

**Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
A/72/322 para 116**

Full recommendation:

The Special Rapporteur calls on the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women, to repeal all laws that discriminate against women and girls and to ensure that any bill still before Parliament that would further undermine the empowerment of women is dropped. She urges the Government to ensure the freedom of movement of women and girls and guarantee their right to physical education, physical activity and sport. Laws imposing dress codes on women should be reviewed, and the Government should respect the right of anyone to privacy and ensure that security forces refrain from acting as moral guardians of the citizens.

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur calls on the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women

The Islamic Republic of Iran has not ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The Government of Mohammad Khatami presented a bill in order to ratify the Convention, which was adopted by the Parliament in August 2004. However, the Guardian Council, which is in charge of giving the final approval in the adoption process of laws in Iran, deemed the bill to be inconsistent with Islamic principles and norms, and thus rejected it.²

B. The Special Rapporteur calls on the Government to repeal all laws that discriminate against women and girls

The Iranian legal framework contains numerous provisions which directly discriminate against women and prevent the equal and full enjoyment by women of their civil, political, social and economic rights.

Article 3 of the Constitution of the Islamic Republic of Iran stipulates that it is the State's duty to work towards "the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and the intellectual spheres."³ Article 20

¹ CCPR.2.3.S.1; CCPR.3.1.S.1; CCPR.3.1.S.4; CCPR.16.1.S.1; CCPR.23.2.S.1; CCPR.23.4.S.1; CCPR.23.3.S.1; CRC.8.1.S.1; ESCR.2.2.S.1; ESCR.6.1.S.1; ESCR.6.1.S.3; CCPR.3.1.P.3; CCPR.16.1.P.1; CCPR.23.2.P.1; CCPR.2.3.P.1; CCPR.23.3.P.1; ESCR.2.2.P.3; ESCR.6.1.P.1; CCPR.2.3.O.4; CCPR.3.1.O.4; CCPR.23.3.O.1; CRC.8.1.O.2; CCPR.2.1.O.1; ESCR.6.1.O.2

² <https://www.radiozaman.com/278972>

³ Constitution of the Islamic Republic of Iran, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

guarantees that all citizens of Iran, men and women, enjoy the equal protection of the law and of rights, “in conformity with the Islamic criteria.” Article 21 emphasises that “the government must ensure the rights of women in all respects, in conformity with Islamic criteria”. According to Article 4 of the Constitution, the Guardian Council of the Islamic Republic of Iran is entrusted with the definition and determination of the framework of what constitutes the “Islamic criteria” or standards. Among the 12 non-elected members of the Guardian Council, only the six male clerics directly appointed by the Supreme Leader are responsible for such task. While the aforementioned provisions supposedly safeguard the human rights of women and protect them from discrimination, such legal guarantees exist as long as they are in conformity with “Islamic criteria.” The room of interpretation of what is deemed to be “in conformity with Islamic criteria” has often resulted with provisions that discriminate or have a discriminatory impact on various grounds, including gender.

The Iranian Islamic Penal Code (2013) is largely based on the government’s interpretation of Islamic *Sharia* precepts and contains provisions which directly discriminate between girls and boys under the criminal justice system. One of the most telling examples is the age of criminal responsibility, which is set at nine lunar years for girls (equivalent of eight years, nine months of the Gregorian calendar) and fifteen lunar years for boys (equivalent of fourteen years, seven months of the Gregorian calendar).⁴ The Islamic Penal Code (2013) penalises women and girls over the age of nine who do not comply with the Islamic dress code in public, notably with the rule of wearing the compulsory *hijab*.^{5 6}

Additionally, a large number of provisions under the Iranian Civil Code are discriminatory towards women. These provisions notably include the legal age of marriage,⁷ the share of inheritance,⁸ and the right to divorce.⁹ In marriage, the Civil Code provides rights to the husband over those of the wife,¹⁰ notably by establishing that the position of the ‘head of the family’ is the exclusive prerogative of the husband. Under Iranian law, the husband is entitled to control aspects of his wife’s life¹¹ and can demand that she perform her ‘duties’.¹² The legal minimum

⁴ Criminal responsibility, Articles 140, 146 and 147 of the Islamic Penal Code, 2013 <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁵ Islamic Penal Code, 2013, Article 638, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁶ See more: Minority Rights, Beyond the Veil: Discrimination against women in Iran, 2019, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

