CIVIL SOCIETY IN IRAN FACT SHEET

“I wonder how many young girls will die, while we document again and again, each time with new partners and new organizations and new sectors, the negative impact of the law on women’s lives. I am not sure exactly how many young girls have to die, before we start acknowledging the innovative work that women do with limited resources in promoting women’s rights, before we start to strengthen their efforts, and before those with some relative power, start to take risks designed to move women’s issues back to the social realm, as opposed to the security realm.” —Sussan Tahmasebi

Civil Society in Iran

Background

While the meaning of “civil society” has fluctuated throughout history, at its core civil society is a social contract among a group of individuals seeking to articulate and act upon a need, or void in society. This void may exist in areas where the state has not acted, or has acted contrary to the perceived welfare of the people. Whether it concerns political rights, workers rights, religious rights, charity, environmental issues, freedoms of speech and the press, women’s rights, or all of the above, throughout history, issues of civil society have changed according to the needs of a community at a specified time and place. Tracing the developments within civil society in Iran since the 1979 revolution, we see the ebb and flow of various groups struggling to work towards greater advancement on these issues within Iranian society.

After the Islamic Revolution of 1979, civil society emerged and prospered for only a short time. By 1981, the government had begun again to suppress the voices of its people working to be heard on social issues. (State of Civil Society in Iran)
After the presidential elections of 1997, elected President Mohammad Khatami created a more receptive environment for the growth of civil society. His emphasis on the ‘rule of law’ during his two terms in office allowed for the growth of public participation and discourse. In his inaugural speech on August 4, 1997 he stated:

“Protecting the freedom of individuals and the rights of the nation...is a necessity deriving from the dignity of man in the divine religion...It requires provision of the necessary conditions for the realization of the constitutional liberties, strengthening and expanding the institutions of civil society...and preventing any violation of personal integrity, rights and legal liberties...In a society well acquainted with its rights and ruled by law, the rights and limits of the citizens are recognized.” (Civil Society and the Rule of Law in the Constitutional politics of Iran)

Thus, the period from 1997 through 2003 can be called the years of “the establishment of civil society organizations” in post-revolution Iran. (State of Civil Society in Iran). Many of the former restrictions on the press, the media and the arts were removed. However, all of this growth was also met with open opposition from the clerical elite. This open opposition enabled various groups to come forward and voice their positions in favor of civil society. Because of this open opposition in the clerical elite, the dynamics of the discourse changed from one to where questioning the principle of a theocratic government, once taboo, was now out in the open.

With regard to the advancement of women’s issues during this period, it is clear that women had become confident in their demands to make changes to their status in society. However, the reality is that women’s legal, political and cultural status did not change at all during this period. Essentially, they found their voices in struggling to be heard, however no one was listening with sufficient intent to make any changes.

In 2003, the reformists in parliament lost their seats to the conservatives. Subsequently the conservatives consolidated their
power and since that time, the price of civil society activism has increased. In 2005, Ahmadinejad’s candidacy introduced a new, militant segment of society into politics. It is believed that this segment became involved in order to stop and prevent further reform. The aging leadership among Iran’s Revolutionary Guards Corps (IRGC) further made the transition to politics a logical next step. (Razzaghi – Attack on Civil Society). Ahmadinejad’s cabinet included an unprecedented number of IRGC members. This resulted in the government’s implementation of a security-based approach of dealing with civil society. This approach has remained constant and is the dominant reaction of the current government toward civil society in Iran. (State of Civil Society in Iran)

International Standards

International agreements protecting the human rights to freedom of assembly and association are found in international conventions and treaties. These are binding upon countries that have ratified the agreements. Binding treaties can be used to force governments to respect the treaty provisions. Non-binding instruments, such as declarations and resolutions can also be used to identify potential future customary law and play a role in influencing governments who care about their image abroad.

There are many international conventions, declarations and resolutions protecting the freedom of association and assembly. Among them, Iran is a party to two pertinent Conventions:

- **The International Covenant on Civil and Political Rights (1966, articles 21, 22).** This Convention elaborates on the principles laid out in the Universal Declaration of Human Rights and is legally binding on all states who have signed and ratified its provisions. Article 21 asserts: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others." Article 22 stipulates "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right."

- **International Covenant on Economic, Social, and Cultural Rights (1966, article 8).** This Convention was adopted by the General Assembly in December 1966 and entered into force in 1976. It elaborates the principles laid out in Universal Declaration of Human Rights and is legally binding on all states who have signed and ratified its provisions. Article 8 guarantees trade union rights and in particular the right of everyone to form trade unions; to establish national and international federations; the rights of trade unions to function freely; and the right to strike.
These Conventions are binding on the Islamic Republic of Iran.

Moreover, over 100 civil society activists and experts from around the world established a set of general principles they believe should guide civil society law. A Statement in this regard was created from the work of the Sixteenth Annual Johns Hopkins International Fellows in Philanthropy Conference held in Nairobi Kenya in 2004. With regard to civil society formation and legal status, the Statement indicated that:

“The right to form civil society organizations is a fundamental human right that belongs to individuals and is not bestowed by government. This right derives from the basic rights to free speech and association, which should be enshrined in the fundamental law of a country. As such, this right cannot be conditioned on the consent of a public authority and cannot be subject to undue restrictions, such as restrictive asset or membership requirements.” (Toward an Enabling Legal Environment for Civil Society, Statement of the Sixteenth Annual Johns Hopkins International Fellows in Philanthropy Conference in Nairobi, Kenya.

**Current Iranian Law**

Iran’s constitution provides for the freedom of association, assembly and belief in Articles 26, 27, and 23 respectively:

- **Article 26 [Freedom of Association]**. The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them.

- **Article 27 [Freedom of Assembly]**. Public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam.

- **Article 23 [Freedom of Belief]**. The investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.
The Article 26 language permits formation of civil society groups within the limitations of violating principles of independence, freedom, national unity, the criteria of Islam, and the basis of the Islamic Republic. The “criteria of Islam, and the basis of the Islamic Republic” are not clearly defined and are subject to interpretation. To the extent this language is further present in legislation, it creates an environment where subjective, ad hoc policy decisions are made “on the street” by policemen and judges when enforcing such vague laws. Citizens of Iran who earnestly wish to comply with the law are often found in violation of the law because of this lack of clarity in legislation. Law-abiding citizens do not know where they stand under the law in any given circumstance of civil society activity. Furthermore, Article 13 of the constitution indicates that the only “recognized religious minorities” are Zoroastrians, Jews, and Christians, excluding members of the Baha’i Faith representing the largest religious minority in the country. Religions outside of the “recognized” religions do not have this freedom.

Current Bill before Parliament: the Establishment and Supervision of NGOs

According to Dutch NGO Arseh Sevom, current legislation under consideration by Parliament entitled The Establishment and Supervision of NGOs was first brought before Parliament in 2006 and subsequently substantially revised in 2007.

- **Definition of NGOs.** In the 2007 version, the definition of NGOs has been revised and constructed narrowly requiring all NGOs to comply with listed regulations and be established within the framework of the constitution, and the “ideological and ethical foundations of the Islamic Republic of Iran”. Again, compliance with the law will be difficult if the standards are not clearly articulated within the law. The “ideological and ethical foundations of the Islamic Republic of Iran” are not clear for citizenry and the effect will be to claim violations against
existing NGOs and deny NGO status to others for reasons unknown to those who seek to address the needs of society.

- **Definition of Humanitarian, deleted.** The word “humanitarian” was deleted in the revised 2007 bill, provision 4. In the previous legislation, the term “humanitarian” was defined in the context of NGOs as: “the activities that the ‘organization carries on without attention to race, religion, gender, age, and occupation, and with the aim of improving living conditions.” This term often provided for the defense of the equality of religions, ethnicities, and minorities. Iran’s largest religious minority, members of the Bahia Faith, was previously defended under this “humanitarian” provision by Iran’s leading human rights center, the Defenders of Human Rights Center. This Center was closed down in December 2008. Shirin Ebadi, 2003 Nobel Peace Prize laureate 2003 worked at the Center and was subjected to regular and sustained harassment as a result of her work.

- **NGOs must be “non-political”.** Finally, any potential for political activity within civil society has been effectively abolished under the revised 2007 bill. NGOs must not be engaged in any political activity or participate in any social and political forums that may influence critical positions and campaign in favor or against individuals and political movements. Further, founding members and Board of Directors of NGOs must not be affiliated with political parties, organizations, and groups deemed illegal and hostile by authorities.

Further, according to Arseh Sevom, the framework of the law appoints a Supreme Committee, under the Ministry of the Interior, with the sole power to regulate the affairs of civil society in the following ways:

- Authority over the Boards of Directors of NGOs and the local authorities designated to regulate the NGOs in their localities
• Granted ultimate permitting and dissolution authority

• Authority over all phases of NGO participation and cooperation in governmental and nongovernmental projects

• Authority over cooperation and contact with international organizations, agencies of the United Nations, participation in seminars and conferences, and educational sessions abroad as well as assembling for marches and demonstrations

Implications of Current Bill on Existing NGOs and New NGOs

If this bill passes, new organizations will go through a comprehensive process of approval by the Ministry of Intelligence and the Supreme Committee. New NGOs that are not in line with the government’s views may have their registration application rejected. Long-standing, existing NGOs will undergo another approval process by the Supreme Committee.

