

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur in the field of cultural rights; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women, its causes and consequences and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 33/30, 37/12, 36/6, 34/18, 32/32, 34/5, 35/11, 37/30, 34/19, 32/19 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the reported arrest, enforced disappearance for 9 to 14 days, and arbitrary detention of human rights defenders Ms. **Yasaman Aryani**, Ms. **Monireh Arabshahi** and Ms. **Mojgan Keshavarz** by the Iranian authorities. Ms. Monireh Arabshahi is the mother of Ms. Yasaman Aryani.

The cases of Ms. Yasaman Aryani, Ms. Monireh Arabshahi and Ms. Mojgan Keshavarz are emblematic of other similar cases of women's rights advocates detained and charged on national security-related charges for promoting women's rights, including by protesting the compulsory hijab in Iran as part of the #whitewednesdays and Girls of Revolutionary Street protest movements.

According to the information received:

On 8 March 2019, Ms. Yasaman Aryani, Ms. Monireh Arabshahi and Ms. Mojgan Keshavarz appeared in an online video without their headscarves embracing and handing out flowers on the Tehran metro on the occasion of International Women's Day. The women were asking women passengers on the metro to join the struggle against the compulsory hijab.

On 10 April 2019, Ms. Yasaman Aryani was arrested from her home by security officers. Her fate and whereabouts were not known for 9 days. Reportedly she was first taken to Vozara detention centre in Tehran, where she was kept in solitary confinement before being transferred to Gharchak (Shahr-e-rey prison in Varamin). At the time of the arrest, the security officers reportedly asked about the whereabouts of her mother, Ms. Monireh Arabshahi.

Ms. Monireh Arabshahi was reportedly arrested the next day, on 11 April 2019 after she went to the Vozara detention centre in Tehran to enquire about her daughter's whereabouts. Ms. Monireh Arabshahi had been helping victims of the flood in Lorestan province, but had returned to Tehran upon hearing news of her daughter's arrest. Her fate and whereabouts were not known for 9 days. She was reportedly detained in the Vozara building in Tehran where she was interrogated and also kept in solitary confinement before being transferred to Gharchak (Shahr-e-rey prison in Varamin).

Both Ms. Yasaman Aryani and Ms. Monireh Arabshahi have reportedly been charged with national security related charges of 'collusion and conspiracy'; encouraging prostitution by promoting being unveiled; and propaganda against the state'.

The attorney initially hired by Ms. Yasaman Aryani and Ms. Monireh Arabshahi was reportedly rejected for the preliminary investigation. According to the law, cases of national security require that the defendant can only select an attorney from an existing list of attorneys vetted by the Judiciary. To date, no attorneys were reportedly made available to the defendants and the mother and daughter remain in Gharchak prison without further information on their cases.

Ms. Mojgan Keshavarz was allegedly arrested by security officers from her home on 25 April 2019 in Tehran in front of her 9 year-old daughter. Her home was searched at the time of her arrest. Her fate and whereabouts were not known until 9 May. Reportedly, following interrogation on 7 May, Ms. Keshavarz had her first trial without an attorney on 8 May having rejected a government designated attorney. Ms. Keshavarz's own choice of attorney has reportedly not been confirmed by the judiciary to date. She has reportedly been charged with 'propaganda against the state and the community and collusion against the state'

and ‘promotion of corruption through propaganda against the veil’ and remains in Gharchak prison.

Ms. Keshavarz had been helping flood victims together with Ms. Monireh Arabshahi in Lorestan province. On the same day that Ms. Monireh Arabshahi was arrested, on 11 April, Ms. Mojgan Keshavarz’s bank accounts were frozen by the state.

We express serious concern at the reported arrest, enforced disappearance for 9 to 14 days, and detention of Ms. Yasaman Aryani, Ms. Monireh Arabshahi and Ms. Mojgan Keshavarz, which appear to be directly related to their advocacy on the protection and promotion of human rights and gender equality and the legitimate exercise of their right to freedom of expression and peaceful assembly. We express concern at the use of repressive legislation to criminalize the exercise of freedom of expression and peaceful assembly in ways that are incompatible with Iran’s obligations under international human rights law. Moreover, we express concern over the use of solitary confinement, and the apparent lack of due process guarantees and provision of legal assistance, notably as a consequence of the authorities’ refusal to allow Ms Yasaman Aryani and Ms. Monireh Arabshahi 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.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of provisions of international law, in particular the rights not to be subjected to torture, not to be arbitrarily deprived of liberty, to fair proceedings before an independent and impartial tribunal, to freedom of opinion and expression, to peaceful assembly, to freely take part in cultural life and to non-discrimination, in accordance with articles 7, 9, 14, 19, 21 and 26 of the International Covenant on Civil and Political Rights (ICCPR) and articles 2(2) and 15 of the International Covenant on Economic, Social and Cultural Rights, to which Iran is a State party, and articles 1, 2, 5, 9,10, 19 and 27 of the Universal Declaration of Human Rights (UDHR).

We would like to remind your Excellency’s Government that any limitation to the right to freedom of expression must meet the high standard established under Article 19(3) of the ICCPR. The charges of “collusion and conspiracy; encouraging prostitution by promoting being unveiled; and propaganda against the state” do not meet the high threshold of article 19(3) of the ICCPR, as they are not considered “legitimate objectives” for the purpose of restricting expression. Moreover, the charge of “collusion and conspiracy” is overbroad, vague and provides the authorities with overbroad discretion and thus falls short of fulfilling the “provided by law” requirement under article 19(3). As such, none of the charges brought against Ms Yasaman Aryani and Ms. Monireh Arabshahi are compatible with international human rights law, and are therefore unlawful.

