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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and the Special Rapporteur on violence against women, its causes and consequences.

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (3-3-16) Iran (2011-16) G/SO 214 (89-15)
IRN 2/2014

11 March 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 16/4, 16/5, 17/2, 22/23, and 23/25.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the arrest, detention and sentencing to seven years in prison of Ms. **Maryam Shafipour**.

Ms. Maryam Shafipour is a student at the Qazvin University, a women's rights campaigner, a student activist and a former member of the Central Council of Critics Association at Qazvin University.

According to the information received:

Ms. Maryam Shafipour was reportedly arrested on 27 July 2013 after appearing before Branch 2 of Shahid Moghaddas Court per order of a summons. She was allegedly transferred to Evin Prison, where she spent over two months in solitary confinement and without access to a lawyer. Reports indicate that, following her arrest, State and police agents went to her father's home and seized some of her personal property, including her laptop computer, two mobile phones and her personal notes.

On 2 March 2014, Ms. Shafipour was sentenced to seven years in prison by the Revolutionary Court of Tehran. She was charged with “spreading propaganda against the system”, “assembly and collusion against national security”, and “membership of the Advocacy Council for the Right to Education”.

In 2010, Ms. Shafipour had been handed down a one-year suspended prison sentence by the Qazvin Revolutionary Court because of her work as a student and women’s rights activist.

It is reported that Ms. Shafipour’s case is one of many cases of arrest, detention and sentencing of student activists on the serious charge of “acting against national security”. It is further alleged that the judiciary is working closely with intelligence services and often does not respect fundamental guarantees of due process and fair trial as enshrined in article 24 of the Press Act of 1985 and article 176 of the Constitution of the Islamic Republic of Iran.

Grave concerns are expressed that Ms. Shafipour might have been targeted due to her peaceful and legitimate activities as a student and women’s rights activist. Further concerns are expressed about her treatment while in detention and that she was denied access to a lawyer.

We would also like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency's Government article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

With regards to youth defenders taking part in demonstrations, we would like to refer to the 2007 report to the General Assembly (of the Special Representative of the Secretary-General on the situation on human rights defenders) in which she recommends to "take steps to create a conducive environment that allows children and young adults to associate and express views on matters affecting them as well as on broader human rights issues. Student protests have a high educational value as they are among the first experiences of public participation and human rights defense of students. Ensuring a conducive environment for student protests is a social investment in addition to a legal obligation" (A/62/225, para. 101 b).

Regarding the allegation that Ms. Shafipour did not have access to a lawyer for over two months after her arrest, we would like to refer your Excellency's Government to article 14(3) of the International Covenant on Civil and Political Rights, which states: "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;"

The right to be assisted by a lawyer is also set forth in the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, in particular in the following principles:

- Principle 1, which states: "All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings";
- Principle 5, which states: "Governments shall ensure that all persons are immediately informed by the competent authority of their right to be assisted by a lawyer of their own choice upon arrest or detention or when charged with a criminal offence."; and
- Principle 7, which states: "Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to

a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention.”

We appeal to your Excellency’s Government to take all necessary measures to guarantee to Ms. Shafipour, the right to be free from any gender-based violence, discrimination and abuse. Towards that end, we would like to draw your Excellency’s Government’s attention to article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of Ms. Shafipour in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of this case accurate?
2. Please provide details on the legal basis for the conviction of Ms. Shafipour and her heavy sentencing. Please also explain how this is compatible with international human rights law, in particular relevant provisions enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.
3. Please explain why Ms. Shafipour was detained in solitary confinement and without access to a lawyer for over two months after her arrest.
4. Please indicate which measures have been taken to ensure that human rights defenders, including student activists, can operate in a safe and enabling environment and that they can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

We undertake to ensure that your Excellency’s Government’s response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Maryam Shafipour are respected and, in the event that your investigations support or suggest the

above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

Ahmed Shaheed
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences