



Islamic Republic of Iran

Joint Submission to the UN Universal Periodic Review

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Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

and

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Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in over 190 countries.
- 1.2** Volunteer Activists (VA) is a non-profit, non-political and independent CSO, whose primary aim is building capacity among activists and CSOs. VA facilitates information exchange among civil society activists and engages in advocacy, the promotion of human rights and peacebuilding within Iranian society and communities in the Middle East and North Africa (MENA).
- 1.3** In this document, CIVICUS and VA examine the Government of the Islamic Republic of Iran's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Iran's fulfilment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in October 2014. To this end, we assess Iran's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4** During the 2nd UPR cycle, the Government of Iran received 101 recommendations relating to the space for civil society (civic space). Of these recommendations, 61 were supported and 40 were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission, as well as consultations with Iranian human rights activists and experts in exile, demonstrate that the Government of Iran has only partially implemented one recommendation relating to civic space. The other 100 recommendations have not been implemented. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, and acute implementation gaps were found with regard to the freedom of expression and issues relating to the freedoms of association and peaceful assembly, and the treatment of HRDs.
- 1.5** Iran remains one of the most restrictive countries in the world for HRDs, journalists, activists and bloggers, as the government systematically persecutes anyone reporting on the actions of the state or human rights violations. Even though the constitution guarantees the freedoms of association, peaceful assembly and expression, in practice restrictive legislation and policies are used to target journalists, HRDs, bloggers and other citizens who express views contrary to those of the government. The authorities often fail to respect the rule of law, and legal and judicial processes are controlled by the state. HRDs and journalists are often handed lengthy sentences on unsubstantiated security-related charges, denied access to medical and legal

assistance and sometimes only informed of sentences months after they have been passed without the knowledge of those accused or their lawyers. Many jailed HRDs and journalists are forced to embark on hunger strikes to protest against their illegal detention and lack of access to medical assistance and lawyers. The restrictive environment for civil society has forced many HRDs, journalists and other citizens to flee Iran.

1.6 As a result of these issues, civic space in Iran is currently classified as ‘closed’, the most serious category, by the CIVICUS Monitor.¹

- Section 2 of this submission examines Iran’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Iran’s implementation of UPR recommendations and compliance with international human rights standards relating to the protection of HRDs and civil society activists.
- Section 4 examines Iran’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and journalists, and access to information.
- Section 5 examines Iran’s implementation of UPR recommendations and compliance with international human rights standards relating to the freedom of peaceful assembly.
- Section 6 makes recommendations to address the concerns listed.

2. Freedom of association

2.1 During Iran’s examination under the 2nd UPR cycle, the government received 23 recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to ensuring that laws do not criminalise the legitimate freedoms of association, peaceful assembly and expression. It committed to take appropriate measures to develop an environment conducive to the empowerment of civil society. Of the recommendations received, the government supported 19 and noted four. However, as evidenced below, the government has not implemented any recommendations.

2.2 Article 26 of the Constitution of the Islamic Republic of Iran guarantees the right to the freedom of association “provided that no violation is involved in the principles of independence, freedom, national unity, Islamic Standards and the foundations of the Islamic Republic.” Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, guarantees the freedom of association. Despite these guarantees, the freedom of association is severely

¹ CIVICUS Monitor: Iran, <https://monitor.civicus.org/country/iran>.

restricted. CSOs that focus on less sensitive issues such as development and poverty alleviation operate without major restrictions but those that work on human rights, women's rights and environmental rights and comment on political developments are frequently targeted by the authorities. Iran's most prominent human rights organisations have been shut down by the authorities, although members continue to work on human rights issues, while several HRDs affiliated to these human rights groups have fled into exile.

2.3 Article 22 of the ICCPR guarantees the right of individuals to form trade unions for the "protection of their interests," but labour unions are not allowed to operate freely, and union leaders are often subjected to arbitrary arrests and detained for their activities.² The authorities refuse to allow the creation of labour unions that are not aligned to the state-controlled Islamic Labour Councils (ILCS). The ILCs are established under Iran's Labour Code as workers' organisations created in the production, industrial and agricultural services units. The processes of electing ILC members are often not transparent and heavily influenced by the authorities, and often those elected are conservatives from the government.³ ILCs are not independent and often drive pro-government ideological policies. Under these circumstances workers' representatives and activists have created unions to represent their interests, such as the Iranian Teachers Trade Association, the Syndicate of Workers of Tehran and the Iran Free Workers Union. These unions are not recognised by the authorities and are often subjected to unwarranted restrictions by the state. Most leaders of these unions have been arrested and the unions carry out most of their activities in private as any attempts by their members to organise in public are repressed by the authorities.

