

ARTICLE 19

Iran's draconian legislative actions in the wake of the 2022 uprising

Submission for the Report of the
UN Secretary-General

March 2023

ARTICLE 19

ARTICLE 19 works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination. We do this by working on two interlocking freedoms, which set the foundation for all our work. The Freedom to Speak concerns everyone's right to express and disseminate opinions, ideas, and information through any means, as well as to disagree with, and question power-holders. The Freedom to Know concerns the right to demand and receive information from power-holders for transparency, good governance, and sustainable development. When either of these freedoms comes under threat by the failure of power-holders to adequately protect them, ARTICLE 19 speaks with one voice through courts of law, through global and regional organisations, and through civil society wherever we are present.



info@article19.org



www.article19.org



@article19org



@article19



www.linkedin.com/company/article19/



facebook.com/article19org

© ARTICLE 19, 2023

This work is provided under the Creative Commons Attribution-Non-Commercial-ShareAlike 3.0 licence. You are free to copy, distribute and display this work and to make derivative works, provided you:

- 1) give credit to ARTICLE 19;
- 2) do not use this work for commercial purposes;
- 3) distribute any works derived from this publication under a licence identical to this one.

To access the full legal text of this licence, please visit:

<https://creativecommons.org/licenses/by-sa/3.0/legalcode>

ARTICLE 19 would appreciate receiving a copy of any materials in which information from this report is used. The Principles were developed as a part of the Civic Space Initiative financed by the Swedish International Development Cooperation, Sida. Sida does not necessarily share the opinions here within expressed. ARTICLE 19 bears the sole responsibility for the content of the document.

Contents

Executive summary	4
Introduction	7
Draft bill to add a provision to the Islamic Penal Code – Article 512 <i>bis</i>	8
Draft bill to amend/replace Book Five of the Islamic Penal Code on Discretionary Punishments	10
(a) Draft provisions further allowing for protest crackdowns	13
(b) Draft provisions imposing discriminatory, degrading, and humiliating compulsory veiling on women and girls	15

Enforcement of discriminatory, degrading, and humiliating compulsory veiling	19
The ‘Protection Bill’	22
Internet shutdowns and disruption since the start of nationwide protests in mid-September 2022	23
Use of surveillance technologies in the context of protests	25

Executive summary

Soon after the death in custody of Mahsa Jhina Amini at the hands of Iran's 'morality police' in September 2022, following credible reports of torture, Iran was engulfed by a popular uprising spearheaded by youth and women who demanded fundamental political change, justice, and freedom. The authorities of the Islamic Republic responded with a deadly crackdown, unlawfully killing hundreds of men, women and children, and injuring, arbitrarily detaining and torturing thousands of others. Neither a single member of the security forces nor any of the officials responsible for the gross violations of human rights and crimes under international law has been held to account. Instead, the authorities have adopted a range of legislative and policy measures that would further violate the rights of people in Iran to freedom of expression and assembly and shield those committing human rights violations and crimes under international law from accountability.

In this March 2023 submission to the UN, ARTICLE 19 notes with grave concern several such legislative proposals, including those which provide prosecutorial and judicial authorities with tools to subject those who express any form of dissent to even harsher punishments.

Specifically, this includes a draft bill to amend the Islamic Penal Code, Article 512 *bis*, which, if enacted, would prescribe harsh punishments including fines, imprisonment, and even the death penalty for 'statements contrary to facts regarding issues on which an official statement must be made but no such statement has yet been made'. Such punishments are in flagrant violation of international law.

Furthermore, the draft bill adds new 'offences' such as 'insulting the flag and the national anthem' and 'attributing falsehoods' to Ruhollah Khomeini or the Supreme Leader, while also expanding the scope of and increasing the punishments for 'offences' such as 'spreading propaganda against the system' and 'gathering and colluding to commit crimes against national security'.

The bill also seeks to place women and girls who refuse to comply with forced veiling laws under social and economic siege by depriving them of civil, political, social, cultural, and economic rights. ARTICLE 19 stresses that the practice of compulsory veiling has for decades violated the rights of millions of women and girls in Iran, including their rights to non-discrimination; freedom of belief and religion; freedom of expression; and protection from arbitrary arrest, detention, torture, and other cruel, inhuman, or degrading treatment or punishment.

