

CIVIC SPACE IN IRAN

Restrictions and Violations of the Right to Freedom
of Expression, Association and Assembly

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Preface

Civil society in Iran is experiencing a disturbing and hazardous period. Over the years, Iranian authorities have adopted a repressive strategy that systematically attacks and undermines the independent civil society, a strategy that translates into numerous civil society activists being summoned, interrogated, detained and imprisoned on a regular basis. At the same time, in order to occupy the Iranian civic space, the government has accelerated its mission to develop and expand a parallel and contingent civil society, to both marginalize and silence voices of civic dissent, domestically and overseas. Another factor that has significantly weakened the framework of independent civil society in Iran is the United States' departure from the Joint Comprehensive Plan of Action (JCPOA)¹ and its imposition of severe economic sanctions on Iran. Volatile economic and financial hardship has increased poverty across the country and weakened the Iranian middle class, as a result of which these groups do not consider civic action and volunteer work as priorities. Under these circumstances, it is essential that the global community of civil societies comes to the rescue of Iran's own, so that it can play the vital role it has in the process of democratization, as well as in the expansion of associational life in Iran.

This study was conducted by the Volunteer Activists Institute (VA)² with generous support from Civicus³. As part of our organizational mission, it seeks to identify dominant trends in the Iranian civic space, as well as to elaborate on restrictions on, and violations of, the rights to freedom of association and peaceful assembly in Iran. The findings and recommendations of this research are geared towards support of the right to establish and operate civic associations, the right to peaceful assembly and freedom of expression, as well as the creation and expansion of an open and thriving civic space in Iran. Our goal is to promote associational life in the country and, with the support of the international civil society community, to hold the Government of Iran accountable for its violations of the freedom of association and peaceful assembly.

1 Better known as the Iran nuclear deal. Full text: <http://www.europarl.europa.eu/cmsdata/122460/full-text-of-the-iran-nuclear-deal.pdf>

2 Volunteer Activists Institute (VA) is a not-for-profit, non-partisan, independent civil society organisation (CSO) based in The Netherlands, whose primary aims are building capacity among activists and CSOs, facilitating information exchange among civil society activists, community peace-building and advocating for the expansion of democracy and human rights in Iran and more generally in the Middle East. <https://volunteeractivists.nl/en>.

3 CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society throughout the world. <https://civicus.org>

Executive Summary

This is a case study of the main trends in Iran's civic space and the restrictions imposed on it, with a focus on violations of the right to freedom of speech, association and peaceful assembly during the two terms of Hassan Rouhani's presidency. The Volunteer Activists' research team conducted this study with support from Civicus, from February to July 2019, mainly to contextualize the challenges civil society actors face in Iran, to expose the decade-long policies of the Iranian authorities to undermine civil society, and to elaborate on the main trends in the Iranian civic space. The six main chapters of this case study cover:

- Research methodology
- Restrictions of the right to freedom of association
- Restrictions of the right to freedom of peaceful assembly
- Restrictions of the right to freedom of speech and opinion
- Main trends in Iran's civic space
- Recommendations

Main Findings of the Research Project

Based on the outcome of their case study, the Volunteer Activists' researchers have concluded:

- The Government of Iran systematically interferes with the civic space in the country, violates the rights to freedom of association and peaceful assembly, and prevents an independent civil society from forming in Iranian society. The government has continuously attempted to instill its specific religious ideology into associational life in the form of charities and religious congregations in the country, and to block the formation of independent civic dissent centers
- Tools that the Iranian authorities have used to effectively undermine civic space liberties include legal mechanisms: the Iranian government constantly adds new restrictive laws and regulations that limit the scope of lawful civic action and violate the rights of its citizens to initiate, found and operate civil society organizations.
- In order to found and operate a CSO, Iranian citizens must apply and receive a license. This licensing system is an efficient way for the government to control and manipulate civic space in Iran. Anyone intending to publish a periodical, create a collaborative network, connect with international organizations or embassies, or receive international funding for their activities needs to apply for, and be granted, additional licenses. All such licensing is on a temporary basis and is subject to renewal, for which the founders and members of the boards of the associations in question must yet again be approved by the judiciary, the Ministry of Intelligence, the police and the government office overseeing the related fields of activity.
- The Government of Iran does not recognize the independence of the Iranian civic space, and constantly subverts the functioning and mission of independent civil society organizations. By deeming certain topics, e.g. women's rights and, more recently, the environment, to be related to state security, the authorities attempt to dissuade activists and citizens from any activity in these fields, or else to pay a high price.
- Another strategy the Government of Iran has adopted to weaken independent civil society is advocating and promoting fear of this civil society and associational life through all media channels. Through TV

documentaries and broadcasting fake news about CSOs and activists, the Iranian government presents independent civil society as a Western invasion of the value system and traditional Islamic life in Iran, and accuses activists of treason and espionage.

- The Iranian government applies a top-down model of civil society, and has built a parallel civil society to undermine and replace the independent Iranian civil society. In this model, civil society is a technical instrument that advances the agenda of the government and prohibits the formation of, or marginalizes, a social force that will bring about social change. More recently, the IRGC and Passive Defense, both military entities, have also entered the civic space, a significant development that deserves particular attention. The argument behind this is mobilization of social forces in response to the West's "soft war" against the Islamic Republic of Iran.
- The Government of Iran has always utilized repressive measures that marginalize or eliminate independent civil society activists to weaken civil society. Following the United States' departure from the JCPOA, the Iranian authorities have reinforced these measures to destroy any instance of civic dissent. Over the last year, significant numbers of people, including labor unionists, journalists, teachers, students, women and human rights defenders, have been arrested and interrogated. Some, like Nasrin Sotoudeh, Narges Mohamadi and Farhad Meysami, have been sentenced to very long prison terms. Smear campaigns, work bans and exile sentences are other ways in which activists have been targeted.
- In addition to the above-mentioned tactics to restrict and violate the freedom of association, the Iranian authorities also heavily target the freedom of speech and opinion. Censorship is rife in both politics and society in general. The authorities systematically censor books, films and the press. Authors complain that, in addition to content filtering, even certain terminology and symbolic references have been subject to censorship in recent years. Censorship and filtering in cyber space is also very common. The Cultural Committee of the Parliament of Iran is currently considering a law which, if passed, would require all journalists to be audited and approved by a special committee before they receive a work license. This committee will be composed of government agents and, as such, will put an end to the independent group of journalists in Iran.
- The absence of freedom of peaceful assembly is another violation of the socio-political liberties of the citizens of Iran. In recent decades, no civic or political group has been granted a permit to organize protests or demonstrations, and, according to the government, all gatherings of recent decades have been illegal. As a result, many civil society activists have been arrested, and some imprisoned, charged with acting against the national security of Iran by participating in protests and demonstrations.
- The dominant trends in the civic space of Iran show that civil society has deteriorated over the past few years, and that the civic space has shrunk significantly. Our research has identified the following trends:
 - Militarization and security dominance in civic space
 - Expansion of civil society as a government power instrument
 - Flourishing civic dissent and rise of social, union, and labor protests
 - Rise in number of arrests, detention, and long-term prison sentences
 - Increasing rates of censorship in politics, across the society and the internet
 - Prevention and undermining of collaborative networks and concentration of social power
 - Frequent violation of the right to freedom of association and peaceful assembly

Given the increasing pressure on the Iranian civil society and the depletion of CSO resources in the country, it is essential that the global community of civil societies comes to the rescue of the Iranian civil society.

This section elaborates on our data collection procedure and methodology, as well as the limitations encountered with while conducting our research. We will also elaborate on the notion of civic space referred to in this study.



Methodology and Research Procedure

This section elaborates on data collection procedure, methodology as well as limitations we had while conducting research on this topic. We will also detail the notion of civic space as we refer to it in this study.

Development of a Conceptual Framework

As a first step, our researchers analyzed existing literature on the state of the freedom of association and peaceful assembly, as well as the freedom of speech in Iran. There is limited literature on this subject, most published by international organizations such as Human Rights Watch⁴. Other publications include Article 19⁵ of the International Covenant on Civil and Political Rights, and those by the Center for Human Rights⁶ in Iran and the Volunteer Activists Institute⁷. We have taken it upon ourselves to develop a theoretical framework to study the restrictions and violations of the freedom of association and peaceful assembly in the Iranian civic space. This framework is based on existing references, internationally recognized documents, as well as the best practice experience of other countries. Parallel to this analysis, and in order to make the case of Iran understandable and objective, we developed a survey and circulated it among a group of activists in Iran. Finally, we conducted detailed interviews with twelve activists.

The conceptual framework of our study is based on the Office of the United Nations High Commissioner for Human Rights (OHCHR)⁸ and Civicus⁹ guidelines, which define the civic space as “the bedrock of any open and democratic society”. An open civic space allows for the organization, participation and communication of citizens without any obstacles. This means that citizens are able to exercise their rights and have a voice in the socio-political processes of their country. Such circumstances are viable only when a state is committed “to protecting its citizens, and respecting and facilitating their fundamental rights to associate, assemble peacefully and freely express views and opinions”. This definition evaluates the civic space conditions of a country based on three criteria:

1. **Freedom of association.** Association refers to any groups of individuals or entities which, collectively, act, express, promote, pursue or defend a field of common interests. Examples of freedom of association include joining and participating – or choosing not to participate – in civil society organizations, clubs, cooperatives, NGOs, religious associations, political parties, trade unions, foundations or on-line associations. “The ability to seek, secure and use resources is essential to the existence and effective operations of any association, no matter how small. The right to freedom of association includes the right to seek, receive and use resources – human, material and financial – from domestic, foreign, and international sources” (A/HRC/23/39, para. 8).¹⁰
2. **Freedom of peaceful assembly.** A peaceful assembly is a temporary, non-violent gathering in a private or public space for a specific purpose. This includes demonstrations, strikes, processions, rallies or sit-ins.¹¹
3. **Freedom of expression.** Freedom of expression includes the right to seek, receive and impart information and ideas of all kinds. It includes information and ideas in political and religious discourse, public affairs, human rights, as well as cultural and artistic expression. It also extends to expression that may be regarded as deeply offensive, subject to limitations. All forms of expression and the means of their dissemination are protected: spoken, written and sign language and non-verbal expression as images and objects of art. Expression is

4 Human Rights Watch. (n.d.). Human Rights Issues Regarding the Islamic Republic of Iran. Retrieved from <https://www.hrw.org/news/2011/08/29/human-rights-issues-regarding-islamic-republic-iran>

5 Article 19. (2018). Tightening the net: Internet controls during and after Iran’s protests. Retrieved from <https://www.article19.org/resources/tightening-net-internet-controls-irans-protests/>

6 Center for Human Rights in Iran. (2018). Guards at the Gate. Retrieved from <https://www.iranhumanrights.org/wp-content/uploads/EN-Guards-at-the-gate-High-quality.pdf>

7 Volunteer Activists Institute. (2018). CIVIL SOCIETY IN IRAN AND ITS FUTURE PROSPECTS. Retrieved from <https://volunteeractivists.nl/en/wp-content/uploads/2018/10/Civil-Society-in-Iran-and-its-Future-Prospect.pdf>

8 United Nations Human Rights. (n.d.). Civil Society Space and The United Nations Human Rights System. Retrieved from https://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSysSystem_Guide.pdf

9 Civic Space. (n.d.). Retrieved March 2019, from <https://monitor.civicus.org/whatis-civicspace/>

10 United Nations Human Rights. (n.d.). Civil Society Space and The United Nations Human Rights System. pp 12. Retrieved from https://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSysSystem_Guide.pdf

11 Idem 10

possible through books, newspapers, pamphlets, posters, cartoons, banners, dress and legal submissions. It includes all forms of audio-visual as well as electronic and internet-based modes of expression.¹²

Methods for research and collecting data

Online focus-group discussions

As a first step into understanding the civic space in Iran and developing a theoretical framework, we selected five active independent civil activists on the basis of four indicators: a) knowledge and experience, b) field of activity, c) gender, and d) geographical distribution. These people, three female and two male, were invited to attend an on-line meeting to evaluate limitations and examples of freedom of association, freedom of peaceful assembly, and freedom of expression in the Iranian civic space. Other topics discussed in these on-line meetings included identifying key people for interviewing, designing interview questions and the theoretical framework for the study.

Semi-structured interviews

In order to gain a deeper understanding of, and study, examples of the violation of freedom of association and freedom of assembly, we carried out semi-structured interviews with twelve experts and civil activists. These people were selected for interviews on the basis of four indicators: a) knowledge and experience, b) field of activity, c) gender, d) geographical distribution. Seven interviewees were female and five were male. The interviewees included Workers' Guild activists, teacher activists, university student activists, women's movement activists, non-governmental charity managers, as well as members of environmental, women's, development, and children's organizations, who were selected through a safe process by VA and took part in face-to-face interviews. The interviews were based on open questions and were aimed at establishing the interviewees' point of view regarding the current state of the civic space in Iran, limitations and opportunities for civil activities in Iran.

Library research

Part of this study was library work. We studied and assessed all rules and regulations governing civil society organizations. All on-line and off-line published reports on the freedom of expression, as well as on the freedom of association and freedom of peaceful assembly in Iran, were perused in order for us to present a better and more precise picture of the limitations imposed on civil society organizations, and of examples of the violation of the rules in the Iranian civic space.

Delimitation

During our research on limitations and examples of violating socio-political freedoms in the Iranian civic space, we encountered several restrictions which hindered the research process. These restrictions and difficulties were:

- The United States' withdrawal from the Joint Comprehensive Plan of Action (the Iran nuclear deal), its imposition of severe sanctions on Iran, and the specter of war in the region, have increased security in Iranian society, and civil activists are now under increased surveillance. They are fearful and are faced with a "Hobbesian atmosphere". For this very reason, many of them declined the interview invitation or postponed it several times. In such circumstances, communicating with civil activists is fraught with danger, and one of VA's principles is to always avoid any actions that might endanger civil activists in their country.
- Compared to other human rights issues, the issues of freedom of association and freedom of peaceful assembly have relatively little priority with civil activists and Iranian society in general. In fact, these issues are considered marginal. Consequently, only a few people with enough knowledge and experience of and

¹² United Nations Human Rights. (n.d.). Civil Society Space and The United Nations Human Rights System. pp 11. Retrieved from https://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSsystem_Guide.pdf

concerns about these issues could be found.

- Another restriction on this study was the abundance of rules and regulations governing civil society organizations. The rules are not only abundant but also at times contradictory. Besides, some of the instructions that Iranian governmental organizations and institutions refer to are not public.
- The final restriction on this study was the widespread presence of quasi-governmental civil society organizations in Iran, which has caused us to conduct our research with doubts and scruples. Finding independent civil activists in this situation is a demanding job that requires a great deal of precision, sensitivity and time.

In light of the aforementioned restrictions, the cooperation of several activists and independent civil society organizations, as well as our face-to-face interviews with them, in which they clarified their attitudes, viewpoints and concerns about the Iranian civic space, was particularly valuable and precious.



