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DIGITAL RIGHTS IN IRAN

UNIVERSAL PERIODIC REVIEW SUBMISSION

SESSION 48, 4TH CYCLE

SUBMITTING ORGANISATIONS

The Miaan Group is an organisation providing legal and technical expertise, research, and advocacy support to organizations working on human rights. Founded in 2019, their mission is to raise the capacity of civil society to promote human rights, good governance, and social justice through advocacy and technology.

Small Media Foundation is a UK-based organisation that works to support the free flow of information in politically closed societies. The non-profit engages in research, advocacy, and training activities to support global advocates to uphold citizens' rights to freedom of expression and access to information. The Uproar programme is a Small Media initiative championing digital rights in over 34 countries across Africa, MENA region and Central Asia through the Universal Periodic Review.

INTRODUCTION

1. The Universal Periodic Review (UPR) is an important UN mechanism aimed at addressing human rights issues across the globe. The MIAAN Group and Small Media welcome the opportunity to contribute to Iran's fourth review cycle.
2. At Iran's third cycle Universal Periodic Review (UPR) in 2019, Small Media emphasized that in addition to revising laws violating the rights of journalists, political activists and human rights defenders, such as the Iranian Penal Code and the Press Law, the Islamic Republic of Iran must revise the Computer Crimes Law, which adversely impacts upon citizens' rights to free expression in online spaces. In this regard, Small Media also highlighted that the Government must ensure that all new legislation is fully in line with its international human rights obligations, while noting that at least five new internet governance bills were in the process of being introduced.¹
3. At the start of 2024, Iran's internet penetration was recorded at 81.7 percent with a total of 73.14 million users. Of these, social media users were 48 million, equating to 53.6 percent of the total population.²
4. This submission examines the right to freedom of expression, access to information, the right to privacy and digital rights in general. Specifically, it raises concerns regarding the continued erosion of those fundamental rights through internet shutdowns; assaults, harassment and executions of independent media workers,³ journalists, human rights defenders and citizens; restrictions on NGOs and protest activities; and mass surveillance.
5. We call upon the Iranian government to repeal, amend or revise laws, regulations, and procedures that infringe on the off and online rights of journalists, political activists, and human rights defenders. These include the Iranian Penal Code, the Press Law, the Computer Crimes Law, the 2023 resolution on 'Exploring Solutions to Increase the Share of Domestic Traffic and Counteract Anti-Censorship Tools,' and the 2019 resolution on 'The System for Reliable Identity in the Country's Cyberspace.'

¹ UN General Assembly, A/HRC/WG.6/34/IRN/3, para 7; see

<https://documents.un.org/doc/undoc/gen/g19/244/37/pdf/g1924437.pdf?token=JBUiQ8L3ZkcrpqswFg&fe=true>

² Simon Kemp, Data Reportal, Digital 2024, Iran, 23 February 2024; See, <https://datareportal.com/reports/digital-2024-iran>

³ <https://www.amnesty.org/en/latest/press-release/2020/12/iran-execution-of-journalist-rouhollah-zam-a-deadly-blow-to-freedom-of-expression>

UPDATES FROM PREVIOUS REVIEW

6. During the third cycle of the Universal Periodic Review, the Islamic Republic of Iran was reviewed in November of 2019, where it received 329 recommendations, and supported 143 recommendations.⁴
7. Out of these, Iran supported four freedom of expression related recommendations from Ghana, New Zealand, Belgium and Slovenia, which respectively called for enactment and implementation of legislation that seeks to promote and protect the rights to freedom of speech and media; taking steps to encourage freedom of expression, ensuring that human rights defenders, lawyers and journalists are not subjected to intimidation or arbitrary arrest in connection with their work and fully guaranteeing the rights of freedom of expression for all defenders.⁵
8. Iran noted several recommendations guaranteeing freedom of expression and digital rights from 13 countries including Argentina, Austria, Chile, Czechia, Spain, Finland, Ireland, Israel, Italy, Netherlands, Norway, France and Switzerland. These include recommendations calling for an end to restrictions on freedom of expression, the repeal or amendment of articles of the Islamic Penal Code that restrict freedom of expression, ending the censorship of media and arbitrary detention of journalists and other defenders, and bringing an end to the practice of filtering or other restrictions to the internet.⁶
9. Despite initially supporting some recommendations, civil society has seen Iran as failing to implement them. Journalists, activists, and members of marginalized communities continue to face significant restrictions on freedom of expression and assembly, both online and offline. Iran's inaction to enhance freedom of expression and digital rights indicates that the country's operational environment is not in line with international human rights standards, as required by the International Covenant on Civil and Political Rights (ICCPR), to which it is ascribed to.

