



In its last Universal Periodic Review (UPR) in 2010, Iran accepted 14 recommendations on freedom of expression and association, and human rights defenders (HRDs), and rejected 10. It committed to strengthen cooperation with civil society, to ensure protection of HRDs under Iranian law, and to allow freedom of expression and assembly. However it refused to accept the need to end restrictions on freedom of expression, association and assembly, to end harassment and persecution of HRDs and journalists, and to review restrictive laws. It has not accepted a visit by the Special Rapporteur on Iran, nor Special Rapporteurs on the situation of HRDs or on freedom of opinion and expression. Defending human rights remains an activity which risks imprisonment, threats and torture.

1. Risks facing human rights defenders

- According to Front Line, 'HRDs are subjected to a wide range of violations of their rights of freedom of movement, expression, association and assembly and are often victims of death threats, harassment, arbitrary arrest and detention, (...) and unfair trials. Judicial harassment is one of the most common tactics used to silence HRDs'.¹ As of January 2014, 'dozens of HRDs remain in prison on politically motivated charges'.²
- In 2012 and 2013, the UN Special Rapporteur (SR) on the situation of human rights in Iran reported HRDs being arrested and subject to severe torture, including beatings with batons, mock hangings, electrocution, rape, sleep deprivation, and denial of food. They are frequently charged with vaguely-defined national security crimes.³
- As of 14 January 2014, the SR reported 92 HRDs imprisoned (among a total of 895 'prisoners of conscience').⁴
- As reported in the Secretary-General's 2013 report on Iran, many major human rights organisations have been outlawed. These include the Centre for Human Rights Defenders, as well as the Committee for the Defence of Political Prisoners in Iran and the Committee of Human Rights Reporters, among others.⁵
- Several prominent human rights lawyers, all associated with the Centre for HRDs, have been prosecuted and imprisoned for long periods, including Nasrin Sotoudeh, Abdolfattah Soltani, and Mohammad Seifzadeh.

2. Official restrictions on the space for human rights defenders

- HRDs are often charged with 'acting against national security', 'propaganda against the system', 'enmity against god' or of working for foreign interests,⁶ and curtailed using 'vaguely worded provisions of the Criminal Code'.⁷ The SR notes a 'coordinated mass arrest of human rights defenders' since 2010 in an effort to dismantle human rights NGOs.⁸
- The Iranian constitution provides for freedom of expression and of the press, except when the words are deemed 'detrimental to the fundamental principles of Islam'. The law forbids government censorship, but also prohibits dissemination of information the government considers 'damaging'.⁹ Iran's 1986 Press Law contains 17 categories of 'impermissible content' for journalists to publish. It has been used to restrict the space for freedom of expression, and to arrest, arbitrarily detain and prosecute journalists and HRDs.¹⁰ HRD Kohyar Goodarzi was sentenced to 5 years for 'acts against national security and disseminating misinformation about the system'.¹¹
- In 2011, 'the first 26 articles of The Bill on the Establishment and Supervision of NGOs were passed, creating an unaccountable body, the Supreme Committee Supervising NGO Activities. (...) If the bill becomes law, activists taking part in organised activities with NGOs which fail to secure a registration permit would be at even greater risk of prosecution under vaguely worded provisions of Iran's Penal Code. (...) These provisions can be the basis for acts of intimidation, harassment and reprisals against HRDs'.¹² If all articles are approved, the new law will seriously threaten and curtail the activities of HRDs and other civil society activists in Iran, including women HRDs.¹³ In 2013, it was still pending for debate in the Parliament.¹⁴

3. Intimidation and reprisals against defenders accessing international human rights mechanisms

- The SR on Iran reported two cases of reprisal in his 2013 report, which have been reported in the media in November and December 2012. In one case, five Kurdish prisoners were allegedly charged with 'contacting the office of the SR', and 'reporting prison news to human rights organisations'.¹⁵

4. Human rights defenders facing particular risks

- HRDs 'facing sustained repression include journalists, human rights lawyers, women's and minority rights defenders, LGBTI rights defenders, or anyone who expresses criticism of the government or calls for reforms'.¹⁶

- 'Iran's ethnic and religious minorities have long suffered extensive discrimination in the enjoyment of their civil and human rights. HRDs from these communities are particularly vulnerable.'¹⁷
- LGBT rights defenders are particularly subjected to government intimidation and prosecution. Houtan Kian, a lawyer who defended those accused of adultery and sodomy, was indicted on 11 charges, whilst his lawyer stated that he was tortured. Iranian law defines transgender persons as mentally ill.¹⁸ In February 2013, the SR explained that 'the new draft Islamic Penal Code criminalises same-sex relations between consenting adults'. It therefore implies a high risk for LGBT HRDs, and restrictions on their work.¹⁹
- The SR on HRDs stated that 'women HRDs and those working on women's rights or gender issues appear particularly at risk of arrest or legal action in Iran.'²⁰ The Secretary General reported that 'the government's repression of women's activists [continues]. Many activists have been arrested, detained and [imprisoned].'²¹