**Restrictions of the right to
freedom of association**

The freedom of association is one of the fundamental human rights in Article 20¹³ of the Universal Declaration of Human Rights, Article 22¹⁴ of the International Covenant on Civil and Political Rights (ICCPR) and Article 8¹⁵ of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Particular attention is paid to this right in the International Labor Organization Laws, in Conventions 87¹⁶ and 98¹⁷, and in the Fundamental Labor Convention. It has been stressed that these rights are universal and must be observed in all countries, regardless of their level of economic development. The right of freedom of association has been affirmed by the European Court of Human Rights (ECHR)¹⁸, as well as other international and regional documents on human rights.

Consequently, all citizens must be able to establish associations and organizations, either officially or unofficially; they must be free to collaborate with each other and act peacefully within the legal framework for achieving their common goals and interests. In other words, they must be able to organize their own socio-political lives, and to improve both socio-political living conditions and their society through their collective work. The right to build organizations and the right to freedom of association are significant indicators of a democratic society where citizens can develop social power by creating associations/organizations, so make politicians accountable for their commitments, decisions, responsibilities, and duties.

In a democratic system, the independence of associations is an important indicator of a dynamic, lively, and democratic society. That is why, in all human rights documents, governments are asked to recognize the right to establish and build associations in all fields of society and politics, as well as to refrain from interfering in the internal affairs of such associations. The freedom of association is, at present, a crucial issue in Iranian civil society.

Over the last four years, the Iranian government has continually and systematically violated associations' rights and freedoms. Using both legal and illegal instruments, it has hindered the formation and establishment of an independent, dynamic associational life in Iranian society.

We have identified four methods that restriction and violate the freedom of association utilized by the Iranian government:

- Employing legal instruments and mechanisms
- The project of civil society phobia
- Replacing civil society and civil society building
- Using instruments of suppression

The government and legal restrictions

Legal mechanisms and instruments are important means of restricting and violating freedom of association in Iran, which the Iranian government systematically benefits from. It attempts to define rules and regulations for establishing civil society organizations and to curb their activities. As a result, only some social forces are consonant with the regime's official discourse, others are either eliminated or marginalized.

13 UN General Assembly. (1948, December 10). Universal Declaration of Human Rights. Retrieved March 2019, from <https://www.un.org/en/universal-declaration-human-rights/>

14 UN General Assembly. (1966, December 16). International Covenant on Civil and Political Rights. Retrieved March 2019, from <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

15 UN General Assembly. (1966, December 16). International Covenant on Economic, Social and Cultural Rights. Retrieved March 2019, from <https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

16 General Conference of the International Labour Organisation. (1948, June 17). Freedom of Association and Protection of the Right to Organise Convention. Retrieved March 2019, from https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232

17 General Conference of the International Labour Organisation. (1949, June 8). Right to Organise and Collective Bargaining Convention. Retrieved March 2019, from https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098

18 European Court of Human Rights. (1950, November 4). European Convention on Human Rights. Retrieved March 2019, from https://www.echr.coe.int/Documents/Convention_ENG.pdf

Licensing

One of the most important governmental instruments for limiting freedom of association in Iran is the system of licensing. In this legal system, citizens cannot enjoy their rights and freedom before going through certain formalities. To put it simply, the establishment and activities of associations and civil organizations are conditional on undergoing a specific process which has been determined by the legislators.

According to the Iranian rules and regulations for establishing civil society organizations and the rules governing their activities, gaining legal status depends on meeting two conditions: a) acquiring a license from the relevant governmental institutions, b) being registered in the General Management of Non-Commercial Corporations and Institutions of the Real Estate Registration Organization of Iran. The system of acquiring licenses and permits to establish civil society organizations paves the way for interference and abuse by governmental organizations and institutions.

In addition, a large number of social groups are deprived of the right to freedom of association. By subjecting the freedom of association to the largest possible number of regulations, the government has, in recent years, severely limited the establishment and activities of civil society organizations, especially non-governmental ones. As a result of these regulations, temporary licenses only last two to four years, and an association's geographical place of activity is determined by the supervising institutions.

Based on Article 19 of the Regulations for Non-Governmental Organizations (NGOs) ratified by the government in August 2016¹⁹, "licenses of activities for the NGOs that wish to act on a national or regional level, providing that their goals and activity topics are of a national or regional nature and approved by the National Council, are granted for two years, and if the national NGOs work in more than five provinces and the regional NGOs work in more than one province during this period of time, their licenses are renewed for four years, otherwise, they must change into a provincial NGO". Granting temporary licenses causes members of the organizations/associations constant concern about their licenses not being renewed, resulting in organizational instability. Governmental organizations and institutions utilize this legal instrument, like a sword of Damocles, to keep organizations and associations under their control, thus interfering with their independence.

Limiting the right of Iranian citizens to establish associations

Principle 26²⁰ of the constitution reads "parties, associations, political groups, guilds, and Islamic associations or those of known [/recognized] religious minorities are free providing that they do not violate principles of independence, liberty, national unity, Islamic norms, and bases of the Islamic Republic. No one may prevent them from participating in their associations or force them to take part in them". This makes clear that the freedom of establishing associations and civil society organizations is conditional on not violating five general principles: independence, liberty, national unity, Islamic norms, and bases of the Islamic Republic. Each of these terms is generic and open to a wide range of interpretations, and the regular rules, such as Article 131²¹ of the Labor Laws and the regulations related to them²², or the Regulations for Non-Governmental Organizations (NGOs) approved by the government in August 2016, as well as other rules governing civil society organizations, limit this right to a few. In all the rules and regulations governing organizations in society, one of the conditions for members of the founding boards of civil society organizations is "compliance with the constitution of the Islamic Republic of Iran".

Compliance, in its broad definition, leads to restriction, and prevents many Iranian citizens, including religious,

19 Government of Islamic Republic of Iran. (2016). Regulations for Non-Governmental Organizations. Retrieved March 2019, from <http://www.rrk.ir/Laws/ShowLaw.aspx?Code=11593>

20 Islamic Republic of Iran. (1989). Constitution of Islamic Republic of Iran. Retrieved March 2019, from https://www.lu.ac.ir/uploads/123456_20436.pdf

21 Islamic Republic of Iran. (1990). Labour Laws. Retrieved March 2019, from <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/21843/134133/F1958446722/IRN21843%20Per.pdf>

22 Islamic Republic of Iran. (2010). Regulations for Article 131 of Labour Laws. Retrieved March 2019, from <http://anjomansenfepakhsh.com/fa/upload/e996a06d/f17a1497.pdf>

sexual and ethnic minorities, from establishing civil society organizations. The number of restrictions have increased as a result of the decisions made by the Supreme Council of the Cultural Revolution and Labor Laws, Article 131. Based on two decisions of the Supreme Council of the Cultural Revolution taken in 1999 and 2001, which are about rules for academic Islamic associations, university students and university personnel respectively²³, and regulations for the Union of University Student Islamic Associations at Universities and Higher Education Institutes²⁴, at universities, only the establishment of Islamic associations is permitted and accepted. According to Paragraph 3, Article 1, approved in 1999, an Islamic association is one that works towards fulfilling Islamic goals and the values of the Revolution, as defined by the Islamic regime and according to the regime's framework. Consequently, if an academic Islamic association is not in accordance with the values of the Revolution or the ruling regime, it cannot acquire a license.

Other terms and conditions for establishing academic associations are outlined in Article 3 of the decision taken by the Supreme Council of the Cultural Revolution in 1999. According to these, individuals mentioned in Article 7 of the Laws for Activity of Political and Guild Parties, Groups and Associations cannot apply for the establishment of Islamic organizations at universities (Paragraph 2, Article 3, decided in 1999 by the Supreme Council of the Cultural Revolution), and the founding members who have been approved must also practically comply with and sincerely believe in Islam, the absolute Guardianship of the Islamic Jurist, and the constitution (Paragraph 1, Article 3, decided in 1999 by the Supreme Council of the Cultural Revolution).

Article 131 of the Labor Laws contains more governmental interference, placing restrictions on the establishment of free associations. According to it, only three workers' associations are recognized: the Islamic Labor Council, the Guild Association, and the Workers' Representatives. No other workers' associations, such as syndicates, federations or the like, are permitted. Further, Chapter 6, Article 131, Note 4 of the Labor Laws, only allows workers to establish guild associations in their economic units in one of these three ways: a) Islamic Labor Council, b) Guild Associations, c) Workers' Representatives. In other words, it is not possible for two associations to exist simultaneously within a work unit. According to Article 15 of the Regulations for Establishing Guild Associations, approved by the government on 29 January 2011, registering two similar associations for one particular profession in one particular geographical place is not permitted.

In addition to the above-mentioned limitations, the Labor Laws provide instruments for controlling workers' associations through the establishment of Higher Centers: the Higher Center for Islamic Labor Councils, the Higher Center for Workers' Guild Associations, and the Higher Center for Workers' Representatives. The government has established these high-level centers for controlling provincial, local and other types of associations. These centers take all decisions on important issues regarding the country, and select all official worker representatives in the Islamic Republic of Iran for different international assemblies and institutions, such as the International Labor Organization (ILO).

According to Article 138 of the Labor Laws, the "Guardianship of the Islamic Jurist can have a representative in every aforementioned association if it proves necessary". Such a statement indicates direct governmental interference in all workers' associations.

Screening members of founding boards and boards of directors

The screening of members of founding boards and boards of directors of associations and civil organizations by governmental organizations and institutions is another example of the violation of the freedom of association.

23 Supreme Council of the Cultural Revolution. (1999). Regulations for Student Associations. Retrieved March 2019, from <http://rehab.iuims.ac.ir/files/rehab/files/moavenat.danershjouei/Aein.nameha/aein.name.tashakolhayeh.eslami.pdf>

24 Supreme Council of the Cultural Revolution. (2001). regulations for the Union of University Student Islamic Associations at Universities and Higher Education Institutes. Retrieved March 2019, from <http://farhangi.aut.ac.ir/web/wp-content/uploads/rules/%D8%A2%D9%8A%D9%8A%D9%86%E2%80%8C%D9%86%D8%A7%D9%85%D9%87%20%D8%A7%D8%AA%D8%AD%D8%A7%D8%AF%D9%8A%D9%87%20%D8%AA%D8%B4%DA%A9%D9%84%E2%80%8C%D9%87%D8%A7%D9%8A%20%D8%A7%D8%B3%D9%84%D8%A7%D9%85%D9%8A%20%D8%AF%D8%A7%D9%86%D8%B4%DA%AF%D8%A7%D9%87%D9%8A%D8%A7%D9%86.pdf>

According to the rules and regulations governing civil society organizations²⁵, candidates must be approved by the Judicial System, the Ministry of Intelligence, the Disciplinary Force, and the relevant specialized organization in order to qualify as members of founding boards and boards of directors. Upon receiving an affirmative reply from these institutions, a license may be issued.

The qualification process applies not only to members of founding boards and boards of directors, it also affects some other organizations, such as the Bar Association. An example of this is Note 1 of Article 4 of the rules for obtaining a lawyer's license, ratified by the Islamic Consultative Assembly in 1997²⁶. According to this, candidates' eligibility for membership of the Bar Association Board of Directors, the oldest civil institution in Iran, must be first assessed and authorized by the Superior Court of Judges. Lawyers can select their superiors from this group of qualified individuals. Interference by the Superior Court of Judges in assessing and authorizing candidates is basically against the Independence Bill of the Bar Association, it is a direct act of interference by the Judicial System, a governmental institution, in the Bar Association's elections. The need for members of founding boards and boards of directors of having to qualify is one of the biggest challenges for Iranian civil society organizations. This obligation to qualify has also been used to dictate changes and plans for civil society organizations.

Approval of statutes and governance procedures

A further example of the Iranian government's violation of the freedom of association and its interference in the establishment of organizations and their activities is the requirement that civil society organizations' statutes and governance procedures, and all rules and regulations governing civil society organizations be approved by governmental organizations and institutions.

According to Article 15 of the Regulations for Non-Governmental Organizations (NGOs) ratified by the Iranian government in August 2016, as well as other rules and regulations, all civil society associations and organizations are obliged to first draw up their statutes according to a particular model, then submit to them to the relevant institutions for approval. Only when approval has been granted, can they run their association, and only based on these statutes.

This type of governmental interference in civil society organizations applies even to the decisions taken by the Supreme Council of the Cultural Revolution and the Rules for Objectives, Responsibilities, and Organizations of the Ministry of Science, Research and Technology ratified in 2004²⁷. Paragraph 8 of Part B of Article 2 states that, besides approving and monitoring statutes and granting licenses for establishing university-student and graduate associations and organizations, as well as higher-education and research institutions, it is also this ministry's duty to decide whether these organizations can continue their activities. According to the decision on cultural centers taken by the Supreme Council of the Cultural Revolution in 1996²⁸, the Ministry of Culture and Islamic Guidance needs to not only scientifically and generally evaluate applicants for establishing associations/organizations, it must also evaluate them in financial terms.

Monitoring and maximum control

Another factor that limits and violates independence and the freedom of association is governmental monitoring and maximum control of civil society organizations. Governmental control is exerted at a national, provincial

25 Volunteer Activists Institute. (2017). A guide on establishing and registering CSOs in Iran. Retrieved from <https://volunteeractivists.nl/wp-content/uploads/2017/06/%D8%B1%D8%A7%D9%87%D9%86%D9%85%D8%A7%DB%8C-%D8%AA%D8%A7%D9%94%D8%B3%DB%8C%D8%B3-%D8%B3%D8%A7%D8%B2%D9%85%D8%A7%D9%86%E2%80%8C%D9%87%D8%A7%DB%8C-%D8%AC%D8%A7%D9%85%D8%B9%D9%87-%D9%85%D8%AF%D9%86%DB%8C-%D8%A7%DB%8C%D8%B1%D8%A7%D9%86-v5.pdf>

26 Islamic Consultative Assembly. (1997). Law on obtaining lawyer license. Retrieved March 2019, from <https://rc.majlis.ir/fa/law/show/92825>

27 Ministry of Science, Research and Technology. (2004). Rules for Objectives, Responsibilities, and Organizations. Retrieved March 2019, from <https://rc.majlis.ir/fa/law/show/94172?keyword=%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D9%85%D8%AF%DB%8C%D8%B1%DB%8C%D8%AA%20%D8%AE%D8%AF%D9%85%D8%A7%D8%AA%20%DA%A9%D8%B4%D9%88%D8%B1%DB%8C>

28 Supreme Council of the Cultural Revolution. (1996). Regulations for establishing centers, institutes, cultural associations and supervision on their activities. Retrieved March 2019, from <https://rc.majlis.ir/fa/law/show/100438>

and urban level.

According to the existing rules and regulations in Iran, there are various institutions and organizations responsible for monitoring and controlling civil society. The Regulations for Non-Governmental Organizations (NGOs) ratified by the government in August 2016, make the following laws and organizations responsible for monitoring the establishment of civil society organizations and their activities, as well as monitoring and controlling the financial resources and foreign communications of civil society organizations: “the National Council for Development and Support of Organizations”, Article 131 of the Labor Laws and its relevant bylaws, “the Office of Workers and Employers’ Organizations of the Ministry of Cooperatives, Labor and Social Welfare” ratified by the Supreme Council of the Cultural Revolution in 1991, 1996 and 1999 respectively, within the framework of the Ministry of Culture and Islamic Guidance, the Ministry of Science, Research and Technology, the Ministry of Health and Medical Education, “the Commission of Scientific Associations”, “the Secretariat of Cultural-Center Affairs”, “the Commission of Medical Associations and the Supervisory Board of University Organizations/Associations”, and Article 26²⁹ of the rules for governmental financial regulation ratified by the government in 1958 governing the “Disciplinary Constraint” of non-commercial organizations and institutions³⁰.