⁷ Article 1041, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁸ Articles 861 to 948, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

⁹ Article 1133, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹⁰ Articles 1102 to 1119, 1133 to 1142, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹¹ For instance, under Article 1117 of the Civil Code of the Islamic Republic of Iran “The husband can prevent his wife from occupations or technical work

which is incompatible with the family interests or the dignity of himself or his wife.” <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

¹² Article 1108, Civil Code of the Islamic Republic of Iran. <https://iranhrdc.org/the-civil-code-of-the-islamic-republic-of-iran/>

age for marriage is 13 for girls and 15 for boys.¹³ However, children who have reached puberty (9 lunar years for girls, 15 lunar years for boys) can marry with parental consent and court approval.¹⁴

The Iranian legal framework does not fully protect women from violence. For instance, the Islamic Republic of Iran does not have laws which specifically criminalise domestic violence. Article 630 of the Islamic Penal Code (2013) excludes husbands from criminal liability when they commit murder, assault and battery against their wife if she is caught committing a *zina* offence, adultery and fornication with another man.¹⁵ Rape is not classified as a distinct crime under Iranian law, rather it is considered as a *zina* offence without consent.¹⁶ It is important to mention that marital rape is not recognised as a crime at all. The legal definition of ‘coerced *zina*’ is restricted to forced vaginal and anal penetration by a penis, therefore excluding other forms of penetration, and only when the perpetrator and the victim are unmarried, therefore explicitly excluding marital rape.¹⁷ Beyond rape, no other form of sexual assault is specifically criminalised under the Islamic Penal Code.¹⁸ As a result, Iran’s legislative framework is insufficient to combat domestic violence and marital rape.¹⁹ In 2017, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran found that Article 1108 of the Iranian Civil Code, which obliges wives to fulfill the sexual needs of their husbands at all times, “might even condone sexual abuse”.²⁰ There is a serious lack of comprehensive and readily available official data on the prevalence of domestic violence in the Islamic Republic of Iran,^{21 22}

¹³ Article 1041 of the Civil Code as amended up until December 2000, NGO Impact Iran Coalition, Joint Submission to the Committee on the Rights of the Child, 2016,

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf

¹⁴ Iran Human Rights Documentation Center, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

¹⁵ Iran Human Rights Documentation Centre <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁶ Article 221 of the Islamic Penal Code (2013), Iran Human Rights Documentation Centre, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

¹⁷ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹⁸ Ibid.

¹⁹ See more: Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

²⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 2017, <https://www.refworld.org/docid/58bd7e2b4.html>

²¹ Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>

²² Amnesty International, ‘You shall procreate’ (p. 31), March 2015, <https://www.amnesty.org/download/Documents/MDE131112015ENGLISH.pdf>

but cases of domestic violence are regularly reported and considered widespread in the Islamic Republic of Iran.^{23 24 25 26 27 28}

Complaints of violence against women are usually first brought to the police. Reports of cases concerning violence against women have shown that there is a general lack of accountability of perpetrators.^{29 30 31} Victims wishing to file a complaint for domestic violence must present two adult male witnesses to the assault, an evidentiary burden difficult to meet, if not impossible.³² Furthermore, a woman can be given permission to leave the marital house only if she can prove to a court that she is at a significant risk of bodily harm or faces a threat to her life and safety.³³ When perpetrators are convicted, sentences tend to be a payment of *diyah* (financial compensation)³⁴ unless the offence is found to have disrupted public order and the safety of society, in which case a prison sentence may be imposed.³⁵ Additionally, the absence of laws providing for the issuance of restraining orders puts victims under the risk of abusers' retaliation. In October 2018, a woman who had been hospitalised after her brother had stabbed her, was murdered by that same brother in the hospital.³⁶ Reports have shown that police and judges oftentimes consider domestic violence as an internal family affair.³⁷ Police intervention has been reportedly discouraged and parties urged to settle out-of-court.^{38 39} State institutions and Iranian authorities have been reportedly unwilling to investigate, punish perpetrators and provide social services to victims of sexual assault or rape.⁴⁰

²³ Amnesty International, 'Iran 2019', <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

²⁴ Human Rights Activists in Iran En-HRANA, 2019 report, <https://www.en-hrana.org/wp-content/uploads/2020/01/Hrana-Annual-Report-2019.pdf>

²⁵ Human Rights Activists News Agency, 2019, <https://www.en-hrana.org/increase-in-domestic-violence-in-tehran-more-than-16-thousand-cases-were-filed>

²⁶ Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>

²⁷ Ibid.

