects of policies that undermine the rights of individuals to associate and assemble with like-minded persons for the purposes of promoting peaceful activities

The Iranian legal framework contains numerous provisions that effectively restrict and undermine the rights of individuals to associate and assemble.

Article 27 of the Constitution of the Islamic Republic of Iran¹⁷ ostensibly protects the right to freedom of peaceful assembly; however, the right is only protected if it is not “in violation of the fundamental principles of Islam.” There is no clear definition or criteria that defines what constitutes “fundamental principles of Islam,” which in effect grants the State with significant discretion to restrict the rights that contain such condition. Article 40 of the Constitution further allows for restrictions of rights, including peaceful assembly, if their 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.”¹⁸ These restrictions can also be found under Article 2 of the Law on Political Crimes, adopted in 2016, which stipulates that participation in an unauthorized assembly, even if peaceful, can effectively be considered a political offence.¹⁹ Further, Article 4 of the law forbids assemblies motivated by religious, ethnic or racial issues.

Article 26 of the Constitution guarantees the right to freedom of association and stipulates that “No one may be prevented from participating” in parties, societies, professional associations or religious societies. However, Article 26 does not protect the right of religious minorities not recognized under the Constitution to associate as religious societies. Additionally, although the Constitution protects the right to freedom of association, such guarantee only applies if it does “not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic”. Such vaguely worded conditions grant Iranian authorities significant discretion to restrict individuals’ right to association. Similar provisions are reiterated under the Law on the Activities of Political Parties and Groups, which also asserts Government’s control over associations and gatherings in Iran. For instance, Note 1 to Article 6 of the law reads as follows: “All groups are required to report their mission statements, founding charters, the identities of the members of their leadership commissions and subsequent changes in

¹⁷ Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁸ “Islamic Republic of Iran: Computer Crimes Law,” ARTICLE19, 2012. <https://bit.ly/1RecP6R>

¹⁹ The 2016 Law on Political Crimes, available at: <https://rc.majlis.ir/fa/law/show/968421>

membership of these commissions to the Ministry of Interior.” Note 2 of the same Article stipulates that only gatherings that received a permit from the Ministry of Interior can be authorized. There is no independent mechanism in Iran able to challenge the Ministry’s refusals to grant such permit. In practice, these legal provisions have translated in general restrictions on gatherings and assemblies that are critical of the State of Iran.

Similar restrictions are further reiterated in the revised version of the Islamic Penal Code, adopted in 2013. For instance, those participating in peaceful unauthorized assemblies can be sentenced to prison terms on the charges of “gathering and colluding to commit crimes against national security” (Article 610 of the Islamic Penal Code),²⁰ “forming a group composed of more than two people with the purpose of disrupting national security” (Article 498)²¹ and/or “membership of a group with the purpose of disrupting national security” (Article 499). Other criminal charges include “spreading propaganda against the system,”²² conspiracy against the State,²³ encouragement to “violate public morals”²⁴ as well as satire.²⁵ Similar vaguely worded provisions criminalize acts such as swearing at²⁶ or insulting²⁷ “the Great Prophet of Islam” as well as “sowing corruption on earth”²⁸ with the death penalty.

Restrictions on the rights to freedom of expression, assembly and association that do not meet the principle of legality because they are not necessary, proportionate, or in pursuit of one of a limited number of narrowly-drawn legitimate aims, making them contrary to international human rights standards.²⁹ The current Iranian legal framework grants authorities’ significant discretion to impose overbroad and vague restrictions on individuals’ rights in contravention of Iran’s international human rights obligations.

Iranian authorities frequently resort to the aforementioned legal provisions to intimidate, arrest and prosecute individuals (disproportionately members of minorities^{30 31}) who peacefully exercise their rights to freedom of expression, association and assembly, including journalists

²⁰ 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

²¹ Article 498 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²² Article 500 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²³ Article 610 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁴ Article 639 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁵ Article 700 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁶ Article 262 Islamic Penal Code 2013, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

²⁷ Article 513 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁸ Article 286 Islamic Penal Code 2013.

²⁹ Article 19, International Covenant on Civil and Political Rights

³⁰ 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/>

³¹ See more: Kurdistan Human Rights Geneva, <https://kmmk-ge.org/sd/annual-report-2020/>

and media workers, trade unionists, lawyers, environmental and abolitionist activists.^{32 33 34 35} The lack of legal safeguards for the rights of individuals belonging to recognized and unrecognized religious minorities^{36 37} enables the Iranian authorities to criminalize activities such as attending a house church or being part of religious conferences as criminal acts on the basis that they can threaten the existence of the Islamic Republic and thus constitute a national security threat.³⁸ The Iranian Judiciary has reportedly used Articles such as 498, 499 and 500 of the Iranian Penal Code to prosecute minority faith adherents, including non-*Shia* Muslims, for such activities on charges related to national security.^{39 40 41 42 43}

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.⁴⁴ Additionally, as the

³² 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

³³ See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

³⁴ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

³⁵ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

³⁶ In its Article 19, the Constitution of the Islamic Republic of Iran omits an explicit reference provision recognizing religion or belief as a protected characteristic against discrimination. Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

³⁷ 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

³⁸ Joint submission to the Human Rights Committee from The World Evangelical Alliance, Open Doors, Christian Solidarity Worldwide, Middle East Concern, Article 18, 29 May 2020 , https://articleeighteen.com/wp-content/uploads/2020/06/F3430b-2020-JointReport_Iran_HRCtee_ListOfIssues-dragged-1.pdf

³⁹ Articles 498 (“establishing a group that aims to disrupt national security”), 499 (“membership in a group that aims to disrupt national security”), and 500 (“spreading propaganda against the system”), Islamic Penal Code of the Islamic Republic of Iran (2013), Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁴⁰ Rights Denied: Violations against ethnic and religious minorities in Iran, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

⁴¹ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/10/more-bahais-begin-serving-prison-sentences-in-iran-simply-for-their-beliefs/>

⁴² 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

⁴³ See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

⁴⁴ 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%2fCS%2fIRN%2f42313&Lang=en

State relies on the Iranian legal framework to repress the rights to freedom of expression, assembly and association, access to justice is particularly limited.

The Government of the Islamic Republic of Iran has not reconsidered aspects of policies that undermine the rights of individuals to associate and assemble with like-minded persons for the purposes of promoting peaceful activities.

Recommendation Status:

This recommendation has **NOT** been implemented.