IRAN: WOMEN’S RIGHTS DEFENDERS DEFY REPRESSION

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“As long as women are denied human rights, anywhere in the world, there can be no justice and no peace.”

Nobel Peace Prize Winner Shirin Ebadi and Amnesty International Secretary General Irene Khan, March 2007

INTRODUCTION

Women in Iran face widespread discrimination under the law. They are excluded from key areas of the state – they cannot, for example, be judges or stand for the presidency. They do not have equal rights with men in marriage, divorce, child custody and inheritance. Criminal harm suffered by a woman is less severely punished than the same harm suffered by a man. Evidence given by women in court is worth half that given by a man. Although the legal age for marriage is 13, fathers can apply for permission to arrange that their daughters are married at a younger age – and to men much older than their daughters. Men are allowed to practice polygamy, women are not. Men have an incontestable right in law to divorce their spouse. Women do not.

Not everything in Iran is bad for women. Women’s literacy, for example, has increased dramatically since the Islamic Revolution in 1979, although girls still lag behind boys, particularly in rural areas. The government’s focus on education has led to a situation where the majority of university entrants are women.

Many Iranian women are no longer prepared to sit back and allow blatant discrimination against women to continue unchallenged.

To this end, Iranian women’s rights defenders have courageously launched a campaign demanding an end to legal discrimination against women. Their efforts are viewed with suspicion by Iranian government authorities, who have launched a campaign of intimidation and repression against them.

Amnesty International is publishing this report in solidarity with the efforts of these women to achieve equality before the law and to highlight the repression that they are facing for their peaceful activities.
The women’s movement in Iran, which began with the Constitutional Revolution in 1906, suffered a setback after the Islamic Revolution in 1979, when many of the modest legal advances in favour of greater rights for women were overturned with the introduction of new legislation.

More recently, however, under the reformist President Khatami (1997-2005), civil society in Iran began to flourish. President Khatami set up a Centre for Women’s Participation in the Office of the Presidency, which encouraged the formation of non-governmental organizations (NGOs) working to promote the rights of women and children. The number of these organizations rose from 67 in 1997 to 480 in 2005.

The sixth Majles (Iran’s parliament), sitting between 2000 and 2004, passed many bills to improve the position of women, although most – including a proposal that Iran should ratify the UN Convention on the Elimination of All Forms of Discrimination against Women – were rejected by the Council of Guardians. This body, composed of clerics and lawyers, vets legislation for conformity with Islamic law and the Constitution. The bills that were approved included one that raised the minimum age of marriage for girls from 9 to 13 and another that allows mothers to keep custody of their children after divorce until the age of seven.

The work of women who rose to prominence in various fields, including art, culture and science, as well as the human rights work of respected women lawyers such as Mehrangiz Kar and Shirin Ebadi, helped give Iranian women a new found confidence to challenge the established order. This confidence was further enhanced by the award of the 2003 Nobel Peace Prize to Shirin Ebadi and the international recognition and respect this reflected.

During the 2005 presidential election, 89 women put their names forward as candidates, challenging the strict interpretation of the Constitution that only men can be President. All were rejected by the Council of Guardians, which vets candidates for suitability. On 1 June 2005, a small number of women staged a sit-in outside the President’s office to protest against the exclusion of all the women candidates. A few days later, on 9 June, about 100 young women forced their way into a Tehran stadium to attend the second half of an Iran-Bahrain international football match in order to challenge the ban on the attendance of women at sports events featuring men. Protests during the election campaign culminated in calls for a demonstration on 12 June in Haft Tir Square in Tehran to protest against legalized discrimination against women in Iran. The event began peacefully, but those present were soon dispersed by force by police.