The submission also examines multiple statements made by Islamic Republic officials and policies adopted since the start of the uprising in relation to forced veiling. These clearly illustrate that the authorities are adamant about maintaining and enforcing the discriminatory, degrading, and humiliating compulsory veiling laws that have violated the rights of millions of women and girls for decades. The statements also promise harsher crackdowns on those opposing forced veiling, and include proposals to use facial recognition technology to enforce such laws, and measures to deprive those who defy them of basic rights and services such as banking, and even punish those who provide services to women and girls who defy discriminatory forced veiling laws.

A further cause for concern is the User Protection Bill, which aims to formalise the nationalisation of the internet, including by placing internet governance in the hands of security forces and disabling the use of virtual private networks (VPNs). At the start of the uprising, Instagram and WhatsApp were blocked, joining the majority of other foreign or independent applications. With VPN access being cut off, it has become near impossible to access the internet without state control. The authorities continue to adopt and implement measures such as 'mobile curfews' and regionalised internet shutdowns, which make it extremely difficult, if not impossible, for people in Iran to access information or communications that are not controlled by the state.

In many instances, the cities where internet shutdowns have been most extreme have witnessed an intensified use of unlawful, in particular lethal, force by authorities and security forces. Alarming, the censorship and surveillance have been supported by leaks



from ISPs and, reportedly, national technologies for taxis and food delivery services to share user data enabling authorities to locate and arrest activists.

Introduction

In this submission made to the United Nation’s Secretary General in early March 2023, ARTICLE 19 provides a legal analysis of select legislative and policy developments in Iran since the start of the nationwide protests in mid-September 2022, as well as the authorities’ measures to impose internet shutdowns and disruptions during the protests as a tool to prevent people from exercising their right to freedom of expression and assembly; conceal the scale and severity of their deadly crackdown on protests; and, in turn, facilitate the commission of gross violations of human rights and crimes under international law with impunity.

The organisation highlights with alarm that since the start of the popular uprising in mid-September 2022, the Iranian authorities have taken steps to introduce legislative measures that further violate the human rights of people in Iran, including the rights to freedom of expression and assembly, and serve to shield themselves from accountability. These legislative initiatives – which have come in the context of a deadly crackdown on protesters during which hundreds of men, women, and children were unlawfully killed and thousands more were injured and arbitrarily arrested, tortured, and otherwise ill-treated – clearly demonstrate that the authorities are determined to crush the protests and maintain their tight grip on power at any cost.

A review of the legislation under consideration reveals that many of the proposed provisions are in response to various forms of protest, including assemblies; defiance of discriminatory, humiliating, and degrading compulsory veiling laws; and expressions online and offline that have increasingly engulfed the country over the past years. Instead of bringing the laws in line with their international human rights obligations to guarantee human rights and ensure accountability, the authorities are adopting legislative measures that further facilitate repression, including through judicial prosecutions of and issuance of harsh sentences against protesters, human rights defenders and others speaking out

about human rights violations, and women and girls who oppose the discriminatory, humiliating, and degrading practice of compulsory veiling.

ARTICLE 19 stresses that these legislative initiatives further exacerbate the existing legal and judicial frameworks which, as highlighted by the Special Rapporteur on Iran, stand in flagrant contravention of international law and standards and are in themselves a source of human rights violations and impunity for perpetrators.

Draft bill to add a provision to the Islamic Penal Code – Article 512 *bis*

On 30 January 2023, several parliamentarians submitted a draft bill to include a concurrent provision, Article 512 *bis*, to Book Five of the Islamic Penal Code on Discretionary Punishments.

The proposed provision, which appears to be in direct response to the popular uprising sparked by the death in custody of Mahsa Jhina Amini at the hands of the ‘morality police’ following credible reports of torture, flagrantly violates the right to freedom of expression and subjects the prescribed conduct to the harsh punishments of imprisonment of between 10 and 15 years and a monetary fine. In further violation of international law, which absolutely prohibits the use of the death penalty for acts that do not amount to the ‘most serious crimes’ involving only intentional killing, the provision makes the criminalised expression punishable by the death penalty in cases where it is deemed to have amounted to the ‘offence’ of ‘corruption on earth’ (*efsad-e fel arz*).

According to draft **Article 512 bis**:

Any person who holds a professional, social political, familial, scientific, cultural or military status in society and through speeches, interviews, articles, messages or notes, whether online or offline, expresses statements contrary to facts regarding issues on which an official statement must be made but no such statement has yet

been made, and [such false statement] has widespread coverage and plays an effective role in [causing] severe disruption to the country's order, causing insecurity, or substantial harm to people's physical integrity or public property or result in spreading corruption or prostitution on a large scale, shall be sentenced to degree three punishments, a monetary fine equivalent of twice the damages to people's physical integrity or public or private property as well as paying compensation for the damages caused, unless [the act] amounts to [the crime of] corruption on earth under Article 286 of the 2013 Islamic Penal Code.