⁴ See; https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/IR/IslamicRepublicofIran_Infographic.pdf

⁵ A/HRC/43/12/Add.1 para 11. See <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/IR/MatriceRecommendationsIran.docx>

⁶ Id.

FREEDOM OF EXPRESSION AND OPINION

10. Article 24 of Iran's Constitution⁷ provides that; "Publications and the press have freedom of expression except when it is detrimental to the principles of Islam or the rights of the public and that the details of this exception will be specified by law. Further, Article 175 states that "The freedom of expression and dissemination of thoughts in Islamic Republic of Iran Broadcasting (henceforth IRIB) must be guaranteed in keeping with the Islamic criteria and the best interests of the country. The appointment and dismissal of the head of IRIB rests with the Supreme Leader. The IRIB Supervisory Council is entrusted with supervising and overseeing the conduct of the organization. The President, the Head of the Judiciary and the Islamic Consultative Council (Majles, or parliament) each send two representatives for this six-member council.⁸ Article 175 clearly shows that IRIB is exclusively state-owned.
11. Iran is also bound by regional and international instruments that guarantee freedom of expression including article 19 of the Universal Declaration of Human Rights (henceforth UDHR) and article 19 of the ICCPR. Despite the constitutional and international guarantees, a number of actions including legislative measures have undermined freedom of expression and digital rights in the country.
12. In 2024, the World Press Freedom Index ranked Iran 176 out of 180 countries assessed, by Reporters Without Borders, stating that Iran is one of the world's most restrictive countries in guaranteeing freedom of expression, as it has become one of the biggest jailers of journalists.⁹ The press restrictions intensified after the mass protests triggered by the 16th September 2022 death of Jina Mahsa Amini, a student who was arrested for "inappropriate dressing".¹⁰ Since the last review in 2019, Iran's ranking has gradually declined from the 170th position due to these violations on freedom of expression.
13. Similarly, Freedom House's "Freedom on the Net" report, which assesses global online freedom trends, rated Iran in their latest report as "Not Free", stating that Iran's online environment is one of the world's most restrictive due to the

⁷ Article 24, Iran (Islamic Republic of) 1979 (rev. 1989; see https://www.constituteproject.org/constitution/Iran_1989)

⁸ Id, Art 175

⁹ <https://rsf.org/en/country/iran>

¹⁰ Reporters Without Borders, World Press Index, 2024; see <https://rsf.org/en/index?year=2024>

regime's extensive censorship, content manipulation and extra-legal harassment of internet users.¹¹

14. Several laws unduly restrict the enjoyment of freedom of expression and media in Iran. Firstly, Article 24 of the 1979 constitution restricts freedom of expression by conditioning it on 'not being detrimental to Islamic principles.' The standard that; "Publications and the press have freedom of expression except when it is detrimental to the principles of Islam or the rights of the public,"¹² is clearly ambiguous, and left to the whims of those entrusted to interpret the law. 'Islamic principles' just like many religious principles are contested, with many possible interpretations. Further, the inability to criticize religious principles is, in itself, a violation to Iran's international legal commitments.
15. In many cases, the lack of transparency stems from the fact that certain unclear and undefinable religious standards have been imposed on laws and regulations, the interpretation of which is both subjective and often legally entrusted to religious authorities.¹³
16. The Press Law, first enacted in 1986 and amended in 2000, imposes stringent limits on the publication of material critical of key political figures, effectively criminalizing critical reporting. The law possesses ambiguous provisions which allows the authorities to ensure that journalists do not "endanger the Islamic Republic", "do not offend the clergy and the Supreme Leader" and do not "spread false information".
17. Article 3 provides that "the press have the right to publish the opinions, constructive criticisms, suggestions and explanations of individuals and government officials for public information while duly observing the Islamic teachings and the best interest of the community. However, the law calls for "constructive criticism based on logic and reason and void of insult, humiliation and detrimental effects".¹⁴
18. Article 6 of the Press Law provides for limitations of the press, stating that the print media are permitted to publish news items except in cases when they

¹¹ Freedom House, Freedom on the Net 2023 report; see <https://freedomhouse.org/country/iran/freedom-net/2023>

¹² Supra, No. 5

¹³ Transparency Lab, Transparency, Corruption and Accountability in Iran pg 21, see <https://www.tlabproject.org/report>

¹⁴ Iran Press Law of 1986 as amended in 2000, Article 3; see translation - <https://www.refworld.org/legal/legislation/natlegbod/1986/en/94095>

violate Islamic principles, codes and public rights which might damage the foundation of the Islamic Republic, including; propagating obscene and religiously forbidden acts and publishing indecent pictures and issues which violate public decency; publishing libel against officials, institutions, organizations and individuals in the country or insulting legal or real persons who are lawfully respected, even by means of pictures or caricatures; spreading rumors and untrue statements or tampering with statements of others; publishing statements against the Constitution. Violation of this provision attracts “intensified punishment” in case of recurrence as laid down under Article 698 of the Islamic Penal Code, including cancellation of licenses.¹⁵