The Majles elections of 2004 inaugurated a new stage of intensified restrictions on reform and on civil society. This has continued since the election of President Ahmadinejad in 2005. One of President Ahmadinejad’s first actions was to rename the Centre for Women’s Participation as the Centre for Women and Family Affairs. Asieh Amini, a journalist and women’s rights activist commented afterwards: “The changing of the name illustrates the current government’s expectation that women’s principal role in society should be that of housewives and mothers.” His Minister for Culture and Islamic Guidance issued a directive limiting the work of women in government employment to daylight hours. However, an attempt by President Ahmadinejad to allow women to attend football matches alongside men was overturned after protests by Iran’s clerical establishment.
The security forces, led by the Ministry of Intelligence, and the Judiciary have engaged in a concerted attack on the women’s movement and wider civil society. This has involved official vilification, harassment and arrests of human rights defenders in Iran, including women’s human rights defenders. In April 2007, Minister of Intelligence Gholam Hossein Eje’i publicly accused the women’s rights movement of being part of an enemy conspiracy to bring about a “soft subversion” of the Islamic Republic – a charge that women’s rights defenders roundly reject. Since that time, women’s rights groups and other NGOs that receive assistance from international donors, such as the Dutch organization Hivos, have been closed down and their directors and workers have been questioned by the Iranian security authorities about their work and financial affairs.

In April 2007, an unprecedented crackdown on “social vices” was launched, which has continued to date. Thousands of men and women deemed to be offending public decency have been warned, arrested and in some cases prosecuted. Under Article 638 of the Penal Code, women who appear in public “without wearing religiously acceptable cover” – long coats and headscarves – are liable to be imprisoned for between 10 days and two months or made to pay a cash fine.

Websites such as Zanestan, run by the Women’s Cultural Centre, an NGO in Tehran, have been shut down by the authorities, and in January 2008 the influential monthly magazine Zanan (Women), published for over 16 years, had its licence revoked by the Press Supervision Board. The managing editor, Shahla Sherkat, was not informed of the decision initially, but news reports stated that the decision was based on the fact that Zanan had “endangered the spiritual, mental and intellectual health of its readers, gave the impression of insecurity in society, and drew a dark image of the situation of women in Islamic society by publishing certain articles”.

Women demonstrating for equal rights in Daneshjoo Park, Tehran, on International Women’s Day 2006. The rally was forcibly broken up by police who injured several women.
**JUNE 2006 DEMONSTRATION**

Undeterred by the response in 2005, and by the harsh treatment meted out to women who attended a demonstration in Tehran marking International Women’s Day in March 2006, when dozens of women were reportedly beaten by police wielding batons, women’s rights defenders decided to call another gathering on the anniversary of the June 2005 demonstration. The day before, the authorities told them not to go ahead, but the organizers decided to proceed in accordance with their right under Article 27 of the Iranian Constitution to hold peaceful gatherings.

Consequently, on 12 June 2006, women and men began to gather in small groups in Haft Tir Square in Tehran. The police, however, did not allow them to assemble and arrested dozens of the peaceful protesters, some of whom were beaten during arrest. A Judiciary spokesman later announced that 70 people had been arrested. Most were released shortly afterwards, although one – Sayed Ali Akbar Mousavi Kho’ini – was detained for over four months and tortured. Several of those arrested, including the organizers Fariba Davoudi Mohajer, Shahla Entesari, Parvin Ardalan, Noushin Ahmadi Khorassani and Sussan Tahmasebi, were sentenced to prison terms on charges such as “meeting and colluding to act against state security”, “participating in an illegal gathering” or “propaganda against the system”, and at least one was sentenced to be flogged in connection with the June 2006 demonstration.

In January 2008, all remained at liberty. Most were awaiting the outcome of their appeals against these sentences except for Delaram Ali. Her hand was broken by police during the 2006 demonstration, and pictures of her being beaten by police were widely circulated. Delaram Ali and others injured during the demonstration launched the Campaign for Equality in August 2006. Prevented from entering the building where the launch was to take place, activists gave speeches in the street.

“While the brothers enjoyed happy lives... attending social events and parties, the sisters were each imprisoned by men who demanded cooking, cleaning and childbearing. When my father passed away, the brothers took the majority of the inheritance... Now, it is too late for me, I am pleased to know that my signature may pave the future for younger women so they do not have to suffer as I did.”

A 76-year-old signatory to the Campaign’s petition
June 2006 demonstration lodged a complaint against the police. However, in October 2007, a court dismissed all charges against the police officers who had been present at the demonstration. In June 2007, Delaram Ali was sentenced to 34 months’ imprisonment and 10 lashes on charges of “participation in an illegal gathering”, “propaganda against the system” and “disrupting public order and peace”. The sentence was reduced to 30 months’ imprisonment on appeal. Summoned to report to the Office for the Implementation of Sentences by 10 November 2007, her sentence was temporarily stayed by the Head of the Judiciary following a widespread domestic and international outcry. The Head of the Judiciary ordered a judge to look into the case to see if it had suffered from irregularities. Delaram Ali remains at risk of imprisonment as a prisoner of conscience.