Under the **Note to the Article**:

The aforesaid individuals, in addition to the stipulated punishments, shall be sentenced to five to ten years deprivation from social rights and prohibition from holding the profession and position that had resulted in their fame.

ARTICLE 19 is deeply alarmed that Article 512 *bis*, if enacted, would not only further deteriorate the situation of journalists, human rights defenders, writers, actors, and others deemed to 'hold social status' and place them at increased risk of lengthy prison terms, but would also further facilitate the use of the death penalty as a weapon of political repression. Since October 2022, Iranian authorities have increasingly resorted to the death penalty in order to instil fear in the population and put an end to the protests. In particular, the authorities have used the vague and broadly defined offences of 'enmity against God' (*moharebeh*) and 'corruption on earth' (*efsad-e fel arz*), which contravene international law, against protesters in order to convict them, following grossly unfair trials that bear no resemblance to meaningful judicial proceedings, of acts such as inciting arson or vandalism including by ['dancing, clapping, chanting or throwing head scarves into bonfires during protests'](#).

The organisation raises concerns that the phrase, 'statements contrary to facts regarding issues on which an official statement must be made but no such statement has yet been made' is intended to further facilitate the prosecution of journalists, human rights defenders, and others who speak up about and report on human rights violations. This is in

the light of the authorities' long-standing policy of denial and concealment of human rights violations and crimes under international law and the intimidation, harassment, arrest, and imprisonment of those who seek truth and justice. ARTICLE 19 highlights that the draft provision has been introduced in the wake of journalistic reporting on the death in custody of Mahsa Jhina Amini at the hands of the 'morality police' following credible reports of torture in September 2022 which contributed to a domestic and international outcry about the gross violations and crimes committed against women and girls in Iran as well as the broader crisis of impunity in the country.

Draft bill to amend/replace Book Five of the Islamic Penal Code on Discretionary Punishments

The [draft bill](#) on discretionary punishments (which, if enacted, will replace the existing Book Five of the Islamic Penal Code) was reportedly prepared in October 2022 by the Judiciary's Legal and Parliamentary Affairs Deputy Office and was sent to the government for legislative processes in December 2022.

ARTICLE 19 stresses that the draft bill, which contains 422 provisions, includes a wide range of provisions which, if enacted, would further erode the human rights of people in Iran, including but not limited to the rights to freedom of expression, association and assembly, religion and belief, thus further facilitating the commission of gross violations of human rights and crimes under international law by the authorities.¹ They include, but are not limited to, the following provisions:

- **Article 48**, which criminalises 'taking action' with the intent to 'disintegrate, separate or surrender Iran's territory to the enemy or foreigners' and 'cooperating and colluding

¹ Please note that the translations included in this submission are not official translations and have been done by ARTICLE 19.

[with enemies and foreigners]'. The provision makes the criminalised conduct punishable by death should it be deemed 'effective'.

- **Article 54**, which criminalises establishing a group with the intent to 'disrupt the country's security' and subjects it to an imprisonment sentence of between five and ten years.
- **Article 55**, which criminalises membership in groups with the intent to 'disrupt the country's security' and subjects it to an imprisonment sentence of between two and five years.
- **Article 56**, which criminalises 'gathering and colluding with the intent to commit crimes against national security' and subjects it to punishments such as an imprisonment sentence of between five and ten years.
- **Article 81**, which criminalises 'spreading propaganda against the Islamic Republic' or in 'favour of the enemy' and subjects it to an imprisonment sentence of between two and ten years if it has been with the intent to 'disrupt the country's security or the public opinion'. If such intent is not established, the conduct is subject to punishment such as imprisonment of between six months to two years or deprivation from holding certain professions and positions for a period of between two and four years.
- **Article 87**, which criminalises 'insulting' the prophet of Islam and his daughter, the Shi'a Imams, or Islamic Sanctities, making it punishable by an imprisonment sentence of between two and five years.
- **Article 88**, which criminalises 'insulting' Ruhollah Khomeini and the Supreme Leader; 'producing, distributing or publishing offensive images, audios, sculptures, or films' about them; and 'distributing or displaying forged content attributed to them', and subjects such conduct to a range of punishments including an imprisonment sentence of between six months and two years, or 'social punishments'.