19. Article 23 of the Press Law, provides that should a publication publish articles containing insult, libel and false statements, or, criticise individuals (natural or legal persons), the concerned party shall have the right to forward a response to the same publication in writing within a period of one month. Upon receipt, the publication is obligated to publish, free of charge, such responses and explanations in one of the two subsequent issues on the same page and column, and in the same font in which the original article had appeared, provided that the response does not insult or libel anybody.¹⁶
20. Additionally, the Penal Code,¹⁷ as amended in 2021, introduced new provisions criminalizing insult and dissent. It imposes severe restrictions on the freedom of expression of Iranian citizens, criminalizes “insults” against political and religious figures, imposes penalties for satire, and restricts critical reporting. Article 262 punishes by death ‘insulting the prophet of Islam’ and a number of other religious figures. Other offences include ‘any type of propaganda against the [State] or in support of opposition groups and associations’, ‘insulting Islamic sanctities’, ‘insulting Imam Khomeini, the founder of the Islamic Republic, and/or the Supreme Leader’, ‘insulting’ public officials such as the heads of the judiciary, parliament and the President, ‘publicly committing the religiously forbidden’, the ‘failure to abide by the Islamic hijab’, ‘spreading lies with the aim of disturbing the public opinion’, and ‘satire’.¹⁸ These provisions stifle free speech and dissent, contravening Iran’s obligations under Article 19 of the ICCPR.
21. Since the last UPR in 2019, media freedom has been cracked down on through repressive legal regimes with the jailing of several journalists and banning of independent media outlets. It has been reported that since 2022, at least 14

¹⁵ Id, Article 6

¹⁶ Id, Article 23

¹⁷ The Islamic Penal Code, as Amended in 2013; Article 499 bis and 500 bis and their notes
<https://www.refworld.org/legal/legislation/natlegbod/1991/en/115464>

¹⁸ Id, Articles 500, 513, 514, 609, 638, 698 and 700

journalists have faced charges related to "propaganda against the state," "conspiring against national security," or "publishing lies, defamation, slander, threats."¹⁹ Currently, 25 journalists are in jail for various charges related to their work.²⁰

22. In October 2023, two women journalists, Niloofar Hamedei and Elaheh Mohammadi, were charged with "propaganda against the state," and "conspiring against national security, and sentenced by the courts to 12 and 13 years, respectively for covering the death of Amini in September 2022, which sparked protests against the Iranian regime, followed by a crackdown on the media, including banning international news outlets from entering Iran.²¹ The two journalists were granted bail pending their appeal in January 2024, however, the authorities immediately instituted another case against them for appearing in public without hijabs.²²
23. On May 8, 2023, Iran executed two men, Yusef Mehrdad and Sadrullah Fazeli Zare, on charges of blasphemy (i.e., 'Sab-al-Nabi: insulting the prophet).²³ It is alleged that they belonged to a Telegram channel entitled "Critique of Superstition and Religion" which allegedly expressed opinions insulting to religion, including the Prophet Muhammad.²⁴ Article 262 of Iran's Islamic Penal Code of 2013 (henceforth the 2013 IPC) states that 'insulting' the prophet of Islam and several other Islamic religious figures can be punishable by death. Whether the level of insult is considered 'serious' enough to warrant a death sentence, or if it will instead be punishable by lashing (Article 263) or imprisonment (Article 513), depends on the specific circumstances. The determination of the 'level' of insult and the consequent sentence is at the discretion of the judge, and as there is no legal clarity on the matter, it is necessarily a subjective interpretation. In this regard, human rights standards restrict the use of the death penalty to 'crimes of extreme gravity involving intentional killing.'²⁵
24. In May 2021, Narges Mohammadi, a Nobel Peace Laureate was sentenced to 30 months in jail by the Iranian Revolutionary Court on charges of committing

¹⁹ Reporters Without Borders, Presidential election in Iran: the ongoing repression of journalists must end now, June 28, 2024. See <https://rsf.org/en/presidential-election-iran-ongoing-repression-journalists-must-end-now>

²⁰ See, Reporters Without Borders, 2024 index <https://rsf.org/en/index>

²¹ International Press Institute; IPI welcomes temporary release of journalists Niloofar Hamedei and Elaheh Mohammadi while appealing conviction, Jan 17 2024; <https://ipi.media/iran-ipi-welcomes-temporary-release-of-journalists-niloufar-hamedei-and-elaheh-mohammadi-while-appealing-conviction/>

²² Id.