Some of those convicted in connection with the June 2006 demonstrations received suspended sentences, such as 22-year-old Nasim Soltanbeigi, Azadeh Forghani and Behareh Hedayat. However, they could be required to serve their prison terms if they are convicted of another similar offence during the period of suspension. Many of those arrested believe this threat of imprisonment is intended to intimidate them and deter them from further activities in support of the campaign.

Male journalist Bahman Ahmadi Amou’i, who was detained for a week after the 2006 demonstration, was sentenced in September 2007 to six month’s imprisonment, suspended for two years. The evidence against him reportedly included a number of open letters to the Majles that he had signed, including one supporting the June 2006 demonstration.

Following these experiences, women’s rights activists decided to change tack and to take their demands for equal treatment to the broader population. To this end, they launched the Campaign for Equality on 27 August 2006. They tried to launch it at a public seminar but entry into the building was blocked by the authorities. Nevertheless, Shirin Ebadi spoke to those attending while activists distributed brochures and leaflets in the street. The Campaign’s website (currently: www.we-change.org and www.wechange.info) also went live that day bearing a petition, “One million signatures

A woman signs the petition demanding changes to laws discriminating against women in Iran.
demanding changes to discriminatory laws”, which was opened for signature by Iranians.

The petition provides a valuable means for Iranians to express their support for improving the status of women. While important, the petition is only one aspect of the Campaign, which is committed to effecting change through grassroots and civil society initiatives. Volunteers receive basic legal training and then travel to the provinces to promote the Campaign and to collect signatures. Talking with women in their homes, as well as in public places such as parks, universities, health centres and religious gatherings, volunteers learn about the women’s problems and tell them about their rights and the need for legal reform.

The members of the Campaign are clear that their demands are not intended to challenge the political basis of the Islamic Republic of Iran and are not contrary to Shi’a Islamic law. They are careful to conduct their activities in full compliance with the law, pointing out that the Iranian Constitution permits peaceful gatherings and that it is entirely legal under Iranian law to hold educational workshops and to collect signatures for a petition calling for legislative change. They point to the
ongoing debate over women’s issues among religious leaders, and have cited a number of prominent Islamic jurists who say that discriminatory laws against women can, and should, be reformed within Islamic Law. Most recently, Ayatollah Hossein Mousavi Tabrizi, General Secretary of the Organization of Researchers and Scholars in the Qom Seminary, stated:

“We have many laws… that address women’s status or even men’s status, which have to be reformed in accordance with current needs in order to come in line with and meet the needs of citizens. Concerning women, laws such as diyeh [compensation for bodily injury], inheritance, child custody, divorce… can in fact be changed, and these reforms and changes in no way contradict Sharia law. In fact, many religious leaders and grand ayatollahs have issued fatwas [religious rulings] which seek to reform current laws.”

Members of the Campaign for Equality protest at the continuing detention of Maryam Hosseinkhah and Jelveh Javaheri at a meeting in the Association of Journalists building on 13 December 2007.
The Campaign members have also been encouraged by the greater attention paid to women’s issues in many spheres of society since they began their work. They are hopeful that some areas of discrimination, such as the equalization of diyeh for men and women, may soon be addressed in law, following a statement by the Head of the Expediency Council, Ayatollah Hashemi Rafsanjani, that he would favour such reform. The Expediency Council has the power to pass legislation that is in the interests of the system, even if the Council of Guardians has ruled against it on grounds of compliance with Islamic law.

The authorities have impeded the Campaign’s work and repressed its activists. As of January 2008, the Campaign’s website had been blocked by the authorities at least seven times. Frequently denied official permission to hold public meetings, campaign activists usually hold their workshops in the homes of sympathizers, some of whom have then received threatening phone calls apparently from security officials or been summoned by them for interrogation.

