

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/72/322 para 111

Full recommendation

The Special Rapporteur urges the Government, in line with its international obligations, to immediately release all detainees who have been imprisoned for exercising their right to freedom of opinion, expression and peaceful assembly and to quash the prison sentences that have been handed down against others for similar reasons. State entities that organize crackdowns on peaceful dissent should be identified and held accountable in order to prevent a recurrence of such violations. The Government should also take strict measures to ensure that the security and intelligence apparatus stops using reprisals against the families of those who monitor or campaign against human rights violations or express views that are contrary to government policies.

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur urges the Government, in line with its international obligations, to immediately release all detainees who have been imprisoned for exercising their right to freedom of opinion, expression and peaceful assembly and to quash the prison sentences that have been handed down against others for similar reasons

Article 27 of the Constitution of the Islamic Republic of Iran² ostensibly protects the right to freedom of peaceful assembly, however only if it is not “in violation of the fundamental principles of Islam.” There is no clear definition or criteria that define what constitutes “fundamental principles of Islam,” therefore granting the State significant opportunity to restrict rights that contain such condition. Similar restrictions are also found under Article 2 of the Law on Political Crimes, adopted in 2016, which stipulates that participation in an unauthorized assembly, even if it is peaceful, can effectively be considered a political offence.³

Similarly, the right to freedom of expression, recognized under Article 24 of the Constitution is restricted if “deemed harmful to the principles of Islam or the rights of the public.” Article 40 further allows 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

¹ CCPR.9.1.S.1; CCPR.9.1.S.2; CCPR.9.1.S.3; CCPR.9.2.S.1; CCPR.9.3.S.2; CCPR.14.1.S.2; CCPR.9.1.P.1; CCPR.9.1.P.2; CCPR.9.1.P.5; CCPR.9.1.P.6; CCPR.9.2.P.1; CCPR.9.3.P.1; CCPR.9.1.O.1; CCPR.9.1.O.1; CCPR.9.2.O.1; CCPR.9.2.O.4; CCPR.14.1.O.8

² Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

³ The 2016 Law on Political Crimes, available at: <https://rc.majlis.ir/fa/law/show/968421>

“dissemination of lies” and what is deemed to offend “public morality and chastity.”⁴ The 1986 Press Law and its subsequent amendments also significantly obstruct the right to freedom of expression, particularly for the media.⁵ The law mentions that publications should “duly [observe] Islamic criteria and the best interests of the community.” It 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.”⁶

These restrictions are reiterated in the revised version of the Islamic Penal Code,⁷ 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),⁸ “forming a group composed of more than two people with the purpose of disrupting national security” (Article 498)⁹ and/or “membership of a group with the purpose of disrupting national security” (Article 499). Other criminal charges include “spreading propaganda against the system,”¹⁰ conspiracy against the State,¹¹ encouragement to “violate public morals”¹² as well as satire.¹³ Similar vaguely worded provisions criminalize acts such as swearing at¹⁴ or insulting¹⁵ “the Great Prophet of Islam” as well as “sowing corruption on earth”¹⁶ with the death penalty.

Similarly, the lack of legal safeguards for the rights of individuals belonging to religious minorities^{17 18} 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

⁴ “Islamic Republic of Iran: Computer Crimes Law,” ARTICLE19, 2012. <https://bit.ly/1RecP6R>

⁵ The Press Law and its subsequent amendments up until 2002 is available at : <http://irandatportal.syr.edu/press-law>

⁶ Iranian Press Law, Article 6.

⁷ The Islamic Penal Code available at: http://rc.majlis.ir/fa/law/print_version/845048

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

¹⁰ Article 500 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹¹ Article 610 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹² Article 639 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹³ Article 700 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁴ Article 262 Islamic Penal Code 2013, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

¹⁵ Article 513 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁶ Article 286 Islamic Penal Code 2013.

¹⁷ 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://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁸ 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

the existence of the Islamic Republic and thus constitute a national security threat.¹⁹ 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.^{20 21}

The aforementioned restrictions fail to meet international standards, including the principles of legality and requirements that limitations must be necessary, proportionate and in pursuit of one of a limited number of narrowly drawn legitimate aims.²² Consequently, 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 who peacefully exercise their rights to freedom of expression, association and assembly, including journalists and media workers, trade unionists, lawyers, environmental and abolitionist activists.^{23 24 25 26} These include adherents of recognized and unrecognized religions,²⁷ including members and leaders of the *Baha'i* faith,^{28 29} as well as members of minorities.^{30 31}

¹⁹ 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

²⁰ 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/>

²¹ 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>

²² Article 19, International Covenant on Civil and Political Rights

²³ 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_IJS_IRN_42315_E.pdf

²⁴ See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

²⁵ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

²⁶ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

²⁷ See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

²⁸ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/10/more-bahais-begin-serving-prison-sentences-in-iran-simply-for-their-beliefs/>