²³ See, <https://edition.cnn.com/2023/05/08/middleeast/iran-blasphemy-executions-intl/index.html>

²⁴ See, <https://www.uscifr.gov/religious-prisoners-conscience/forb-victims-database/yusef-mehrdad>

²⁵ See, <https://www.ohchr.org/en/press-releases/2023/10/un-experts-call-universal-abolition-death-penalty>

"propaganda activity against the state", disobedience and defamation of authorities. In January 2024, another 15-month jail term was added for allegedly spreading propaganda against the Islamic Republic.²⁶

25. Iranian journalists working abroad are also threatened due to their work. In a report titled '*Watch Out Because We're Coming For You: Transnational Repression of Iranian Journalists in the UK*,' it was reported that around 200 Iranian journalists living in countries including the United States, France, Germany, the Netherlands, Czechia and Sweden have been intimidated online, where about 50 of them reported receiving death threats.²⁷
26. On 29 March 2024, Pouria Zeraati, a UK-based Iranian journalist working with *Iran International* was stabbed in London by unknown persons, following several threats to his organization, which had previously been labeled an enemy of the Islamic Republic by authorities in Iran. In 2022, a warning was sounded against the outlet stating those "*spreading news and spreading lies*" should "*watch out because we're coming for you*".²⁸
27. Several other journalists remain incarcerated, including Ruhollah Nakhaei who is serving a two-year prison term on charges of "assembly and collusion against national security" and "propaganda against the Islamic Republic," for covering the September 2022 nationwide Woman, Life, Freedom protest movement following the killing of Mahsa Amini. Nasrin Hassani, the editor-in-chief of the weekly "Siyahat-e Shargh" who is currently serving a seven-month sentence in Bojnourd prison, has received confirmation of a new one-year prison sentence on charges including "the dissemination of falsehoods" and "failure to observe Islamic hijab." Other Iranian journalists operating from abroad including more than 10 BBC Persian journalists, and others from Iran International, Radio Farda, Manoto TV, and Voice of America, have been sentenced in absentia without being informed of the court proceedings, on charges of propaganda against the Iranian regime.²⁹

²⁶ Associated Press; Iran sentences imprisoned Nobel laureate Narges Mohammadi to an additional prison term, 14 January 2024; <https://apnews.com/article/iran-nobel-laureate-prison-narges-mohammadi-bef2c19e1218973be72e3eb789fed1f1>; also see; Reporters Without Borders, Free Narges Coalition Strongly Condemns Additional Sentence for Nobel Peace Prize Laureate Narges Mohammadi, 26, June 2024. See, <https://rsf.org/en/free-narges-coalition-strongly-condemns-additional-sentence-nobel-peace-prize-laureate-narges>.

²⁷ Reporters Without Borders, 'Watch Out Because We're Coming For You: Transnational Repression of Iranian Journalists in the UK', 17 April 2024; See, <https://rsf.org/en/watch-out-because-we-re-coming-you-rsf-report-unprecedented-transnational-repression-iranian>.

²⁸ UK: RSF condemns shocking stabbing of Iran International journalist, 3 April 2024; <https://rsf.org/en/uk-rsf-condemns-shocking-stabbing-iran-international-journalist>.

²⁹ RSF, Iran's 'criminal' journalists: a predatory judiciary casts a shadow over supposed pre-election reconciliation, 29 Feb 2024; <https://rsf.org/en/irans-criminal-journalists-predatory-judiciary-casts-shadow-over-supposed-pre-election>.

FREEDOM OF INFORMATION AND CENSORSHIP OF CONTENT

28. Iran's Constitution does not provide for access to information. However, the Law on Publication and Free Access to Information³⁰ provides under Article 2 that every Iranian citizen has the right to have access to public information, unless otherwise prohibited by law. The use of public information shall be consistent with related laws and regulations. Further, the public shall promptly present to the public information requested under the law without any discrimination.³¹
29. According to the Global Right to Information index, Iran's freedom of information law possesses serious challenges as it lacks clear procedures for making requests, and the existing oversight system on administrative appeals lacks powers and independence. There are sanctions for obstruction of access, but no protections for good faith disclosures, and public authorities are not required to appoint information officers.³² The index ranks Iran at number 104 out of 140 countries assessed.³³
30. It is important to clarify that a note added to Article 10 of the law, has restricted the access to information by the public in relation to 'supreme leader-led institutions' in Iran, of which there are many. The note, added by the Guardian Council, maintains that access to even the non-classified information 'with respect to organs that are under the direct supervision of the Supreme Leader are subject to His Excellency's (i.e., the Supreme Leader's) agreement'. This note has indirectly exempted such institutions from publishing their information.³⁴