Dozens of Campaign activists and supporters have been arrested in connection with their activities for the Campaign, some while collecting signatures for the petition. Nasim Sarabandi and Fatemeh Dehdashti were the first to receive prison sentences in connection with their collection of signatures. Detained for 24 hours in January 2007 while collecting signatures on the Tehran metro, they were sentenced on 12 August 2007 to six months’ imprisonment, suspended for two years. They had been charged with “acting against state security by propaganda against the system”.

Men supporting the campaign have also suffered reprisals. Amir Yaghoub-Ali, a 20-year-old student, was arrested in July 2007 while collecting signatures in a Tehran park and held for a month in Evin Prison. Reza Dowlatshah was among 25 people arrested on 15 September 2007 during a raid on his home in Khorramabad, where he was hosting an educational workshop for the Campaign. He was beaten, held for three days and then released. The conditions of his release are not known to Amnesty International. Bahman Azadi, another participant, who opened the door to the officials, was beaten with rifle butts.

At the time of writing in January 2008, two young Kurdish Iranian activists – Ronak Safarzadeh and Hana Abdi – who were arrested in October and November
2007, were still being detained without charge or trial in Sanandaj. They had received some family visits, but they remained without access to lawyers of their choice. No formal charges have been brought against them but some news websites suggest that they have been accused by the authorities of supporting groups opposed to the government.

Maryam Hosseinkhah was arrested on 18 November 2007 and held for interrogation in Section 209 of Evin Prison, which is controlled by the Ministry of Intelligence. A journalist, she edited both the Campaign's website and the website Zanestan, which addressed women’s rights issues until the authorities closed it down several days before her arrest. She was released on bail in January 2008, along with Jelveh Javaheri who had been arrested on 1 December. Following their release, the Campaign for Equality commented:

“While in prison these two women’s rights defenders continued with their activities in support of women, but focused this time on female prisoners in Evin. They managed, with the help of their colleagues outside of prison, to collect and contribute 60 books to the women’s library at Evin prison and to set up a fund in support of female prisoners. They also wrote about the condition of female prisoners and the impact of discriminatory laws and their contribution to women’s criminality and incarceration. In fact, their time at Evin contributed so positively to the improvement of conditions for female prisoners, that the inspector of the female ward of Evin prison expressed [the opinion] that the presence of women’s rights activists like Maryam and Jelveh at Evin was a blessing for female prisoners and asked these two women’s rights defenders to convey recommendations for improving the condition of prisoners to Evin officials during their stay.”

Members of the Campaign were among 33 women arrested on 4 March 2007. Most had gathered outside a Tehran courtroom to protest peacefully against the trial of five women – Fariba Davoudi Mohajer, Shahla Entesari, Noushin Ahmadi Khorassani, Parvin Ardalan and Sussan Tahmasebi – who were accused of “propaganda against the system”, “acting against national security” and “participating in an illegal demonstration” in connection with the 12 June 2006 demonstration. Four of those on trial were also among those arrested, along with Shadi Sadr, a lawyer. Initially held in the Vozara detention centre, some were later transferred to Evin Prison. Most were released after several days, but Shadi Sadr and Mahboubeh Abbasgholizadeh – who are also involved in a campaign to end the practice of stoning to death in Iran – were held for over two weeks before being released on bail. At a Revolutionary Court session in August 2007, which their lawyer was not allowed to attend and during which they were also questioned about their NGOs and their activities in the “Stop Stoning Forever” campaign, they were charged with illegal assembly, collusion against national security, disruption of public order and refusal to obey the orders of the police.

At least 16 others of those arrested on 4 March have been summoned for trial or tried, including Noushin Ahmadi Khorassani, Elnaz Ansari, Shahla Entesari, Nahid Entesari, Niloufar Golkar, Maryam Hosseinkhah, Sarah Imanian, Jelveh Javaheri, Sarah Loghmanian, Maryam Mirza, Rezvan Moghadam, Asieh Amini, Fatemeh Govara’i, Zhila Bani Yaghoub and Sussan Tahmasebi. By January 2008, at least three of them – Sussan Tahmasebi, Asieh Amini and Fatemeh Govara’i – had been acquitted of charges of gathering illegally and colluding to harm state security, disturbing public order and disobeying police orders.
LEGAL FRAMEWORK OF REPRESSION

Most of the women’s rights defenders who have been arrested and prosecuted have been charged with vaguely worded security offences. Such charges are used by the authorities effectively to limit the activists’ internationally recognized rights to freedom of expression and association as they seek to protect and promote women’s rights in Iran, in violation of international standards such as the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party.

