

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur in the field of cultural rights; 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 in the Islamic Republic of Iran; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls**

REFERENCE:  
AL IRN 14/2020

22 June 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur in the field of cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on violence against women, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 34/5, 37/12, 34/18, 40/18, 41/17 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the heavy sentencing of woman human rights defender **Saba Kord Afshari** for her work promoting women's rights in Iran.

Ms. Saba Kord Afshari is a woman human rights defender who campaigns against the legal requirement in Iran for women to wear a hijab in public. Ms. Kord Afshari participated in the White Wednesdays campaign, a movement where women post pictures or videos of themselves to social media where they appear in public without wearing a hijab on Wednesdays, or dressed in white in solidarity with the movement.

Ms. **Raheleh Ahmadi** is a woman human rights defender and mother of Ms. Saba Kord Afshari. She participated in the White Wednesday movement, removing her hijab alongside her daughter. She has also been a vocal critic of the repeated criminalisation of Ms. Kord Afshari.

We previously raised concerns regarding the arrest of women human rights defenders for participating in the White Wednesdays campaign in communication IRN 5/2019 sent on 14 May 2019. We thank your Excellency's Government for the reply received.

According to the information received:

On 2 August 2018, Ms. Saba Kord Afshari was arrested along with numerous other individuals while participating in a peaceful demonstration against the deterioration of the Iranian economy and against alleged corruption in Government. Later that month she appeared before Branch 28 of Tehran's

Revolutionary Court and was sentenced to one year in prison for “disrupting public order”. She was held at Qarchak Prison near Tehran until October 2018, when she was transferred to Evin Prison.

On 14 February 2019, Ms. Kord Afshari was released as part of a general pardon on the occasion of the 40th anniversary of the Islamic Revolution.

On 1 June 2019, Ms. Kord Afshari was arrested in her home after posting a video where she walked around in public without wearing the hijab. According to Article 638 of the Islamic Penal Code, women who appear in public places without wearing a hijab can be imprisoned from ten days to two months. According to Article 639 of the Penal Code, anyone who “encourages people to immorality or prostitution” is liable for between one and ten years in prison. According to the information received, it is becoming increasingly common for those charged for not wearing a hijab to also be charged with the latter article.

On 11 June 2019, Ms. Kord Afshari was sent to Qarchak Prison where she was denied access to a lawyer during much of her interrogation. She was allegedly pressured by authorities to appear on television to make a public apology, which she refused. From 10 to 14 July 2019, while her interrogation was still ongoing, her mother, Ms. Raheleh Ahmadi, was detained for "spreading propaganda against the regime", "cooperation with the opposition media" and "encouraging immorality or prostitution" due to her public advocacy about Ms. Kord Afshari's detention. After her release on 14 July 2019, Ms. Ahmadi continued raising awareness about her daughter's case.

On 27 August 2019, Ms. Kord Afshari was sentenced to a combined 24 years in prison by Branch 26 of the Revolutionary Court of Tehran. Her convictions and sentences were 15 years' imprisonment for “encouraging people to commit immorality or prostitution” (Article 639 of the Penal Code), as well as seven and a half years' imprisonment for “gathering and colluding against internal and external security” (Article 610 of the Penal Code) and one and a half years' imprisonment for “spreading propaganda against the system” (Article 500 of the Penal Code). Under Article 134 of the Penal Code, which states individuals will only serve the longest of their sentences, she will serve 15 years' imprisonment. The presiding judge invoked Article 137 of the Islamic Penal Code in order to hand down prison sentences longer than the maximum usually stipulated for crimes. This was made possible because she is considered to have reoffended since her previous 2018 convictions.

On 16 December 2019, Ms. Raheleh Ahmadi was sentenced to 31 months in prison after being convicted of “assembly and collusion against national security”. Her conviction and sentence stem from her continued advocacy while her daughter was in prison.

On 17 March 2020, the Evin Prosecutor's Office informed Ms. Kord Afshari that she had been acquitted of the charge of "encouraging people to commit immorality and / or prostitution", reducing her prison sentence to nine years, seven and a half of which is enforceable. However, on 26 May 2020, Ms. Kord Afshari's lawyer noticed on a visit to the Ershad courthouse that the acquittal had been overturned, without explanation, and she again faces 15 years in prison.

Ms. Kord Afshari has not been granted early or temporary release under the judiciary's directives or Government's announcements that allow for prisoner releases during the COVID-19 pandemic. Several security guards in the women's ward of Evin Prison have allegedly contracted the COVID-19 virus.

Without prejudging the accuracy of the allegations, we wish to express our deep concern regarding the arrest, conviction and long-term imprisonment of Ms. Saba Kord Afshari, who faces 15 years in prison for her work peacefully advocating for women's rights and gender equality. We are particularly concerned by her conviction under Article 639 of the Islamic Penal Code, on prostitution and immorality, which carries a significantly lengthy prison sentence. It is our worry that Ms. Kord Afshari's conviction and prolonged prison sentence may be used as an example to dissuade other women from peacefully advocating for women's rights.

We also raise our concerns over the legal and judicial proceedings in the conviction of Ms. Saba Kord Afshari, where she allegedly did not have immediate access to her lawyer, and where authorities overturned her acquittal of "encouraging prostitution and immorality" behind closed doors, without giving her or her lawyer the opportunity to participate in the hearing and argue against the decision. We are deeply concerned that no notification or explanation has been given to the defendant or her lawyer. We request your Excellency's Government to ensure that Ms. Kord Afshari is afforded all of the safeguards of due process and a fair trial, in accordance with international human rights law.

Furthermore, we are concerned that Ms. Kord Afshari's mother, Ms. Raheleh Ahmadi, has been detained for her human rights advocacy raising domestic and international awareness about her daughter's case and women's rights in Iran. We are deeply concerned about the implications this may have on freedom of expression in the country. We remind your Excellency's Government that holding opinions about the observance of human rights and drawing public attention to those matters is a right guaranteed by the Declaration on Human Rights Defenders.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the reasons why Ms. Saba Kord Afshari has been charged with encouraging people to immorality or prostitution. Please also provide details on the reasons why, after she was acquitted of this charge, that this decision appears to have been overturned, and how this is consistent with Iran's obligations under international human rights law to the guarantee of a fair trial.
3. Please provide information on allegations that officials attempted to pressure Ms Kord Afshari into making a televised confession of guilt in her case.
4. Please provide details on how the charges faced by Ms. Raheleh Ahmadi of "spreading propaganda against the regime" and "cooperation with the opposition media" in relation to the above-reported facts are compatible with Iran's human rights obligations under article 19(3) of the International Covenant on Civil and Political Rights.
5. Please provide information on what legal and practical measures are in place in the Islamic Republic of Iran to ensure that women human rights defenders can carry out their work in a safe and enabling environment, as well as the procedures in place that ensure that human rights defenders are afforded the proper protection and/or remedy in the event that their life or work is under threat.

We would appreciate receiving a response within 60 days. After this deadline, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Karima Bennoune  
Special Rapporteur in the field of cultural rights

David Kaye

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

Javaid Rehman

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

Dubravka Šimonovic

Special Rapporteur on violence against women, its causes and consequences

Elizabeth Broderick

Chair-Rapporteur of the Working Group on discrimination against women and girls



## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

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 "encouraging people to immorality or prostitution" for not wearing the veil in public, 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. 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).

We would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of all detained persons in this case to fair proceedings before an independent and impartial tribunal, in accordance with articles 10 and 11 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of ICCPR, ratified by Iran (the Islamic Republic of ) on 24 June 1975.

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).

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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to article 6(c) which guarantees the right 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.

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).