²⁹ 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

³⁰ See more: Association for the human rights of the Azerbaijani people in Iran, <http://www.ahrz.org/association-for-the-human-rights-of-the-azerbaijani-people-in-iran-ahrz-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/>

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.^{32 33 34} The Special Rapporteur also stated that he was “alarmed at the ongoing repression of women human rights defenders who object to compulsory veiling.”³⁵

Since 2016, the Working Group on Arbitrary Detention (WGAD) has found at least 38 cases of arbitrary detention in the Islamic Republic of Iran. Despite these opinions, many remain in detention as of January 2021.³⁶ Individuals found to be arbitrarily detained in the Islamic Republic of Iran by the WGAD include but are not limited to: Mr. Arash Sadeghi (Opinion no. 19/2018), Ms. Golrokh Ebrahimi Iraee (Opinion no. 33/2019), Ms. Atena Daemi (Opinion no. 83/2018) notably based on the exercise of their right to freedom of opinion, expression and peaceful assembly.

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.³⁷ Additionally, as the 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 released all detainees who have been imprisoned for exercising their right to freedom of opinion, expression and peaceful assembly and has not quashed the prison sentences that have been handed down against others for similar reasons.

³² 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

³³ See more: United for Iran, database of Iran's prisons and political prisoners available at <https://ipa.united4iran.org/en/>

³⁴ See more: EN-Human Rights Activists News Agency, <https://www.en-hrana.org/?s=activists>

³⁵ 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

³⁶ See more: United for Iran, <https://ipa.united4iran.org/en/prisoner/>

³⁷ 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

B. State entities that organize crackdowns on peaceful dissent should be identified and held accountable

The Iranian legal framework insufficiently protects the rights of opinion, expression and peaceful assembly and enables State entities to crackdown on peaceful dissent in generalized impunity.

Anti-government protests that erupted in late December 2017 were met with a heavy-handed response by State forces and reportedly resulted in at least 21 deaths and hundreds of arrests.³⁸ In November 2019, authorities violently repressed protests across the country.³⁹ ⁴⁰ Reportedly, the death toll ranges from verified reports of 304,⁴¹ to unconfirmed reports of up to 1500 deaths,⁴² and the number of those injured by security forces is estimated at several thousand.⁴³ 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 long prison and death sentences.⁴⁴ ⁴⁵ As of February 2021, the Islamic Republic of Iran has not engaged in investigations consistent with international standards into the reported incidents that occurred during and after the 2019 November protests.⁴⁶

Considering the above, state entities that organize crackdowns on peaceful dissent have not been identified and held accountable.

³⁸ "Iran: protect constitutional right to protest", ARTICLE 19, 3 January 2018. <https://tinyurl.com/ycodj649>

³⁹ 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/>

⁴⁰ "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-spre/>

⁴¹ 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-spre/>

⁴² "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-it-takes-to-end-it-idUSKBN1YR0QR>

⁴³ "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-spre/>

⁴⁴ "November Protests; the details of the case of three prisoners who were sentenced to death," HRANA.5 March 2020.

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

⁴⁵ 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

⁴⁶ 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>

C. The Government should also take strict measures to ensure that the security and intelligence apparatus stop using reprisals against the families of those who monitor or campaign against human rights violations or express views that are contrary to government policies

The Constitution established the Islamic Revolutionary Guards Corps (IRGC) as an independent security force tasked to preserve the ideals of the 1979 revolution.⁴⁷ The IRGC now assumes an extended security and intelligence role in Iran, separately from the country's regular forces, notably through its *Basij* all-volunteer paramilitary force and the IRGC Intelligence Organization.

The head of the IRGC reports directly to the Supreme Leader and in effect is not accountable to either the government or the judiciary. The Supreme Leader, who appoints, dismisses and accepts resignation of the chief commander of the IRGC,⁴⁸ is not accountable to any institution. Consequently, the possibility to challenge the actions of the Islamic Revolutionary Guard Corps is severely limited.

Iranian authorities, including the IRGC, regularly resort to reprisals against families of those who monitor or campaign against human rights violations or express views that are contrary to government policies.^{49 50 51 52}

The Islamic Republic of Iran has not taken strict measures to ensure that the security and intelligence apparatus does not use reprisals against families of those who monitor or campaign against human rights violations or express views that are contrary to government policies

Recommendation Status:

This recommendation has **NOT** been implemented.

⁴⁷ Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁴⁸ Article 110, Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁴⁹ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25706&LangID=E>

⁵⁰ European Parliament, https://www.europarl.europa.eu/doceo/document/B-9-2020-0440_EN.html

⁵¹ Frontline Defenders, https://www.frontlinedefenders.org/sites/default/files/fld_iran_upr34_full.pdf

⁵² Center for Human Rights in Iran, <https://iranhumanrights.org/2020/07/activists-brother-sentenced-to-eight-years-in-prison-collective-punishment-of-families-continues-in-iran/>