- **Article 89**, which subjects anyone who ‘attributed falsehoods’ to Ruhollah Khomeini or the Supreme Leader or publishes such content, or distorts their statements or work, whether in written or other forms, or knowingly publishes or distributes forged/distorted content attributed to them or takes action to destroy their original work, whether in written or other forms, to an imprisonment sentence of between two and five years if the conduct has been with the intent to ‘weaken their positions/status’. Where such intent is not established, the ‘offence’ is punishable with a range of punishments such as imprisonment of between six months to two years or deprivation of holding certain jobs or professions.
- **Article 91**, which criminalises ‘publicly insulting the national anthem or the flag of the Islamic Republic of Iran’ and subjects it to a range of ‘social punishments’ including deprivation from holding professions and social positions.
- **Article 331**, which criminalises insulting the heads of the judiciary, parliament, and the President.

A number of the above ‘offences’, such as ‘insulting the flag and the national anthem’ and ‘attributing falsehoods’ to Ruhollah Khomeini or the Supreme Leader are not currently stipulated under the existing Book Five of the Islamic Penal Code. Other ‘offences’, such as ‘spreading propaganda against the system’ and ‘gathering and colluding to commit crimes against national security’, currently exist, allowing the authorities to systematically arrest, charge, and punish dissenting voices. In the cases of these ‘offences’, the draft bill has expanded the scope of the criminalised conduct and/or significantly increased the punishments. For instance, under Article 500 of the Penal Code currently in force: ‘spreading propaganda against the system’ is punishable by three months to one year in prison while the draft bill seeks to impose an imprisonment sentence of between two and ten years if the conduct has been with intent to ‘disrupt the country’s security or the public opinion’. Another ‘offence’, namely ‘gathering and colluding to commit crimes against national security’ is currently punishable by an imprisonment sentence of between two and five years in prison while the draft bill intends to increase the punishment to between five and ten years in prison.

Therefore, by seeking to expand the scope of the 'offences', which in broad and vague terms allows for the criminalisation of acts and conduct that fall within the peaceful exercise of human rights, and increasing the punishments, the draft bill, if enacted, would further facilitate the arrest, detention, and conviction of individuals solely for exercising their human rights, allowing the authorities to unjustly put them behind bars for even longer periods of time.

In addition to the above provisions, which violate an array of human rights, the draft bill contains a range of other provisions that, in ARTICLE 19's assessment, have been introduced in direct response to the protests that have rocked the country over the past years. They aim to further open the hand of the authorities, including to: (a) prosecute, convict, and subject individuals to harsh punishments for peacefully exercising their right to peaceful assembly and protest; and (b) enforce the discriminatory, humiliating, and degrading practice of compulsory veiling.

(a) Draft provisions further allowing for protest crackdowns

ARTICLE 19 is deeply concerned that a number of provisions in the draft bill will further open the hands of the authorities of the Islamic Republic to increase their crackdown on peaceful protests and further enable the security forces, prosecutors, and judges to arrest, detain, and subject to harsh punishments those who voice dissent, including through demonstrations, strikes, and sit-ins.

Most notably, under Article 60 of the draft bill, participation in and leading demonstrations, strikes, and other similar acts of protests may result in the harsh punishment of up to 15 years in prison if the authorities deem such protests to have been 'armed' or 'contravened the principles of Islam'. Under the Article:

Anyone who takes part in demonstrations, assemblies, strikes or sit-ins which are armed or contravene the principles of Islam shall be sentenced to a degree six imprisonment [between six months and two years]. If the person leads [such

demonstrations, assemblies, strikes or sit-ins] they shall be sentenced to an imprisonment sentence of degree three or four [between five and fifteen years].

In addition to Article 60, other provisions, including Articles 58 and 59, provide for the criminalisation of organising and participating in protests. While the provisions entail criminalisation of what might amount to internationally recognisable offences, including incitement to war and killings, they persistently use terms such as 'riots' and 'rebellion'. Not only are these terms vague but, in practice, they are systematically used by the authorities of the Islamic Republic to refer to peaceful protests. In fact, the authorities categorically refer to peaceful protests as 'riots' and 'rebellions' to vilify protesters and justify their unlawful, including lethal, use of force as well as arbitrary arrests and detentions.

