

## Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/25/61 para 96(a)

### Full recommendation:

*The Special Rapporteur therefore urges the Government of the Islamic Republic of Iran to consider the following recommendations: To facilitate the unconditional release of individuals imprisoned for exercising peacefully their rights to expression, association, assembly, belief and religion;*

### Assessment using Impact Iran human rights indicators<sup>1</sup>

Article 27 of the Constitution of the Islamic Republic of Iran<sup>2</sup> 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 can be considered “fundamental principles of Islam,” therefore granting the State with significant leeway to interpret what acts may be considered in compliance or contradictory to these principles. Similar restrictions can also be found under Article 2 of the Law on Political Crimes, adopted in 2016, where stipulated that participation in an unauthorized assembly, even if it is peaceful, can effectively be considered a political offence.<sup>3</sup>

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 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.”<sup>4</sup> The 1986 Press Law and its subsequent amendments also significantly obstructs the right to freedom of expression, in particular for the media.<sup>5</sup> 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.”<sup>6</sup>

<sup>1</sup> CCPR.18.1.S.1; CCPR.19.1.S.1; CCPR.19.2.S.1; CCPR.21.1.S.1; CCPR.22.1.S.1; CCPR.21.1.P.2;

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

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

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

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

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

<sup>6</sup> Iranian Press Law, Article 6.

These restrictions are reiterated in the revised version of the Islamic Penal Code,<sup>7</sup> 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),<sup>8</sup> “forming a group composed of more than two people with the purpose of disrupting national security” (Article 498)<sup>9</sup> and/or “membership of a group with the purpose of disrupting national security” (Article 499). Other criminal charges include “spreading propaganda against the system,”<sup>10</sup> conspiracy against the State,<sup>11</sup> encouragement to “violate public morals”<sup>12</sup> as well as satire.<sup>13</sup> Similar vaguely worded provisions criminalize acts such as swearing at<sup>14</sup> or insulting<sup>15</sup> “the Great Prophet of Islam” as well as “sowing corruption on earth”<sup>16</sup> with the death penalty.

Similarly, the lack of legal safeguards for the rights of individuals belonging to religious minorities<sup>17 18</sup> 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.<sup>19</sup> The Iranian judiciary has reportedly used articles such as 498, 499 and 500 of the Iranian Penal Code to

<sup>7</sup> The Islamic Penal Code available at: [http://rc.majlis.ir/fa/law/print\\_version/845048](http://rc.majlis.ir/fa/law/print_version/845048)

<sup>8</sup> 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](http://rc.majlis.ir/fa/law/print_version/845048)

<sup>9</sup> Article 498 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

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

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

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

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

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

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

<sup>16</sup> Article 286 Islamic Penal Code 2013.

<sup>17</sup> 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>

<sup>18</sup> 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](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf)

<sup>19</sup> 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](https://articleeighteen.com/wp-content/uploads/2020/06/F3430b-2020-JointReport_Iran_HRCtee_ListOfIssues-dragged-1.pdf)

prosecute minority faith adherents, including non-*Shia* Muslims, for such activities on charges related to national security.<sup>20 21</sup>

All the restrictions aforementioned fail to meet requirements of international standards, including the principles of legality and that limitations must be necessary, proportionate and in pursuit of one of a limited number of narrowly-drawn legitimate aims.<sup>22</sup> Consequently, the current Iranian legal framework grants authorities' significant discretion to impose overbroad and vague restrictions on individuals' rights in contravention of the Iran's international human rights obligations.

Iranian authorities frequently resort to the aforementioned legal provisions in order 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,<sup>23 24 25 26</sup> reportedly targeting disproportionately members of minorities.<sup>27 28 29 30 31 32</sup> These include adherents of recognized and unrecognized religions,<sup>33</sup> including members and leaders of the *Baha'i* faith.<sup>34 35</sup>

<sup>20</sup> 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/>

<sup>21</sup> 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>

<sup>22</sup> Article 19, International Covenant on Civil and Political Rights

<sup>23</sup> See more : ARTICLE 19, Small Media, Human Rights Activists in Iran, Impact Iran, Human Rights Committee, 129<sup>th</sup> session (Geneva) 29 June – 24 July 2020,

[https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT\\_CCPR\\_ICJ\\_IRN\\_42315\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICJ_IRN_42315_E.pdf)

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

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

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

<sup>27</sup> 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/>

<sup>28</sup> See more: Kurdistan Human Rights Geneva, <https://kmmk-ge.org/sd/annual-report-2020/>

<sup>29</sup> See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

<sup>30</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/2020/10/more-bahais-begin-serving-prison-sentences-in-iran-simply-for-their-beliefs/>

<sup>31</sup> 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](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf)

<sup>32</sup> “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>

<sup>33</sup> See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

<sup>34</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/2020/10/more-bahais-begin-serving-prison-sentences-in-iran-simply-for-their-beliefs/>

<sup>35</sup> 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](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf)

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.<sup>36 37 38</sup> The Special Rapporteur also stated that he was “alarmed at the ongoing repression of women human rights defenders who object to compulsory veiling.”<sup>39</sup>

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 three branch 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.<sup>40</sup> 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.

In light of the above-mentioned information, the Islamic Republic of Iran has not facilitated the unconditional release of individuals imprisoned for exercising peacefully their rights to expression, association, assembly, belief and religion.

**Recommendation Status:**

This recommendation has **NOT** been implemented.

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<sup>36</sup> 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](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)

<sup>37</sup> See more: United for Iran, database of Iran's prisons and political prisoners available at <https://ipa.united4iran.org/en/>

<sup>38</sup> See more: EN-Human Rights Activists News Agency, <https://www.en-hrana.org/?s=activists>

<sup>39</sup> 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](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)

<sup>40</sup> 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](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en)