

Special Rapporteur on extrajudicial, summary or arbitrary executions A/HRC/14/24/Add.1 para 398

Full recommendation:

In this context, we would further like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the International Covenant on Civil and Political Rights, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others".

Assessment using Impact Iran human rights indicators¹

Article 27 of the Constitution of the Islamic Republic of Iran² permits freedom of assembly but has two restrictions; (1) carrying of weapons is prohibited, and (2) the rally should not be "disruptive to the principles of Islam". There is no clear definition or criteria that define the "Principles of Islam", which has allowed for the creation of restrictions on the right to peaceful assembly in contradiction with international standards. Under Article 2 of the Law on Political Crimes, adopted in 2016, participation in an unauthorized assembly, even if it is peaceful, can effectively be considered a political offence.³ Unauthorized assemblies had previously been prohibited under the 1981 Law on the Activities of Parties, Populations and Political and Trade Unions and Islamic Associations or Recognised Religious Minorities.⁴ Those participating in peaceful unauthorized assemblies are often charged and sentenced to prison terms under Article 610 of the Islamic Penal Code.⁵

The revised version of the Islamic Penal Code,⁶ adopted in 2013, maintains numerous provisions which criminalise the exercise of the right to freedom of expression, association and peaceful assembly, in contravention of international human rights law and standards. For example, under the Penal Code, the establishment or leadership of a group that "aims to perturb the security of

¹ CCPR.21.S.1

CCPR.22.1.P.1

CCPR.21.O.1

² Article 27: "Public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam."

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

⁴ The 1981 Law on the Activities of Parties, Populations and Political and Trade Unions and Islamic Associations or Recognised Religious Minorities, available at: <https://rc.majlis.ir/fa/law/show/90226>

⁵ 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

⁶ The Islamic Penal Code available at: http://rc.majlis.ir/fa/law/print_version/845048

the country”,⁷ acts considered propaganda⁸, or conspiracy against the state (which has been interpreted to include peaceful protests)⁹ are criminalised. Encouragement to “violate public morals”¹⁰ and satire are also penalized.¹¹ Similar vaguely worded provisions punish acts such as swearing at¹² or insulting¹³ “the Great Prophet of Islam” and “sowing corruption on earth”¹⁴ with the death penalty.

These restrictions grant authorities significant discretion to impose overbroad and vague restrictions in individuals’ rights in violation of international human rights obligations. Legislation allowing the violation of rights associated with peaceful assembly fails to meet requirements of international standards and Article 21 of the International Covenant on Civil and Political Rights.

The authorities frequently resort to these provisions in order to intimidate, arrest and prosecute individuals who peacefully exercise their rights to freedom of expression, association and assembly.^{15 16 17 18} NGOs have reported a pattern of violations to the aforementioned human rights targeting disproportionately members of minority or marginalised groups.^{19 20}

Authorities have continued to respond to protests with excessive and unlawful force. Anti-government protests that erupted in late December 2017 were met with a heavy-handed response by state forces resulting in at least 21 deaths and hundreds of arrests.²¹ In November 2019, authorities violently repressed protests across the country.^{22 23} The death toll ranges from verified

⁷ Article 498 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁸ Article 500 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁹ Article 610 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁰ Article 639 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹¹ Article 700 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹² Article 262 Islamic Penal Code 2013, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

¹³ Article 513 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁴ Article 286 Islamic Penal Code 2013

¹⁵ 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

¹⁶ See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

¹⁷ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

¹⁸ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

¹⁹ “Alireza Farshi has been released from Evin,” HRNA News Agency. 11 April 2020. <https://www.hra-news.org/2020/hranews/a-24375/>

²⁰ “Iran arrests 29 linked to protests against compulsory hijab laws”, New York Times, 2 February 2018. <https://tinyurl.com/ybmdozuy>

²¹ Amnesty International: <https://www.amnesty.org/en/latest/news/2018/01/iran-stop-increasingly-ruthless-crackdown-and-investigate-deaths-of-protesters/>

²² 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/>

²³ “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-spree/#:~:text=Amnesty%20International%20has%20released%20details,on%2016%20and%2017%20November.>

reports of 304,²⁴ to unconfirmed reports of up to 1500 deaths,²⁵ and the number of those injured by security forces has been estimated at several thousand.²⁶ Around 7,000 persons were arrested and detained, according to a spokesperson for Iran's parliamentary committee for national security and foreign policy, resulting in ongoing trials, some resulting in death sentences as well as long prison sentences.^{27 28} As of November 2020, 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.²⁹

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 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.³⁰

In light of the above, the Islamic Republic of Iran has not taken all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the International Covenant on Civil and Political Rights.

Recommendation Status:

This recommendation has **NOT** been implemented

²⁴ 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-spree/#:~:text=Amnesty%20International%20has%20released%20details,on%2016%20and%2017%20November>

²⁵ "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-ittakes-to-end-it-idUSKBN1YR0QR>

²⁶ "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-spree/#:~:text=Amnesty%20International%20has%20released%20details,on%2016%20and%2017%20November>

²⁷ "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>

²⁸ 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%2fFICS%2fIRN%2f42315&Lang=en

²⁹ 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>

³⁰ 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%2fFICS%2fIRN%2f42315&Lang=en