In addition to these duties, these governmental organizations are responsible for designing policies to promote and encourage social collaboration, coordinating executive organizations, investigating complaints and offenses of civil society organizations in national, regional, and urban levels.

Monitoring and limiting financial resources

Limiting financial resources is another example of the violation of the freedom of association by the Government of Iran. According to rules and regulations governing civil society organizations, receiving funds from international organizations and foreign resources by civil society organizations without permission from the government is prohibited and subject to prosecution and severe punishment. Based on Article 23 of the Regulations for Non-Governmental Organizations (NGOs), only civil society organizations that have been granted permission from the relevant committee composed of representatives from the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Intelligence can receive financial aid. Thus, in terms of communicating with international organizations, only one defined category of government-related civil society organizations can benefit from international funds and financial aid, and independent civil society organizations are deprived of foreign funds.

Civil society organizations’ communications with foreign unions, federations, and civil society networks

Limiting Iranian civil society organizations communication with, and membership of, foreign networks, unions and federations is a further example of violation of the freedom of association in Iran. According to Article 24 of the Regulations for Non-Governmental Organizations (NGOs), Iranian civil associations and organizations are obliged to obtain permission from “the committee mentioned in Article 23 of the Regulations for NGOs” to collaborate with governments, embassies, and civil institutions abroad. The committee is composed of the Deputy of the Minister of the Interior, representatives of the Ministry of Foreign Affairs and of the Ministry of Intelligence and, depending on the particular case, the relevant specialized organization. According to Article 25 of the same regulations, civil society organizations and associations’ membership of international organizations, their communication with embassies or UN-related agencies and organizations, and invitations to foreigners must be in accordance with the committee’s instructions. If civil society organizations lack permission for these activities, communication of any kind is considered an offense, and the offender will be prosecuted and punished on the basis of Article 26 of this set of regulations and the Islamic Penal Code.

29 Islamic Republic of Iran. (2002). Governmental financial regulation. Retrieved March 2019, from <http://www.behzisti-fars.ir/portal/show.aspx?page=17503>

30 Iran National Parliament. (1958). Modified regulation for registration of non governmental organizations and institutes. Retrieved March 2019, from <https://rc.majlis.ir/fa/file/show/902886>

Restricting the right to a hearing

Another example of the violation of the freedom of association in Iran is restrictions on the right to a hearing, applicable to all non-governmental organizations. According to Article 66³¹ of the Code of Criminal Procedures, “NGOs whose statutes concern the support of children and adolescents, women, the sick or disabled, the environment, natural resources, cultural heritage, public hygiene, and protecting citizens’ rights can request a hearing on offenses committed in the aforementioned fields”. However, in Note 3 of Article 66, this right is restricted to a few non-governmental organizations whose names are chosen, approved and listed by the Minister of Justice and the Minister of the Interior, then finally confirmed by the Chief Justice during the first three months of the year. In practice, this Note thus denies many non-governmental organizations the right to a hearing.

Disbanding civil society organizations

Disbanding civil society organizations is yet another instance of governmental interference in the affairs of civil society organizations and the violation of the freedom of association. According to the rules and regulations governing civil society organizations, they can be disbanded in two ways: a) voluntarily, based on the terms and conditions written in its statutes, b) compulsorily, on the basis of a ruling by a competent court. In Iran, certain rules and regulations delegate the compulsory disbanding of associations and civil society organizations to governmental institutions. In case of an offense, these governmental institutions can disband associations without a ruling by a competent court. According to Article 15 of the regulations for founding cultural centers, institutions, and associations, and for monitoring their activities, ratified by the Supreme Council of Cultural Revolution on 29 October 1996, the “Cultural Affairs Committee” can revoke the license of a cultural center or close it temporarily for three months up to a year after sending an oral or written notification, or close it down permanently and revoke its license altogether if it is proven guilty. Again, based on Article 42 of the rules for Islamic Associations’ Activities at Universities, ratified by the Supreme Council of Cultural Revolution on 31 August 1999, the University Activities Supervisory Board can decide to suspend or revoking the Islamic association’s license.

In addition, based on Article 34 of the Regulations for Non-Governmental Organizations (NGOs) the Cultural Affairs Committee can deliver a temporary verdict on an NGO. According to Article 34, the National Council for Development and Support of Organizations can also take a decision after investigating documents and records. It can decide to do one of the following:

1. To give a written notice and register the case, as well as provide a deadline for rectifying the problem
2. To temporarily suspend the association’s license for a maximum of three months
3. To request the disbanding of the association by a competent court of the National Council

These decisions show that Iranian governmental institutions are able to interfere with, or completely stop, the activities of civil society organizations based on their own decisions and without an injunction.

Lack of legal support for human rights associations and organizations

The lack of legal support for human rights associations and organizations is another example of the violation of the freedom of association in Iran. Human rights defenders and organizations have always been exposed to attacks organized by the government, and there are no laws to protect them. Since the term “political crime” is ambiguous in Iran, many human rights defenders like Nasrin Sotoudeh and Narges Mohamadi have been convicted of acting against national security, and sentenced to long-term imprisonment.

31 Islamic Republic of Iran. (2013). Code of Criminal Procedures. Retrieved April 2019, from <http://www.ino.ir/Portals/123/%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%A2%DB%8C%DB%8C%D9%86%20%D8%AF%D8%A7%D8%AF%D8%B1%D8%B3%DB%8C%20%DA%A9%DB%8C%D9%81%D8%B1%DB%8C.pdf?ver=1396-05-07-065922-390>

32 Chief Justice. (1994). Iranian Islamic Human Rights Commission. Retrieved April 2019, from <http://www.ihr.org/Files/176cbc889a134ec6b6b711fe89495da9.pdf>

The only official human rights institution in Iran was founded in 1994, without a ratified legal framework, merely through a circular issued by the Chief of Justice. This institution, entitled the Iranian Islamic Human Rights Commission (IHRC)³², considers itself the Iranian national institution for human rights. It is worth noting that neither the regional Asia-Pacific organizations nor the UN regard the IHRC as a national human rights institution according to the standard universal principles. These international organizations have also refused to accept the IHRC as a member. The IHRC statutes do not refer in any way to human rights defenders.

The government and the project of civil society phobia

In addition to legal instruments, the government uses other instruments to mobilize public opinion to restrict Iranian associations and violate their freedom. Some believers in civil society phobia in the government see their project from an ideological point of view. They believe that a "civil society" is basically a liberalistic, heretical and Western phenomenon, and that its dominant values are against Islamic and divine values. They also believe that the objective of the supporters and promoters of civil society is to destroy the ethics and values of the religious society of Iran.

Other believers in the civil society phobia project see it from a political and security point of view. They think that the promotion of a civil society is a Western, particularly US, project aimed at toppling the regime through a velvet revolution in Iran. They believe that people who believe in civil society seek the destruction of the religious and Islamic society of Iran. For this reason, they subscribe to the idea that civil society is a code for "an invasion of Islamic Iran". Non-governmental associations and organizations that have been formed according to Western notions during recent decades are considered the fifth column of the West, playing the role of the Trojan Horse in Iranian society. They also believe that Western institutions and foundations are pursuing the Soft War project³³ in three stages: cultivation, institutionalization and network building in Iranian society. In their opinion, the West, and specifically the United States, has engaged in a soft war with the Eastern Bloc and the Soviet Union since the late twentieth century, which ended in the collapse of the socialist world. Today the same Western institutions and foundations are targeting the Middle East and Islam, particularly the Islamic Republic. Based on this perspective, the ideological organizations of the government, including broadcasting companies, governmental newspapers like Keyhan, Vatan-e Emrouz, and Javan, Friday prayer tribunals and religious schools continually and systematically bang the drum for civil society phobia, and try to create suspicion of and doubt about civil society activities. They also present civil activists to society as treacherous spies who are dependent on, and working for, the West.

In January 2019, believers in the civil society phobia project screened a 45-minute television documentary named Out of Sight: Penetration³⁴ on Channel 3 at prime time. In this documentary, they tried to convince the public of the idea that the West has been running an infiltration project on an economic, social, political, and cultural level with the help of civil activists. They also claim that the Western, and particularly US, notion of "civil society" is today used as a code for war against Iran and its values of the Revolution. The documentary presents non-governmental organizations as Western phenomena that are controlled and led by international US and European organizations. According to the documentary, the objective of civil society building in Iranian society is the destruction of the moral values and ethics of Iranian social forces, and robbing Iranian society, particularly youth and women, of the values of the Revolution. The documentary claims that these organizations propagate Western notions and values such as the equality of men and women, homosexuality, secularism and western lifestyles in order to promote the norms and values of capitalism in society. It furthermore claimed that the West attempts to expand its dominance over Iranian society through various plans/programs, like establishing and spreading non-governmental organizations in Iran, creating networks in civil society organizations, addressing

33 <http://jangnarm.nahad.ir/>

34 Naghavian, M. (director). (January, 2019). Episode 1-10. Out of Sight: Penetration [Documentary], Tehran, Iran: Channel 3. Retrieved from <http://www.doctv.ir/programs/890918-%D8%AE%D8%A7%D8%B1%D8%AC-%D8%A7%D8%B2-%D8%AF%DB%8C%D8%AF-2> in April, 2019.

environmental issues, entrepreneurship and start-ups, population control and so on. This documentary further frequently emphasizes that the West is trying to use non-governmental organizations, specifically those for women's affairs, the environment, human rights, and entrepreneurship (start-ups) as agencies for espionage. In other words, according to this documentary, civil society organizations play the role of the fifth column and the Trojan horse of the West in modern Iranian society, and that the final objective of building civil society in Iran is to change the regime through a soft war and a color revolution.

Another attempt of the same kind was a documentary entitled *The Burnt Project*³⁵, shown on Channel 2 of the Islamic Republic of Iran Broadcasting network in January 2019. The documentary shows confessions made by a number of workers' syndicate activists in prison. They confessed that they were working for foreign subversive networks. The two most important people shown were Mr Esmail Bakhshi, a worker activist from the Haft Tappeh Sugarcane Agro-Industry Co. and Ms Sepideh Gholian, a freelance journalist. Both had been arrested by security agents during the protests and strikes by the workers of the Haft Tappeh Sugarcane Agro-Industry Co. After they had been released from jail, the two claimed that they had been tortured during their detention. They were arrested again immediately after the documentary was shown, and have been imprisoned without trial ever since.

The government's aim in showing such documentaries and instilling fear of civil society is to present a negative, evil image of civil activists who defend their rights and protect their socio-political freedoms, as well as defend the notion of establishing free and independent associations, as being contrary to the official lifestyle and dominant discourse in Iranian society. The government also attempts to discourage citizens from organized independent participation, and to increase fear and intimidation in society. They also attempt to justify their acts of suppression and policies to restrict and violate freedom of association, peaceful assembly, and human rights.

The government and replacing civil society and civil society building

Another method the Iranian government uses to interfere with associational life in Iran is the project of building civil society. Over the past decade, the government has been trying to apply a top-down model for developing a civil society, wanting to promote a tame, docile and dependent civil society, not an independent one, so that it can occupy civic spaces to achieve its goals and ideological objectives. In recent years, since President Rouhani's government took office, the policy of building a civil society has been continued and even accelerated in some aspects. Protagonists of the project include governmental institutions and organizations such as the Ministry of the Interior, the Ministry of Sport and Youth, the Department of Environment, the Vice Presidency for Women and Family Affairs, the State Welfare Organization of Iran, and the Ministry of Cooperatives, Labor and Social Welfare, which have established various programs for quantitative development as well as capacity building of dependent civil society organizations. Such organizations function in domestic and international fields to fulfill the government's goals and objectives. These quasi-governmental Iranian institutions actively attend international meetings and seminars such as those of the United Nations Human Rights Council, the International Labor Organization, the UN Commission on the Status of Women and so on.

The Iranian government has implemented the policy of promoting and developing a civil society as a technical instrument that allows it to achieve greater domination, and enables it to implement its policies in all social and cultural fields. Consequently, the government can prevent the formation of associations, guild unions, and the activities of social movements, particularly in relation to women, university students, workers, etcetera. In other words, they can prevent and stop the formation of a civil society as an independent social force in Iran.

Besides building a civil society based on its own model, in order to impede the development of an independent civil society, the Government of Iran pursues a policy of replacing civil society organizations related to workers,

³⁵ n/a [director]. (January, 2019). *The Burnt Project* [Documentary], Tehran, Iran: Channel 2. Retrieved from <http://www.iribnews.ir/fa/news/2332882/%D8%B7%D8%B1%D8%A7%D8%AD%DB%8C-%D8%B3%D9%88%D8%AE%D8%AA%D9%87> in April, 2019.

university students, women and others. If the government fails to tame independent civil organizations and make them obey its policies, or if the process proves costly, it establishes and strengthens parallel civil organizations that are in agreement with its policies and works to marginalize independent organizations through various strategies. In the interview with VA, one worker activist recounted, "In President Rouhani's government, not only no action has been taken to provide freedom of association and peaceful assembly, but in some places, such as the Bus Company or Haft Tappeh Sugarcane Agro-Industry Co., the government has attempted to neutralize the activities of independent workers' syndicates by creating parallel yellow associations."

In addition to the government, the Islamic Revolution Guard Corps (IRGC) and Passive Defense, both military organizations, have entered the field of civil society building in Iranian society over the last two years.

The IRGC, for instance, has founded a headquarters called Baghiatallah to organize social forces. With the appointment of Major General Mohamad Ali (Aziz)³⁶ Jafari as chief of these headquarters, Baghiatallah's activities have entered a new phase. Previously, Jafari was IRGC commander-in-chief under Ayatollah Khamenei, the Supreme Leader of the Islamic Republic of Iran. The aim of this military headquarters is said to be fighting the soft war and organizing social forces. The Baghiatallah Headquarters³⁷, the central headquarters, is composed of two other organisations: Khatamoloslia³⁸ and Seraj³⁹, which have branches all over the country. Khatamoloslia Headquarters' aim is to organize hey'ats (religious gatherings) and popular forces in the form of civil associations and organizations, to achieve more power on the social and cultural front. Seraj Headquarters, on the other hand, aims at increasing the power of supportive social forces in Iranian society's cyberspace. Although there is little information about the Baghiatallah Headquarters at present, the contents of Major General Jafari's appointment announcement declaring him the HQ chief, and limited information about the IRGC organizing social forces in Iranian society indicate new developments: Iranian civil society is to be more militarized, and independent civil voices will be increasingly silenced.

In addition to the IRGC, Passive Defense⁴⁰ (a military organization founded in 2003 by decree of Ayatollah Khamenei) has, in recent years, established an NGO Headquarters to manage cultural and social trends, taking advantage of the soft power of non-governmental organizations. The first NGO Headquarters has been established in Gilan Province⁴¹, others will soon be opened in other provinces.