Article 58 – *Anyone, who, with the aim of disrupting the country's security or knowledge that such consequences would follow [their actions], incites or encourages people, in any manner, to war, killing, group altercations/fight with each other, rebellion, or riots shall be sentenced to an imprisonment sentence of degree three [ten to fifteen years] if their conduct results in one of these consequences or [if they] make an effective contribution towards them. Where such consequences do not follow, they shall be sentenced to a degree four imprisonment [five to ten years]. In cases where the intent of the offender or their knowledge that the consequences will follow their actions is not established, but their conduct leads to occurrence of a war, killings, or group fighting of people with each other or rebellion or riot, they shall be sentenced to a degree five imprisonment [two to five years].*

Article 59 – *Anyone who, with intent to cause rebellion, riot, pillage, destruction or arson of governmental, public or people's property, leads any kind of demonstration, assembly, or strike, shall be sentenced to a degree two imprisonment [15 to 25 years] if the outcome is achieved. Where the outcome has not been achieved, they shall be sentenced to a degree four imprisonment [five to*

ten years]. The punishment for those participating in the aforesaid crimes shall accordingly be two degrees lower.

ARTICLE 19 further highlights that the term 'enemy' used in a number of provisions, including the above-mentioned Articles 48 and 81, is broadly and vaguely defined, effectively allowing the authorities to categorise individuals who take to the streets peacefully to criticise and challenge the Islamic Republic and its policies and practices as well as independent media outlets reporting on issues including the human rights situation in the country and human rights organisations as the 'enemy'. According to Article 84:

Enemy in this law refers to evil-doers, groups, societies, organisations, or governments who are at war with the Islamic Republic or aim to overthrow it, or their actions are against national security or the interest of the country. In cases where determination of the enemy is not possible for the judiciary, the country's General Prosecutor shall seek the opinion of the Supreme National Security Council and the Council's opinion shall be relied on.

(b) Draft provisions imposing discriminatory, degrading, and humiliating compulsory veiling on women and girls

ARTICLE 19 is deeply alarmed that the draft bill not only continues to impose discriminatory, degrading, and humiliating compulsory veiling on women and girls but also seeks to expand the scope of the 'offences' in connection with compulsory veiling and significantly increases the stipulated punishments for such 'offences'. ARTICLE 19 stresses that the practice of compulsory veiling has for decades violated the rights of millions of women and girls in Iran, including their rights to non-discrimination; freedom of belief and religion; freedom of expression; and protection from arbitrary arrests, detention, torture, and other cruel, inhuman, or degrading treatment or punishment.

As detailed below, the draft bill effectively places women who exercise their human rights and refuse to comply with compulsory veiling under social and economic siege by depriving them of their civil and political as well as social, cultural, and economic rights. It

further allows for the imposition of imprisonment, flogging, and other punishments against women, human rights defenders, and others who protest compulsory veiling in any manner including through acts such as appearing in public without a veil, participating in assemblies, and publishing content online. Finally, the draft bill effectively seeks to transform non-state actors, including managers and business owners, into agents of enforcing compulsory veiling.

Article 178 of the draft bill enables judicial bodies to take women and girls who do not adhere to compulsory veiling into custody in order to compel them to sign a written undertaking stating that they would not repeat the 'offence' (in cases of women and girls who do not have a previous record of having breached compulsory veiling laws and are deemed by the authorities to be 'first offenders'). Women who refuse to sign such undertaking or those who refuse to adhere to compulsory veiling after signing the written undertaking, and are thus deemed 'repeat offenders' by the authorities, will be sentenced to one of the following 'social punishments':

- Being placed under 'supervision' for six months;
- Mandatory pro-bono public service for up to 270 hours;
- Monetary fines;
- Up to one year mandatory residence in certain location(s);
- Up to one year deprivation from driving motor vehicles;
- Up to one year deprivation from having a chequebook;
- Up to one year expulsion from governmental or public positions;
- Up to one year deprivation from possessing weapons;
- Up to one year of prohibition from leaving the country;
- Up to one year of mandatory training in a job, vocation, or profession;
- Up to one year prohibition from establishing, managing, or membership in the directing board of governmental, cooperative, or private companies;
- Up to one year prohibition from membership in juries, mediation, or similar councils;
- Up to one year prohibition from practising law as an attorney;
- Up to one year prohibition from employment and working in certain bodies;

- Up to one year prohibition from participation in artistic festivals; or
- Up to one year deprivation from holding certain positions in media institutions, such as the position of editor-in-chief.

In addition to one of the above punishments, under Article 178 the authorities can also sentence women and girls to mandatory 'educational, religious or moral' courses for a period of between one and two weeks.

While at a first glance it may appear that the authorities have removed imprisonment and flogging (stipulated under the existing Article 638 of the Islamic Penal Code) from Article 178, the following provision, namely Article 179 of the draft bill, provides for the imposition of punishments such as an imprisonment sentence of between 90 days to five years, flogging, or other punishments on individuals solely for exercising their human rights, including to protest against discriminatory and abusive laws.

