

Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 26

Full recommendation:

The Committee urges the State party to put an end to repression against non-governmental organisations working in the area of children's rights and to hold those responsible for harassment and persecution of human rights activists accountable.

Assessment using Impact Iran human rights indicators¹

A. The State party should put an end to repression against non-governmental organisations working in the area of children's rights

The establishment and operations of groups, political associations and trade unions are protected under Article 26 of the Constitution of the Islamic Republic of Iran, provided that they do not violate the State's independence, freedom and national unity, and are in conformity with Islamic standards and the Islamic Republic's foundation.² These vaguely worded limitations are open to interpretation and grant the Government with significant leeway to restrain civil society organisations (CSOs) and interfere with their work.^{3 4} The Labor Law states in its Article 131 that founding members of CSO boards have "to pledge allegiance to the Islamic Republic of Iran's Constitution". The Iranian Supreme Council of Cultural Revolution passed two directives (in 1999 and 2001) which allow only the formation of Islamic associations at universities, in other words an association which follows 'Islamic ideals' as well as the principles of the Islamic Revolution, the Islamic Government and the Constitution.⁵ Similarly, all members of an association's founding board must believe in and pledge allegiance to Islam, the authority of the Supreme Leader, and the Constitution of Iran.⁶ Any association which fail to fulfill these conditions cannot acquire a license.

In order to be able to establish an independent civil society organisation (CSO) or association, the Government of Iran requires first an activity license from relevant authorities and then a registration with the General Directorate of Corporate Registrar and Non-Commercial

¹ CCPR.22.1.S.; CRC.22.2.S.2;
CCPR.22.1.P.1.; CRC.22.2.P.1;
CCPR.22.1.O.2.

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

³ Outright International, Rights of the Child in Iran, https://outrightinternational.org/sites/default/files/CRC71_Iran_JointSubmission_FINAL2.pdf

⁴ A Synthesis Report of NGO Submissions to the UN Committee on the Rights of the Child for Consideration of the Third Periodic Report of The Islamic Republic of Iran During the 71st Pre-Sessional Working Group, <https://justice4iran.org/wp-content/uploads/2015/07/Joint-CRC-Report-February-2015-Final.pdf>

⁵ Supreme Council of Cultural Revolution's Directive, 1999, <https://bit.ly/3sCsnXE>

⁶ Paragraph 1, Supreme Council of Cultural Revolution's Directive, 1999, <https://bit.ly/2LKuvfk>

Companies. To obtain an activity license, Iranian authorities require, among other conditions, that all founding members and executive board members are accredited by relevant government authorities.

While bylaws and regulations stipulate that associations can be dissolved either voluntarily or forcibly based on the verdict of a competent court, certain government institutions, like the Investigative Board of Cultural Centers, can dissolve associations without a court verdict.⁷ Consequently, the Government can legally, and easily, prevent the establishment of CSOs and force their dissolution under the broad provisions found in the Constitution, therefore severely restricting civil society's space.

During its review under the Committee on the Rights of the Child (CRC), the Government of the Islamic Republic of Iran stated that over 4,500 NGOs were registered in Iran and 171 of them were focusing on children.⁸ The Government also informed the Committee that it was working in cooperation with NGOs, including through its National Body for the Convention on the Rights of the Child.⁹

Despite these cooperation efforts, non-governmental reports suggest that the Iranian Government continues its repression against non-governmental organisations, including those working in the area of children's rights, notably by forcing closure under the broad legal provisions aforementioned.^{10 11 12 13 14} In July 2020, the UN High Commissioner for Human Rights Michelle Bachelet stated that she was alarmed by the Iranian Government's increased pressure on the civil society group Imam Ali Popular Student's Relief Society, working on issues such as child labor. Iranian authorities closed the organisation and arrested its founding member along with a number of their colleagues.¹⁵

Such evidence suggests that the Government of the Islamic Republic of Iran has not put an end to repression against NGOs working in the area of children's rights.

B. The State party should hold those responsible for harassment and persecution of human rights activists accountable

⁷ See more: Volunteer Activists, *Civil Society in Iran and its Future Prospects*, <https://volunteeractivists.nl/en/wp-content/uploads/2018/10/Civil-Society-in-Iran-and-its-Future-Prospects-pdf.pdf>

⁸ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16940&LangID=E>

⁹ The NBCRC is a National body overseen by the Ministry of Justice and established in 2012 to monitor the implementation of the Convention on the Rights of the Child. See Bylaw for the National Body on the Convention on the Rights of the Child (10 January 2012), available at: <http://rc.ma-jlis.ir/fa/law/show/808437>.