INTERNET SHUTDOWNS

31. Since the last Universal Periodic Review in 2019, the Iranian authorities have extensively harassed and censored its citizens including the use of surveillance techniques, filtering and shutting down the internet in order to restrict online freedom.
32. In November 2019, the Iranian government shutdown the internet following nationwide protests arising from a significant increase in the price of fuel, which

³⁰ The Law on Publication and Free Access to Information, 2009, which came into force in 2014. Article 2 See; <https://www.rti-rating.org/wp-content/uploads/2018/09/Iran>. See enforcing regulations; https://www.article19.org/wp-content/uploads/2017/09/Iran-FOI-review_Sept_2017-1.pdf, and <https://www.rrk.ir/Laws/ShowLaw.aspx?Code=2299>

³¹ Id, Article 5

³² Centre for Law and Democracy, Global Right to Information Index, Iran; <https://www.rti-rating.org/country-data/Iran/>

³³ See, <https://www.rti-rating.org/country-data/>

³⁴ <https://www.tlabproject.org/report> p. 24.

led to the death of over 300 people.³⁵ The internet shutdown, seen as a tactic to silence the populace, and to hide the extent of the government's human rights violations, led advocates to create a website dubbed "*A web of impunity: The killings Iran's internet shutdown hid*", to document the human rights violations which occurred during the protest, and the internet blackout, documenting how the lethal crackdown that left several people dead was hidden from the world.³⁶

33. The "Women, Life, Freedom" protest movement in Iran, catalyzed by the tragic death of Jina Mahsa Amini, a woman from the Kurdish ethnic minority, in the custody of Iran's morality police on September 16, 2022,³⁷ has significantly impacted the country's internet freedom landscape. These protests, coordinated through various online platforms, saw unprecedented participation, with demonstrations erupting in over 100 cities and all 32 provinces.³⁸ Women played a central role, openly resisting hijab laws and sharing videos of their defiance on social media platforms like Instagram and Telegram.

34. The Iranian government's response to this movement has been aggressive, targeting online spaces to stifle dissent.³⁹ Initial tactics included localized and mobile-only internet blackouts, digital curfews, and attacks on VPN services. More recently, the government has intensified its efforts through the development and deployment of emerging surveillance technologies.⁴⁰ These include the establishment of a big-data Lifestyle Monitoring System, incident reporting mechanisms for suppressing social media pages, and the use of apps like Nazer to report hijab violations in public.⁴¹ This sophisticated surveillance framework aims to consolidate control, maintain social order, and enforce religious and ideological mandates.

³⁵ Amnesty International, Iran: Internet deliberately shut down during November 2019 killings – new investigation, November 16 2020, see, <https://www.amnesty.org/en/latest/press-release/2020/11/iran-internet-deliberately-shut-down-during-november-2019-killings-new-investigation/>

³⁶ A Web of Impunity, The killings Iran's internet shutdown hid; A joint investigation by Amnesty International and the Hertie School in partnership with the internet Outage Detection and Analysis (IODA) project; see, <https://iran-shutdown.amnesty.org/>

³⁷ See, <https://www.amnesty.org/en/latest/news/2023/09/what-happened-to-mahsa-zhina-amini/>

³⁸ Woman, life, freedom; Comprehensive report of 20 days of protest across Iran." HRANA, October 12, 2022, <https://www.en-hrana.org/woman-life-freedom-comprehensive-report-of-20-days-of-protest-across-iran/>

³⁹ Amnesty International, Iran: Draconian campaign to enforce compulsory veiling laws through surveillance and mass car confiscations, March 6, 2024; see <https://www.amnesty.org/en/latest/news/2024/03/iran-draconian-campaign-to-enforce-compulsory-veiling-laws-through-surveillance-and-mass-car-confiscations/>

⁴⁰ See, <https://library.fes.de/pdf-files/international/21296.pdf>

⁴¹ See, <https://www.iranintl.com/en/202309049778>

35. It is obvious that Internet restrictions in Iran have disproportionately affected ethnic minorities. Members of marginalized populations, such as people belonging to ethnic minority groups and those from disadvantaged socio-economic backgrounds, played a crucial role in the continuation of the movement. During the "Women, Life, Freedom" protests, localised internet shutdowns and throttling were notably severe in Kurdish⁴² and Baluchi regions,⁴³ aiming to suppress the significant unrest in these areas. In Zahedan, for instance, there was a localized shutdown every Friday for a year, coinciding with the Friday prayer sermons of Sunni leader Molavi Abdol Hamid, which were critical of the government.⁴⁴ In other regions, internet shutdowns were typically focused on protest areas, particularly in the evenings, and targeted mobile connections.⁴⁵
36. The ICT Ministry and the National Education Testing Organization agreed to implement a localized shutdown in areas where university exams take place, as a measure to "prevent cheating".⁴⁶
37. The actions taken by the government to undermine online anonymity and centralize Internet infrastructure significantly restrict freedom of expression. Implementing a sophisticated surveillance framework without adequate legal data protection exacerbates these issues. These measures pose severe threats to the personal security and privacy of Iranians.
38. The Iranian Judiciary has also increasingly intensified its restrictions on citizens' internet rights. In early January 2023, the Judiciary alongside the ICT Ministry, allied to prosecute those who sell, develop, and distribute unauthorized VPNs, Article 753 of the Penal Code, which is dedicated to those who "commit computer-related crimes".⁴⁷ Also, the Judiciary became involved in issuing

⁴² Access Now, Joint statement: authorities in Iran must ensure internet access during protests in Saqqez, 19 September 2022 see <https://www.accessnow.org/press-release/iran-keep-internet-accessible/>

⁴³ Filter Watch, Despite Denial by Iranian Authorities, Weekly Internet Shutdowns Continue In Zahedan, 19 August 2023; See, <https://filter.watch/en/2023/08/29/despite-denial-by-iranian-authorities-weekly-internet-shutdowns-continue-in-zahedan/>

⁴⁴ Miaan Group, The Crackdown on Iran's People of Sistan and Baluchestan Through Targeted Internet Shutdowns Must Stop Now!; See, <https://www.miaan.org/publication/the-crackdown-on-irans-people-of-sistan-and-baluchestan-through-targeted-internet-shutdowns-must-stop-now/>

⁴⁵ Filter Watch, Women, Life, and Internet Shutdowns: Network Monitor, September 2022, 17 October 2022, See <https://filter.watch/en/2022/10/17/women-life-and-internet-shutdowns-network-monitor-september-2022/>

⁴⁶ Filter Watch, The Judiciary's Renewed Presence in Online Policies, 3 March 2023, See <https://filter.watch/en/2023/03/03/policy-monitor-the-judiciarys-renewed-presence-in-online-policies/>

⁴⁷ Filter Watch, The Judiciary's Renewed Presence in Online Policies, 3 March 2023, See <https://filter.watch/en/2023/03/03/policy-monitor-the-judiciarys-renewed-presence-in-online-policies/>

licences to online users. In January 2023, the government, through the Audio Visual Regulatory Authority (SATRA) declared that all online platforms must possess licences before publishing audio or visual content.⁴⁸

39. The 2009 Computer Crimes Law (CCL) severely restricts online freedom of expression and privacy.⁴⁹ The CCL later became part of The Islamic Penal Code. Provisions allowing the imposition of the death penalty for certain online activities violate the right to life under Article 6 of the ICCPR. Additionally, the law criminalizes the use of encryption and other privacy-enhancing technologies, contravening Article 17 of the ICCPR.
40. Article 14 of the CCL criminalizes producing, sending, publishing, distributing, saving or financially engaging in obscene content by using computer or telecommunication systems or portable data storage devices. Article 18 criminalizes the use of a computer or telecommunications to “disseminate lies” with the intention of damaging the public, disturbing the public state of mind or disturbing the official authorities’ state of mind. These provisions are vague and overly broad, offending the acceptable international standards of expression.⁵⁰
41. Article 21 of the CCL imposes liability on Internet Service Providers (ISPs) that fail to filter Internet content that “generates crime”. Intentional failure to filter criminal content as required by the Web Crime Committee leads to the liquidation of the ISP. Negligent failure to filter criminal content is punished by a gradation of fines depending on the number of prior offences, followed by judicial closure orders of varying lengths for the third offence and thereafter.⁵¹
42. In August 2019, the government banned ISPs in the country from providing services to filtered websites, breach of which attracts prosecution.⁵² Article 751 of the Penal Code on internet crimes, states that companies providing hosting services are required to abstain from offering any kind of service to websites that have been filtered in the country. The affected sites include those carrying news and information about human rights or other politically relevant content, which

⁴⁸ Mojtaba Astana, “Agreement between Satra and the prosecution: No work shall be published from the platforms without the permission of Satra,” Digiato, January 31, 2023, see <https://digiato.com/article/2023/01/31/no-movie-should-be-published-without-permission-satra>

⁴⁹ <https://rc.majlis.ir/fa/law/show/135717>

⁵⁰ Article 19, Islamic Republic of Iran: Computer Crimes Law, 2012; See, <https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>

⁵¹ Id.