Government Actions Against Civil Society

Since 2005, the government has taken a security-based approach to all sectors of civil society and Iranian NGOs are operating under significant constraints. Particularly in the wake of the controversial 2009 presidential elections, numerous civil society groups have been subject to government harassment, closure and arrests of staff and members. Even peaceful assembly is met with a security-related government reaction.

There are numerous documented examples of Iran’s civil society abuses occurring in virtually all sectors of society including: workers unions, teachers, human rights defenders, lawyers, physicians, women, academicians, journalists, bloggers and writers. Here are some examples from the *Arseh Sevom’s Attack on Civil Society in Iran 2005-2010* Report:

• **Newspapers and other publications** aligned with the reformist movement are routinely shut down. Journalists and editors are detained and imprisoned. Travel bans are also used to prevent active reformists and journalists from contacting the outside world. (Attack on Civil Society, Report 2005-2010).

• **The Greater Tehran Bus Drivers Committee** to form the independent union was attacked by members of the company’s guards and security forces, among others at their inaugural meeting in 2005. The leader of the union was nearly beaten to death and is currently incarcerated with dangerous criminals.
• **The leader of the baker’s union** in Saqez was arrested in 2004 for organizing a May Day demonstration. He was imprisoned for 5 years until being released on bail and a suspended sentence in April 2009. Several of his supporters were harassed and lashed.

• **Haft Tapeh Sugar Manufacturing workers** went on strike to protest unpaid wages after collecting 1900 signatures in order to dismiss the Islamic Labor Council’s representation and form a new union. Six were arrested several months later and two spent several months in prison. All six were expelled from their jobs. They are currently without work or pay and facing dire economic circumstances. Their lawyer was harassed and questioned. They were charged with “propaganda against the government,” “spreading propaganda against the regime,” “relations with the enemy” and “forming an illegal trade union.” Additionally, a journalist and human rights activist who covered the plight of the workers and their union was handed an 11-year sentence in April 2010. He was charged and found guilty of “spreading propaganda against the regime through interviews with forging media.”

• **Jaras**, an internet based news agency reported in February 2010 that the Iranian Revolutionary Guard Council (IRGC) stepped up its arrests and harassment of human rights defenders focusing particularly on members of the Defenders of Human Rights Center, Human rights Activists in Iran, the Committee for Human Rights Reporters, and the One Million Signature Campaign. According to reports, those arrested are under heavy pressure, made to present prepared texts and to make false confessions.

• An **investigative journalist**, Emad Baghi formed an organization to protect prisoner’s rights. He was arrested in December 2009 and has since been held without charge. In November 2009 he was prevented from traveling to Geneva to receive the Martin Ennals award for human rights defenders.

• **Human rights lawyers** have increasingly come under investigation during the Ahmadinejad administration. They are often called in for interrogation, arrested, and forced into exile.

• **Professional organizations for attorneys and physicians** are controlled by the State. Lawyers barred from running for the bar association have no recourse to appeal. Qualification is in the control of the state.

• In 2009, a long-standing law providing the **Iranian Bar Association** the power to approve the lawyers’ qualifications was changed. The power was transferred to the Judiciary, which answers to the Supreme Leader. The Head of the Judiciary changed the bylaws in such a way that human rights defenders and political critics could be barred from practicing law.
After 16 years, the longest running women’s magazine Zanan was shut down and refused a license to publish. The publisher and staff of the magazine learned of the revocation with the general public on Farsnews stating that “An informed source,” stated that it was a “threat to the psychological security of the society” and displayed the situation of women in the Islamic Republic in a “somber light.”

The One Million Signatures Campaign has been collecting signatures on a petition to change the law in Iran so women will be equal on the scales of justice. Many have been detained, imprisoned, and forbidden from travel. They have been subjected to long suspended sentences, which required regular check-ins with Intelligence officers.

The government’s security fears toward any perceived accumulation of power resulted in the dissolution of the Network of Non-Governmental Houses in more than 30 provinces from 2009 -2010. The right to assemble even for environmental issues is denied for the same reason.

There are many more incidents that occur and have occurred that remain unreported and undocumented.

Conclusion

Civil society has often been a tool to guard against tyranny. A strong rule of law and civil society facilitate wider degrees of transparency, equality, and a diversity of ideas, allowing for the advancement and well being of society. Where a huge gap between government and society exists, there is fear on both sides and therefore, a weak foundation on which to build a secure nation. The free exchange of ideas among many sectors with clear, independent voices contributes to the advancement of any society. As the civil society of Iran declines so will the welfare and the spirit of its people.