



High Council for Human
Rights of the
Islamic Republic of Iran

Ensuring & Implementing the Right to Freedom of Expression & Access to the Internet in the Islamic Republic of Iran

**The High Council for Human Rights of The
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(29 October 2022)**

In the Name of GOD

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Right to Freedom of Expression & Access to Information in International Instruments

The right to freedom of expression is one of the human rights emphasized by various documents such as Article 19 of the Universal Declaration of Human Rights and Paragraph 2 of Article 19 of the International Covenant on Civil and Political Rights.

Having been stipulated in various instruments, access to information is one of the tools of the right to freedom of expression. Nevertheless, it should not be forgotten that the said right is not considered to be among the inviolable rights listed in Paragraph 2 of Article 4 of the ICCPR – it is in fact among the conditional rights. Therefore, restrictions can be imposed thereon during emergencies and in compliance with the law. As stipulated in Paragraph 3 of Article 19 of the ICCPR: “The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- For respect of the rights or reputations of others;
- For the protection of national security or of public order (ordre public), or of public health or morals.

Promotion of violence, extremism and hatred are among the contents that can be considered an example of disrupting national security, public order and morals; therefore, measures can be implemented to restrict access to information with such contents on the strength of the law. According to the provisions of international instruments, such a measure is considered legal and legitimate.

Guaranteeing Right to Freedom of Expression & Access to Information in the Islamic Republic of Iran’s Laws & Examples of Implementation in Practice

In Iran’s law, which originates from the rules of Islam, the right to freedom of expression has been recognized and, of course, certain restrictions have been placed thereon. The aforesaid right is protected and guaranteed under Articles 24 and 175 of the Constitution¹. The right

¹ Article 24: Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law.

to freedom of expression is manifested in the Iranian legal system in various fields such as press, radio and television as well as cyberspace. The Law on Dissemination of and Free Access to Information, enacted on 22 August 2009, recognizes the right of free access to public information for all Iranians. Furthermore, similar to the international legal system (Paragraph 3 of Article 19 of the ICCPR), the right to freedom of expression is not an absolute right in the Iranian legal system, and restrictions have been considered therefor in accordance with the law. These restrictions include incitement to violence, actions contrary to public order and security as well as society’s morals, incitement to international crime, violation of the privacy of individuals, insulting religions, and violation of intellectual property and professional ethics.

Key Measures Implemented for Ensuring Access to the Internet

Key Measures
Increasing the number of home and business fixed-Internet subscribers for more than 11 million people in 2021;
Expanding fiber-optic cables in order to create a communication infrastructure in the Country and increasing the Internet speed by five times through offering a new Internet service called VDSL;
Facilitating people’s access to mobile internet and increasing users thereof by more than 13% in 2021 (Over 132 million mobile subscribers are registered in the Country.);
Increasing mobile internet speed by switching to 5G bandwidth;
Providing online support packages to professors, teachers and students during the COVID-19 pandemic to support the education process; and
Providing access to landlines and mobile coverage in more than 95,000 villages and over 95% of the main and secondary roads of the Country respectively.

The right of access to information, publications, press and media is one of the tools to guarantee and enforce the right to freedom of expression. To that end and in line with the implementation of the provisions of the Constitution regarding the freedom of expression,

Article 175: The freedom of expression and dissemination of thoughts in the Radio and Television of the Islamic Republic of Iran must be guaranteed in keeping with the Islamic’ criteria and the best interests of the country.

the Islamic Republic of Iran has over the past two years taken several measures to guarantee and implement the aforesaid right. Protecting the rights of authors, writers, artists and creators of multimedia software, granting multiple licenses and certificates for publishing books, press and online media, issuing various permits for mobile software and supporting the export of cultural and artistic products, encouraging and facilitating the effective presence thereof in global markets are measures employed to guarantee the aforementioned right.

Key Measures Taken for Publications, Press & Media

Key Measures
Developing electronic services in the field of issuing licenses and publishing permits, including for domestic news agencies, publishing public and domestic magazines, establishing film production institutes, and more than 80 other cases;
Taking measures planning for and monitoring the implementation of the Law on the Protection of the Rights of Authors, Writers, Artists and Researchers and the Law on the Protection of Creators of Multimedia Software, as well as establishing centers to register the works of creators such as issuing 115 licenses, 2,255 publish licenses, registering 33,519 mobile software content, registering 18,035 mobile games content, issuing a permit for 3,945 websites;
Supporting nine digital cultural institutions (publishers) for illustrious products and introducing them to the Art Credit Fund to receive a loan worth IRR150bn in 2020;
Launching and unveiling the “Sadaf” platform to protect the material and intellectual property of digital cultural works;
Planning to support the export of cultural and artistic products, facilitating an influential presence in global markets, identifying and introducing training classes in the field of export and entrepreneurship for the Association of Exporters of Software and Digital Content, preparing the final version of the document for developing cultural products at the international level etc.;
Facilitating the import of foreign-based print and computer products, including the import of a total of 773,674 products;
Supporting 171 Iran-based foreign media outlets, including providing support for 336 Iran-based foreign journalists;
Supporting media outlets belonging to religious minorities by facilitating the licensing process therefor and reducing the waiting period for obtaining a license. (There are currently three newspapers in Armenian, Assyrian and Zoroastrian languages in the Country and three media outlets with non-newspaper publishing period;
Supporting media outlets belonging to Iran’s ethnic groups (499 media outlets are currently published in various Azeri-language publications, 21 of which operate as newspapers. In 2016, the number stood at 262, which increased by almost 100% and reached 499. The number of media outlets operating in Kurdish, Lori, Baluchi, Turkmen and Gilaki languages and dialects currently stands at 211.);