During arrest, some defenders have been ill-treated, but their attempts to seek redress have been thwarted by the authorities. Others have been held without formal charge for long periods, often in solitary confinement, and without access to family members or lawyers of their choice. They have been held under legislative provisions that allow judges to order the detention of those suspected of security offences for a month, renewable indefinitely. Other provisions allow judges to ban lawyers from the investigative phase of cases, and even from trials, in security cases.

In some cases, defenders are released on bail and wait months or years before their cases are brought to court or they hear that they will face no further proceedings. In others, defenders have been sentenced to suspended prison sentences which they believe are intended to deter them from continuing their activities.

The Iranian authorities’ repeated blocking of peaceful gatherings and the arrests of human rights defenders by the police and Ministry of Intelligence agents violate the rights to peaceful expression, assembly and association. These actions also breach Iran’s obligations under the ICCPR, which sets out the rights to freedom of expression, peaceful assembly and freedom of association in its Articles 19, 21 and 22. Article 19 declares that everyone “shall have the right to freedom of expression”, including the right freely to “seek, receive and impart information and ideas” regardless of frontiers and orally, in writing or through other means. Article 21 recognizes the right to peaceful assembly, stating that no restrictions may be placed on this right other than those that conform to the law and 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, concerning freedom of association, protects the right to form political parties, trade unions and private associations such as NGOs, including human rights organizations.

The Iranian authorities, like the governments of other states party to the ICCPR, are bound by its requirements and, therefore, must not impose limitations on the exercise of rights – such as the rights to assembly or association – that exceed those expressly laid down in Article 21. In practice, however, as described above, the Iranian authorities have established rules requiring prior permission for the holding of meetings and assemblies, and taken other steps to curtail criticism or dissent, which go far beyond what is permissible in international law.

The Iranian authorities have also failed consistently to ensure that women’s rights activists, including women human rights defenders, are protected against excessive use of force by the security forces when engaged in peaceful demonstrations or protests in pursuit of their rights. Such activists and defenders have repeatedly been subjected to assaults and other violence by security officials, and the authorities have
not even investigated such incidents, still less disciplined or brought to justice those police and other officials who perpetrated the assaults, or have acquitted those officials who have been investigated. International standards require that any resort to force by law enforcement officials in such contexts must be respectful of human rights and comply with standards such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials.

The Iranian authorities have also failed adequately to investigate other allegations of human rights violations, such as restrictions on movement, harassment, arbitrary arrests and ill-treatment of detainees, or to break the cycle of impunity that facilitates continuing abuses by the security forces.

Detention and trial procedures used against those the authorities consider as security suspects fall far short of international standards for fair trial, such as those laid down in the ICCPR; they can and do result in the imprisonment of women’s rights activists, human rights defenders and others as prisoners of conscience.

In continuing to violate the rights of women’s rights defenders, the Iranian authorities use vaguely worded laws, allow or facilitate excessive force by police and other security forces against demonstrators, and turn a blind eye to their ill-treatment in detention. Human rights defenders are effectively denied the protection of the law and are targeted and penalized for standing up for women’s rights.

According 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 (known as the UN Declaration on Human Rights Defenders) adopted by the UN General Assembly in 1998, states are obliged to protect human rights defenders. The Declaration recognizes that human rights defenders make a vital contribution to the promotion of human rights and the rule of law, and is based on the principles of the ICCPR and other international human rights treaties to which Iran is party. Article 12 of the Declaration specifically recognizes the right of human rights defenders to engage in peaceful activities, individually and in association with others, in defence of human rights and fundamental freedoms, a right which, in practice, is frequently violated by the Iranian authorities.
CONCLUSIONS AND RECOMMENDATIONS

Amnesty International is greatly concerned about the Iranian authorities’ increasing intolerance of peaceful dissent, which affects many spheres of life and impacts severely, among others, on those promoting and defending women’s rights – women and men. Women human rights defenders and in particular those who exercise their civil and political rights to highlight legalized discrimination against women in Iran are arbitrarily arrested and detained, often ill-treated with impunity while held by security officials, and denied access to lawyers, family members and due process.