2.4 The government has regularly targeted the Iranian Writers Association (IWA) and its members, preventing the Association from holding meetings and arresting its members whenever they do so.⁴ The IWA was created in 1968 and its members include poets, authors, editors and translators who advocate against state censorship. On 22 January 2019, three IWA board members - Baktash Abtin, Reza Keyvan Bajan and Khadan Mahabadi - were arrested and detained at Tehran's Evin Prison, charged with assembly and collusion against state security after they published information calling on the state to stop censoring art and literature in Iran. They were denied access to a lawyer and only released on bail after several days on 28 January 2019. In May 2018, the authorities prevented IWA from hosting an event to commemorate its

² 'Iranian workers continue to struggle for independent trade unions', Equal Times, 4 May 2017, <https://www.equaltimes.org/iranian-workers-continue-to?lang=en#XHptjfZuLIV>.

³ 'Right to work, Labour Rights and Trade Unions in Iran', International Federation for Human Rights, March 2013, https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/IRN/INT_CESCR_NGO_IRN_13463_E.pdf.

⁴ 'Iranian Security Agents Prevent 50th Anniversary of Writers Association', Radio Farda, 26 May 2018, <https://www.iranhumanrights.org/2018/05/50-years-later-iranian-security-forces-are-still-trying-to-silence-the-iranian-writers-association>.

50th anniversary. Security forces blocked the roads leading to the house where the event was scheduled to be held, raided the house and confiscated several items.⁵

2.5 The Iranian authorities continue to arrest, prosecute and detain members of the Mourning Mothers of Iran (Mothers of Laleh Park), a group that brings together women who call for justice for those who killed, detained, or disappeared in Iran since 1981. Since 2009, members of the group have held silent public protests on weekends at Laleh Park in Tehran and called on the authorities to account for those killed, release all those detained and abolish the death penalty. On 25 October 2017, Shahnaz Akmali, a member of the group whose son was killed in political violence during the presidential election in 2009, was sentenced to one year in prison by the Revolutionary Court.⁶ She was convicted of propaganda against the state for her activities as a member of the Mourning Mothers of Iran. She was arrested on 25 January 2017 after she granted an interview in which she spoke about victims of human rights abuses in Iran and her work to assist them.⁷ As part of the sentencing, she was banned from taking part in any political activities and using the internet for an unspecified period of time.

2.6 One of Iran's most prominent human rights organisations, the Defenders for Human Rights Center (DHRC), was officially closed by the authorities in 2010, although DHRC members continue to engage in human rights advocacy and provide support to victims of human rights violations. DHRC was established in 2001 by a group of lawyers and has defended prisoners of conscience and political prisoners pro-bono.⁸ In 2005, the Ministry of Interior approved the establishment of DHRC but refused to provide an operating permit, and authorities have often used this as a pretext to charge HRDs affiliated with DHRC with membership of an illegal organisation.⁹ Despite its official closure by the state and the restrictions faced by its members, DHRC has provided support to more than 5,000 victims of human rights violations to date and continues to support civil society groups to enhance their capacity to address human rights violations.¹⁰ Several DHRC members are in exile while its Deputy Director, Narges Mohammadi, is currently serving a 16-year prison sentence for "engaging in propaganda against the state."

⁵ '50 Years Later, Iranian Security Forces Are Still Trying to Silence the Iranian Writers Association', Center for Human Rights in Iran, 29 May 2018, <https://www.iranhumanrights.org/2018/05/50-years-later-iranian-security-forces-are-still-trying-to-silence-the-iranian-writers-association>.

⁶ 'Free Shahnaz Akmali NOW', Campaign to Free Political Prisoners in Iran, 12 February 2018, <https://cfppi.org/2018/02/12/free-shahnaz-akmali-now-2>.

⁷ 'Shanaz Akmali Arrested and Taken to an Unknown Location', Human Rights Activists News Agency, 9 February 2017, <https://www.en-hrana.org/shahnaz-akmali-arrested-taken-unknown-location>.

⁸ 'Iranian authorities shut down the Defenders of Human Rights Center', Human Rights House Foundation, 22 December 2008, <https://humanrightshouse.org/articles/iranian-authorities-shut-down-the-defenders-of-human-rights-center>.

⁹ 'About the Defenders of Human Rights Center', Defenders of Human Rights Center, <http://www.humanrights-ir.org/about-us>.

¹⁰ 'National Human Rights Organizations', Human Rights and Democracy for Iran, <https://www.iranrights.org/library/collection/144/defenders-of-human-rights-center>.

3. Harassment, intimidation and attacks against human rights defenders and civil society activists

- 3.1** Under Iran's previous UPR examination, the government received 20 recommendations on the protection of HRDs and civil society representatives. The government committed to work towards guaranteeing a favourable environment for activists, journalists, HRDs and civil society. The government also agreed to investigate and prosecute all those responsible for torturing, killing or mistreating citizens, HRDs, journalists, political activists and protesters. Of the 20 recommendations, 11 were supported and nine noted. However, the government has only partially implemented one recommendation.
- 3.2** The government has created a particularly hostile environment for HRDs. The control of the judiciary by the state and the non-respect of the rule of law by the government and security agents subject HRDs to unscrupulous legal processes and lengthy periods of incommunicado detentions without any formal charges or access to legal representation. Most HRDs are arbitrarily arrested on unfounded security-related charges. Some are tortured by security forces to extract false confessions. Human rights lawyers representing HRDs are often targeted by the state. Many HRDs have been jailed and only informed about the charges against them and the duration of their sentences after they have been detained.
- 3.3** In April 2015, the President of Iran signed into law a new Code of Criminal Procedure (CCP), which came into force in June 2015. The CCP came after a decade-long negotiation process, during which advocates for human rights called for a new Code to replace the restrictive CCP adopted in 1999.¹¹ The new Code has several provisions that demonstrate a marked improvement on the previous Code. For example, it regulates the process of issuing warrants and summons and contains disciplinary measures for individuals who arrest or summon others without sufficient proof they have committed an offence.¹² Compared to the previous Code, the new CCP allows those arrested to inform others about their arrest. However, the amended Code does not fully guarantee the right of individuals arrested and accused of specific crimes that affect national security and drug-related offences to have immediate access to a lawyer. Instead, it empowers judicial officers to delay granting access to lawyers while investigations are ongoing, which can last for months. People accused of offences against national security and other crimes, the sentences which include the death penalty, life imprisonment and amputation, can only access lawyers from a list provided by the state. This provision has been used to target HRDs, journalists and

¹¹ 'Criminal Code of Procedure for Public and Revolutionary Courts. Approved on September 19, 1999 with Amendments', Refworld, <https://www.refworld.org/docid/517fb0994.html>.

¹² 'IRAN: Judiciary Starts to Enforce New Criminal Procedure Law', International Trademark Association Bulletin, Vol. 17, No. 15, 1 September 2016, https://www.inta.org/INTABulletin/Pages/Iran_7115.aspx.

human rights lawyers. By imposing security-related charges against HRDs, the authorities place them in the same category as those accused of drug-related offences.

- 3.4** On 10 February 2019, the authorities informed human rights lawyer and university professor Massood Shamsnejad of a six-year prison sentence imposed by the Islamic Revolutionary Court in Orumiyeh on charges of spreading propaganda against the system and membership of a Kurdish opposition party.¹³ He was charged with the latter offence because he had represented some political prisoners from the party in court. He was initially arrested on 8 January 2019 while defending one of his clients in court and taken by the intelligence services for 10 days of questioning before being detained at the Orumiyeh Central Prison.¹⁴ Following his arrest, his home and office were searched, and several documents confiscated. He was denied access to legal representation during his trial. Massood has been subjected to various forms of persecution for his human rights activities and his defence of HRDs and prisoners of conscience. He had previously been sentenced to four months in prison on charges of propaganda against the regime and publication of false information after conducting interviews with Kurdish media outlets.¹⁵ His lawyers' licence was suspended, and the suspension was only lifted after he served his prison sentence.
- 3.5** On 23 January 2019, HRD Reza Khandan was sentenced to six years in prison by Tehran's Revolutionary Court after he was found guilty of "conspiring against national security," and spreading "propaganda against the system."¹⁶ He was arrested on 4 September 2018 by officials from the Ministry of Intelligence and charged with colluding against national security and spreading propaganda against the system. He was banned from participating in social groups and political parties, carrying out online activities and leaving Iran for two years.¹⁷ Prior to his arrest he had campaigned publicly for the release of his wife, Nasrin Sotoudeh, a human rights lawyer (see 3.7).¹⁸ Security forces searched his house and confiscated documents, including letters Nasrin had written to him from prison, as part of a strategy to intimidate him and his family before his arrest.

