

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/72/322 para 114

Full recommendation:

The Special Rapporteur recommends that the Government should strengthen Bar associations and bar councils so that they are self-regulatory and function independently. That would enable them to regulate the profession without discrimination and to develop tools to protect its members from being persecuted for their independent professional decisions or views.

Assessment using Impact Iran human rights indicators ¹

The 1955 Law on the Independence of Lawyers established the independence of the Iranian Bar association and granted lawyers immunity from prosecution for carrying out their profession.^{2 3} However, following its dismantlement after the Iranian Revolution and its subsequent reinstatement, throughout the years the Bar association has been under the increased control of the Judiciary.⁴ Additionally, the Iranian Government repeatedly tried to amend the bylaws of the Bar Association, in an attempt to reduce the independence of lawyers.^{5 6 7 8} Most recently, a draft bill presented in May 2020 sought to replace the Bar association with the "Supreme Council of the Coordination of Lawyers' Affairs", which would have been composed of government appointed judicial officials.⁹ It has to be noted that the Bar association was not involved in the drafting process of the text.¹⁰ As of February 2021, the bill is still under consideration.

The Judiciary is in charge of reviewing the lawyers' qualifications and confirming the issuance of licenses to newly qualified lawyers.¹¹ In November 2020, the Judiciary issued a directive allowing it to investigate complaints against lawyers instead of the Bar association's own disciplinary tribunal.¹²

In 2000, the Judiciary established the General Office for the Supervision of Lawyers, Experts, Family Counselors and Official Translators in accordance with Article 187 of the Law of the

¹ CCPR.14.1.S.2; CCPR.14.1.P.3; CCPR.14.1.O.5; CCPR.14.1.O.6; CCPR.14.1.O.8

² Abdorrahman Boroumand Center, <https://www.iranrights.org/newsletter/issue/97>

³ Parliament of the Islamic Republic of Iran <https://rc.majlis.ir/fa/law/show/94754>

⁴ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/iranian-bar-associations-struggle-for-independence/>

⁵ Report of the Special Rapporteur on the situation of human rights in Iran, May 2015, <https://undocs.org/A/HRC/28/70>

⁶ Human Rights Watch, <https://www.hrw.org/news/2009/07/16/iran-halt-moves-curtail-lawyers>

⁷ Lawyers for Lawyers, <https://lawyersforlawyers.org/en/iran-lawyers-call-upon-iranian-authorities-to-revoke-controversial-bill/>

⁸ ILNA News <https://www.ilna.news/fa/tiny/news-795247>

⁹ Radio Farda, <https://en.radiofarda.com/a/more-than-12-000-lawyers-in-iran-reject-move-to-dismantle-bar-association/30590110.html>

¹⁰ ILNA News <https://www.ilna.news/fa/tiny/news-892761>

¹¹ The Supreme Disciplinary Court for Judges has the authority to vet lawyers. <https://rc.majlis.ir/fa/law/show/92825>

¹² Vokalapress, <https://vokalapress.ir/?p=7708>

Third Economic, Social and Cultural Development Plan.¹³ In October 2020, Mohammad Mosaddegh, deputy chief for legal and parliamentary affairs of Iran’s judiciary, announced the creation of a judicial body that would supervise lawyers; the General Office for the Supervision of Lawyers, Experts, Family Counselors and Official Translators. This judicial body would be under the supervision of Mr Mosaddegh’s office.^{14 15}

In 2014, President Rouhani reportedly stated that “a lawyer should be immune from any prosecution for carrying out its professional duty, and the investigative authority for the lawyers’ professional issues is the Bar Association”.¹⁶ Yet, lawyers have reportedly been prosecuted for representing prisoners of conscience or political and “security” prisoners.¹⁷ Human rights lawyers defending human rights defenders have reportedly been harassed, arrested and detained in the Islamic Republic of Iran.^{18 19 20 21}

In light of the above, the Bar association and lawyers are not independent from the Judiciary in the Islamic Republic of Iran. There is no self-regulating independent Bar association or council to oversee the process of admitting candidates to the legal profession, provide a uniform code of ethics and conduct, and enforce disciplinary measures. Lawyers in Iran are not protected from discrimination and persecution for their independent professional decisions or views.

Recommendation Status:

This recommendation has **NOT** been implemented.

¹³ Parliament of the Islamic Republic of Iran, <https://rc.majlis.ir/fa/law/show/93301>

¹⁴ Tabnak News, <https://bit.ly/2MNjDOj>

¹⁵ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/12/new-directive-allows-iranian-judiciary-to-control-lawyers-through-disciplinary-body/>

¹⁶ Lawyers for lawyers, <https://lawyersforlawyers.org/wp-content/uploads/Oral-statement-Iran-L4L-LRWC-19-3-2015.pdf>;

Meeting the members of the board of Directors of Bar Associations, February 2014) See:

http://www.rouhani.ir/event.php?event_id=310

¹⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, May 2015,

<https://undocs.org/A/HRC/28/70>

¹⁸ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24333&LangID=E>

¹⁹ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/06/list-of-attorneys-imprisoned-in-iran-for-defending-human-rights/>

²⁰ Human Rights Watch, <https://www.hrw.org/news/2018/12/13/iran-escalating-crackdown-lawyers>

²¹ See more: Abdorrahman Boroumand Center, <https://www.iranrights.org/newsletter/issue/97>