Under Article 179 of the draft bill:

Any individual who, online or offline, incites bi-hejabi [unveiling/not adhering to compulsory veiling] in any manner, shall be sentenced to one of the degree seven punishments and if the offence in question is committed in an organised or widespread manner, the offender shall be sentenced to a degree six punishment. In case of repeat offenders, the punishments shall be increased by one degree.

Under this provision, the authorities can sentence women who appear in public without compulsory veiling – which in itself may be deemed to constitute inciting and encouraging others – or engage in any acts of protest, whether online or offline, to the following punishments: an imprisonment of between 90 days and six months, a flogging of between 11 and 30 lashes, a monetary fine, or 'social punishments' (for certain periods of time).

If the 'offence' is deemed to have been committed in an organised or widespread manner, the authorities can sentence women to a punishment that may include imprisonment of between six months and two years, a monetary fine, a flogging of between 31 and 74 lashes, and 'social punishments' (for certain periods of time).

In cases where the 'offence' is repeated, the punishments become one degree harsher, meaning in the first category (when the conduct is not deemed organised or widespread) the punishment may be one of the following: imprisonment of between six months and two years, a monetary fine, flogging of between 31 and 74 lashes, and 'social punishments' (for certain periods of time). Where the conduct is deemed to have been organised or widespread, the punishment may be one of the following: imprisonment of between two and five years, a monetary fine, or 'social punishments' (for certain periods of time).

The draft bill not only continues to impose discriminatory, degrading, and humiliating compulsory veiling on women and girls, violating an array of their human rights and subjecting those who do not comply to a range of punishments, but it also effectively transforms non-state actors, including managers and business owners, into instruments of enforcing compulsory veiling. Under Article 180 of the draft bill:

Failure to adhere to veiling [hejab] and chastity regulations by owners and personnel of businesses and vocations, and those in charge of public places such as restaurants, shops, and gymnasiums will result in social punishment of degree seven. The failure of managers of the aforesaid businesses and public places to oversee compliance of their personnel with veiling and chastity regulations is considered an offence and shall result in the issuance of a fine of 20 million Rials [approximately USD 50] for the first time and 50 million Rials [approximately USD 125] for the second time by the Police's Office for Overseeing Public Facilities.

Furthermore, Article 180 subjects women who work in certain settings such as the service sector to harsher punishments if they refuse to comply with compulsory veiling by imposing a degree seven social punishment rather than a degree eight punishment.

Enforcement of discriminatory, degrading, and humiliating compulsory veiling

Since the start of the nationwide protests in mid-September 2022, a number of misleading and deceitful statements have been made by the authorities of the Islamic Republic with regard to the de-establishment of the ‘morality police’ and enforcement of discriminatory, degrading, and humiliating compulsory veiling. On 3 December 2022, during a press conference, Iran’s Prosecutor General, Mohammad Jafar Montazeri, [said](#): ‘The “morality police” (*gasht-e ershad*) has nothing to do with the judiciary and it was closed by whichever [body] that established it in the past.’ This deceitful statement, which gave rise to speculations about the authorities’ withdrawal in the face of growing resistance, was made despite the fact that refusal to comply with compulsory veiling is criminalised under the Islamic Penal Code and can thus be enforced by the country’s law enforcement. ARTICLE 19 highlights the country’s judiciary, including its prosecutorial authorities, who have been violating women’s and girls’ rights for decades through prosecutions. Furthermore, the very existence of laws imposing compulsory veiling and criminalising women and girls’ refusal to abide by them enables the police and other law enforcement bodies to arbitrarily arrest and detain them and the judicial bodies to prosecute and punish them.

ARTICLE 19 emphasises that not only did the state media outlets [report](#) the next day that ‘No official authority in the Islamic Republic of Iran has confirmed the closure of the morality police’, but also that the Prosecutor General’s statement was followed by a range of official statements and policies that clarified an intensification of enforcement of compulsory veiling laws. These statements and policies, a number of which are listed below, as well as the new legislative initiatives discussed earlier, clearly demonstrate that the authorities of the Islamic Republic are adamant about maintaining and enforcing discriminatory, degrading, and humiliating compulsory veiling laws.