¹³ 'Masoud Shams Nejad, a Kurdish Lawyer Sentenced to 6 Years in Prison', Hengaw Organization for Human Rights, 13 February 2019, <https://hengaw.net/en/news/masoud-shams-nejad-a-kurdish-lawyer-sentenced-to-6-years-in-prison>.

¹⁴ 'Kurdish Human Rights Lawyer Sentenced to 6 Years and 4 months of imprisonment', Kurdistan Human Rights Network, 11 February 2019, <http://kurdistanhumanrights.net/en/human-rights-lawyer-sentenced-to-6-years-of-imprisonment>.

¹⁵ 'Court Orders to Remove Suspension on Masoud Shams Nejad's License', Human Rights Activists News Agency, 9 February 2015, <https://www.en-hrana.org/court-orders-remove-suspension-masoud-shams-nejads-license>.

¹⁶ 'Iran Sentences Men Who Supported Women's Protests Against Compulsory Hijab to Six Years Prison', Center for Human Rights in Iran, 22 January 2019, <https://www.iranhumanrights.org/2019/01/iran-sentences-men-who-supported-womens-protests-against-compulsory-hijab-to-six-years-prison>.

¹⁷ 'Authorities Charge Reza Khandan, Husband of Imprisoned Civil Rights Activist Nasrin Sotoudeh', Human Rights Activists News Agency, 4 September 2018, <https://www.en-hrana.org/authorities-charge-reza-khandan-husband-of-imprisoned-civil-rights-activist-nasrin-sotoudeh>.

¹⁸ 'Iran detains husband of jailed rights lawyer', Refworld, 4 September 2018, <https://www.refworld.org/docid/5bc05350a.html>, <https://www.refworld.org/docid/5bc05350a.html>.

3.6 On 1 September 2018, human rights lawyer Hoda Amid was arrested at her home in Tehran and denied access to a lawyer. The authorities refused to disclose the reasons for her arrest.¹⁹ Hoda advocates for the rights of women and girls and has organised educational workshops. She launched a campaign to increase the female representation of women in parliament ahead of the February 2016 parliamentary elections. Hoda was released on bail on 5 November 2018 after spending more than two months in pre-trial detention at Evin Prison.²⁰

3.7 On March 12, 2019, human rights defender Reza Khandan, husband of human rights lawyer and defenders of the rights of women Nasrin Sotoudeh's informed the international community through a social media post that Nasrin has been sentenced to 38 years of prison and 148 lashes. On 13 June 2018, the Iranian authorities arrested Nasrin and immediately detained her at Evin Prison. After her arrest she was informed that she had been sentenced to five years in prison in absentia in 2016.²¹ On 18 August 2018, officials from the Revolutionary Guard at Evin Prison raided her house. Nasrin has defended the rights of women activists in Iran who are prosecuted for protesting against compulsory veiling. She embarked on a hunger strike on 25 August 2018 to protest against her unjust detention and the treatment of other activists and members of their families. Her family, including her two children, have been prevented from visiting her under the pretext that she has a pair of small scissors in her cell.²² Nasrin has been targeted by the state on several occasions for her human rights activities. In 2010 she was sentenced to 10 years in prison and banned from practising law for spreading propaganda and conspiring to harm state security. She was also handed a 20-year travel ban. She was released in 2013 after serving three years of her sentence. Prior to her arrest, she had represented HRDs and juveniles facing the death penalty.²³

3.8 On 24 January 2018, the authorities arrested human rights activist Kavous Seyed-Emami, and on 9 February 2018, the authorities informed his family that he had died in detention at Evin Prison. Kavous was an environmental rights activist and coordinator of the Persian Wildlife Heritage Foundation.²⁴ Intelligence agencies stormed his home after he died and have intimidated his wife, interrogating her for lengthy periods in undisclosed locations and preventing her from travelling to Canada

¹⁹ 'Attorney Crackdowns Persist as Hoda Amid is Taken into Custody', Human Rights Activists News Agency, 2 September 2018, <https://www.en-hrana.org/attorney-crackdowns-persist-as-hoda-amid-is-taken-into-custody>.