The government and the project of suppressing civil society

The Iranian government has constantly attempted to tighten up security in society in order to suppress civil society through legal and illegal instruments and prevent social power as well as the spread of associational life. Detaining, arresting, and imprisoning civil activists, journalists and defenders of human rights under different pretexts is the most important instruments for weakening and marginalizing independent civil society in Iran. The government works to prevent the spread of associational life in Iranian society through intimidation, inspiring

36 Khamenei, S. A. (2019, April 20). Appointment of Major General Mohamad Ali (Aziz) Jafari as chief of cultural headquarter Baqiat'allah [Press release]. Retrieved April 2019, from <http://farsi.khamenei.ir/message-content?id=42303>

37 Fardaneews political service. (2019, April 25). First official meeting of General of cultural headquarter Baqiat'allah. Fardaneews. Retrieved from <https://www.fardaneews.com/fa/news/937886/%D8%A7%D9%88%D9%84%DB%8C%D9%86-%D8%AC%D9%84%D8%B3%D9%87-%D8%B1%D8%B3%D9%85%DB%8C-%D9%81%D8%B1%D9%85%D8%A7%D9%86%D8%AF%D9%87-%D9%82%D8%B1%D8%A7%D8%B1%DA%AF%D8%A7%D9%87-%D9%81%D8%B1%D9%87%D9%86%DA%AF%DB%8C-%D9%88-%D8%A7%D8%AC%D8%AA%D9%85%D8%A7%D8%B9%DB%8C-%D8%A8%D9%82%DB%8C%D9%87%E2%80%8C%D8%A7%D9%84%D9%84%D9%87>

38 ISNA. (2015, March). General of headquarter Khatamoloslia: civil organizations should help empowering civil organizations on international level. ISNA. Retrieved from <http://lorestan.isna.ir/Default.aspx?NSID=5&SSID=46&NID=54833>

39 Seraj. (n.d.). About us. Retrieved April 2019, from <http://seraj.ir/page/aboutus>

40 Passive Defence of Islamic Army of Iran Organization. (2014, October). Statute of Passive Defence of Islamic Army of Iran Organization. Retrieved April 2019, from <http://www.rooznamehrasmi.ir/Laws/ShowLaw.aspx?Code=4735>

41 Establishment of the first NGO Headquarters in Gilan Province. (2017, December). Paydarymelli. Retrieved from <https://paydarymelli.ir/fa/news/30783/%D8%B1%D8%A7%D9%87-%D8%A7%D9%86%D8%AF%D8%A7%D8%B2%DB%8C-%D9%86%D8%AE%D8%B3%D8%AA%DB%8C%D9%86-%D9%82%D8%B1%D8%A7%D8%B1%DA%AF%D8%A7%D9%87-%D8%B3%D8%A7%D8%B2%D9%85%D8%A7%D9%86-%D9%87%D8%A7%DB%8C-%D9%85%D8%B1%D8%AF%D9%85-%D9%86%D9%87%D8%A7%D8%AF-%D8%AF%D8%B1-%D8%A7%D8%AF%D8%A7%D8%B1%D9%87-%DA%A9%D9%84-%D9%BE%D8%AF%D8%A7%D9%81%D9%86%D8%AF-%D8%BA%DB%8C%D8%B1%D8%B9%D8%A7%D9%85%D9%84-%DA%AF%DB%8C%D9%84%D8%A7%D9%86>

terror, and by imposing expenses. The most important governmental instrument for suppressing civil society, besides security and police forces, is the judiciary, which functions as an instrument of the security forces, effectively assisting them to achieve their objectives. The judiciary is by no means independent with regard to the security forces: these forces regularly tell the civil activists that it is them that issue their verdicts, not the court. R. B. a teacher activist said in the interview with VA, "At the moment we have 600 teachers who have been framed by the judiciary. They were sentenced to jail, exile, deprivation of teaching, dismissal from service, salary decrease and security-concerned problems; some teachers have received their dismissals merely because of guild activity. Guild activity is regarded a security concern!"

Besides arrest, detention, and imprisonment of civil-political activists, the government also makes use of a range of other methods to suppress civil society. These include:

- Closing down and sealing off some civil society organization offices by security agents without any reasons or documentation for their actions. In recent years, many organizations have been illegally sealed off but their files have never been sent to the court, nor have they been dealt with at all. Examples include the sealing off of VA, the Defenders of Human Right Center, the Association for the Defense of Prisoners' Rights, the society for defending of street and labor children, and the Persian Wildlife Heritage Foundation.
- Frequent summoning of civil activists from different fields of work and interrogating them unofficially in unofficial places. This method of suppression is one of the most common means of control and has stopped many Iranian civil activists. Interrogations involve inducements, threats, and intimidation. Through these, security forces try to reach their goals without incurring any expense.
- Arresting and setting high bails for releasing civil activists. In the recent years, Iranian parquets and courts have been setting heavy bails, particularly for political and civil activists, journalists, worker, women's affairs and university student activists. These bails are too high for the political and civil detainees, causing the many problems. Security forces utilize the bail as a threat against civil activists: if they disobey the security forces' orders, they are put under pressure and, on occasion, arrested and detained. At present, many civil activists, journalists, and human rights defenders are free on bail, but, in effect, cannot conduct any activities. In his interview, R. B., the Teachers' Guild activist, said, "Seeing these conditions all over our country is a disaster, but as we don't have a medium for expression, we have remained silent. In other towns, teachers are under severe pressure; they have been set high bails, which are held like a baton above their heads so that if they protest or act, the baton can be used to strike them."
- Following China's methods, in some cases, security forces either encourage or urge civil activists to leave the country because they believe that if civil activists leave, they will become busy with daily routines and leave behind civil political activities, or that they will become so tied up with issues relating to their new lives and their new countries that they will forget the issues of Iranian civil society.
- Arresting the advocates of civil and political activists. Security forces try to silence civil activists in every possible way and not let them be heard by the society, and lawyers have always been the focus of aggression by governmental security forces. In recent years, many lawyers, like Nasrin Sotoudeh, Ghasem Sholeh Sa'di, Arash Keikhosravi, Mas'oud Javadieh, Payam Dorfeshan and Forough Forouzan who have represented civil and political activists, and prompted the activists' voices both domestically and internationally, have been arrested on various charges and sentenced to long-term imprisonment.
- Accusing, defaming and intimidating civil activists. To suppress independent civil activities as well as to limit civil society, the government has convicted civil activists on charges such as espionage, receiving financial resources from foreigners, relationships with political subversive groups, and moral corruption. These activists are also charged with imaginary and invented crimes through projects like the Operation Spider. For instance, in January 2018, several Iranian environmentalists and members of the founding board of Persian

Wildlife Heritage Foundation⁴² were arrested by the Intelligence Organization of the Islamic Revolutionary Guard Corps on charges of espionage. After a while the Prosecutor of Tehran⁴³ announced that, “The arrested had approached military facilities under cover of being environmentalists and tried to gain military information from these zones.” Just two weeks after the environmentalists had been detained, officials of the Islamic Republic announced that one, Kavoods Seyyed Emami⁴⁴, an environmentalist and a professor at Emam Sadegh University and a founding board member at Persian Wildlife Heritage Foundation, had committed “suicide” after seeing records and evidence against himself. This claim was never accepted by Seyyed Emami’s family. A couple of months later, in October 2018, an indictment⁴⁵ was issued against these environmentalists by the Prosecutor. The indictment announced that the charges of espionage and espionage assistance for Morad Tahbaz, Niloofar Bayani, Homan Jokar – National Director for the Asiatic Cheetah Conservation Project – and Taher Ghadirian had been changed to “corruption on earth (efsad-e fil arz) through espionage”. If the court accepts this, these civil activists will be punished by death. One of the civil activists being interviewed by VA said, “How the regime challenges and treats civil-environmental activists has made civil activities in Iran difficult. We have always been afraid that our activities might also result in charges of corruption on earth. This has caused a lot of fear in civil society. This is a tragedy whose impacts and consequences of which will persist for a long time.”

- Exiling, dismissing and framing for defamation. In the last few years, many civil activists, particularly those involved in workers’ issues have been either exiled or dismissed from their jobs because of their guild-related activities. One of the worker activists told VA, “The first step for security forces is to create barriers to establishing associations or their activities by workers through identifying, limiting, exiling or dismissing them from their jobs. In some cases, they frame workers active in guild affairs and arrest them or keep them away from their work place in order to stop their activities. In the second step, dual policies and tactics are simultaneously utilized by directors in cooperation with security departments and security forces: on the one hand, they try to defame and frame the influential individuals, and on the other hand, they dismiss these people to put them and their families under pressure.”

42 <http://persianwildlife.org/>

43 Heavy indictment of prosecutor of Tehran against Kavoods Seyyed Emami and environment activists. (2018, February 13). Deutsche Welle. Retrieved from <https://p.dw.com/p/2sdAf>

44 The meaning of ‘suicide’ of Kavoods Seyyed Emami. (2018, February). Fararu. Retrieved from <https://fararu.com/fa/news/348532>

45 Prosecutor of Tehran announced the indictment against environment activists. (2018, November). Khabaronline. Retrieved from <https://www.khabaronline.ir/news/815069>



**Restrictions of the right to
freedom of peaceful assembly**

Freedom of peaceful assembly and demonstration is a fundamental human right asserted in Article 20 of the Universal Declaration of Human Rights and in Article 21 of the International Covenant on Civil and Political Rights (ICCPR) and Conventions 87 and 98 of the International Labor Organization (ILO) and other international and regional human rights. Peaceful assembly and demonstration are symbols of democracy and an important indicator of a dynamic lively civil society. This right empowers all citizens and civil activists to express their requests, demands, and dissatisfactions through free assembly and demonstration. The right to hold peaceful assemblies and demonstrations is related to people's right to participate in social affairs.

All citizens and sociopolitical forces in a society are entitled to make their voices heard by authorities through peaceful civil assemblies and demonstrations, and to make the authorities accountable for their policies, plans, actions and procedures. In addition to authorities' accountability and transparency both in the field of politics and society, the right to hold assemblies and demonstrations in a society can, in citizens' hands, serve as a powerful instrument to control political power. As this instrument can also help prevent political power from orienting towards despotism and dictatorship, that non-democratic and authoritarian regimes always try to limit this right in different ways, or even to eradicate it altogether.

In this section, we consider the right of peaceful assembly and demonstration in Iran and its limitations. The constitution of the Islamic Republic of Iran declares the freedom to hold assemblies and demonstrations as a fundamental right. Principle 27 of the constitution⁴⁶ reads: "Holding demonstrations and assemblies without carrying weapons, providing that it does not interfere with the principles of Islam, is allowed." According to this Principle, holding demonstrations does not require permission, only two conditions of not carrying weapons and not interfering with the principles of Islam must be observed. Still, none of 177 Principles of the constitution of the Islamic Republic of Iran recognizes or even mentions the right to stage strikes as a peaceful way of assembly. Besides Article 27, the Citizenship Bill of Rights proposed by the government of President Rouhani (though not ratified by the Islamic Consultative Council so not considered a law) emphasizes the freedom of peaceful assembly and demonstration. Article 46 of this Citizenship Bill of Rights⁴⁷ reads, "Holding assemblies and demonstrations freely and in conformity with law is all citizens' right. They should benefit from the impartiality of the organizations responsible for guarding the security of assemblies." In reality, contrary to Principle 27 of the constitution, the right to hold assemblies and demonstrations has been severely limited in laws, bylaws, and in practice, by the Iranian governmental officials.

One of the most controversial rules on the freedom of peaceful assembly in Iran is the rule in the activity of parties, groups, guilds and political associations and Islamic associations and religious minorities ratified in 1982⁴⁸, and its amendment, rules for the quality of the activities by political parties and groups, ratified in October 2016⁴⁹. According to Paragraph 6 of Article 11 of Parties Laws, evaluation and making decisions about applications to hold assemblies and demonstrations falls under Article 10 Commission of Parties Laws, so these individuals: 1. the representative of Attorney General of Iran, 2. the representative of Chief Justice, 3. a representative of the Secretary-General of the National Parties and a representative of the Secretary-General of Provincial Parties that have the activity license, without a voting right, 4. the Political Deputy of the Ministry of the Interior, 5. two representatives selected by the Islamic Consultative Assembly from volunteer representatives.

Paragraph 1 of Article 13 of the very same law, explaining the rights and advantages of political groups, declares that holding assembly and demonstrations, according to the case, is permitted with the knowledge of, and permission from, the Ministry of the Interior and the Secretary of State, as per Paragraph 6 of Article 11 of

46 The constitution of the Islamic Republic of Iran. (1989). Retrieved April 2019, from <http://aceproject.org/ero-en/regions/asia/IR/iran-the-constitution-of-islamic-republic-of-iran>

47 Presidential office. (2014). Citizen rights charter. Retrieved April 2019, from <http://citizensrights.ir/home/document/4773>

48 Parliament of Islamic Republic of Iran. (1982). Activity of parties law. Retrieved April 2019, from <https://rc.majlis.ir/fa/law/show/90226>

49 Parliament of Islamic Republic of Iran. (2016). Activity of parties law - modified. Retrieved April 2019, from <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/105831/129514/F133616770/IRN-2016-L-105831.pdf>

the Law and Principle 27 of the constitution. Based on this Article, we can conclude that, with regard to the subject of the freedom of peaceful assembly, executive mechanisms and exerting limitations, the Iranian legal system follows the system of “permission in advance” – the necessity of getting a permission for holding assemblies in advance. Thus, holding any assembly and demonstration is conditional on acquiring a written permission.

Another crucial aspect of this law is that the right to hold assemblies and demonstrations is restricted to political groups only. According to the law, citizens, dissidents, and other social and civil groups cannot apply for a permission to hold assemblies or demonstrations. Taking into account that Iran lacks powerful, effective parties, a large number of citizens, groups, and sociopolitical forces of Iranian society are, in effect, deprived of the right to hold assemblies and demonstrations.