²⁸ IRNA, 2020, <https://bit.ly/38UoMfB>

²⁹ Center for Human Rights in Iran, 2019, <https://iranhumanrights.org/2019/11/stop-violence-against-women/>

³⁰ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

³¹ Human Rights Activists News Agency, <https://www.en-hrana.org/articles>

³² "The standard [of proof] for testimony in all offences shall be two male witnesses; unless in *zina*, *livat*, *tafkiz*, and *mosaheqeh* which shall be proved by four male witnesses" Article 199 of the Islamic Penal Code (2013), Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

³³ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

³⁴ Ibid.

³⁵ Article 614, Islamic Penal Code (2013), Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³⁶ Center for Human Rights in Iran, 2018, <https://iranhumanrights.org/2018/11/iran-must-pass-legislation-to-protect-women-against-violence/> ; <https://bit.ly/37POQrQ>

³⁷ 2019 Country Reports on Human Rights Practices: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iran/>

³⁸ UN General Assembly, 'Situation of human rights in Iran' (para 32), 31 August 2015, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F70%2F352&Language=E&DeviceType=Desktop>

³⁹ Australian Department of Foreign Affairs and Trade, Country Information report, Iran, 2020, <https://www.dfat.gov.au/sites/default/files/country-information-report-iran.pdf>

⁴⁰ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

During its last Universal Periodic Review (UPR) (November 2019), the Government of the Islamic Republic of Iran stated that the Act on Protection, Dignity and Security of Women against Violence, “aimed at criminalising new forms of assault, harassment and violations of the rights of women and adopting preventive and support measures to stop violence against women.”⁴¹ In January 2020, the U.N. Secretary General expressed concerns about the slow progress of the bill, which has been under review since 2010⁴² and as of February 2021, was still under the review of the Iranian Parliament.⁴³ The draft bill will then need to be vetted by the Guardian Council. The Secretary General also noted that “critical articles were reportedly removed from the initial proposal of the Executive, including provisions protecting women from various forms of violence and criminalizing domestic violence.”⁴⁴ ⁴⁵ As of early February 2021, the available draft of the law⁴⁶ suggests that the text may be insufficient to protect women in Iran from discrimination and violence. Even though the draft law may bring positive developments, it will remain limited by the Civil Code⁴⁷, the Family Law⁴⁸, and the Islamic Penal Code⁴⁹, which contain provisions that effectively discriminate against women and fail to protect them adequately from violence.⁵⁰ In November 2019, the Islamic Republic of Iran rejected States’ UPR recommendations asking for the criminalisation of domestic violence and marital rape.⁵¹

Structural discriminations deeply rooted in the Iranian legal system ultimately lead to widespread discrimination against women, in all aspects of their lives.⁵² There are a number of mechanisms where Iranian citizens can report violations of their rights in the Islamic Republic of Iran, including the Parliament’s Article 90 Commission,⁵³ or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.⁵⁴ However and as aforementioned, gender discrimination is inherent to the Iranian legal framework. Consequently, there is little

⁴¹ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

⁴² Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>

⁴³ New York Times, <https://www.nytimes.com/2021/01/05/world/middleeast/iran-sexual-violence-metoo-women.html>

⁴⁴ Report of the Secretary General, Situation of human rights in the Islamic Republic of Iran, 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf

⁴⁵ See Radio Farda <https://en.radiofarda.com/a/new-watered-down-draft-law-on-violence-against-women-iniran/30173089.html> ; and ISNA www.isna.ir/news/98071612729/ (in Farsi).