²⁰ 'Women's Rights Activist Hoda Amid Released on Bail', Human Rights Activists News Agency, 5 November 2018, <https://www.en-hrana.org/womens-rights-activist-hoda-amid-released-on-bail>.

²¹ 'Re-arrest and detention of Nasrin Sotoudeh a vindictive attempt to silence human rights activism', PEN America, 18 June 2018, <https://pen.org/press-release/rearrest-detention-nasrin-sotoudeh-attempt-silence-activism>.

²² 'Evin Prison Repeatedly Blocking Nasrin Sotoudeh From Seeing Her Children', Center for Human Rights in Iran, 18 January 2019, <https://www.iranhumanrights.org/2019/01/evin-prison-repeatedly-blocking-nasrin-sotoudeh-from-seeing-her-children>.

²³ 'CIVICUS Calls for Immediate Release of Iranian Activist Nasrin Sotoudeh', CIVICUS, 26 November 2012, <https://www.civicus.org/index.php/media-resources/media-releases/2476-civicus-calls-for-immediate-release-of-iranian-activist-nasrin-sotoudeh>.

²⁴ Persian Wildlife Heritage Foundation, <http://persianwildlife.org/en>.

to meet members of her family.²⁵ Kavous was arrested during a crackdown on activists working on environmental rights, many of them affiliated to the Persian Wildlife Heritage Foundation. Eight other activists were arrested as they conducted research on endangered animals and are currently detained.²⁶ Several other activists including Morad Taahbaz, Houman Jokar, Niloufar Bayani are awaiting trial on the charges of espionage and corruption on Earth which, and if convicted, will may face the death penalty.

4. Freedom of expression, independence of the media and access to information

- 4.1** Under the 2nd UPR cycle, the government received 36 recommendations relating to the freedom of expression, protection of journalists and access to information. For example, the government pledged to allow for the freedoms of expression and media. It committed to account for its measures to ensure public access to the internet. Of the recommendations received, 19 were accepted and 17 noted. However, as discussed below, the government has not implemented any recommendations.
- 4.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 24 of the Constitution guarantees the freedoms of expression and the media. It states that publications and the press have the freedom of expression except where it infringes on basic tenets of Islam or public rights, and in such cases, detailed provisions will be laid down by the law. Despite these guarantees, the state severely controls the freedom of expression. The media environment is controlled by the public broadcaster, which is led by conservatives. Journalists are targeted, arrested and charged for publishing any information critical of the conduct of the state. Such restrictions place Iran among the top countries in the world for the jailing of journalists.
- 4.3** Because traditional media outlets are tightly controlled, there has been an increase in the use of social media by journalists and citizens. Under these circumstances, millions of Iranians rely on bloggers and online activists to receive objective information on state affairs and government actions. Over the last few years, the Iranian government has extended its restrictions online and now regularly targets bloggers and activists. Seven million webpages run by media agencies, members of the political opposition, civil society activists and social networks have been shut down by the authorities.²⁷ Because most servers for such platforms are hosted outside Iran, the government has embarked on a concerted effort to force Iranians to

²⁵ 'Intelligence Agents Storm The House Of Environmentalist Who Died In Detention', Radio Farda, 27 June 2018, <https://en.radiofarda.com/a/intelligence-agents-storm-the-house-of-environmentalist-who-died-in-detention-/29323314.html>.

²⁶ "No Evidence' Detained Iranian Environmentalists Are Spies', Radio Free Europe / Radio Liberty, 22 May 2018, <https://www.rferl.org/a/iran-official-says-no-evidence-detained-environmentalists-are-spies/29243117.html>.

²⁷ 'Situation of human rights in the Islamic Republic of Iran. Report by the Secretary General', UN Human Rights Council, 26 February-23 March 2018, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_24.docx.

use online platforms that are developed and controlled by the state. This increases the levels of state censorship as state-controlled platforms only publish information approved by government officials and users are subjected to state surveillance and monitoring.