The government has also ratified a set of regulations entitled “the Regulations for Providing Security of Assemblies and Demonstrations”⁵⁰ with a protocol for holding assemblies and demonstrations mentioned in rules for the quality of the activities by political parties and groups. This further limits freedom, effectively preventing even the political parties that have received a license from Article 10 Commission from holding assemblies and demonstrations of any kind. According to the Article 6 of the regulation, the governorates must be provided with a written commitment made by applicants. This written document must assure the following:

1. That there will be no violations of Article 16 of the Law (committing actions that result in violating the independence of the country, national unity, Islamic rules, and bases of the Islamic Republic)
2. That items mentioned in Article 31 of the regulations will be observed. (According to Article 31, this must be take place one week prior to holding an assembly, in writing, and in person by a known representative)
3. That slogans, declarations, tracts, and placards have been checked and cleared
4. That the event will take place at the time and in the place in the permit
5. That speeches and presentations delivered will be within the framework announced in the permit
6. That insulting and desecrating actual and legal figures will be avoided and prevented
7. That there will be cooperation with the local governorate the police commander, and their advice will be heeded

Given these conditions, complex and opaque processes, and the bureaucratic obstacles set up by the government, holding assemblies and demonstrations are, in reality, impossible, and, in recent years, the Iranian government has not granted any permission to any political groups, even the ones with valid activity licenses issued by the Ministry of the Interior. As a consequence, sociopolitical forces have not been able to hold any assemblies or demonstrations on official occasions such as March 8th and May 1st for two decades. Any assemblies and demonstrations held without a permission have always faced attacks by the police or security forces. Assemblies in previous years, for teacher’s day, women’s day, and worker’s day, led to a large number of teachers, workers and others being arrested, with some being sentenced to long-term imprisonments. These include the following civil and guild activists are mentioned:

- Mahmoud Baheshti Langroudi⁵¹, the spokesman of Tehran Teachers’ Guild, has been sentenced to 5 years of imprisonment on charges of gathering and colluding for the purpose of disrupting public order.
- Mohammad Habibi⁵², a member of the founding board of Tehran Teachers’ Guild, has been sentenced to 10 years and 6 months of imprisonment, 74 lashes, and 2 years of a ban on activities in sociopolitical

50 Iranian government. (2002). Regulations for Providing Security of Assemblies and Demonstrations. Retrieved April 2019, from <https://rc.majlis.ir/fa/law/show/122377>

51 14 years of prison for a teacher and guild activism. (2017, September 26). Deutsche Welle. Retrieved from <https://p.dw.com/p/2kjq>

52 Mohammad Habibi sentenced for seven and half years. (2018, November). Iran Human Rights Monitor. Retrieved from <https://fa.iran-hrm.com/%D8%AD%DA%A9%D9%85-%D9%87%D9%81%D8%AA-%D8%B3%D8%A7%D9%84-%D9%88-%D9%86%DB%8C%D9%85-%D8%AD%D8%A8%D8%B3-%D9%85%D8%AD%D9%85%D8%AF-%D8%AD%D8%A8%DB%8C%D8%A8%DB%8C-%D9%82%D8%B7%D8%B9%DB%8C-%D8%B4%D8%AF/>

parties, groups, and associations, and a ban on leaving the country as a supplementary punishment. The allegations against him are “gathering and colluding to act against national security”, “propagating against the regime’ and “disrupting public order”.

- Esmail Abdi⁵³, the secretary the Iranian (Tehran) Teachers’ Guild, has been sentenced to 6 years of discretionary (ta’ziri) imprisonment on charges of “gathering and colluding for the purpose of disrupting public order”, and “propagating against the regime”.
- Behnam Ebrahimzadeh⁵⁴, worker activist, has been sentenced to 6 years of discretionary (ta’ziri) imprisonment, and reading and transcribing three books about the war, the leadership in the Islamic Republic, and the regime values.

In May 2019, Tehran Teachers’ Guild, following a call from the Coordination Council of Teachers’ Associations Across the Country to pursue their guild demands for employed and retired teachers, set up an assembly in front of the General Department of Education of Tehran. This assembly was faced with violence by the security forces and the arrest if a large number of Teachers’ Guild activists. After the incident, Tehran Teachers’ Guild condemned arrests and the security agents’ attack to the peaceful assembly by publishing a declaration⁵⁵. In it we read:

“Alas! It is such a shame that while the Iranians are celebrating the status of teachers, Teachers’ Guild assembly has been harshly quelled, and their requests and demands are responded to with battery, threats, and prison. Days have passed since the upstanding teachers of the Teachers’ Guild, Mr. Muhammad Taghi Fallahi, the Guild’s diligent inspector, Mr. Rasool Bodaghi, and other teachers, including five female employees and retirees, have been arrested and sent to an unknown place. It is clear they are sparing no effort in writing various scenarios to frame our colleagues. After unusual interrogations, they released them on unconventional bails so that though they are physically free, their spirits are still behind bars.”

In addition to the above-mentioned limitations, in 2013⁵⁶, the Islamic Penal Code criminalized “holding illegal assemblies” and “those who disturb the country’s order”. According to Article 498 of this rule, “Anybody, with any belief, make or manage a group, crowd or crowd division more than two persons that seeks disturbing the security of the country, either inside or outside of the country, under any name or title, will be sentenced to 2 to 10 years of imprisonment if they are not proved muhareb (lit. God’s enemy).”

Furthermore, Article 499 of the Islamic Penal Code declares that, “Anyone who becomes a member of a group, crowd or crowd division mentioned in Article 498, will be sentenced to 3 to 5 months of imprisonment unless they are proven to have been unaware of those groups’ objectives.” In Article 610 of the Islamic Penal Code we read, “Whenever two or more persons gather and collude to commit crimes against the country’s security both inside outside of the country, or provide the essentials for such a purpose, in case they are not proved to be muhareb (lit. God’s enemy), they will be sentenced to 2 to 5 years of imprisonment.”

In recent years, based on these, many civil activists and human rights defenders who took part in peaceful assemblies and demonstrations to express their associational demands and requests have been arrested by security agents and sentenced to long-term imprisonment on baseless charges like “illegal assembly”, “acting against national security”, and “gathering and colluding with the purpose of disturbing national security”. These include, to name a few, Nasrin Sotoudeh, Narges Mohammadi, and Farhad Meysami.

53 Esmail Abdi executive director of the guild of teachers sentenced for six years. (2016, October). Iran Human Rights. Retrieved from <https://persian.iranhumanrights.org/1395/07/esmail-abdi/>

54 Behnam Ebrahim Zadeh sentenced to 6 years. (2017, September). HRA News. Retrieved from <https://www.hra-news.org/?p=213479>

55 Guild of teachers. (2019, June 6). Press release Guild of teachers [Press release]. Retrieved June 2019, from t.me/kashowra/2032

56 Parliament of Islamic Republic of Iran. (2013). Islamic Penal Code. Retrieved May 2019, from <https://www.ekhtebare.com/%D9%83%D8%AA%D8%A7%D8%A8-%D9%BE%D9%86%D8%AC%D9%85-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D9%85%D8%AC%D8%A7%D8%B2%D8%A7%D8%AA-%D8%A7%D8%B3%D9%84%D8%A7%D9%85%D9%8A-%E2%80%8C-%D8%AA%D8%B9%D8%B2%D9%8A%D8%B1>

- Nasrin Sotoudeh⁵⁷, a human rights defender, has been sentenced to 38 years of imprisonment as well as 148 lashes on charges including “gathering and colluding with the purpose of disturbing national security” and “propagandizing against the regime”.
- Narges Mohamadi⁵⁸, another human rights defender, was sentenced under Article 610 of the Islamic Penal Code (for gathering and colluding with the purpose of disturbing national security) to 5 years of discretionary (ta’ziri) imprisonment; under Article 499 of the Islamic Penal Code (for membership in Defenders of Human Rights Center), to 5 years of 5 years of discretionary (ta’ziri) imprisonment, and under Article 500 of Islamic Penal Code (for propagating against the Islamic Republic of Iran) to 1 year of discretionary (ta’ziri) imprisonment. In total, this is 11 years of discretionary (ta’ziri) imprisonment, though this was reduced to 6 years in branch 54 of the Court of Appeals.
- Farhad Meysami⁵⁹, a physician and the director of Ayande Sazan Publications, was sentenced to 5 years of imprisonment for gathering and colluding with the purpose of disturbing national security and also 1 year of imprisonment for propagandizing against the regime. The court has also debarred him from membership in sociopolitical parties and groups, activity in cyberspace, media and press, and from leaving the country for two years.

Of dossiers of a number of political prisoners, Mahmoud Alizadeh Tabatabaie⁶⁰, lawyer and jurist, says “I have taken on about 480 political prisoners’ files. In most cases, punishing them had not been juridical but based on security, and, on most occasions, presence in demonstrations has been considered a crime on the basis of Article 618 of the Islamic Penal Code. Verdicts have been usually issued on the charge of colluding against the regime. It is difficult to believe that the security of a country is so fragile that is endangered by an assembly. Even if a person insults an official in an assembly, they should be tried for committing a crime against a person not, using a wide interpretation, for a public crime.”

In January 2017, simultaneous public protests spread quickly all over the country, with demonstrators in over a hundred big cities and small towns coming out onto streets and shouting slogans against senior officials and superior authorities of the Islamic Republic such as the President, the Chief of Justice, and [even] the Supreme Leader. In the course of these protests at least 26 people were killed. An MP said that almost five thousand people were also arrested. The authorities of the Islamic Republic, however, labeled these protests “commotions”. At the same time, sociopolitical activists demanded respect of the right to hold assemblies. These demands eventually led the government, in a cabinet session held on June 10, 2018⁶¹, to designate particular places in different cities for people’s assemblies. However, this proposal has not been acted upon since last June, and remains solely on paper.

Critics and citizens’ rights activists’ opinions note that designating “suitable places” and “certain spots” for protest assemblies is a violation of the most basic of protesters’ rights as that is “determining” a place for protesting, and no one but the protesters should choose the place where they want to be “heard”. The critics and citizens’ rights activists argue that fixing a place for assembly is an example of violating citizen rights, and will neutralize popular protests, and exert more control on people’s movements.

Besides limitations and violations of the right to freedom of peaceful assembly in public places, holding assemblies and ceremonies at universities are also restricted in many ways. Paragraph 3 of Article 3 of the

57 Nasrin Sotoudeh sentenced to 38 years of prison and 148 whips. (2019, March 11). BBC Persian. Retrieved from <https://www.bbc.com/persian/iran-47523149>

58 Narges Mohammadi again sentenced for 10 years. (2016, May 18). Iran Emrooz. Retrieved from <http://iran-emrooz.net/index.php/news1/61949>

59 Reza Khandar and Farhad Meysami sentenced for 6 years. (2019, January 22). BBC Persian. Retrieved from <https://www.bbc.com/persian/iran-46965953>

60 Right of protest. (2017, June). Ghanoondaily. Retrieved from <http://www.ghanoondaily.ir/fa/news/detail/36419/%D8%AD%D9%82-%D8%B1%D8%A7%D9%87%D9%BE%DB%8C%D9%85%D8%A7%DB%8C%DB%8C>

61 Government of Islamic Republic of Iran. (2018, July). Decision on place of protest and assembly. Retrieved April 2019, from <http://dolat.ir/detail/309380>

executive instructions of the regulations for the Islamic associations in universities states that all university students' associations are obliged to obtain a permission after sending a written application to the secretariat seven days prior to holding speeches, tribunals, hanging materials on the board, and four days prior than holding demonstrations. University activists must observe the protocol(s) of the University Supervisory Board Secretariat. If they break the rules, the offender association will be suspended for one or two months, and, in case of repetition, for three to four months. If there is a third instance, the association's permit will be completely revoked. Universities have always been centers of debate and discussion, and the government has constantly tried to restrict the legal freedoms of university students and other university entities; even making speeches at universities requires permission from University Supervisory Board Secretariat. Even speeches that have necessary permissions are still prone to being canceled, usually because of pressure exerted by security officials. Protesting against the status of basic freedom at Iranian universities, in December 8 2018, 500 university student press activists asked President Rouhani, in a letter⁶², to return to the constitution. They wrote, "Three years ago, we talked about numerous barriers and obstacle in the path of university students, highly subjective procedures and illegal behavior of university authorities, frequent summons to judicial and security organizations, repeated violations of university-student rights, frame-ups and questioning, and many other problems. The other day we expressed our concerns about sacrificing freedom and the expansion of security domination across the university, but, over last one year and a half, not only have we received no response from you or other governmental authorities about our protests and social demands as university students, the atmosphere of suppression has been increasing every day, to the extent that the sound of military boots is not just heard at the university but all over the country."

62 Letter of 500 university student press activists to the president. (2018, December). Kaleme. Retrieved from <https://www.kaleme.com/1397/09/17/klm-269910/>

4

Restrictions of the right to freedom of speech and opinion

The right to the freedom of expression is one of the most important and fundamental human rights in sociopolitical life. This right has been emphasized in Article 19 of the Universal Declaration of Human Rights and the Covenant of Civil-Political Rights, and in other international and regional human rights documents. This freedom is a key element in the formation and continuations of a dynamic, lively democratic society. Freedom of association and assembly become meaningful through freedom of expression because it is only through this freedom that citizens can systematically pursue their demands and requests through public collective action. Freedom of expression in a society also forms the basis for creativity, innovation, the emergence of social inventions for citizens and civil activists, and it allows access to, and the free flow of, information.

One of the key issues for Iranian civil society actors is the lack of, and limitations on, freedom of expression either through individual action or collective ones. This has always been one of the most serious obstacles to the formation of a dynamic, lively and influential society in Iran. In this section, we will describe various forms of limitations on freedom of speech in both judicial and extrajudicial contexts in the Iranian society.

Freedom of expression in the constitution of the Islamic Republic of Iran

Generally speaking, there is no mention of freedom of expression in the constitution and, consequently, no limitations have been defined for it. However, Principle 1 and 2 of the constitution explicitly state that the Islamic Republic has been founded on Islam and Shiite religious Principles, i.e. Oneness (tohid), Prophecy (nabovat), Resurrection (ma'ad), Justice (adl), and Imamate (emamat), and Principle 4 states that "All civil, criminal, financial, economic, cultural, military, political and other types of rules and regulations must be based on Islamic rules and standards." This is further emphasized in Principle 12 of the constitution that the official religion of the country is Islam and "Islamic Shiite Twelvers". The limitations of freedom of expression within the constitutional framework of the Islamic Republic of Iran are understandable because it accepts just one version of Islam as the dominant version, denying other versions of Islam and other ideologies any rights. Although Principle 23 of the constitution forbids discrimination, and states that no one can be harassed just for having certain beliefs and ideas, the Principle also does not mean that people can have freedom of expression.

The Islamic penal code

One of the most crucial limiting factors for freedom of expression in Iran is the Islamic Penal Code⁶³. In Articles 500, 513, 514, 607, 640 and 697 of this code, freedom of expression is criminalized in relation to topics such as national security, public [mental] health, and many restrictions are placed on collective actions, civil activists, and on Iranian citizens. According to Article 500 of the Islamic Penal Code, "propagating against the Islamic Republic of Iran or promoting ideas in favor of the regime" opposing groups or subversive organizations in any fashion are considered a type of anti-national-security crimes and their committers will be sentenced to three months to one year of imprisonment." Articles 513 and 514 states that "Any kind of blasphemy or insult to the Islamic sanctities, any of the Great Prophets, the Fourteen Infallibles, Imam Khomeini and the Supreme Leader" are also criminalized, and offenders are subject to six to five years of imprisonment.

Article 640 - Anyone who violates or disrespects public chastity and morals through the use of scrips, designs, printmaking, painting, pictures, the press, passages, signs, films, cassettes, cinema or any other material, or produces them for trade, distribution, or display, or stores them, will be sentenced to imprisonment from three months to one year, a financial penalty between one million five hundred thousand and six million rials, and up to 74 lashes, or one or two of these punishments.

Article 697 - Anyone who attributes certain things to others in printed or scripted materials or through publishing articles in the papers or other types of press, or by delivering speeches in public or in any other fashion, but cannot prove it is, according to the law, guilty of a crime and to be sentenced to one month to one year of

⁶³ Parliament of Islamic Republic of Iran. (2013). Islamic Penal Code. Retrieved May 2019, from <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103202/125190/F-2020626636/penal%20code.pdf>

imprisonment, and up to 74 lashes, or either of those.

Many civil activists and journalists have been arrested and detained on the basis these articles of the Islamic Penal Code, and sentenced to imprisonment, civic spaces have been narrowed and voices other than the official ones of the regime have all been constrained.