- Shortly after statements by the Prosecutor General, Ali Khan Mohammadi, spokesperson for the Headquarters for Promoting Virtue and Preventing Vice, [stated](#) that ‘newer, more up-to-date and precise ways’ as well as ‘existing technologies’ should be used for enforcing compulsory veiling. The statement, which follows previous announcements regarding the use of technology to enforce compulsory veiling, gives rise to concerns regarding the use of facial recognition technologies. In August 2022, the vice secretary of the Headquarters for Promoting Virtue and Preventing Vice, Hashemi Golpayegani, [announced](#) plans for the passage of a chastity and hejab (veiling) bill which he said would allow for the use of facial recognition technology to operate in government buildings, cars, public transportation, and all public spaces. He stated:

In governmental buildings, managers will be subjected to punishments including through salary reductions if after several warnings issued to women without proper veiling, they do not comply. According to this bill, in public spaces such as the underground where a manager is not able to exercise such powers, if an individual commits conduct contrary to norms, instead of arresting them, cameras will capture their image and they will be issued with a fine. The [captured] image shall be corroborated with the photo on their ID cards and the fine order will be sent to their home address.

ARTICLE19 has already documented instances of women being notified of their lack of adherence to forced veiling laws detected by traffic surveillance while in their cars. The punishments for more than three strikes have included the cars of women being impounded alongside mandatory ‘hejab education’. On 6 December 2022, Hossein Jalali, a member of Parliament’s Commission on Culture, [indicated](#) that regulations will include measures to freeze the bank accounts of the ‘offending’ women after three strikes.

- On 25 December 2022, an official from the Chastity and Hejab Headquarters in Southern Khorasan Province [stated](#) that no institution, bank, or company in the province was permitted to provide services to women who appeared in public without a veil. He

further added that those in charge of such bodies, including managers, would be held responsible if the body under their supervision was caught providing services to women without a veil.

- On 10 January 2013, Abdolsamad Khorram Abadi, the Prosecutor General's Deputy for supervising the offices of the prosecutors and law enforcement, [stated](#) that the Office of the Prosecutor General had issued a decree to the country's police forces ordering them to 'firmly confront *kashf-e hejab* (removal of the veil by women and girls)'. Khorram Abadi further stated:

The punishment for the crime of encouraging and inciting others to remove their veil is a lot harsher than removing the veil itself because encouraging and inciting [others] to unveil is a manifest example of incitement to corruption which under Article 639(b) of the Islamic Penal Code is punishable by an imprisonment punishment of between one and ten years in prison. Therefore, courts have an obligation to convict and sentence anyone who incites others to unveil in any manner to the aforesaid punishment.

- On 3 February 2023, Mousa Ghazanfari, the head of parliament's Judiciary and Legal Commission, [stated](#) that the parliamentary commission was considering a draft bill under which the ID card of women who refused to comply with compulsory veiling would be suspended, and until the time they paid their fine they would be deprived of accessing certain services such as bank services.
- Since September 2022, high ranking officials of the Islamic Republic, including Supreme Leader [Ali Khamanej](#), President [Ebrahim Raisi](#), Head of the Judiciary Gholamhossein Ejei, and parliamentarians have repeatedly emphasised the irrevocable nature of compulsory veiling laws and promised a harsh crackdown on those who exercise their human rights and protest the discriminatory practice, including through appearing in public without a veil.

The 'Protection Bill'

Over the years, ARTICLE 19 has been extensively monitoring the scope of internet controls in Iran and the authorities' measures to impose restrictions on access to the internet in violation of the human rights of the people in Iran, including their rights to freedom of expression and access to information. In addition to violating an array of human rights in themselves, internet shutdowns and disruptions have facilitated the commission and concealment of gross violations of human rights and crimes under international law, including extrajudicial killings and torture, by the authorities and security forces of the Islamic Republic.

ARTICLE 19 unpacked the [anatomy of the November 2019 internet shutdowns](#), explaining the system for internet infrastructure and governance with our [2020 Tightening the Net report](#).

- During the November 2019 nationwide shutdowns, ARTICLE 19 concluded that there exists a decentralised system for implementing shutdowns through Internet Service Providers (ISPs). However, a centralised system of governance also exists for ordering these shutdowns, which increase during protests. At such times, the treatment of internet governance as a 'national security' matter is also intensified.
- All bodies and individuals involved in issuing orders for digital repression are shrouded in secrecy and lack of transparency, but at the core of it, ARTICLE 19 discovered that the Communication Regulatory Authority, under the umbrella of the Ministry of Information and Communications Technology – in reality heavily controlled by Iran's security and intelligence forces – enforces the use of surveillance and censorship equipment at the ISP level, as well as ordering shutdowns and other disruptions from the mandate of the Supreme National Security Council.

Since 2019, ARTICLE 19 has been monitoring how the Islamic Republic of Iran has been developing their means of digital repression.

