

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; 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 in the Islamic Republic of Iran and the Working Group on discrimination against women and girls**

Ref.: AL IRN 5/2024

(Please use this reference in your reply)

21 March 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; 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 in the Islamic Republic of Iran and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/4, 51/8, 52/9, 50/17, 49/24 and 50/18.

We wish to draw the attention of your Excellency's Government to the information we have received concerning the conviction and potential enforcement of the prison sentence of Ms. **Sepideh Rashnu**.

Ms. **Sepideh Rashnu** is a women's rights defender, writer and poet, primarily focusing on women's rights in Iran. Her activism against mandatory veiling rules gained momentum in July 2022, sparked by an encounter on a bus that went viral on social media, that highlighted her commitment to gender equality. Between 2022 and 2024, she has been arrested twice for her human rights advocacy. During her detention, Ms. Rashnu reportedly faced severe mistreatment, resulting in a forced televised confession and subsequent prison sentence for her activism. Additionally, she has been prevented from pursuing her education at university.

According to the information received:

On 16 July 2022, Ms. Rashnu gained public attention after a video capturing her encounter with a woman on a bus went viral, highlighting her advocacy against mandatory veiling laws in Iran. She was arrested within a few hours of the incident.

On 30 July 2022, the Islamic Republic's state TV (IRIB) aired a purportedly coerced confession from Ms. Rashnu, where she was portrayed as having received instructions from abroad regarding her activism against mandatory veiling laws. Ms. Rashnu appeared visibly distressed in the video, with evident signs of physical abuse.

On 15 August 2022, Ms. Rashnu's case was referred to branch 26 of the Tehran Revolutionary Court on the charges of "gathering and colluding against national security," and "propaganda against the State," as well as "promoting immorality and prostitution". On 22 November 2023, the court sentenced her to a suspended prison term of three years and seven months for the charge of

“gathering and colluding against national security,” in addition to another four months for the charge of “propaganda against the State.” She was acquitted of “promoting immorality and prostitution.”

On 13 May 2023, Ms. Rashnu announced that she had been suspended for two academic semesters from her studies in painting at Alzahra University for commuting to the university while not complying with the mandatory veiling rules.

On 20 June 2023, Ms. Rashnu was arrested following the opening of a new case against her in the security prosecution office at Evin Prison. This followed the referral of her case by university security to the court for her not wearing a hijab on the university campus. Initially charged with undertaking “propaganda against the State” and “promoting immorality and prostitution,” she was detained for a few hours before being released on a 10 billion IRR bail. Subsequently, she was acquitted of the charge of “propaganda activities against the state,” and her case was referred to Branch 1099 of the Ershad Court, which oversees veiling-related issues. The court sentenced her to six months in prison and a 100 M IRR fine; however, the prison sentence was reduced to four months before the Court of Appeal.

On 2 October 2023, Ms. Rashnu faced a third court case for the charge of “unveiling in public” at Branch 1099. This charge stemmed from her presence without a hijab before the Ershad Court, resulting in a fine of 15 million IRR.

On 17 February 2024, Ms. Rashnu was summoned to prison to serve a three-year and eleven-month imprisonment sentence. The lifting of the initial suspended sentence was sought by the court in light of the new four-month prison sentence in the June 2023 case against the woman human rights defender, leading to the execution of the initial three-year and seven-month prison term. However, her lawyer's request for a retrial before the Supreme Court was accepted by the court. As a result, Ms. Rashnu has been granted an extension until 10 March 2024 before serving her prison sentence.

While refraining from prejudging the accuracy of the received information, we express profound concern regarding Ms. Rashnu's conviction, seemingly attributed solely to her peaceful human rights activism. Additionally, we are deeply troubled by her televised confession, which appears to conflict with due process and seems to have been obtained under duress, as indicated by signs of physical mistreatment. Furthermore, we are alarmed by reports of Ms. Rashnu's expulsion from academic institutions, effectively denying her right to education. These actions reflect a broader pattern indicative of a crackdown on human rights defenders, especially women's rights defenders, across Iran. This pattern includes arbitrary arrests, baseless charges, and prison sentences lacking due process, as observed since the September 2022 protests in Iran.

The potential validation of these allegations could provoke significant concern, given their apparent implications that intersect with foundational principles established in international legal frameworks. Notably, there exists a discernible likelihood of contravening the provisions enshrined in Articles 9 and 19 of ICCPR, which serve as pivotal safeguards for the rights to personal liberty and security, as well as the right to freedom of expression. Additionally, the alleged incidents prompt

inquiries into Iran's adherence to its obligations under the ICESCR regarding education rights. The reported expulsion from or deprivation of educational opportunities, as reported, appears to be in violation of Articles 2 and 13 of the Covenant, which underscore the universal entitlement to equitable education. Both covenants oblige states parties to guarantee that the rights be exercised without discrimination of any kind as to political or other opinion. Given Iran's status as a signatory to these international conventions, actions that impede these rights could potentially constitute a serious breach of human rights standards.

We are issuing this appeal in order to safeguard the rights of the abovementioned individual from irreparable harm and without prejudicing any eventual legal determination.

In connection with these allegations 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 detailed information regarding the prison sentences imposed upon Ms. Rashnu, elucidating how her human rights activism concerning women's rights has been viewed as criminal offences, specifically “gathering and colluding against national security,” and “propaganda against the state.”
3. Please clarify the legality of Ms. Rashnu's televised confession under Iranian and international law, particularly considering her status as an accused individual at the time. Additionally, address the allegations of physical abuse that purportedly led to this confession and its potential long-term psychological impact on her. Lastly, please explain whether this confession was cited as evidence in her conviction.
4. Please provide information regarding the expulsion of Ms. Rashnu from university, encompassing pertinent details regarding the circumstances, reasons, and procedures that culminated in these outcomes. Furthermore, please elucidate the compatibility of these decisions with the internationally recognized rights to education as established by international law.