The press laws

Another serious limitation for freedom of speech is lack of press freedom in Iran. Although, according to Principle 24 of the constitution, "The press and publications are free to express their opinions," this freedom is available only if it does not interfere with either Islamic principles or public rights. This condition has led to many limitations on the freedom of expression in the press.

According to the press laws⁶⁴ ratified by the fifth Islamic Consultative Council in 2000, both printed and electronic press require licenses and permission to be published. Press licenses are issued by a supervisory board headed by the Minister of Culture and Islamic Guidance. Members of this seven-person supervisory board, based on Article 10 of this rule, are all representatives of different governmental and regime's organizations and institutions: representatives of the Judicial System, of the Islamic Consultative Council, of the Supreme Council of Cultural Revolution, and also representatives of Qom Seminary. One member is elected by the press, by editor-in-chiefs. Even university professors in this supervisory board are selected and appointed by the Minister of Culture and Islamic Guidance. Members of supervisory board must all be Muslims and loyal to the Islamic Revolution. According to Article 9 of the press laws, only people who are effectively compliant with the constitution of the Islamic Republic and loyal to its bases and principles can request/ask for a publishing license. Based on this Article, no dissidents or opponents of the government has the right to press activities or to hold positions in the world of publishing.

Article 6 in Chapter 4 of the press laws provides the following wide-ranging limitations on publishing, both printed and electronic:

1. Publishing heretical articles that violate Islamic values and spreading material which harms the foundations of the Islamic Republic.
2. Promoting fornication and forbidden practices, and publishing photographs, pictures, and material which violate public chastity.
3. Propagating and spreading overconsumption and profligacy.
4. Creating conflicts between social layers, particularly through raising racial or ethnic issues.
5. Encouraging people and groups to become involved in actions against the Islamic Republic's security, reputation, and interests, domestically or abroad.
6. Exposing or publishing classified documents, orders, and issues; secrets of the Islamic Republic's armed forces, military plans, and fortifications; the Islamic Consultative Assembly's private deliberations; and private decisions of the judiciary and decisions of the judicial authorities without legal permission.
7. Insulting the true religion of Islam and its sanctity, as well as insults to the Office of the Supreme Leader and the recognized Sources of Emulation.
8. Making false charges against the officials, institutions, organizations, and any person in the country, and abusing actual or legal figures who are respected under sharia law, including by publishing photographs or cartoons.
9. Cultural theft and acts like quoting material from the deviant press, parties, or groups which oppose Islam (domestically or abroad) in such a way as to propagate them (the limits of the above are as specified in the Bylaws.)
10. Note 1: Cultural theft consists of the intentional passing off of a significant portion of someone else's works

64 Parliament of Islamic Republic of Iran. (2000). Press Law. Retrieved April 2019, from <http://irandataportal.syr.edu/press-law>

or writings, in whole or in part [sic], as one's own or as belonging to a third party, even in the form of a translation.

11. Objectifying use of a person (either of a female or a male) in pictures or in text, humiliating and abusing the female gender, propagating extravagance and illegitimate and illegal grandeur.
12. Spreading rumors and untrue articles or distorting the articles of others.
13. Publishing articles against the principles of the constitution.

Note 2: Violations of that which is set forth in this Article is subject to punishments as determined in Article 698 of the Islamic Penal Code and. in the event of persistence, subject to an intensification of the punishments and the forfeit of one's license.

Article 26 of Chapter 6 related to the press crimes states that if the Press is used to insult the true religion of Islam and its sanctity, if it amounts to heresy, a judgment of heresy is to be issued and executed. If not, the offender is to be treated according to the ruling of the Sharia judge based on the law of ta`zirat (discretionary punishments). In addition to the limitations in the Press Laws, over the past forty years, due to the existing suppression and the dominant ideology, censorship and self-censorship has spread among press directors and journalists. In the interview for the present study, some journalists said: "in recent years (under the government of President Rouhani), exerting legal and illegal pressure on press directors and journalists for writing or not writing a piece of news, certain passages and reports about a news subject through sending written instructions or telephone contacts from the governmental and security officials has increased to the extent that it has made the free flow of information if not impossible, barely possible. An illustration of this is the ban in Ghanoon Newspaper⁶⁵. The newspaper was banned in the afternoon of 27th of February 2019 for using the headline "The Gatecrasher" to refer to Syrian President Bashar Assad's visit to Iran, when he met Ali Khamenei, the Supreme Leader and Hassan Rouhani, the President on Tuesday, the 26th of February. Solely because of this headline, and based on a notice from the Media and Culture Prosecutor's Office, the newspaper lost its permit to publish on Wednesday, 28th of February, and still has none. The newspaper had also been banned two years earlier.

In an interview with IRNA, on February 19, 2019, Mohammad Hassan Ahmadi⁶⁶, member of the Central Council of the Supervisory Board of Ministry of Sciences, Research and Technology Publication declared the situation of university student presses to be very worrying. In recent months, 10 university student published materials have been banned in different universities, and 8 others at Amir Kabir University and Elmo San't University have been reprimanded.

In addition, a university student paper titled "Age of Taraghi"⁶⁷ (lit. advancement) was banned at the Amir Kabir University of Tehran, just for publishing a text and a picture about the sexual harassment of women at universities. At present, another issue that further threatens freedom of expression in the press is a resolution entitled "Iranian Journalism Organization in the Islamic Republic of Iran"⁶⁸. This resolution, first submitted by 70 MPs, was approved by the Committee of Culture, Art and Media of the Commission of Culture at the Islamic Consultative Assembly in September 2018; and is now being considered in the Commission of Culture itself. After approval⁶⁹, it will be submitted to the open court of the Islamic Consultative Assembly. If this resolution is ratified by both the Consultative Council and the Guardian Council, it will have executive authority and the Iranian Journalism Organization will be established. This resolution will require journalists to get permission from the IJO in order to be able to work in the world of press and media, and in case of any offense, the organization will be able to rescind their permission. Unsurprisingly, governmental representatives will play decisive roles in this organization.

65 Ghanoon Newspaper banned. (2019, March). IRNA. Retrieved from <https://www.irna.ir/news/83223886>

66 We are worried of clashes with students. (2018, February). IRNA. Retrieved from <https://www.irna.ir/news/83215128>

67 Ban on student magazine because of article about harassment of women. (2018, February). Etemad Online. Retrieved from <https://etemadonline.com/content/272070>

68 Parliament of Islamic Republic of Iran. (2018, September). Journalism Organization in the Islamic Republic of Iran. Retrieved April 2019, from https://rc.majlis.ir/fa/legal_draft/show/1093105

69 Resolution Iranian Journalism Organization approved by Committee of Culture, Art and Media of the Commission of Culture of the Parliament. (2018, September). Bureau of Mediastudies and Planning. Retrieved from <https://rasaneh.farhang.gov.ir/fa/newsagency/13753/>

In one of the interviews, one of the lawyers said, "This resolution is an overt case of violating civil political rights, and if ratified, the independence of journalism and media will be endangered, and they will, in effect, be a subset of the governmental institutions; it will be the death of independent journalism in Iran."

Censorship

Censoring books, movies, plays, and other works of art is another limitation of the freedom of expression in Iran that has increasingly manifested itself over the last forty years. In Iran, all books, movies, plays and works of art must be sent to the Ministry of Culture and Islamic Guidance, and permission is necessary to publish books and make films. In other words, the contents of books and films must be sent to the Ministry of Culture and Islamic Guidance to be scrutinized and approved before being published or shown. Based on the amendments to the rules for objectives, policies and regulations of publishing books, passed in session 660 of the Supreme Council of Cultural Revolution⁷⁰ on April 13, 2010, supervision of the publication of books and implementing Principle 24 of the constitution of the Islamic Republic of Iran is the responsibility of the Ministry of Culture and Islamic Guidance. According to Article 4 of this, a large number of limitations has been placed on publishing books and works of art, the most important of which are:

- With regard to religion and morality:
 - Propagating and promoting heresy or disbelief and defiance towards Islam, denying and distorting Sharia and the Islamic rules
 - Expressing the details of sexual relationships, sins, vulgar and obscene words in a fashion that causes dissemination of depravity
 - Publishing pictures that causes dissemination of immorality such as dance, drinking alcohol, vice, and corruption
- With regard to politics and society:
 - Insulting, slandering and attempts to defame Imam Khomeini, the Supreme Leader, the President, and Supreme Referring Authorities (maraje'e taghliid)
 - Propagating against the constitution and conflicting with it
 - Promoting antagonistic groups, counter-revolutionary elements, terrorists, and secular regimes
 - Propagating against national interests and security and describing the Islamic Republic of Iran as an inefficient regime
- With regard to public rights and culture:
 - Propagating against family, weakening and damaging its value and status
 - Promoting disappointment, frustration, futility, absurdity, and negative attitudes in the society
 - Promoting and encouraging corrupt trends and people, and cultural and artistic deviance both within and outside of the country

Besides these items in the Article 4 amendment, a variety of subjective limitations are also imposed on books and movies. In an interview, Nasser, an artist, says, of the restrictions of freedom of expression in Iran: "In recent years (the period of President Rouhani), censorship has become critically dreadful in Iran. Censorship has excised content and vocabulary. It is forbidden to use certain words, to use half of Farsi language. According to the new regulations, you can't publish the Divan of Hafiz, we even need to erase half of Dehkhoda Dictionary, then see if we can still speak to each other using the remaining half."

⁷⁰ Supreme Council of Cultural Revolution. (2010). Policies and regulations on publishing books. Retrieved April 2019, from <https://ketab.farhang.gov.ir/fa/principles/principles89>

In the recent months, censoring books has been extended, and many publishers have complained about restrictions and bans on published books at the 32nd Tehran Book Fair. One of the banned books in the fair was 'The Prisoners' Ward' (band-e mahkoumin) by Keyhan Khanjani⁷¹. This book that first was published in winter 2017 by Cheshmeh Publications, is now in its 7th edition, but, according to the Ministry of Culture and Islamic Guidance's Book Office, it cannot be in May 2019 fair. This book has, to date, won 'Best Novel of the Literary Prize of Ahmad Mahmoud' and 'Best Novel of 2018, selected by critiques and authors of Tajrobe Magazine', and is a 'Nominee for Haft Eghlim Literary Prize for the Book of the Year'. This book has received many positive reviews from the authors and literature critics, and it remains unknown why, after seven editions, it has been banned by the Ministry of Culture and Islamic Guidance's Book Office.

Regarding banning books at the 32nd Tehran Book Fair, Emadeddin Baghi⁷², the journalist and human rights defender, has also posted, on his Twitter account, that the Ministry of Culture and Islamic Guidance has contacted 'Saraiee Publications' and left some comments about a few books. He said, "Today, April 20, 2019, the Ministry of Culture called the manager of Saraiee Publications and said that, according to the Prosecutor of Tehran, the books 'Execution and Retaliation' by Emadeddin Baghi and 'Governmental Religion and Religious Government' by Mohamad Ghuchani, which both are old and legally permitted, must not be presented in the Book Fair. Apparently, another book list from other publishers has also been given a Ministry of Culture warning that they must not be available at the International Book Fair."

Mohamad Javad Mozafar⁷², the manager of Kavir Publications, says that, of all books published by Kavir, three did not get the permission to be at the 32nd Tehran Book Fair, "Last week they called and told us a letter has been arrived from the Prosecutor of Tehran forbidding presentation of three book at the Fair. One book is in its 4th editions, one its 3rd, and the other its 2nd edition. I still cannot understand, even after a long time, what the problem is with the distribution of these books at the Fair. Religious Intellectualism and New Challenges by Ebrahim Yazdi, permitted for 12 years, and previously presented at the Fair, was on the list of the banned. Unfortunately, we live in a country that faces us with surprises. Two books by Seyyed Hadi Tabatabaie, Islamic Jurisprudences (fagihan) and the Islamic Revolution and On Religious Intellectualism, in their 4th and 2nd editions respectively, have been both denied presentation at the Fair."

Fatemeh Ekhtesari⁷³, a prominent postmodern poet, told of the complete elimination of two of her poems from the book Iran Banoo, Iranian Women's Poems by Khiaban Publications, "It is noticeable that they have completely eliminated my poems from the book. Poems that had been given permission before, and that have no erotic, political or derogatory remarks about religion in particular. Unfortunately, different governments come and go, but the one thing that doesn't ever change is censorship, imprisonment, lashes and suppression."

In addition to censorship of books and the press, banning films is also a common phenomenon in Iran. Some Iranian films succeed in getting permission for public screening after years of being banned: Lovely Rubbish (ashghal-haye doost-dashtani)⁷⁴ by Mohsen Amir Yousefi was finally shown in the cinemas after six years, in 2018. At the same time, some films never get permission for public screenings, and some are banned while playing in the cinema. For No Reason (bikhod-o bi-jahat) by Abdolreza Kahani⁷⁵, despite having all necessary permissions from the Ministry of Culture and Islamic Guidance, was banned in 2012 in Qom, and has not been

71 Ban on good selling book of writer from Gilan. (2019, April). Khabar Fori. Retrieved from <https://www.khabarfoori.com/detail/957662/>

72 Who keeps some approved books from entering Book Fairs. (2019, April). IRNA Plus. Retrieved from <https://plus.irna.ir/news/83288986> 73 Abbasi, R. (2019, April). Report on censorship and extensive bans on the 32nd international Book Fair Tehran. Retrieved April 2019, from <https://rasulabbasi.wordpress.com/2019/04/29/%DA%AF%D8%B2%D8%A7%D8%B1%D8%B4%DB%8C-%D8%A7%D8%B2-%D8%B3%D8%A7%D9%86%D8%B3%D9%88%D8%B1-%D9%88-%D9%85%D9%85%D9%86%D9%88%D8%B9%DB%8C%D8%AA-%DA%AF%D8%B3%D8%AA%D8%B1%D8%AF%D9%87-%D8%AF%D8%B1-%D8%B3%DB%8C/>

74 Lovely Rubbish (ashghal-haye doost-dashtani) unbanned afer 6 years. (2019, February). Khabaronline. Retrieved from <https://www.khabaronline.ir/news/1230998>

75 They requested to cut 20 minutes of my latest film. (2017, September). Tabnak. Retrieved from <https://www.tabnak.ir/fa/news/728348>

able to get permission till today. Rahman, 1400,⁷⁶ screened recently, in April 2019, has been banned until further notice. Miss Iran (sad sal be in sal-ha)⁷⁷ by Saman Moghaddam, first screened at the 26th Fajr Festival, is, 12 years after its production and despite being shown at the Fajr Festival, still banned.

Activists and civil society organizations such as the Iranian Writers' Association, Association of Iranian Journalists, independent authors and artists have complained about the banning of books, films and plays as well as the destruction of creative works and 'inserting phrases, and mannered sentences in harmony with regime's wishes into artistic works', and demanded an end to censorship and the auditing works of art and written materials. However, the Ministry of Culture and Islamic Guidance maintains this interference and these restrictions so the works of many authors and poets, as they do not meet auditing criteria, cannot receive permission, and even ones formerly permitted and re-published many times are not safe from censorship or from banning.