Rather than utilizing its powers to repress those who protest and demand their rights, the government of Iran should take steps to address legal and other discrimination against women, half of the country’s population. The government should see the work of women’s rights activists and human rights defenders as an asset, and recognize the important contribution that such activists and defenders are making to address discrimination and intolerance and to promote universal human rights for all Iranians.

The government should stop criminalizing legitimate activities in defence of human rights, including women’s rights, and uphold the rule of law in full conformity with Iran’s obligations as a party to the ICCPR and other international human rights treaties. The government should also stop condoning abuse and ill-treatment of those arrested and detained and must instead actively investigate all allegations of ill-treatment and other abuses and bring the perpetrators to justice.

Amnesty International is calling on the international community, particularly those countries enjoying close relations with Iran, to urge the government to comply with its obligations under international law and end legal and other discrimination against women and stop illegal practices such as the arbitrary detention of prisoners of conscience, and ill-treatment and other abuses of prisoners.

The government of Iran should recognize the positive aspects of the work of women’s rights defenders as reflected in the UN Declaration on Human Rights Defenders, and create an environment that is conducive to women’s rights defenders going about their activities without fear of arrest or discrimination. Women’s rights defenders are an important resource for the development of any country. The government should acknowledge the legitimacy of their work and actively challenge any manifestations of gender discrimination and stereotyping of women, and combat physical or verbal attacks against them. The government must prevent, investigate and punish any human rights violations against women’s rights defenders.
RECOMMENDATIONS

To the Supreme Leader:
- Order a prompt and comprehensive review of all legislation in Iran in order to identify and remedy all laws and directives that discriminate directly against women or have a discriminatory impact on women.
- Instruct the security forces, particularly the Ministry of Intelligence, the Islamic Revolutionary Guards Corps and the volunteer Bassij force which is under its control, not to detain, imprison or otherwise harass women’s rights defenders who are peacefully exercising their rights to freedom of expression and association, and that any officials who do so will be held accountable.

To the President and Cabinet:
- End all forms of intimidation and harassment of women’s rights defenders such as dismissal from employment, threatening phone calls, raids on peaceful meetings in private houses or other arbitrary actions against anyone in reprisal for his or her legitimate exercise of the rights referred to in the UN Declaration on Human Rights Defenders.
- Ratify without reservation the UN Convention on the Elimination of All Forms of Discrimination against Women.
- Permit the holding of peaceful demonstrations calling for legislative change, as provided for under the Constitution of Iran.
- Instruct police and other security forces to police demonstrations in full accordance with international standards for policing and to refrain from using force other than under the exceptional circumstances permitted under international law.
- Conduct prompt and impartial investigations into all alleged violations of human rights and bring the perpetrators to justice.
- Invite the Special Representative of the UN Secretary-General on Human Rights Defenders to visit Iran at the earliest opportunity in order to investigate the situation of human rights defenders in Iran and to report their findings and recommendations to the government.

To the Head of the Judiciary:
- Order the immediate and unconditional release of any women’s rights defenders who are detained solely in connection with their peaceful activities demanding an end to legislation discriminating against women.
- Drop all charges and review all sentences of women’s rights defenders prosecuted in connection with their peaceful activities demanding equal rights for women in Iran.
- Suspend immediately all sentences of flogging, including any imposed in connection with peaceful activities defending women’s rights.

To the Majles:
- Provide an effective complaints process and, where necessary, a remedy for anyone, including women’s rights defenders, whose human rights are violated.
- Ensure that any legislation passed does not discriminate against women.

To the international community:
- Press the Iranian authorities to uphold their international commitments under the ICCPR, which recognizes the right to freedom of expression, association and assembly, and to adhere to the UN Declaration on Human Rights Defenders.
- Press the Iranian authorities to release any women’s rights defenders who are prisoners of conscience and review any sentences imposed solely in connection with the peaceful exercise of their rights to freedom of expression and association.
- Use all possible influence to support women’s rights defenders in Iran and to enable them to carry out their work without fear of reprisals.

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