⁵² See, <https://www.tarafdari.com/node/1434803>

are forced to rely on international hosting companies or shut down entirely.⁵³

43. On February 19, 2024, the Supreme Council of Cyberspace (henceforth the SCC) published the resolution “Exploring Solutions to Increase the Share of Domestic Traffic and Counteract Anti-Censorship Tools.” This resolution prohibits the use of anti-filtering tools except when legally authorized. Given the extensive filtering of platforms, messaging services, and many international websites, millions of Iranian users rely on VPNs to access everyday online services. By banning the use of anti-filtering tools, the resolution significantly restricts Iranians' right to seek, receive, and impart information, as outlined in Article 19 of the ICCPR.
44. The “Bill to Support the Culture of Chastity and Hijab,”⁵⁴ introduced in August 2023, is set to impose severe penalties for non-compliance with hijab mandates in both physical and digital spaces.⁵⁵ This legislation tasks various state agencies with enforcing these standards, further infringing on digital rights and free expression. If the bill is approved, new criminal penalties would come into place for the online presence and expression of Iranians, especially women. Additionally, it would significantly increase the Iranian government's online surveillance capacities.
45. Article 6 of the “Chastity and Hijab Culture Support” Bill provides that “Any individual engaged in promoting anti-hijab sentiments or advocating nudity in the realm of cyberspace shall receive a warning from the cyberspace police (FATA). If the objectionable content remains unaltered, the FATA Police (Law Enforcement Command of the Islamic Republic of Iran) will proceed to deactivate the individual’s webpage, website, information hub, or membership on social networking platforms. Should these measures prove infeasible or if the individual persists in their activities, a three-to-six-month suspension of internet services will be imposed. In instances of repeated offences or the continued propagation of the harmful consequences of the individual’s actions, the case will be referred to judicial authorities. Subsequently, the individual may be subjected to imprisonment or a substantial fine of the sixth degree, alongside a suspension of

⁵³ Center for Human Rights in Iran, Iran Blocks Domestic Hosting Companies From Servicing Banned Websites, October 8, 2019; see, <https://iranhumanrights.org/2019/10/iran-blocks-domestic-hosting-companies-from-servicing-banned-websites/>

⁵⁴ Office of the High Commissioner for Human Rights, Iran – Concerns over Chastity and Hijab Bill, 22 September 2023; see, <https://www.ohchr.org/en/press-briefing-notes/2023/09/iran-concerns-over-chastity-and-hijab-bill>

⁵⁵ Mizan News Agency, The full text of the Chastity and Hijab bill + details and rules, 20 September 2023, See <https://www.mizanonline.ir/fa/news/4735261/>

internet services for one to two years. Should restricting internet access be unachievable, the monetary fine will be escalated by one degree.”⁵⁶

THE RIGHT TO PRIVACY

46. Article 25 of the Constitution, provides for the right to privacy as follows; “The inspection of letters and the failure to deliver them, the recording and disclosure of telephone conversations, the disclosure of telegraphic and telex communications, censorship, or the willful failure to transmit them, eavesdropping, and all forms of covert investigation are forbidden, except as provided by law.”⁵⁷
47. State monitoring of citizens’ online activities remains pervasive in Iran, posing severe threats to privacy and freedom of expression. Authorities frequently pressure detained activists to surrender social media login details, subsequently using these accounts for surveillance and phishing attacks. Recent actions include the use of the Nazer app for reporting hijab violations and the systematic suppression of critical Instagram pages. Such practices blatantly violate Article 17 of the ICCPR, which guarantees individuals’ rights to privacy and protection from arbitrary interference.
48. The SCC has taken an active role in shaping Iran’s internet policies, issuing directives that enhance state surveillance and control over digital communications. These actions include mandates for data localization, increased monitoring of online activities, and the suppression of dissenting voices. The SCC is a ‘tutelary’ entity, directly appointed by Ali Khamenei, the Supreme Leader of the Islamic Republic of Iran. Constitutionally, this entity does not possess legislative powers; however, in recent years, particularly with the establishment of the ‘High Commission of Regulations’ within its framework, it has effectively encroached into the legislative domain. The general legislative domain of the entity has caused a lot of confusion and concern in the Iranian public sphere and is repeatedly voiced in domestic media.⁵⁸ Several public campaigns have also

⁵⁶ Filterwatch, Hijab Legislation in Cyberspace: the Government Expands its Efforts to Suppress Personal Freedoms in Iran, A new “Chastity and Hijab Culture Support” bill targets women in the digital realm who openly oppose the mandatory hijab, 24 September 2023; See, <https://filter.watch/en/2023/09/24/fatawatch-april-july-2023/>

⁵⁷ Article 25, Iran (Islamic Republic of) 1979 (rev. 1989; see, https://www.constituteproject.org/constitution/Iran_1989)

⁵⁸ See links [here](#) and [here](#)

emerged to challenge its expanding authority.⁵⁹

49. The SCC has been ranked among the world's twenty worst "digital predators" for using digital technology to enforce state censorship through "spying on and harassing" journalists, "jeopardizing people's ability to get news and information."⁶⁰
50. The 7th Development Plan outlines the government's strategy to further entrench digital surveillance and control mechanisms.⁶¹ It includes the establishment of the Lifestyle Monitoring System, which seeks to compile extensive personal data on citizens to predict and manage social behaviour. This system poses significant risks to privacy and freedom of expression.
51. The 2019 resolution on 'The System for Reliable Identity in the Country's Cyberspace,' issued by the SCC, mandates that all interactions within Iranian cyberspace must be conducted with a verified identity. According to this resolution, all providers of technical, economic, cultural, social, political, and administrative services must operate within the framework of the valid identity system and avoid facilitating interactions without valid identification. Given Iran's human rights record, the lack of anonymity could lead to criminal charges or other severe consequences for expressions of dissent and differing opinions.⁶²
52. In recent years, several new laws and regulatory actions have further tightened the Iranian government's control over online spaces. The Regulatory System for Online Services Bill", generally referred to as: The Internet User Protection Bill or The User Protection Bill (UPB), introduced to the parliament, if passed seeks to centralize internet infrastructure control, mandate the use of domestic platforms, and impose harsh penalties for the use of international services without government approval. One of its main goals is to transfer control of the internet's entry and exit gateways to the military, facilitating extensive and extrajudicial surveillance of users. Additionally, the UPB allows for the inspection and wiretapping of individuals' communications and information in cyberspace at

⁵⁹ For an example of a campaign see, <https://www.karzar.net/blog/notes/shoraye-aali>

⁶⁰ Iran Cyberspace Supreme Council Among 20 Worst Digital Predators in 2020; See, <https://en.radiofarda.com/a/iran-cyberspace-supreme-council-among-20-worst-digital-predators-of-2020/30483664.html>

⁶¹ See, link [here](#)

⁶² See, <https://www.radiofarda.com/a/internet-users-identity-in-iran/30139566.html>

these gateways with a judicial order.⁶³

53. The Bill creates the Supreme Regulatory Commission,, with a mandate to determine what online content Iranians can access by 'managing domestic and international traffic' and 'blocking' platforms.⁶⁴
54. These laws and regulatory measures collectively represent a concerted effort by the Iranian government to consolidate control over the digital landscape, suppress dissent, and monitor its citizens. It is imperative that all new legislation aligns with Iran's international human rights obligations, ensuring the protection of digital rights and freedom of expression.

RECOMMENDATIONS

In light of Iran's concerning record on freedom of expression and internet freedoms in general, we urge recommending States to offer the following nuanced and actionable recommendations to the Islamic Republic of Iran:

1. Repeal or amend all legislation that infringes upon the rights of Iranian citizens, journalists, activists, and human rights defenders to express themselves freely online and offline and bring them in line with Iran's International human rights obligations.
 - a. This includes revising the Computer Crimes Law, the Islamic Penal Code, and the Press Law to ensure they are clear, precise and in full compliance with international human rights standards
 - b. Additionally, restrictions on online freedom of expression must not be based on discriminatory rules against women, political opponents, and minorities, as this is incompatible with international human rights standards.
 - c. Ensure that new internet governance legislation aligns with international obligations: This includes conducting thorough reviews and consultations with civil society to prevent further infringements on digital rights.
2. End censorship practices, including ceasing internet shutdowns, blocking of social media and other communication platforms and content moderation.

⁶³ Human Rights Watch, Iran: Human Rights Groups Sound Alarm Against Draconian Internet Bill, March 17, 2022 <https://www.hrw.org/news/2022/03/17/iran-human-rights-groups-sound-alarm-against-draconian-internet-bill> and <https://www.ohchr.org/en/press-releases/2022/03/un-human-rights-experts-urge-iran-abandon-restrictive-internet-bill>

⁶⁴ Article 19, Iran: Cyberspace authorities 'silently' usher in draconian internet bill, September 9, 2022 <https://www.article19.org/resources/iran-draconian-internet-bill/>

Further make a state pledge to refrain from imposing any unlawful restrictions on internet access and telecommunication in the future, particularly during protests, and lift any bans on international platforms.

3. Enact and implement a comprehensive data protection law that aligns with international standards to protect the right to privacy online. This law should end wanton surveillance by establishing clear limitations on state surveillance and data collection practices, guaranteeing the protection of personal data.
4. Immediately release all those who are imprisoned, detained and prosecuted for their legitimate exercise of their right to expression and ensure that they are not subjected to further harassment or detention.