In addition to these above-mentioned limitations in the field of publication, film making, and works of art, on January 15, 2019, a new set of regulations⁷⁸ that could result in further limitations on freedom of expression was released. The General Staff of the Armed Forces of the Islamic Republic of Iran's 'Regulations for the Production and Publication of Literary and Historical Works of the Holy Defense (the Iran-Iraq War)', published in official newspapers of the country bans taking certain stands about the war, casting doubts on Iran's triumph, and promoting the necessity of putting an end to war.

This set of regulations includes 13 Articles and 8 Notes which explicitly assert that henceforth any work that is in any way related to the Iran-Iraq war or even related to the topic of resistance, must first pass through "the Supervisory Council for Producing and Publication of Literary and Historical Works of the Holy Defense (Iran-Iraq War) and Resistance" which the Regulations refer to as "the highest authority for establishing policies leading and general supervising over producing cultural materials as well as publishing literary and historical works about the Holy Defense (Iran-Iraq War) and resistance in national level". Article 4 states that each work, "including books and multimedia products in the field of the Holy Defense (Iran-Iraq War) and resistance literature having topics such as biography, story, novel, memoir, poem, and literary research" must be scrutinized and checked by this body.

In Article 11 of this set of regulations, there are Paragraphs that have alarmed authors and researchers, because they state that anything written must not be in contradiction with "the true concepts and values of the Holy Defense (Iran-Iraq War) and resistance (like self-sacrificing, jihad, and martyrdom)", "the approaches of the Holy Defense in the imposing war", "the operations' results or the major announced results (save for works of research)", "the statements and guidelines of Imam Khomeini and the Supreme Leader)", "the religious doctrine about jihad and defense", and "the contents of the Holy Quran and Etrat (the Prophet's Household)".

In his Telegram channel, Jafar Shirali Nia⁷⁹, a researcher in the field of Iran-Iraq war, has declared that this regulation will be the death of research in the field of war. He wrote, "the death of research happens when its results are determined beforehand or you are told to have certain results that must be in harmony with a particular attitude or must not be in contradiction with particular attitudes." He continues, "Not casting doubts on the necessity of proceeding the war during the Holy Defense on specific occasions (such as continuing the war after re-capture of Khorramshahr) has been announced as a criterion for issuing permissions for war-related publications. This means that 'casting doubt' is enough to prevent a book or any other work from being permitted!"

76 Premier of Rahman 1400 cancelled. (2019, April). Fararu. Retrieved from <https://fararu.com/fa/news/396276>

77 Film Sad Sal be In Sal ha provided with license but advices not be premiered. (2017, September). Icinema. Retrieved from <http://icinema.ir/page/7952>

78 General Staff of the Armed Forces of the Islamic Republic of Iran. (2019). Regulations for the Production and Publication of Literary and Historical Works of the Holy Defense (the Iran-Iraq War). Retrieved April 2019, from <http://www.rk.ir/laws/ShowLaw.aspx?Code=17567>

79 Regulation made by the army killing the history of wars? (2019, February). Meidaan. Retrieved from <https://meidaan.com/archive/60125>

Filtering

Internet censorship or filtering is another instrument limiting free access and flow of information as well as the freedom of expression for Iranian citizens and civil activists. In recent years, the Iranian government has always been at the top of the list of 'enemies of the Internet' because, as Michael Hall⁸⁰, the head of Psiphon Company says, the Iranian regime exerts the most advanced and most efficient filtering system in cyberspace. The Iranian government always tries increase and expand its control and monitoring on cyberspace and to decrease, or in some cases completely block, citizens and civil activists accessing Internet services and certain contents. The Internet monopoly is completely controlled by the government, demonstrating the regime's sensitiveness about cyberspace and its strict restrictive policies. In recent years, the government of President Rouhani has attempted, through the use and implementation of a range of policies and plans, to take control of Iranian users' access to the global Internet as well as to limit their access to it.

Limiting on-line freedom and Internet filtering in Iran accelerated after the protests in December 2017. To prevent the popular protests, the Iranian authorities created serious inconveniences on the Internet, disrupting anti-filter protection, slowing down Internet speeds, filtering the Telegram messaging service and blocking the Instagram social network, and even completely blocking the Internet for half an hour on December 30, 2017. The wide use of the Internet as a result of development of telecommunication infrastructure, higher speed and lower price, establishing national network of information are completely under governmental control, thus considerably increasing the government's ability to limit, block and monitor Internet usage. Although Internet usage in Iran has increased significantly, parallel to the extra-ordinary rise, censorship and governmental monitoring has also been increased in every way, as well as in scale and complexity. The complexity is also the result of the progress in national information network which has enabled the government to filter Internet content and hack users' accounts. In fact, despite Hassan Rouhani's emphasis on freedom of expression on the Internet, the path followed in developing national information network during his presidential period give rise to serious concerns about the status of freedom of expression and protecting citizens' privacy.

Even though censorship and control began in 1999 with the boom in blogging, the 10th Presidential Election in 2009 and formation of a social movement, the Green Movement, made the government aware of the power of the Internet and social networks in mobilizing people. Since then, censorship and filtering have been intensified. Since April 2009 the Iranian government has filtered Facebook and Twitter because these two played a significant role in mobilizing people for the Green Movement.

Article 22 of the Cybercrime Laws⁸¹, introduced in 2009, set up 'the committee for determining cybercriminal cases', which took the responsibility for controlling cyberspace and filtering websites containing criminal contents as well as dealing with people's complaints. This committee, working under supervision of the Attorney-General of the Country, includes 13 people, 6 of whom are appointed by the Executive Power (government) and 2 by the Legislature. The Cybercrime Laws require members of this committee to hold a meeting every two weeks and discuss and exchange ideas about filtering different websites.

In an executive order, Article 21 of the Cybercrime Laws, and according to the relevant rules including the Islamic Penal Code, the Press Laws, and the Cybercrime Laws as well as the rules passed by the National Security Council, 'The committee for determining cybercriminal cases' has announced a set of criminal contents in nine axes as follows:

80 Director of Saifon: Iran has the most advanced filtering in the world. (2019, May). BBC Persian. Retrieved from <https://www.bbc.com/persian/iran-48257680>

81 Parliament of Islamic Republic of Iran. (2009). Cyber Crime Law. Retrieved April 2019, from <http://asiatech.ir/file/rul/%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%AC%D8%B1%D8%A7%DB%8C%D9%85%20%D8%B1%D8%A7%DB%8C%D8%A7%D9%86%D9%87%20%D8%A7%DB%8C.pdf>

1. Content against public virtue and morality
2. Content against Islamic sanctity
3. Content against public security and welfare
4. Content against public and governmental officials and institutions
5. Content used for committing crimes (in relation to Cybercrime Laws)
6. Content enticing, encouraging or inviting the committing of crimes (in relation to other crimes)
7. Criminal content concerning audio-visuals and copyright
8. Criminal content in relation to the Elections of the Islamic Consultative Council
9. Criminal content in relation to the Presidential Elections

Also, in 2011, in a conspicuous action, Ayatollah Khamenei (the Supreme Leader of the Islamic Republic of Iran) ordained that, first, a council entitled the 'Supreme Council of the Cyberspace'⁸² should be established, followed by another entitled 'the National Center for Cyberspace'⁸³. This instruction was given to the President in order to organize and control the Internet even more than before, and in a more structured way. With foundation of the Supreme Council of the Cyberspace in the same year, the council started promulgating rules and regulations for computer information networks. Policies adopted by this council are indeed a systematic implementation of Supreme Leader's ideas about legislation relating to the Internet and its legal infrastructure.

Besides these actions, other institutions such as Cyber Wars Headquarters⁸⁴, the Deputy of Cyber Passive Defense of IRGC⁸⁵, Iranian Cyber Army^{86 and 87}, the Center for Investigating Organized Cybercrimes⁸⁸, and Iranian Cyber Police (FATA; lit. stands for The Police for the Sphere of the Production and Exchange of Information in Farsi)⁸⁹ have also been founded to control and monitoring the Internet. In other words, it can be said that nowadays, IRGC, in addition to dominance over all communication infrastructures and information networks of the country, is also directly responsible for leading and managing 'Cyber and Soft Wars'.

Furthermore, in the course of last year, 2018, Iranian domestic media have announced⁹⁰ the opening of central organizations entitled the 'Center for Immediate Reaction of the Deputy of Cyberspace of the Attorney-General of the Country' in a range of cities like Ardabil, Lorestan, and Mashhad. However, none of the officials of the government or of the prosecution has so far explained the duties and the functions of these centers; they have not explained since when, and with what detailed duty descriptions, these chain centers have been introduced into the organizational chart, and who is responsible for them. Only Javad Javidnia, the Deputy of General and Revolution Prosecutor of Mashhad⁹¹, has spoken about establishing centers for immediate reaction to cybercrimes and said, "In these centers, representatives of FATA, parquets, the General Office of the Ministry of Intelligence, IRGC, and companies providing Internet services are present. We supervise election campaigns in cyberspace and focus on two axes of increasing power of reaction in identifying criminals and preventing the committing

82 Khamenei, S. A. (2011). 10 Duties and mission of the Supreme Council of the Cyberspace [Press release]. Retrieved April 2019, from <https://www.leader.ir/fa/content/13542>

83 National Center for Cyberspace. (2011). Goals and policies of the National Center for Cyberspace [Press release]. Retrieved April 2019, from http://majazi.ir/general_content/76436-%D8%A7%D9%87%D8%AF%D8%A7%D9%81-%D8%B3%DB%8C%D8%A7%D8%B3%D8%AA-%D9%87%D8%A7%DB%8C-%D9%85%D8%B1%DA%A9%D8%B2-%D9%85%D9%84%DB%8C-%D9%81%D8%B6%D8%A7%DB%8C-%D9%85%D8%AC%D8%A7%D8%B2%DB%8C.html?i=%D9%85%D8%AD%D8%AA%D9%88%D8%A7%DB%8C-%D8%B9%D9%85%D9%88%D9%85%DB%8C

84 Cyber Wars Headquarters. (n.d.). Cyber Headquarter [Press release]. Retrieved April 2019, from <http://pdrc.ir/index.aspx?pageid=350&p=1>

85 Changes in the Cyber Army of IRGC. (2015, February). Iran Wire. Retrieved from <https://iranwire.com/fa/features/1936>

86 Search Iranian Cyber Army. (n.d.). Retrieved May 2019, from https://www.aparat.com/result/%D8%A7%D8%B1%D8%AA%D8%B4_%D8%B3%D8%A7%DB%8C%D8%A8%D8%B1%DB%8C_%D8%A7%DB%8C%D8%B1%D8%A7%D9%86

87 Iranian Cyber Army - Wikipedia. (n.d.). Retrieved April 2019, from https://en.wikipedia.org/wiki/Iranian_Cyber_Army

88 Introduction to the Center for Investigating Organized Cybercrimes. (n.d.). Retrieved May 2019, from <https://gerdab.ir/fa/content/3>

89 <https://www.cyberpolice.ir/>

90 Center for Immediate Reaction of the Deputy of Cyberspace of the Attorney-General of the Country, new ways of censorship and control of the online activity of consumers. (2018, April). Iran Human Rights. Retrieved from <https://persian.iranhumanrights.org/1398/01/rapid-response-center-of-the-office-of-the-prosecutors-cyberspace/>

91 Supervision of digital campaigns for elections by Deputy of General and Revolution Prosecutor of Mashhad. (2018, May). Farsnews. Retrieved from <https://www.farsnews.com/news/13960212000934>

of crimes in these centers.”

The founding of such centers in some provincial centers by the Attorney-General of the Country is an indicator of a new stage in exerting more control over, and greater monitoring of, Iranian cyberspace.

In addition to the above-mentioned actions, during late November 2018, 95 MPs signed a resolution to organize social messaging systems⁹², and proposed it to the board of directors of the Islamic Consultative Council. The board then sent it to the Commission of the Culture for more scrutiny. This resolution has 33 Articles. Article 2 reads, “Launching and maintaining domestic and foreign social messaging services in the country necessitates registering in a united window and obeying the rules of the country. The activities of domestic and foreign influential messaging systems are contingent to the approval of the supervisory board, otherwise, their activities in the country are deemed illegal, and The Ministry of Information and Communications Technology is obliged to block their access. Determining cases of being influential is the duty of the Supervisory Board.”

One of the most important parts of this resolution is delegating the management of the Internet entrance and exit gates to Armed Forces of the Islamic Republic of Iran. Although this resolution has not yet been put on the agenda, and is still being investigated in the Commission of Culture in the Islamic Consultative Council, if it is ratified, information access and its free flow in Iran will be restricted even further.

92 Text of the resolution on social messengers. (2018, November). Retrieved May 2019, from <https://www.isna.ir/news/97082813960>

A large, bold, black number '5' is centered on the page. It has a semi-transparent grey shadow behind it, offset slightly to the left and bottom, creating a 3D effect. The number is positioned to the left of the main title text.

**Main trends in the
Iranian civic space**

In this part of this study, the main questions are: what trends are identifiable in the present Iranian civic spaces and what is their strategic meaning in the evolution and development of Iranian society? The text and context of the civic space indicate trends that will be very influential and will have strategic consequences in the future horizons of civil-political actions. The most important trends identifiable in the focal and peripheral areas of Iranian civic space are:

Militarization and security dominance in civic space

Over recent years, civic space has become extremely security-ridden in Iran. Official and unofficial institutions put civil-political activists under so much pressure that some civil activists say they did not experience such pressure even during the 9th and 10th governments (Mr. Ahmadinejad's presidency) or during the Green Movement and its suppression in 2009. However, in the 11th and 12th government, those of Mr. Rouhani, every move and word in various civil fields, especially with regard to women and environment, are regarded as security-political. Even civil associations and organizations which have received licenses from the Ministry of the Interior, like the Teachers' Guild Association are affected. If an association's approach is critical, particularly if it is accompanied with protests, security forces interfere, and the association is not granted permission for public demonstrations in succeeding years. Security forces have also recently announced that holding any type of assembly by associations and civil organizations is a red line, and that they consider them gathering and colluding against the country, so subject to severe action.

These security force actions have been broadened after the US exit from the Nuclear Deal with Iran and P5+1 countries, with the introduction of greater sanctions and of more limitations on civil activities. In addition to security forces, IRGC, the establishing of Baghiatollah Headquarters, has affected social and civil activity, a change that is going to become more serious as Ayatollah Khamenei has appointed Major General Mohamad Ali (Aziz) Jafari, the former IRGC commander-in-chief to head Baghiatollah. This headquarters, with the responsibility for organizing social forces in cyberspace and also in society, is currently working to open branches in different provinces. Besides IRGC, the Passive Defense, a military institution for confronting non-military threats in the social and cultural arenas as well as in cyberspace, in the so-called Soft War, has started establishing headquarters of non-governmental organizations. Its first headquarters is in Gilan Province, and other branches are going to be established in other provinces of the country. The objective of this military organization is to mobilize people for military purposes through non-governmental organizations.