- 4.4** The Press Law of 1986 (amended in 2000 and 2009) restricts the freedom of expression and places limitations on the media. The law criminalises the publication of atheistic articles or information prejudicial to Islamic Codes, the publication of statements against the constitution or the quoting of articles from the ‘deviant’ press, parties and groups that oppose Islam. This provision is interpreted by the state to target and sanction journalists and media outlets that publish information critical of the state. In addition, Chapter 4 (8) of the law criminalises the publication of libellous information against officials, institutions, organisations and individuals, or insulting persons even by means of pictures or caricatures.²⁸ According to the law the violation of this Chapter may lead to the “intensification of punishment,” and cancellation of a licence. Article 35 outlines onerous sanctions for those deemed to have violated the law. Those found guilty are liable to a fine or the closure of their publication for between six months and a year. It also states that when an offence is punishable by flogging, the judicial authorities may alternatively ban the offender from all press activities for five years or close newspapers for six months.
- 4.5** The Computer Crimes Law places unwarranted restrictions on online expression, criminalising the activities of bloggers, HRDs, journalists and media outlets. It criminalises individuals, organisations and groups for accessing or sharing confidential information but does not define what confidential information entails. This means the provision is subject to interpretation by the authorities, who can deem any piece of information confidential to prosecute journalists, activists or citizens who are found to be in possession of or sharing the information. In addition, Article 9 of the law makes it a criminal offence for individuals or organisations to distribute, transfer, delete, or manipulate information on a computer or telecommunications system that is not their own. This provision is drafted in very broad terms and can cover any information considered sensitive by the authorities. The law imposes strict penalties for those found guilty, empowering the authorities to close down organisations or media outlets permanently or temporarily.
- 4.6** On 23 January 2019, Tehran’s Revolutionary Court sentenced journalist Yashar Soltani to five years in prison after he was charged with spreading lies in order to disturb public opinion, defamation and threats against the government.²⁹ He was charged after publishing a report implicating the office of the Mayor of Tehran in the

²⁸ ‘Press Law (Ratified on March 19, 1986) And its Executive By-law (January 31 1987) With amendments of 18 April 2000’, <https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir013en.pdf>.

²⁹ ‘Detained Editor Who Exposed Corruption Slapped with Additional Charge’, Center for Human Rights in Iran, 28 September 2016, <https://www.iranhumanrights.org/2016/09/yashar-soltani>.

sale of public land to friends in political circles at discounted rates. He was also banned from leaving Iran, publishing on social media and participating in political parties.³⁰ Yashar had published the report on the Mamari news website in 2016, sharing details from a report from the General Inspection Office of Iran that highlighted corruption in the Tehran municipal government.³¹

- 4.7** In December 2018, social media activist Vahid Sayadi Nasiri died in prison after spending three months on a hunger strike. He started the hunger strike in October 2018 to protest against inhumane prison conditions and his lack of access to a lawyer. He had also asked to be transferred from the Qom high security prison to Evin Prison. Vahid was arrested in September 2015 and sentenced to eight years on charges of propaganda against the state.³² He had been released initially in March 2018 after serving over two years of his sentence but was rearrested and jailed on the same charges.
- 4.8** On 5 November 2018, unidentified security force members in civilian clothes arrested journalist Massoud Kazemi in Tehran. Massoud is editor of the political magazine Sedaye Parsi (Persian Voice) and has worked as a journalist for several newspapers, including the daily newspaper Shargh.³³ He is known for his critical comments about decisions made by Iranian authorities. During his arrest, security forces searched his house and confiscated documents and computer devices. His Twitter account was deactivated following his arrest. A day before his arrested, Massoud posted a tweet about high levels of corruption in the Ministry of Industry, Mines and Trade. No reasons were provided for his arrest.³⁴
- 4.9** On 29 October 2018, journalist Saba Azarpeyk was arrested by intelligence force members after posting a tweet accusing the former Minister of Industry, Mines and Trade, Mohammad Shariatmadari, of corruption and nepotism. Her social media accounts were shut down after her arrest. She was released from bail on 31 October 2018.³⁵ Saba has previously been subjected to arbitrary arrests and detention for publishing information on issues affecting Iranians.

³⁰ 'Yashar Soltani, Still under Detention', Human Rights Activists News Agency, 26 October 2016, <https://www.en-hrana.org/yashar-soltani-still-detention>.

³¹ 'Journalist Sentenced to Five Years in Prison', Iran Wire, 29 January 2019, <https://iranwire.com/en/features/5812>.