5. The response of the State regarding the protection of human rights defenders

- Javad Larijani, representative of Iran at the Human Rights Council in March 2012, expressed his opposition to the SR on Iran's report. He asserted that 'the report fails to reflect the actual situation of human rights in Iran', and that it is 'generously biased... politicised and selective in its approach toward the developments of human rights in Iran'. In addition, he depicted the report as 'propaganda against Iran'.²² Iran's response is therefore uncooperative, and recently it has not accepted a country visit of the SR in Iran. For Larijani, the human rights issues pointed out by the SR are 'faulty', and Iran is fully respecting its human rights commitments.

6. Recommendations to the Government of Iran

- The government should accept visits of the UN SR's on Iran, freedom of expression, association, and on HRDs.
- Iran should immediately investigate allegations of reprisals, and protect HRDs and journalists from persecution, harassment and intimidation, including through public statements on the legitimate role of HRDs.
- Iran should implement the accepted UPR recommendations and ensure the protection of freedom of expression, assembly and association both in law and in practice.
- The Iranian government and judiciary should ensure that existing laws are not misused to criminalise HRDs.
- Iran should ensure that currently outlawed human rights organisations are allowed to operate freely.
- The Iranian Parliament should reform the Press Law and other relevant legislation to ensure compatibility with international law on freedom of expression.
- Laws on national security should be reformed to become more clearly defined and less easily manipulated.
- The Iranian Parliament should fully respect human rights, including the rights and freedoms of HRDs protected under the UN Declaration of HRDs, and desist from passing the pending Bill on the Establishment and Supervision of NGOs into law in its current form.²³

Despite promises during the presidential campaign of Hassan Rouhani in 2013, the situation for human rights defenders remains dangerous and restrictive. Sustainable political change cannot be achieved without a safe and enabling environment for all HRDs, including by amending restrictive legislation.

¹ Front Line Defenders: <https://www.frontlinedefenders.org/iran>

² Human Rights Watch: <https://www.hrw.org/world-report/2014/country-chapters/iran?page=2>

³ <http://shaheedoniran.org/dr-shaheeds-work/latest-reports/>

⁴ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A_HRC_25_61_AEV.doc, para 27

⁵ Report of the Secretary-General on Iran (A/HRC/22/48): http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-48_en.pdf

⁶ Front Line Defenders and Amnesty International (<http://www.amnesty.org/en/region/iran/report-2013#section-66-5>)

⁷ FIDH: <http://www.fidh.org/en/asia/iran/IRAN-2010-2011>

⁸ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A_HRC_25_61_AEV.doc, para 33.

⁹ US State Department: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

¹⁰ 2013 Report of the Special Rapporteur on Iran (A/HRC/22/56): http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-56_en.pdf

¹¹ 2013 Report of the Secretary-General on Iran (A/HRC/22/48): http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-48_en.pdf

¹² Amnesty: <http://www.amnesty.org/en/library/asset/MDE13/045/2011/en/4d44a0c4-6d7f-4431-a360-07393529af87/mde130452011en.html>

¹³ FIDH: <http://www.fidh.org/en/asia/iran/iran-parliament-ignores-concerns>

¹⁴ <http://www.arshesevom.net/2014/01/2013-year-in-review-iran-and-its-civil-society/>

¹⁵ 2013 Report of the Special Rapporteur on Iran (A/HRC/22/56): http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-56_en.pdf

¹⁶ Frontline Defenders: <https://www.frontlinedefenders.org/iran>

¹⁷ Frontline Defenders: <https://www.frontlinedefenders.org/iran>

¹⁸ US State Department: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

¹⁹ 2013 Report of the Special Rapporteur on Iran (A/HRC/22/56): http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-56_en.pdf

²⁰ SR on HRDs' Report 2011: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/178/70/PDF/G1017870.pdf?OpenElement>

²¹ 2013 Report of the Secretary-General on Iran (A/HRC/22/48): http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-48_en.pdf

²² <http://www.refworld.org/cgi-bin/textis/vtx/rwmain/opensslpdf.pdf?reldoc=y&docid=4f644d6c2>

²³ FIDH: <http://www.fidh.org/en/asia/iran/iran-parliament-ignores-concerns>