ARTICLE 19's research shows that the authorities' efforts to facilitate further digital repression have been primarily built under the policies of the [User Protection Bill](#) (or *Tarh-e Sianat*). This Bill aims to efficiently formalise the process of internet nationalisation through various means, including:

- Placing governance of internet systems in the hands of security forces, eliminating and criminalising the use of all Virtual Private Networks (VPNs), and making all foreign internet services unusable if they refuse to cooperate with the laws of the Islamic Republic of Iran.
- On 6 February 2022, [Parliament announced](#) they had finalised and agreed on the latest draft of the Bill to be ratified and enforced into law by the Guardian Council. There has been no transparency on the final draft of the Bill or the date for ratification.

Internet shutdowns and disruption since the start of nationwide protests in mid-September 2022

Since September 2022, protest-related digital repression has seen a number of mechanisms to curb the use of the internet. One of these methods has been a central tenet of the User Protection Bill, which is to disable the use of VPNs.

ARTICLE 19 has tracked the advances in technology that are being developed to disable VPNs, including [Deep Packet Inspection](#), since 2021. The Open Observatory of Network Interference has also [detected the blocking of certain protocols](#) that aid in disabling circumvention tools in Iran. Since the majority of foreign or independent applications that are either not controlled or collaborating with the state are blocked by the authorities (Instagram and WhatsApp were the first remaining applications blocked at the start of the protests in September 2022), VPNs have become extremely crucial. With most VPNs becoming disabled, accessing an internet not controlled by the state has become extremely difficult. The difficulty in VPNs that work has been further exacerbated by the authorities' recent blocks of Google and Apple App stores, two central sources for

downloading safe and secure VPNs. Without VPNs, it is impossible to access information or communications that are not controlled by the state, including through mobile curfews and regionalised internet shutdowns.

Another digital repression tactic used by the authorities that ARTICLE 19 has documented throughout these uprisings is shutdowns or severe disruptions to mobile internet connections imposed by the authorities.

Mobile shutdowns have been a tactic increasingly used by the authorities since November 2019, especially [during and since regional protests](#) in 2021, particularly in Khuzestan, Kurdistan, and Sistan and Baluchestan provinces. Mobile shutdowns become near total internet shutdowns in these regions where most users rely on mobile connections to access the internet. This particularly and disproportionately impacts more impoverished ethnic and national minority communities and areas where, as a result of discriminatory policies and practices, the Islamic Republic of Iran has not invested in landline communications. Therefore, home broadband connections are rare, if not non-existent, in these areas.

The Islamic Republic authorities disabled mobile internet connections in a number of locations on most days since the protests began. The disabling of mobile connections has effectively taken the form of curfews whereby mobile internet providers have been unusable, if not completely throttled, from 16:00 to 01:00. Data has shown these outages on various days on the [major mobile carriers](#) such as Irancell, Rightel, and Hamrah Aval (MCI) across the country. Because mobile internet service is the main source of internet connectivity for people in Iran, these measures have had a debilitating impact on access to the internet. In addition, home broadband connections have experienced extreme throttling and disruptions at times when there has been a surge in protests.

In many instances, the cities where internet shutdowns have been most extreme have witnessed an intensified use of unlawful, in particular lethal, force by authorities and security forces. This included Zahedan in Sistan and Baluchestan Province, and Sanandaj and Saqqez in Kurdistan Province, all populated by Iran's persecuted Kurdish and Baluch

ethnic minorities, which account for [almost half of the unlawful killings by the authorities and security forces of the Islamic Republic in the context of the protests](#). This alarming trend supports ARTICLE 19's long-held argument that, among others, internet shutdowns facilitate the commission of gross violations of human rights and crimes under international law by the authorities and security forces of the Islamic Republic.

Use of surveillance technologies in the context of protests

The sophisticated levels of censorship and the surveillance machinery have been supported by leaks from ISPs, as an investigation by the non-profit news organisation [The Intercept](#) reveals. Their investigations of the SIAM (a web program for remotely manipulating cellular connections made available to the Iranian Communications Regulatory Authority) system's role in targeting the throttling of user access to the internet and surveillance mechanisms further add to the alarm over users' rights in Iran.

ARTICLE 19 is further alarmed by reports about the use of national technologies such as locally operated platforms for taxis or food delivery services that share user data with [authorities to geolocate and arrest protesters](#) and activists. The use of private technology in the context of systematic and severe state repression further exacerbates existing concerns for freedom of expression and access to a safe and secure internet.