³² 'Deceased Political Prisoner Is Now Accused Of Terrorism', Radio Farda, 17 December 2018, <https://en.radiofarda.com/a/iran-political-prisoner-nasiri-accused-of-terrorism/29660615.html>.

³³ 'Masoud Kazemi is the Second Journalist to Be Arrested in Tehran Within Two Weeks', Center for Human Rights in Iran, 7 November 2018, <https://iranhumanrights.org/2018/11/masoud-kazemi-is-the-second-journalist-to-be-arrested-in-tehran-within-two-weeks>.

³⁴ 'Journalist Masoud Kazemi Arrested', Human Rights Activists News Agency, 6 November 2018, <https://www.en-hrana.org/journalist-masoud-kazemi-arrested>.

³⁵ 'Reporters Without Borders Rebukes Iran Over Latest Round Of Journalist Arrests', Radio Farda, 7 November 2018, <https://en.radiofarda.com/a/reporters-without-borders-rebukes-iran-over-latest-round-of-journalist-arrests/29587622.html>.

4.10 On 30 April 2018, the Iranian judiciary passed an order for the Telegram communication app to be blocked, ordering Iran's internet service provider to block all access to it. The app was widely used to disseminate information on protests that started in Iran in December 2017, although the Iranian authorities cited security reasons. Telegram became a popular tool for sharing information in 2015 and has been used by approximately 40 million Iranians as a source of information and a means of communication.³⁶The app's servers were hosted in Dubai and many Iranians found the app reliable and easy to use. Before the app was banned, the Iranian authorities had regularly blocked access to it and often pushed for the servers to be hosted inside Iran to enable them to exert control over it.³⁷

5. Freedom of peaceful assembly

- 5.1** During Iran's examination under the 2nd UPR cycle, the government received 21 recommendations on the right to the freedom of peaceful assembly. Among other recommendations, the government committed to take the necessary steps to ensure that citizens fully enjoy the rights and freedoms awarded to them by the Constitution, with special emphasis on the rights to political activity and assembly. Of the recommendations received, 13 were accepted and three noted. However, as evidenced below, the government has not implemented any recommendations.
- 5.2** Article 21 of the ICCPR guarantees the right to the freedom of assembly. Article 27 of the Constitution guarantees the freedom of peaceful assembly and states that "public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam." However, freedom of assembly is routinely restricted as security forces often use violence to disperse peaceful protests.
- 5.3** Security forces used violence to disperse peaceful protests that started in December 2017 and continued for several months against the state of the economy and high levels of corruption. Protesters also expressed concerns over the rise in the prices of basic commodities, low wages and high levels of unemployment. The protests began in Esfahan and Tehran before spreading to other areas. More than 4,000 protesters were arrested, and 30 people were killed as a result of violence against protesters.³⁸ Many of those arrested had bruises on their bodies, indicating they were physically assaulted. Most of those detained were prevented from accessing lawyers and threatened with harsher sentences if they insisted on accessing legal counsel.³⁹ Two

³⁶ 'Eight Internet Freedom Organizations Call on Iran to Lift Ban on Telegram', Center for Human Rights in Iran, 11 May 2018, <https://www.iranhumanrights.org/2018/05/iran-the-block-on-telegram-in-iran-is-a-blow-to-freedom-of-expression>.

³⁷ 'Closing of the Gates. Implications of Iran's Ban on the Telegram Messaging App', Center for Human Rights in Iran, 2018, <https://www.iranhumanrights.org/wp-content/uploads/Closing-the-gates-3-online.pdf>.

³⁸ 'Iran In 2018: A Year Of Confusion, Chaos And Perceived Threat Of Regime Change', Radio Farda, 29 February 2018, <https://en.radiofarda.com/a/iran-in-2018-a-year-marked-by-confusion-chaos-and-perceived-threat-of-regime-change/29682694.html>.