¹⁰ Abdorrahman Boroumand Center, *Children, Yet Convicted as Adults*, <https://www.iranrights.org/newsletter/issue/108>

¹¹ ISNA News, <https://www.isna.ir/news/96070301939/روسياهي-اقتصاد-با-کار-کودک>

¹² Center for Human Rights in Iran, <https://www.iranhumanrights.org/wp-content/uploads/Days-to-remember-low.pdf>

¹³ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16940&LangID=E>

¹⁴ Human Rights Activists News Agency, *The Association to Defend the Street and Working Children Sealed*, <https://www.en-irana.org/association-defend-street-working-children-sealed?hlite=%27street%27%2C%27children%27>

¹⁵ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26141&LangID=E>

As found under the UN Declaration on Human Rights Defenders, the protection of human rights, including the right to freedom of expression and the right to peaceful assembly and association, is essential for human rights activists to be able to carry out their work.¹⁶ While the Iranian Constitution protects freedom of expression, the right is restricted when “deemed harmful to the principles of Islam or the rights of the public”.¹⁷ Similarly, the right to freedom of peaceful assembly is protected as long as it does not violate the fundamental principles of Islam.¹⁸ These restrictions are reiterated under the Islamic Penal Code (2013). To name a few examples, the establishment or leadership of a group that “aims to perturb the security of the country” is criminalised,¹⁹ as well as a variety of acts considered as propaganda²⁰ or conspiracy against the state (which has been interpreted to include peaceful protests).²¹ Encouragement to “violate public morals”²² as well as satire are also penalised.²³ Similar vaguely worded provisions criminalise acts such as swearing at²⁴ or insulting²⁵ “the Great Prophet of Islam” as well as “sowing corruption on earth”²⁶ with the death penalty.

These restrictions not only fail to meet the requirements of international standards,²⁷ they also grant the Government with significant leeway to legally persecute human rights activists for carrying out their legitimate work. Iranian authorities frequently resort to the aforementioned provisions in order to intimidate, arrest and prosecute human rights activists who peacefully exercise their rights to freedom of expression, association and assembly.^{28 29 30 31} Human rights lawyers have increasingly been targeted for repression, facing arrest, detention, and imprisonment solely for exercising their rights to freedom of expression, association and assembly and for carrying out their professional work to defend their clients. Other human rights defenders, including trade unionists and environmental activists have also faced increasing levels

¹⁶ OHCHR, <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>

¹⁷ Article 24, Constitution of the Islamic Republic of Iran, English translation, <https://irandaportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁸ Article 27 Constitution of the Islamic Republic of Iran, English translation, <https://irandaportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁹ Article 498 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁰ Article 500 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²¹ Article 610 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²² Article 639 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²³ Article 700 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁴ Article 262 Islamic Penal Code 2013, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

²⁵ Article 513 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁶ Article 286 Islamic Penal Code 2013,

²⁷ See Article 19 of the International Covenant on Civil and Political Rights

²⁸ See more: Amnesty International, Caught in a web of repression: Iran’s Human Rights Defenders under attack, <https://www.amnesty.org/download/Documents/MDE1364462017ENGLISH.PDF>

²⁹ The Governmental crackdown on the November 2019 protests is emblematic of Iran’s repression of the rights to freedom of expression, assembly and association. See more: Amnesty International, Trampling Humanity: Mass arrests, disappearances and torture since Iran’s 2019 November protests, <https://www.amnesty.org/en/documents/mde13/2891/2020/en/>

³⁰ “Alirezza Farshi has been released from Evin,” HRNA News Agency. 11 April 2020. <https://www.hra-news.org/2020/hranews/a-24375/>

³¹ “Iran arrests 29 linked to protests against compulsory hijab laws”, New York Times, 2 February 2018. <https://tinyurl.com/ybmdozuy>

of harassment and persecution due to their peaceful activities.^{32 33 34 35} 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 reports of harassment, arrests, detentions and mistreatments in prison of human rights defenders.³⁶

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Parliament's Article 90 Commission (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

Ultimately and as aforementioned, Governmental repression against human rights activists is facilitated by the Iranian legal framework, therefore limiting accountability.

The State of Iran has not put an end to the repression against NGOs working in the area of children's rights and is not holding those responsible for harassment and persecution of human rights activists accountable.

Recommendation Status:

This recommendation has **NOT** been implemented.

³² Human Rights Activists in Iran, *Annual Report 2019*, <https://www.en-hrana.org/wp-content/uploads/2020/01/Hrana-Annual-Report-2019.pdf>

³³ Justice for Iran, *Iran: The Meeting Point of Corruption and Human Rights Violations*, <https://justice4iran.org/wp-content/uploads/2020/02/Iran-The-Meeting-Point-of-Corruption-and-Human-Rights-Violations.pdf>

³⁴ 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_IC_S_IRN_42315_E.pdf

³⁵ Human Rights Activists News Agency, *The Trial of Parisa Rafiee*, <https://www.hra-news.org/2020/hranews/a-26979/>

³⁶ 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

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%2fICS%2fIRN%2f42313&Lang=en