

## Concluding Observation Human Rights Committee CCPR/C/IRN/CO/3 para 26

### Full recommendation:

*The State party should ensure that the right to freedom of assembly and association is guaranteed to all individuals without discrimination, and release immediately and unconditionally anyone held solely for the peaceful exercise of this right, including students, teachers, human rights defenders (including women's rights activists), lawyers and trade unionists. The State party should also ensure the prompt, effective, and impartial investigation of threats, harassment, and assault on members of these groups, and, when appropriate, prosecute the perpetrators of such acts. The State party should also withdraw its draft Bill on the Establishment and Supervision of Non-Governmental Organisations, which would establish a Supreme Committee Supervising Non-Governmental Organisations' Activities, chaired by the Interior Ministry, including representatives from the Intelligence Ministry, the police, the Basij and the Revolutionary Guards Corps.*

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

#### **A. The Islamic Republic of Iran should ensure that the right to freedom of assembly and association is guaranteed to all individuals without discrimination**

While Article 27 of the Constitution ostensibly protects the right to freedom of peaceful assembly, the guarantee falls short of international standards set out in the International Covenant on Civil and Political Rights (ICCPR) by requiring that participants are 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.” 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.<sup>2</sup> 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.<sup>3</sup> Those

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<sup>1</sup> CCPR.21.S.1 CCPR.22.1.S.1  
CCPR.22.1.P.1; CCPR.22.1.P.1  
CCPR.21.O.1; CCPR.22.1.O.1

<sup>2</sup> The 2016 Law on Political Crimes, available at: <https://rc.majlis.ir/fa/law/show/968421>

<sup>3</sup> 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>

participating in peaceful unauthorized assemblies are often charged and sentenced to prison terms under Article 610 of the Islamic Penal Code.<sup>4</sup>

The right to freedom of expression, recognised under Article 24 of the Constitution is similarly undermined by vague qualifications, such as being “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>5</sup> These restrictions fail to meet requirements of international standards that limitations are necessary and proportionate, and in pursuit of one of a limited number of narrowly-drawn legitimate aims, per Article 19 of the ICCPR. This grants authorities’ significant discretion to impose overbroad and vague restrictions on individuals’ rights in violation of the country’s international human rights obligations.

The revised version of the Islamic Penal Code,<sup>6</sup> 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. To name a few, under the Penal Code, the establishment or leadership of a group that “aims to perturb the security of the country” is criminalized,<sup>7</sup> as well as a variety of acts considered as propaganda<sup>8</sup> or conspiracy against the state (which has been interpreted to include peaceful protests).<sup>9</sup> Encouragement to “violate public morals”<sup>10</sup> as well as satire are also penalized.<sup>11</sup> Similar vaguely worded provisions criminalize acts such as swearing at<sup>12</sup> or insulting<sup>13</sup> “the Great Prophet of Islam” as well as “sowing corruption on earth”<sup>14</sup> with the death penalty.

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

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<sup>4</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>5</sup> “Islamic Republic of Iran: Computer Crimes Law,” ARTICLE19, 2012.

[https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB\[4\].pdf](https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB[4].pdf)

<sup>6</sup> The Islamic Penal Code available at: [https://rc.majlis.ir/fa/law/print\\_version/845048](https://rc.majlis.ir/fa/law/print_version/845048)

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

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

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

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

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

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

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

<sup>14</sup> Article 286 Islamic Penal Code 2013

assembly including journalists and media workers, trade unionists, and lawyers.<sup>15 16 17 18 19 20 21</sup> NGOs have reported a pattern of violations to the aforementioned human rights targeting disproportionately members of minority or marginalised groups.<sup>22 23 24 25 26 27</sup>

The authorities have continued to respond to protests with excessive and unlawful force. In November 2019, authorities violently repressed protests across the country. Around 7,000 persons were arrested and detained according to a spokesperson for Iran's parliamentary committee for national security and foreign policy.<sup>28 29</sup> Numerous reports show that the Government continues to arrest individuals solely exercising their rights to freedom of opinion, expression and association, who remain currently in detention.<sup>30 31</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 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

<sup>15</sup> See more: Abdorrahman Boroumand Center, <https://www.iranrights.org/projects/timeline>

<sup>16</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\\_IC\\_S\\_IRN\\_42315\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_IC_S_IRN_42315_E.pdf)