We would appreciate receiving a response within 60 days. Past this delay, 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.

We would also like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Matthew Gillett  
Vice-Chair on Communications of the Working Group on Arbitrary Detention

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

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

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

Dorothy Estrada-Tanck  
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 or "the Covenant"), ratified by the Islamic Republic of Iran on 24 June 1975.

We would like to refer to article 7 of the ICCPR, which guarantees that no person will be subject to torture and other forms of ill-treatment. The Human Rights Committee in its general Comment no. 20 underlines that the aim of this provision is to "protect both the dignity and the physical and mental integrity of the individual." Also, the Human Rights Committee complements article 7 with the positive requirements of Article 10 (1) of the ICCPR that stipulates that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

Further, article 9 of the ICCPR enshrining the right to liberty and security of person and establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law as well as the right to legal assistance from the moment of detention. Article 9 (4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court state that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation. Furthermore, in its General Comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of peaceful assembly (art. 21), freedom of association (art. 22) and freedom of religion (art. 18). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention. It has also stated that arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary. Furthermore, article 14 upholds the right to a fair trial and equality of all persons before the courts and tribunals, the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, as well as the right to legal assistance.

We also recall article 19 of the ICCPR, which guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of expression; which includes 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 one's choice. We note with concern the apparent retaliatory measures taken against prisoners, including Ms. Rashnu, for exercising their right to freedom of expression. Legitimate restrictions to freedom of expression may be implemented in accordance with the requirements of Article 19 (3) of the Covenant.

Restrictions must meet the standards of legality, meaning that they are publicly provided by a law which meets standards of clarity and precision, and is interpreted by independent judicial authorities; necessity and proportionality, meaning that they

are the least intrusive measure necessary to achieve the legitimate interest at hand, and do not imperil the essence of the right; and legitimacy, meaning that they must be in pursuit of an enumerated legitimate interest, namely the protection of rights or reputations of others, national security or public order, or public health or morals. Although article 19(3) recognizes “national security” as a legitimate aim, national security considerations should be “limited in application to situations in which the interest of the whole nation is at stake, which would thereby exclude restrictions in the sole interest of a Government, regime, or power group”. States should “demonstrate the risk that specific expression poses to a definite interest in national security or public order, that the measure chosen complies with necessity and proportionality and is the least restrictive means to protect the interest, and that any restriction is subject to independent oversight” (A/71/373). In this context, we underscore that the Human Rights Committee has found that “It is not compatible with Article 19 (3), for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information.” (CCPR/C/GC/34 para. 30). Further in relation to morals, the Committee observed in general comment No. 22, that “the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations... for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition”. Any such limitations must be understood in the light of universality of human rights and the principle of non-discrimination. (CCPR/C/GC/34, para. 32).

In addition, we wish to underline that the mentioned provisions need to be implemented without any discrimination. Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, according to the General comment no. 18 of the Human Rights Committee, “constitute a basic and general principle relating to the protection of human rights. Thus, article 2, paragraph 1, of the ICCPR obligates each State party to respect and ensure to all persons within its territory and subject to its jurisdiction the rights recognized in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 26 not only entitles all persons to equality before the law as well as equal protection of the law but also prohibits any discrimination under the law and guarantees to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

We would also like to bring attention to the provisions outlined in articles 2 and 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) to which Iran is a State Party. According to these articles, higher education should be made equally accessible to all citizens "without discrimination of any kind as to race, color, sex, language, religion, political or other opinions, national or social origin, property, birth, or other." The actions of the Islamic Republic, if such occurrences involve the denial of citizens' access to education, may raise concerns regarding potential violations of various articles of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and UNESCO's Convention against Discrimination in Education. Specifically, section 1 of Article 26 of the Universal Declaration of Human Rights explicitly states that "...higher education shall be equally accessible to all on the basis of merit." Moreover, article 1 of UNESCO's Convention against Discrimination in Education firmly

opposes any form of "distinction, exclusion, limitation or preference which [is] based on race, color, sex, language, religion, political or other opinion".

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 articles 1 and 2 of the Declaration which state that everyone has the right to promote and 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.

In addition, we wish to refer to the UN General Assembly Resolution on Promotion of 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: protecting women's human rights defenders (A/RES/68/181) which "Calls upon all States to promote, translate and give full effect 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, including by taking appropriate, robust and practical steps to protect women human rights defenders (1). The same resolution further "Stresses that respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights, and condemns all human rights violations and abuses committed against persons engaged in promoting and defending human rights and fundamental freedoms (2)."

As emphasised by the Working Group on discrimination against women and girls in one of its reports (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as human rights defenders, leaders, community workers and politicians. Women defenders are often the target of gender-based violence, including verbal abuse, sexual abuse, rape, intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. Furthermore, the Working Group has pointed out that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism (A/HRC/41/33)." Furthermore, the Working Group on Discrimination against Women and Girls, in its report on Women Deprived of Liberty (A/HRC/41/33), states that "women's deprivation of liberty is a significant concern around the world and severely infringes their human rights." they are mostly deprived arbitrarily, and in a discriminatory manner.

Additionally, article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in its article 2, highlights that States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.