⁴⁶ <https://shenasname.ir/laws/7023>

⁴⁷ The Civil Code: <https://shenasname.ir/laws/6664>

⁴⁸ The Family Law: <https://shenasname.ir/subjects/family/1470>

⁴⁹ The Islamic Penal Code: <https://shenasname.ir/subjects/salamat/1571-mojazat92>

⁵⁰ This information is up-to-date and accurate as of early February 2021. For more up to date information on the passage of this bill, please click the following link: <http://www.impactiran.org/vawbill>

⁵¹ Recommendations 26.253, 26.254, Universal Periodic Review, Iran, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

⁵² See more: Minority Rights, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

⁵³ The Article 90 Commission was established to receive the citizens' complaints against government institutions and has the responsibility to review them and transmit cases for judicial procedure accordingly.

⁵⁴ These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"

opportunity for one's complaint in that matter to be adequately addressed and properly adjudicated in compliance with international standards.

There is no independent National Human Rights Institution to receive complaints from children, including girls, in the Islamic Republic of Iran. Although there is an office associated with the President's office called Deputy for Women's and Family Affairs, which is tasked with handling issues surrounding violence against women, there is no readily available information that might indicate whether the office's work has had an impact in practice. With regards to illegal acts of violence against women under Iranian law, there is no readily available information that might suggest that complaints are adequately addressed, investigated and adjudicated.

The Islamic Republic of Iran has not repealed or amended laws that discriminate against women and girls.

C. The Special Rapporteur calls on the Government to ensure that any bill still before Parliament that would further undermine the empowerment of women is dropped

In 2016, a draft Population and Family Excellence bill, that would require employers to prioritise hiring men and prohibits the employment of unmarried men and women in university faculty positions, was introduced before the Parliament.⁵⁵ The bill has been reintroduced in May 2020 and as of February 2021, is still under review.^{56 57 58} This bill would further undermine women's right to work.⁵⁹

D. The Special Rapporteur urges the Government to ensure the freedom of movement of women and girls

Iran's Civil Code forbids a woman from leaving the matrimonial home without the husband's permission unless she is able and willing to go to court to prove that she is endangered.⁶⁰ The Civil Code specifies that a woman who decides to leave the marital home will not receive alimony from her husband, which may well function as a deterrent for women to exercise their freedom of movement. According to Article 18 (3) of the Passport Law, a woman needs a written permission from her husband to obtain a passport.⁶¹ In addition, the husband has the right to

⁵⁵ UN Human Rights Council, 'Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/34/65, 17 March 2017, para. 67

⁵⁶ https://rc.majlis.ir/fa/legal_draft/show/1553358

⁵⁷ See more : Amnesty International <https://www.amnesty.org/en/press-releases/2015/03/iran-proposed-laws-reduce-women-to-baby-making-machines/> Center for Human Rights in Iran, <https://www.iranhumanrights.org/2014/01/women-population/>

⁵⁸ See more: Human Rights Watch <https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market#>

⁵⁹ See more: Minority Rights, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

⁶⁰ Article 1117 of the Civil Code.

⁶¹ The Passport Law: <https://rc.majlis.ir/fa/law/show/96904>

forbid his wife to leave the country, regardless of whether she holds a passport. In exceptional cases, the county prosecutor can authorise the issuance of a passport for a woman. However, only a few exceptions have been made so far.⁶² Previously, a bill was introduced before the Iranian Parliament to amend the Passport Law, in the attempt to eliminate the absolute right of a husband over his spouse to travel outside of the country. However, this attempt failed as the bill did not go through the legislative process.⁶³ In 2017, a draft law that sought to allow women with particular jobs – notably athletes and artists- to travel outside the country without their husband’s consent, provided that they secure the permission of the prosecutor-general, was introduced before the Parliament.⁶⁴

The Government of the Islamic Republic of Iran has not ensured women’s and girls’ freedom of movement.

E. The Special Rapporteur urges the Government to guarantee their right to physical education, physical activity and sport

Women and girls have limited access to recreational environments in Iran. According to reports, some cities in Iran have started to establish women-only parks, one of the most emblematic examples being the “Mother’s Paradise” park in Tehran.⁶⁵ ⁶⁶ Currently, at least 20 cities in Iran have ‘women-only parks’. Gender-segregation extends into other areas of leisure and recreation in Iran.⁶⁷ As a consequence, women and girls have limited access to public spaces where they may be able to practice physical activity and sports.