Expansion of civil society as a government power instrument

Developing civil society as a technical instrument is currently one of the dominant trends in Iranian civic space. The government has always tried to exert its ideological and hegemonic dominance on society, politics and culture through civil institutions, following, over the two/three past decades, the project of top-down model of civil society building. On the one hand, using quasi-governmental civil society organizations, the government occupies civic spaces and silences independent civil voices both inside the country and in the international arenas such as the Meeting for the Human Right Council and the Meeting for the Status of Women, and prevents the formation of civil society as a social force in Iranian society. On the other hand, in recent years, using privatization and liberalizing the economy, the government is attempting to delegate some of its duties and responsibilities in social fields such as social harms, women and environment to quasi-governmental civil society organizations. For this reason, the government has put the expansion and development of civil society as a technical instrument on the agenda, and governmental institutions and organizations are extremely busy duplicating the industry of NGO-making, particularly in the spheres of women, the youth, and environment. Civil society organizations, particularly NGOs, have been effectively transformed into the government's social brokers.

Increasing and developing civil society as technical instruments is happening at the time when the government is preventing formation and development of civil society as a social force in Iranian society, and is not permitting the establishment of any independent civil society organizations in the fields of workers, journalism, human rights, women, and university students despite frequent follow-ups by these groups. During recent years, various policies and plans have been undermined and marginalized social movements by workers, women and university students. The government has been the main obstacle to the activation of these social movements, and in case of activation, the government has interfered and severely restricted them. It can be said that the 11th and 12th governments, of Mr. Rouhani, the most security-concerned governments in the forty years since 1979 Revolution, have had the greatest and most effective impacts on social movements, especially in the areas related to women, workers, and university students.

Flourishing civic dissent and rise of social, union, and labor protests

In recent years, civil resistance against governmental suppression policies has increased dynamically. Civil activists' fear from regime's suppression policies has largely reduced; they openly criticize governmental policies and challenge government's mythic ideologies. They also attack the regime leaders through writing open letters to them, and calling them to account. The activists thus actually try to defend citizens' rights. Some civil activists, specifically women, go further and express their opposition to obligatory hijab, for example, by standing in crowded areas without a head cover. In addition to civil resistance, social, worker and guild protests have been increasing in Iranian society. According to the Ministry of the Interior of Iran, during the last four years of Mr. Rouhani's government, more than 43 thousand assemblies, so, on average, 30 assemblies a day⁹³, have been held around the country. Last year, social assemblies and protests, especially the worker ones, have increased in comparison with that in the last four years.

Although these protests are not really organized, they demonstrate government's inability to respond to social demands, and an unprecedented increase of public dissatisfaction with regimes authorities. This number of protest movements from different walks of life, workers and the poor in particular, indicates the existence of 'pain' and 'dissatisfaction' in Iranian society that is increasingly manifest in form of strikes, protests, assemblies, and so on. In spite of the fact that in many cases these protests prove costly, civil resistance and social protests continue to be a growing trend in Iranian society.

Rise in number of arrests, detention, and long-term prison sentences

The other trend in the civic space is an increase, in recent years, in the summoning, detention, and imprisonment of civil activists in different social areas, especially guild workers, university students, teachers and ethnic and religious Groups. Security forces for restraining social protests continually summons, arrest and detain civil activists on various pretexts, and, in cooperation with the Judicial System, pass severe verdicts on some of them.

For the time being, a large number of workers, teachers, lawyers, university students and human rights activists are serving imprisonment. Many civil activists are also free on bail, so prone to be arrested for any reason at any time. Setting high bail for civil activists is a method of control for security forces.

To limit independent civil-political activities in the Iranian universities, besides arrest and detention, the government implements a system of 'stars' for the university students. In the educational year 2017-2018 alone, more than 150 postgraduate and PhD students have been 'given stars'⁹⁴, which means that the student does not meet required political conditions for continuing studies at university. In some cases, they are given conditional permission to continue their education, in other cases this results in the termination of their education.

93 Report of ministry of internal affairs to the president about social unrest in Iran. (2018, January). IRNA. Retrieved from <https://www.irna.ir/news/82794237>

94 150 masters and PhD students gotten a star. (2017, December). Radio Farda. Retrieved from https://www.radiofarda.com/a/iran_students_university/28888047.html

Increasing rate of censorship in politics, across the society and the internet

Censorship in the fields of politics and society is continually and systematically exerted in the spheres of culture, film, cinema, and the press. All cultural affairs have to pass governmental ideological organizations for permission for public presentation. In recent years, yet more organized censorship is being exerted on books, movies, and the press. Some cultural activists and authors say that this censorship sometimes embraces even certain vocabulary and punctuation, and Iranian classics and older works. In addition to the limits in the field of publication, film making, and works of art, in late December 2017, the General Staff of the Armed Forces of the Islamic Republic of Iran published 'The Regulations for Producing and Publication of Literary and Historical Works of the Holy Defense (Iran-Iraq War)' in official newspapers of the country. These regulations ban taking certain stands about war, casting doubts on Iran's triumph, and propounding the necessity of putting an end to war.

Besides censorship of books, movies, and the press, cyberspace filtering has also been increased. Nowadays, the Iranian government has one of the most powerful cyber armies, and, in recent years, has always been placed at the head of the list of the greatest 'enemies' of the Internet. According to Michael Hall of Psiphone Company, the Iranian regime has [one of] the most advanced and efficient Internet filtering systems in the world. The Iranian government continually attempts to increase its control and monitoring over the cyberspace, and to decrease citizens and civil activists access to the Internet services and certain content, and in some cases, it blocks it altogether.

Prevention and undermining of collaborative networks and concentration of social power

Using legal and illegal instruments the government in Iran prevents formation of civil-activist collaboration networks, national unions, and workers' syndicates, and does not allow the civil activists to establish civil networks and unions, as well as preventing deposition of social power and the strengthening of associations in every possible way. In the case of social power deposition and the strengthening of associations, they are undermined and marginalized both legally or illegally so that their effectiveness in the progress of Iranian society is blocked. In other words, Iranian government considers the formation of unions and collaboration networks a negative and harmful thing because it sees the existence of such strong networks and social power deposition as a challenge to the government's strength and power. For this reason, they inserted a Paragraph into the Amendment of the regulations for political parties and groups organized in 6 Articles and passed in 2016. According to this Amendment, all political groups and guild associations which acquire an establishment license from Article 10 Commission, must first be provincial. In the past, guild associations could be founded nationally, but during the 11th government, the process of guild-organization building changed: they need to be first established at a provincial level, only then can they proceed to national level.

Consequently, despite the fact that guild teachers' association had acquired an establishment license in 1999 from the Article 10 Commission, and had worked in national level, the 11th government permitted it only to continue activity in some provinces under certain circumstances, it is no longer allowed to act nationally as a guild union. The government did the same to the Association of Iranian Journalists⁹⁵, which used to be one of the most powerful and influential guild associations. Though established in 1997 and with more than three thousand members, two months after the presidential election in 2009, Saeed Mortazavi, the Tehran Prosecutor of the time shut it down. After the victory of Hassan Rouhani in 2013 presidential election, and with the establishment of the 11th government, one of the most important journalists' requests and demands was the lifting of the ban and reopening of this association. However, in spite of follow-ups and open letters to the President and relevant authorities this has not happened. Instead, in response to the frequent requests, the Ministry of Cooperatives, Labor, and Social Welfare has granted permission for the establishment of the Tehran Province Association of Journalists⁹⁶.

95 <http://web.archive.org/web/20081217090124/http://aoij.org/> (site is closed in 2009)

96 https://t.me/s/tehran_association_journalists

Frequent violation of the right to freedom of association and peaceful assembly

Another dominant trend in the civic space of Iran is the government's continual and systematic violation of freedom of association and peaceful assembly. It creates legal obstacles to prevent the free process of establishing associations and civil organizations in Iran, and deprives many citizens of the right of establishing associations and associational life. The government also does not recognize the independence of associations, and intervenes in their governance in various ways, thus preventing the formation of a lively, dynamic and democratic associational life in the Iranian society. Not granting establishment and activity permission to the civil associations, syndicates, and independent workers' unions, as well as not giving permission for the holding of peaceful assemblies to express demands, the frequent cancellation of civil-political activists' speeches in civic and public spaces are regular occurrences under the 11th and 12th governments. In recent years, many civil society associations and organizations like the Association of Iranian Journalists, independent workers' associations, university-student associations, and those for women's and human rights have made frequent application for licenses, but have not been yet able to acquire such licenses and start activities; and some applications have been left unattended to for a long time.



Recommendations

In this part, we will list some guidelines and recommendations for the expansion and development of civil society and associational life in Iran. Our recommendations are directed at the government of Iran, civil society activists in Iran, as well as international organizations.

Guidelines for the Government of Iran

Revising and correcting regulations overseeing associations and civil society organizations

We demand that the government of Iran promptly revise the existing restrictive laws and regulations, and adjust them to international standards and conventions of human rights and civil society. It is required that international laws, such as ILO's 87 and 98 conventions be met, and free operation of associations, unions and civil society organizations be granted.

Abandoning civil-society-building policies and spreading phobia of civil society

The government of Iran is required to stop the top-down policy of civil society building to occupy civic spaces and expand a network of GONGOs as power tools to advance its agenda. The government must also stop spreading propaganda that promotes fear of civil society as an evil and destructive phenomenon.

Stopping arrests, interrogations and unlawful detentions

The government of Iran needs to immediately stop summoning, interrogating, arresting and detaining of civil society activists, and refrain from using the judiciary as an extension of security forces. It is also essential that all activists who are currently in detention for the practice of their right to freedom of association and peaceful assembly be immediately and unconditionally released.

Recognizing the independence on civil society

We demand that the government of Iran, in accordance with Article 26 of the Constitution of the Islamic Republic of Iran as well as international conventions and agreements, recognize the independence of associations and civil society organizations, and refrain from meddling in internal affairs, finances, etc. of such entities. The government must also create a safe environment for such organizations in a way that security forces cannot randomly interfere with their workings, either.

Recognizing citizens' freedom to join associations and civil society organizations

The government of Iran must recognize the right of its citizens to join and participate in associations of their choice, and refrain from forcing them to or prohibiting them from joining a certain association or organization. In this regard, paragraph 131 of Iran's labor law must be amended to agree with ILO's conventions 87 and 98.

Recognizing the right to founding of associations

The government of Iran is required to unconditionally recognize the right of its citizens to found and operate associations and civil society organizations. Iranian citizens must be granted the freedom to organize their own associational life and operate in socio-political spheres.

Removing the licensing system for associations

To enforce a dynamic and engaging civil society in Iran, the government must remove the multi-layered licensing system it currently has in place, which delays and complicates the founding of any association or civil society organization.

Recognizing associations' right to seeking justice

Every association and organization must benefit from the equal right to seek justice in a court of law. The government of Iran must, therefore, recognize this right and revise article 66 of the penal code which restricts

this right to certain associations and disregards others.

Recognizing associations' right to build up international alliances

The government of Iran must refrain from blocking activists and organizations from exchanging and communicating with the global community of civil society. Activists must be allowed to freely connect and exchange with their international peers, join international networks and attend international congresses.

Recognizing the citizens' right to freedom of peaceful assembly

We demand that the government of Iran recognize the right of its citizens' to freedom of peaceful assembly as part of its commitment to article 27 of the Constitution of Iran, as well as in accordance with international covenants of human rights, socio-political and socio-economic rights of citizens. Laws that undermine freedom of peaceful assembly must be revised and corrected, so that citizens participate in acts of protest and assembly without fear of arrest and detention.

Recognizing the citizens' right to have access to free exchange of information

Freedom of access to information and freedom to exchange information are two more rights that the government of Iran must grant Iranian citizens. Censorship of books, publications, films, arts, and other cultural outlets as well as filtering the internet must stop, and attempts at regulating journalism, or messaging apps must be blocked immediately.

Recognizing the monitoring function of civil society organizations

An essential part of the function of civil society is its role as the watchdog and monitor of governmental affairs. The government of Iran must recognize this vital function of the civil society, which will allow for the Iranian civil society to pursue its mission in holding authorities accountable.

Recommendations for international stakeholding organizations

Demanding freedom of association and peaceful assembly

It is requested from the UN Special Rapporteur on freedom of association and assembly to prioritize freedom of association and assembly in Iran and put the instances of violation on the spotlight. The Rapporteur is kindly requested to hold Iranian authorities accountable and demand that they revise restrictive laws governing freedom of association and peaceful assembly in Iran, and stop any procedure that violates this civic right of Iranian citizens.

Defending the liberty and independence of Iranian civil society

We ask international stakeholders to promote and defend the liberty and independence of Iranian civil society, and require that the government of Iran recognize the right to found and operate civil society organizations, and refrain from interfering with the inner workings of these CSOs.

International advocacy campaigning for freedom of association and assembly in Iran

International stakeholding organizations are also requested to launch a global advocacy campaign to raise global awareness on the dire situation of Iranian civic space. They are also requested to hold western governments accountable in their negotiations with Iranian authorities to demand freedom and independence of CSOs.

Defending the right of Iranian citizens to free access to exchange of information

International organizations should also pay special attention to and protect the right of Iranian citizens to free access to and exchange of information, a right that suffers severe violations under the government of Hassan Rouhani. The government of Iran must, therefore, be held accountable to secure this basic foundation of human rights, and thus remove any obstacles that limit its citizens, be it freedom of speech, freedom of the press, or

free exchange of knowledge and information in both its online and offline format.

Recommendations for Iranian civil society actors

Prioritizing freedom of association and peaceful assembly

It is vital that Iranian civil society devotes itself to seeking freedom of association and peaceful assembly as a basic human rights. Activists must campaign and raise public awareness toward the matter. The circumstances of human rights will not improve in Iran unless the right to freedom of association and assembly are recognized and guaranteed.

Monitoring Iranian civic space

Activists should also constantly monitor Iranian civic space, its trends and movements. They should also reflect the voice of Iranian civil society in both domestic and international stage. This can be an effective mechanism to hold Iranian authorities accountable and force them to stop harassing activists, occupying the civic space and building chain GONGOs to replace independent CSOs.

Training and documentation

Iranian CSOs and CSAs could play a vital role in raising citizens' awareness toward the significance of freedom of association and assembly. Citizens who are aware of their rights will also be more prone into observing, understanding and documenting the violation of their rights

Forming collaborative networks

Civil society activists in Iran should maintain and expand their collaborative network domestically and globally. Such networks are instrumental in safeguarding them in the face of a hostile government and also enables activists and CSOs to elevate their knowledge and understanding of their own standing and those of their global peers.



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Volunteer Activists Institute (VA) is a non-profit, non-governmental, non-political and independent institute, whose primary aim is capacity building among activists and civil society organizations; facilitation of information exchange among civil society activists, and advocacy and expansion of democracy, human rights and peace building within Iranian society and communities in the MENA region.

Volunteer Activists aims to reflect the voices of civic actors and engage them, helping them to develop their own programming for expanding social existence and associative life by:

- Facilitating a successful transition of a democratic society, and consolidating the foundations of democracy;
- Capacity-building and empowering, deepening, and expanding civil society, advocating and advancing civic-minded and civic morality behavior, and creating a culture of volunteer action and associative life;
- Spreading and promoting professionalism and good governance practices amongst civil society organizations;
- Promoting theoretical knowledge, producing literature, and advancing and expanding thoughts on civil rights and duties, development, democracy, and human rights in Iranian society;
- Facilitating access to, circulation of, and free exchange of information between activists and organizations within civil society;
- Creating an appropriate atmosphere for theoretical exchanges and dialogue between activists in local civil society and international civil society.

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