

Iran: Demanding rights through Freedom of Information Act

*Do you know that under [Iran's 2009 Publication and Free Access to Information Act](#), you have a right to request information from your local authorities about the budget allocated to providing safe and clean water to the residents or about the number of traffic accidents in a road near your house? **Today, ARTICLE 19 has published guides on Iran's Freedom of Information Act. These include a guide for journalists and guides for finding out more about environmental and health issues that could affect you. Find out why using your right to know can help you to demand your other human rights.***

The global health crisis arising from the coronavirus pandemic has vividly highlighted just how the violation of the right to information can lead to loss of life. The [right to information is essential to reducing the risk of transmission](#); protecting the population against dangerous misinformation; and ensuring that people can evaluate, debate and participate in decision makings that impact their lives. From the onset of the crisis in Iran, however, the authorities took measures including censorship and criminal sanctions to repress freedom of expression and the free flow of information including the formation of a special task force with the Cyber Police – known as FATA – to “combat” the spread of rumours about the coronavirus. On 28 April, a senior spokesperson of Iran’s armed forces [announced](#) that as part of FATA’s operations in relation to the coronavirus, 3,600 people had been arrested and 1,136 judicial cases had been opened. These measures had prompted ARTICLE 19 to [warn](#) on 27 February that such measures would place the right to health of people in Iran at great risk.

In this context, can the 2009 Publication and Free Access to Information Act help bring about transparency and accountability?

How can the Freedom of Information Act help?

The Act is Iran’s first step towards meeting its obligations under international law to guarantee the right to information. It has many shortcomings, including imposing broad and vague exemptions to releasing information, and, [as ARTICLE 19 has argued](#), it must be amended to ensure compatibility with international law. Despite this, the Act could be an important tool for journalists, environmentalists, human rights defenders and anyone seeking transparency and demanding accountability. At the very least, using the law, even if requests are not answered, will allow individuals to practice greater participation in matters that have an impact on their lives. In the long run, this will demonstrate the Act’s shortcomings and the level of its implementation by the authorities.

Who is using the Freedom of Information Act?

It would appear that various groups including journalists and environmentalists have already used the law in order to request information from institutions. For example, in April 2020, a group of journalists working on the environment issued a [statement](#) in which, they expressed concerns about the domestic transfer of Asian cheetahs - a species at risk of extinction - and reminded Iran’s Environmental Organisation that under the Act, it has a legal duty to make available all information and details with regards to these species. The Act is also regularly referred to in media articles which criticise state institutions for lack of transparency.

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A search with the title of the Act [قانون انتشار و دسترسی آزاد به اطلاعات] or hashtags such as #دسترسی_آزاد_به_اطلاعات and #قانون_انتشار_و_دسترسی_آزاد_به_اطلاعات on social media platforms like Twitter similarly illustrates that many concerned Iranians have become aware of the legal duties imposed under the law and thus explicitly refer to the Act when demanding transparency from public bodies or criticising them for corruption. Social media posts show that requests for information have been submitted on a range of issues such as the minutes of local councils' meetings, urban bus stops, the national Android, details of how decisions are made about nominating films for the Oscar awards, and [a contract between the Ministry of Health and a private company](#) regarding the construction of a hospital during the coronavirus crisis.

Both health information and transparency about the outbreak are vital for tackling the coronavirus crisis. Under the law the Ministry of Health (MOH) must publish and provide mandated information requested by citizens. There are exemptions listed in the law that can be used to deny requests but they do not apply if the information requested would reveal the *existence or emergence* of environmental hazards or public health threats. Coronavirus would firmly fall under this definition. How the MOH has responded more generally in practice during this period must be scrutinised. However, one thing is clear, questions are being asked, and with more information requested, there is more chance of pushing the government into action, especially at this time of crisis.

Posts by social media users - including shared images of their information requests and the responses they have received - indicate that in some instances citizens have succeeded in receiving the information they have asked for upon submitting a request. In some other instances, however, the bodies in question have failed to abide by the law and provide requesters with adequate responses sparking the criticism of users. Other experiences shared through social media posts show that, in some instances, they have succeeded in following up on their requests through the appeal processes eventually compelling the institution in question to release the requested information.

What resources are there to help you exercise your right to information?

There is a visible lack of resources and guides on how people can use their right to information. However, in recent years, ARTICLE 19 has made [a range of materials](#) aimed at facilitating the exercise of the right to information in Iran - from training videos and lessons from around the world, to [games](#) and guides. The aim has been to mainstream these concepts and encourage individuals to take advantage of this tool. In addition to a first comprehensive [analysis](#) of the Act, the organisation has also published [guides](#) on how to make access to information requests.

During this period, when information is vital for navigating, understanding and getting involved with what is going on around us, ARTICLE 19 is now launching three new guides: [a guide designed specifically for journalists](#); a guide for using the Act for seeking information on [health-related issues](#); and one on the [environment](#). There is also audio-visual material that aim to explain the Act in a simple and accessible language for all. These guides have been created with the support of experts in each field with an attempt to introduce the method and reasons for using the law.

By using ARTICLE 19's guides, you can equip yourself with a better understanding of the Act in order to make information requests, exercise your right to know and hold the authorities to account.