Women’s participation to sport activities is also restricted. Women are not allowed to practice some sports such as wrestling and boxing.⁶⁸ In May 2019, the prosecutor for Isfahan stated that women were prohibited from riding bicycles.⁶⁹ For sports that women are allowed to practice, budget allocation and facilities are generally limited.⁷⁰ ⁷¹

⁶² For example, Niloufar Ardalan, a player in the Iranian women's futsal team, was unable to leave the country and participate in competitions due to her husband's opposition. An issue that led to the issuance of a temporary permit with the intervention of the Tehran prosecutor and a temporary court order. <https://www.asriran.com/001opM>

⁶³ The latest status of the plan "Women leave the country without the permission of their husbands", www.tabnak.ir/003GUK

⁶⁴ Asriran News Agency, ‘Mowlaverdi : Tarh-e- eslaah-e-gozarnameh baraye khourouj-e-zanan az keshvar dar Majles barrasi mishavad [Mowlaverdi: The draft bill on the amendments to the passport law allowing women to leave the country will be discussed in the Parliament], 28 July 2017, <https://bit.ly/330XCyC>

⁶⁵ Radio Free Europe, <https://www.rferl.org/a/1117504.html>.

⁶⁶ <https://titreshahr.com/fa/news/5407/>

⁶⁷ Independent Persian, <https://www.independentpersian.com/node/63061/>

⁶⁸ Independent Persian, <https://www.independentpersian.com/node/63061/>

⁶⁹ Center for Human Rights in Iran, <https://iranhumanrights.org/2019/05/isfahan-prosecutor-bans-sinful-act-of-women-riding-bicycles/>

⁷⁰ ISNA, <https://www.isna.ir/news/99052417613/>

⁷¹ <https://tn.ai/2444201>

A significant number of women's sports are banned from being broadcasted on State television.⁷² While not written into law, there is an effective ban on women attending sport events in Iran,^{73 74} although a few exceptions were seen recently.^{75 76} Women and girls in Iran are prevented from attending certain sporting events including men's football and volleyball,⁷⁷ risking arrests if they do so.⁷⁸ The Government of the Islamic Republic of Iran has made limited efforts to increase women's and girls' access to leisure and sport activities. For example, the government has reportedly encouraged sports federations to amend their bylaws in order to ensure the presence of a woman vice president on the federation's board of directors.⁷⁹ A number of football stadiums have been equipped to welcome women spectators.⁸⁰

Despite these limited efforts and exceptions, gender-segregation in public parks, the prohibition for women and girls to practice certain sports and the general ban on women and girls to attend sports events remain. The Islamic Republic of Iran has not guaranteed the fundamental right of women and girls to physical education, physical activity and sport.

F. Laws imposing dress codes on women should be reviewed

The Islamic Penal Code (2013) penalises women and girls over the age of nine who do not comply with the Islamic dress code in public, notably with wearing the compulsory *hijab*.^{81 82}

Despite numerous campaigns against the mandatory dress code for women and girls in Iran, the Islamic Republic of Iran did not review its laws and regulations on the matter.

The Islamic Republic of Iran did not review the laws and regulations that require women and girls to observe the Islamic dress code.

G. The Government should respect the right of anyone to privacy and ensure that security forces refrain from acting as moral guardians of the citizens

⁷² France 24, <https://observers.france24.com/en/20181002-iran-doesnt-broadcast-women-sports-fans-create-own-coverage-social-media>

⁷³ BBC, www.bbc.com/news/world-middle-east-43243414

⁷⁴ Human Rights Watch, www.hrw.org/news/2019/08/16/iran-women-detained-accused-flouting-stadium-ban

⁷⁵ Amnesty International, www.amnesty.org/en/latest/news/2019/10/iran-limited-allocation-of-football-tickets-for-women-a-cynical-publicity-stunt/

⁷⁶ Associated Press, <https://apnews.com/article/9f168224782641b9a7e9ff7a4e88675c>.

⁷⁷ Human Rights Watch, <https://www.hrw.org/world-report/2017/country-chapters/iran#d91ede>.

⁷⁸ Human Rights Watch, <https://www.hrw.org/news/2018/03/08/banned-watching-soccer-women-iran-are-being-failed-fifa>.

⁷⁹ <https://tn.ai/2444201>

⁸⁰ IRNA, <https://www.irna.ir/news/83486036/>

⁸¹ Islamic Penal Code, 2013, Article 638, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁸² See more: Minority Rights, Beyond the Veil: Discrimination against women in Iran, 2019, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

The right to privacy in the Islamic Republic of Iran is not fully respected, notably online.

Article 22 of the Constitution stipulates: “The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.”⁸³ Additionally Article 47 states “private ownership, legitimately acquired, is to be respected.” Although a number of pieces of legislation include data protection provisions, there is no comprehensive legislation specifically safeguarding the right to privacy and data protection under Iranian law. Such legislative gap has granted the Iranian government with significant leeway to arbitrarily control its internet infrastructure.

Article 10 of the Cyber Crime Law criminalises “concealing data, changing passwords, and/or encoding data that could deny access of authorised individuals to data, computer and telecommunication systems.” The article is framed in such a broad way as to essentially criminalise any technologies or practices that obstruct state authorities’ ability to access data, including encryption.

Draft legislation such as “Managing Social Messaging Apps”, (also referred to as “the Social Media Organisation Bill” in this submission) which is under review by the Parliamentary Cultural Committee, if passed in its current form, threatens to grant further control of Iran’s internet infrastructure to security forces. This can also lead to the enforcing of the usage of domestic messaging apps, which lack mechanisms of privacy and data protection and are particularly prone to government surveillance.⁸⁴

The Iranian government has so far failed to implement comprehensive data protection in line with international standards. Despite an attempt made through the introduction of the “Data Protection and Online Privacy Bill” in 2018, the bill has so far failed to progress beyond the Cabinet and is effectively dormant. In its current form, the proposed legislation fails to establish adequate protections for online privacy or data protection.⁸⁵ The draft law mandates enforced data localisation (Article 38), in line with the National Information Network (NIN) project, which means there are no privacy provisions (as per Article 10 of the Computer Crime Law) and subject to abuse from the Iranian authorities looking to prosecute journalists, human rights defenders, minorities, and other vulnerable identities. Other key concerns include the fact that the

⁸³ Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁸⁴ “Iran’s “Managing Social Messaging Apps” Bill Returns to Parliament”, Small Media, 1 April 2020. <https://medium.com/filterwatch/iransmanaging-social-messaging-apps-bill-returns-to-parliament-b0a98c18463f>

⁸⁵ See page 27 of “Bills, Bills, Bills — Upcoming Policy Challenges in Iran”, Small Media. 9 April 2019. https://smallmedia.org.uk/media/articles/files/Filterwatch_BillsBillsBills19.pdf

bill protects only the data rights of Iranian citizens and fails to include explicit journalistic, artistic, literary or other cultural exemptions, or protect the right to information.⁸⁶

The current legislative data protection and online privacy vacuum means that legal protections and defenses are not available to those arrested or detained for their online activities, or for those impacted by data and privacy breaches.

Additionally, in October 2019, Iran’s top internet policy-making body, the Supreme Council for Cyberspace, passed the ‘Valid Identity System in Cyberspace’ resolution, which outlines its future plans to require all online interactions between two entities to be conducted using a valid form of ID, and traceable. Such a policy threatens to undermine user privacy online, and if fully implemented would effectively bring an end to online anonymity.⁸⁷

The *Basij*, an all-volunteer paramilitary force under the Islamic Revolutionary Guard Corps, functions notably as a “public morality” militia and may arrest individuals on charges of disturbing “public chastity” or promoting “forbidden practices” and police compliance of the mandatory dress code for women.^{88 89}

The Government of the Islamic Republic of Iran has not respected the right of anyone to privacy and has not ensured that security forces refrain from acting as moral guardians of the citizens.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁸⁶ “Iran: Personal Data Protection and Safeguarding Draft Act,” ARTICLE19, 27 June 2019.

<https://www.article19.org/resources/iran-dataprotection-draft-act/>

⁸⁷ Small Media, ‘Filterwatch October 2019’, 15 November 2019, available at: <https://medium.com/filterwatch/filterwatch-october-2019-d671d23e52c>

⁸⁸ International Lesbian Gay Bisexual Trans and Intersex Association (ILGA), 2019, https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf

⁸⁹ OutRight International, 2016, https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf?_ga=2.78516692.1992181521.1595330838-780871412.1595330838