We also reiterate the statement by the Human Rights Committee in General Comment No. 34 that article 19(3) may never be invoked as a justification for the muzzling of any advocacy of human rights (CCPR/C/G/34, para. 23).

Likewise, we would like to call your Excellency's Government attention to the duty of all States to ensure that all persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights, and to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference established in the UN Basic Principles on the Role of Lawyers (Principles 1 and 16).

We would also like to draw your attention to General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, which expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves (OP5, 19 and 20).

General Assembly Resolution 68/181 also urges States to acknowledge publicly the important and legitimate role of women's rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7).

The Working Group on Discrimination against Women in Law and Practice has pointed out that women's human rights defenders are often the target of gender-specific violence, such as intimidation, attacks and death threats, sometimes condoned or perpetrated by State actors. States should eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life (A/HRC/23/50, paras. 65 and 97(i)).

With regards to the compulsory veil legislation, the Working Group on Discrimination against Women in Law and Practice has expressed its concern about the considerable increase in laws and public policies developed to protect culture and religion that threaten the universally established standards on the rights of women. Gender-based stereotypes, often strengthened and legitimized in national constitutions, laws and policies, are justified in the name of cultural norms or religious beliefs. Failure to eliminate these stereotypes leads to the generalization of practices that are harmful to

women and girls. Women who do not conform to the gender stereotypes that predominate in some cultures and those who openly contest them, including within their own cultural or religious communities, are particularly vulnerable to discrimination, violence and criminalization (A/HRC/29/40).

The Working Group on Discrimination against Women in Law and Practice has further recommended that States recognize and enshrine, in their constitutions and laws, the right to equality, which should apply in all areas of life and have primacy over all religious, customary and indigenous laws, norms, codes and rules, with no possibility of exemption, waiver or circumvention; and that they further reject any cultural or religious practice that violates human rights and the principle of equality or prevents the establishment of an egalitarian society free of gender-based discrimination (A/HRC/29/40 para. 73).

With regard to the alleged connection between the apparent violations and the individuals' human rights work, we would like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6, 8 and 12.

The Special Rapporteur in the field of cultural rights has previously raised her concerns about the imposition of restrictive garments on women and its impact on their right to take part in cultural life without discrimination and on other human rights. (A/72/155) "Through the imposition of "modest" dress codes, fundamentalist groups promote the idea that women are limited to a stereotypical, subordinated position in society and limited in their bodily autonomy, cultural choices and ability to do such things as ride bicycles or play sports" and "promote a culture of shame about women's bodies." (para. 73) She has also expressed concern in particular about the arrest, reprimanding and prosecution of Iranian women for not wearing the hijab (para. 76). Human rights defenders acting to challenge such restrictions are acting in defence of universally guaranteed human rights and should not face retribution for doing so.

We would like to highlight the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which states that no State shall practice, permit or tolerate enforced disappearances (article 2) and that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction (article 3). The declaration also underscores that any person deprived of liberty shall be held in an officially recognized place of detention and that accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members or their counsel (article 10).

We would like to draw the attention of your Excellency's Government to **paragraph 27 of General Assembly Resolution 68/156 (February 2014)**, which, "[r]eminds all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished"

We would also like to refer to **paragraph 28 of the General Assembly resolution 68/156 (2014)** which emphasized that that conditions of detention must respect the dignity and human rights of persons deprived of their liberty, and called upon States to address and prevent detention conditions that amount to torture or cruel, inhuman or degrading treatment or punishment, while noting in this regard concerns about solitary confinement, which may amount to torture or other cruel, inhuman or degrading treatment or punishment.

We would also like to draw your attention to **article 7 of the Basic Principles for the Treatment of Prisoners**, which provides that "efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged" (Adopted by the General Assembly by resolution 45/111 of 14 December 1990).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 the above-mentioned person in compliance with international instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on why the fate and whereabouts of Ms Yasaman Aryani, Ms. Monireh Arabshahi and Ms. Mojgan Keshavarz were allegedly not known for between 9 and 14 days.
3. Please provide information about how the charges against Ms Yasaman Aryani, Ms. Monireh Arabshahi and Ms. Mojgan Keshavarz are compatible with international human rights law, in particular with article

19 of the ICCPR and article 15 of the ICESCR. Please also provide information about the evidence used to substantiate the charges.

4. Please provide detailed information on the measures taken to provide to Ms Yasaman Aryani, Ms. Monireh Arabshahi and Ms. Mojgan Keshavarz, the guarantees of due process and fair trial, and effective access to counsel of their choosing as established in international human rights law, and in particular articles 9 and 14 of the ICCPR.
5. Please provide information on the conditions of Ms Yasaman Aryani, Ms. Monireh Arabshahi and Ms. Mojgan Keshavarz's detention and the state of their physical and psychological well-being.
6. Please provide information about measures considered to align domestic legislation with international standards to ensure gender equality.
7. Please indicate what measures your Excellency's Government has adopted or is planning to adopt in order to ensure that human rights defenders, including women human rights defenders and those advocating for gender equality are able to carry out their legitimate human rights work free of repression or threat.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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