Supporting women to participate in the press and media actively. (There are currently 2,336 female executives working in the Country's media.);
Adopting supportive policies for journalists and members of the media, such as providing basic insurance for 364 journalists, granting 13 low-interest loans through the Art Credit Fund, granting 13,741 special gifts on the occasion of the Journalist Day, pursuing the allocation of 12,000 free Internet to journalists etc.;
Publishing 95,031 books with total editions of 119,298,464, and 46,375 books with total editions of 47,960,266 in 2020 and from 21 March 2021 to 22 September 2021 respectively. (1,051 of the publishers and 23,543 of the authors were women.); and
Taking measures to plan for supporting the export of cultural and artistic products and facilitating their effective presence in global markets, including supporting the translation of 21 books by nine foreign publishers in 2020 and attending eight international book fairs from 21 March 2021 to 22 September 2021.

Using Certain Virtual Platforms to Spread Violence & Prepare Terrorist Operations in Recent Riots

Following the death of Mahsa Amini, gatherings took place in different parts of the Country, which unfortunately morphed from peaceful into riots and vandalism. As reflected in the previous reports, the level of violence and destruction was such that it threatened the order and security of the society. Using the platform of certain virtual networks, the violent rioters took advantage of the civil protests and diverted the peaceful gatherings. In the meantime, the United States and certain western countries, by using all their facilities and tools, started to intervene and provided support to the rioters by openly interfering in Iran's internal affairs in a totally unconventional manner and contrary to international standards. Other external factors such as terrorist groups and certain satellite networks also encouraged and guided their agents and capacities to participate in the riots and rendered support thereto.

In this framework, contrary to their basic principles and conditions of dealing with violent, hateful and extremist content, the two platforms, namely Instagram and WhatsApp, did not create any restrictions even for terrorist groups and in fact, started to promote the rioters' violent and terrorist content.

By abusing the aforesaid platforms, the members of terrorist groups such as Monafeqin, Jaish al-Adl, PJAK, Komalah, KDPI, PAK as well as the Arab Struggle Movement for the Liberation of Ahwaz promoted terror and violence, and the managers of these platforms surprisingly and in a completely politically motivated and biased manner, refused to impose any restrictions. Exploiting the cyberspace, terrorist groups as well as the authorities of certain countries have acted to incite and encourage even children to hit the streets and commit violent and dangerous behaviors, thus exposing many of the fundamental rights of children to serious violations. For instance, two cases of incitement to violence, which were published on Instagram, are mentioned as follows:

- “There is a need to implement more sabotage patterns for tomorrow. Burnt-on oil and diesel fuel can block the way of the [police] motorcycle units and make them fall to the ground. And the short 5cm hoses with several screws connected to them will ground their vehicles.”
- “Consider collecting worn tires. Setting fire to tires will attract people’s attention and support. Pour burnt-on oil or diesel fuel in the way of police cars. Fill plastic bags with oil and throw them a little further in the path of the [police] motorcycles. Tires get oily. The motorcycles will become out of order.”

Managing access to two violence and hatred-promoting platforms by the Islamic Republic of Iran

At the same time as certain western countries and terrorist groups incited and encouraged people to perpetrate previously-planned violence during the riots, the Islamic Republic of Iran temporarily restricted two platforms that are being exploited to achieve the said objective. In this regard, the following essential points have to be taken into consideration:

- The first point is that such restrictions have been imposed in accordance with the Islamic Republic of Iran’s laws as well as international obligations arising from international treaties.
- The second point is that the Islamic Republic of Iran has not blocked people’s access to the Internet, and all domestic and foreign messaging apps and websites (except Instagram and WhatsApp) have been available to the public without any restrictions.
- The third point is that even in spite of the relative and controlled restrictions on the abovementioned platforms, it should be noted that many people have access thereto via VPNs, and the publication of photos and videos, many of which are against the terms and principles of the said platforms, in the cyberspace proves this point.
- The fourth point is that the restrictions are completely limited and temporary. As pointed out by the relevant authorities, they will be lifted if the riots come to an end and the managers of the aforementioned platforms accept Iran’s reasonable conditions and adhere to their basic principles in the field of preventing the spread of hatred and violence.
- The fifth point is that all the temporary and legal restrictions have been applied in order to protect and guarantee the rights of citizens, the security of the society and public order. In this framework, a particular focus has been placed on protecting children’s rights so that they will not be exposed to such violent content.