³⁹ 'Silencing the Streets, Death in Prison. The December 2017 Crackdown in Iran', Center for Human Rights in Iran, 2018, <https://www.iranhumanrights.org/wp-content/uploads/Silencing-the-streets-6.pdf?x96855>.

protesters who were detained died in detention. The authorities claimed they had both committed suicide and forbade their families from speaking to the media.⁴⁰

- 5.4 On 18 November 2018, labour activists and leaders of the Haft Sugarcane Company, Mohsen Armand and Esmael Bakhshi, were arrested with 15 other activists as they embarked on labour protests. Esmael was tortured in detention and admitted to hospital.⁴¹
- 5.5 On 13 November 2018, peaceful protests organised by members of teachers' unions against working conditions and high levels of inflation were repressed by the authorities. The protests were coordinated by the Coordinating Council of Teachers' Syndicates in Iran, with protesters standing outside their offices in 27 Iranian cities holding signs calling for reforms. More than 12 protesters were arrested.
- 5.6 Ahead of Labour Day celebrations in May 2016, the Iranian authorities prevented peaceful protests. Labour activist Seyyed Kassould and several others were arrested by security forces as union members attempted to demonstrate with banners calling for the release of all detained workers and the right to establish unions. In cities including Sanandaj and Saqqez union activists who attempted to hold peaceful protests were violently repressed and protesters were arrested and detained.

6. Recommendations to the Government of Iran

CIVICUS and VA call on the Government of Iran to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

6.1 Regarding the freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.

⁴⁰ Ibid.

⁴¹ 'Labour Activists Say Detained Worker Tortured, Sent To Hospital', Radio Farda, 30 November 2018, <https://en.radiofarda.com/a/iran-labor-leader-bakhshi-torture-reports/29630095.html>.

- Legalise the existence of labour unions and create an enabling environment for them to be able to raise issues affecting their members without fear of intimidation or arrest.
- Carry out independent investigations into all restrictions placed on CSOs, including labour and professional unions, and ensure that all union members who have been arrested and are in detention are released and all charges against them dropped.
- Stop interfering in the internal affairs of CSOs and allow them to operate as independent entities.
- Abolish criminal responsibility for organising and participating in the activities of non-registered organisations and lift the ban on their activities.
- Reopen all CSOs that have been arbitrarily shut down by the authorities, including DHRC, and allow them to engage in their peaceful human rights activities without fear of intimidation or arrest.

6.2 Regarding the protection of human rights defenders

- Engage in open discussions and consultations with civil society on restrictive provisions of the CCP and amend all restrictive provisions of the Code to bring it into line with international human rights standards that guarantee the rights of HRDs.
- Carry out an independent investigation into the death of environmental HRD Kavous Seyed-Emani, make the findings public and stop all forms of harassment against his family.
- Provide a safe and secure environment in which civil society members and HRDs can carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks against and harassment and intimidation of them and bring the perpetrators of such offences to justice.
- Unconditionally and immediately release all HRDs, civil society representatives and political activists detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression. Order and conduct an immediate review of their cases to prevent further harassment or prolonged detention.

- Stop the practice of targeting family members of HRDs and human rights lawyers who are in jail, and ensure that those detained have access to legal representation at all times.
- Ensure that HRDs accused of any wrongdoing and their lawyers are provided with information about the offences they are accused of committing in a timely manner and stop the practice of informing HRDs about sentences handed to them months after they have been detained.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs by adopting a specific law on the protection of HRDs, in accordance with Human Rights Council resolution 27.31.

6.3 Regarding the freedom of expression, independence of the media and access to information

- Lift restrictions that prevent private media outlets and journalists working for them from travelling freely and doing their work without intimidation and harassment.
- Amend all restrictive provisions of the Press Law, including Chapter 4 (8) and Article 35, and ensure that these amendments are preceded by broad consultations with the Iranian people, civil society, media outlets and journalists so all provisions in the law are in line with international standards on the freedom of expression.
- Carry out a complete review of all provisions in the Computer Crimes Law and replace the law with a more enabling one, in line with international standards on the freedom of expression, that protects the security of all citizens and media professionals.
- Lift the ban on Telegram and all other social media websites and apps and allow Iranians to choose the platforms they want to use, without forcing them to use government-controlled platforms.
- Cease the practice of confiscating and censoring print media.
- Reform defamation legislation in conformity with ICCPR article 19.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.

- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression and information, including by ensuring free access to electronic media and liberalising electronic media ownership rules.

6.4 Regarding the freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Unconditionally and immediately release all protesters, journalists and HRDs detained for exercising their right to the freedom of peaceful assembly. Immediately review their cases to prevent further harassment and, when warranted, compensate the affected individuals for undue harassment, arbitrary detention and unlawful incarceration.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

6.5 Regarding access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy and; 7) Working Group on Arbitrary Detention.

6.6 Regarding state engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.

- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of the UPR, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.