<sup>17</sup> See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

<sup>18</sup> See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

<sup>19</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>20</sup> See more: United for Iran, database of Iran's prisons and political prisoners available at <https://ipa.united4iran.org/en/>

<sup>21</sup> See more: EN-Human Rights Activists News Agency, <https://www.en-hrana.org/?s=activists>

<sup>22</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-ahraza-repot-regarding-the-current-situation-of-the-azerbaijani-arrestees-that-are-arrested-during-the-recent-protests-nove/>

<sup>23</sup> See more: Kurdistan Human Rights Geneva, <https://kmmk-ge.org/sd/annual-report-2020/>

<sup>24</sup> See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

<sup>25</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>26</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>27</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>28</sup> "November Protests; the details of the case of three prisoners who were sentenced to death," HRANA.5 March 2020.

<https://www.en-hrana.org/november-protests-the-details-of-the-case-of-three-prisoners-who-were-sentenced-to-death>

<sup>29</sup> 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%2fICS%2fIRN%2f42315&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42315&Lang=en)

<sup>30</sup> See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

<sup>31</sup> 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>

independently reviewed and investigated.<sup>32</sup> Additionally, the possibility to submit complaints is particularly limited as freedom of expression, assembly and association are legally restricted in the Islamic Republic of Iran.

The Islamic Republic of Iran has not ensured that the right to freedom of assembly and association is guaranteed to all individuals without discrimination.

**B. The Islamic Republic of Iran should release immediately and unconditionally anyone held solely for the peaceful exercise of this right, including students, teachers, human rights defenders (including women’s rights activists), lawyers and trade unionists.**

Since 2016, the Working Group on Arbitrary Detention (WGAD) has found at least 38 cases of arbitrary detention in the Islamic Republic of Iran, a significant number of them concerning individuals imprisoned solely for exercising their right to freedom of opinion, expression and peaceful assembly. Despite these opinions, many remain in detention as of February 2021, including but not limited to: Mr. Arash Sadeghi (Opinion no. 19/2018), Ms. Golrokh Ebrahimi Iraee (Opinion no. 33/2019), Ms. Atena Daemi (Opinion no. 83/2018). OHCHR continues to document numerous cases of individuals imprisoned solely for exercising their freedom of expression.<sup>33</sup>

**C. The Islamic Republic of Iran should also ensure the prompt, effective, and impartial investigation of threats, harassment, and assault on members of these groups, and, when appropriate, prosecute the perpetrators of such acts.**

In his January 2021 report, the Special Rapporteur of the Islamic Republic of Iran reported that “The Government has failed to conduct an independent and transparent investigation into the violent State response to the November 2019 protests or hold perpetrators accountable.”<sup>34</sup> As of March 2021, there is no readily available information that might indicate that the Islamic Republic of Iran has conducted independent and impartial investigations into all acts of violence that have taken place in the context of the November 2019 protests.

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

<sup>32</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)

<sup>33</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F50&Language=E&DeviceType=Desktop>

<sup>34</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F50&Language=E&DeviceType=Desktop>

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.<sup>35</sup> Additionally, the possibility to submit complaints is particularly limited as freedom of expression, assembly and association are legally restricted in the Islamic Republic of Iran.

In light of the above, the Islamic Republic of Iran has not ensured the prompt, effective and impartial investigation of threats, harassment, and assault on person exercising their right to freedom of expression, and, when appropriate, prosecute the perpetrators of such acts.

**D. The State party should also withdraw its draft Bill on the Establishment and Supervision of Non-Governmental Organisations, which would establish a Supreme Committee Supervising Non-Governmental Organisations' Activities, chaired by the Interior Ministry, including representatives from the Intelligence Ministry, the police, the *Basij* and the Revolutionary Guards Corps.**

Since the draft Bill on the Establishment and Supervision of Non-Government Organisations has been first presented to the Iranian Parliament, no further action has been taken.<sup>36</sup> As of February 2021 it hasn't been withdrawn.

Recommendation Status:

This recommendation has **NOT** been implemented.

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<sup>35</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)

<sup>36</sup> [https://rc.majlis.ir/fa/legal\\_draft/show/1637902](https://rc.majlis.ir/fa/legal_draft/show/1637902)