

Introduction and Policy Recommendations

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This review is being published at a time when people's awakening in the Middle East and North Africa has shifted the politics of the region and beyond onto a new course. There is widespread hope that this course will ultimately lead the people to retain the right and responsibility to devise their own governments.

Building a successful democracy, however, is a process. Therefore, how it will be achieved and when, can have lasting impact on the most urgent issues facing the region and the international community: nuclear proliferation, peace, security and sustainable development through socio-economic prosperity.

As the individual plays a more significant role in the heart of politics, smart power has become more influentially entrenched in partnership with people, rather than only governments. Power is now optimally exercised when every individual is empowered to become a constructive citizen in this march forward. Accordingly, the free flow and access to information and knowledge is the blood that flows through the heart of technologies and expands dialogue and open lines of communication.

One of the main articles of the International Bill of Rights is the right to freedom of expression. The International Covenant on Civil and Political Rights, which the Islamic Republic of Iran remains a signatory to, stresses that freedom of expression throughout the world is a universal right. It includes the right of individuals to freely search, receive and share information. However, with the establishment of state organs such as the Ministry of Islamic Guidance and Intelligence, the Revolutionary Guards Cyber Division and state policies on mass media and its many amendments, the Islamic Republic of Iran continues to ensure access to information is one of the most restricted spheres of activity for all Iranian citizens both within and outside its borders.

In examining its human rights records, it is evident that the Islamic Republic authorities and codes encourage a culture of censorship, prevention, harassment and punishment of its citizens who seek to access or impart information through communication devices, radio or TV satellite broadcast, and the Internet. State-sponsored interference, such as restriction or blocking mobile communication, jamming satellite transmission or limiting residential bandwidth, hacking sites marked by the Iranian Cyber Army, arrest and torture of bloggers by intelligence and security forces, passing bills and approving policies set to criminalize ordinary citizens and revolving door policies on interrogation and imprisonment of journalists, bloggers or media personalities are among the characteristics of this state-imposed culture.

The Islamic Republic's approach to access to information is rooted in its Constitution, in particular Articles 24 and 175, and directed by its Press Law of 1986. The Press Law serves to mandate the press with the sole aim of 'propagation and promotion of authentic Islamic culture' (Article 2. d.) reinforced with the amendments in 2000 extending the same mandate to electronic publications. Additional amendments in 2008 and the 2009 Cyber Crimes Act place further general restrictions justifying Internet surveillance imposed upon Iranian citizens or any source targeting the Iranian audience. This ambiguous approach to legislation and policy allows various government arms to act with considerable freedom and impose maximum restrictions.

For instance, the Supreme Council of Cultural Revolution has approved to employ filtering systems and has opted to appoint the committee in charge of Determining Unauthorized Sites to simply block what they consider to be unapproved sites. Under the direct auspices of the Council, this committee, which embodies representatives from various governmental arms, including the Ministry of Intelligence and National Security and Tehran's Prosecutor General, acts as the central executive body in charge of blocking access to information with considerable freedom. On another front, Ali Aqamohammadi, the head of economic affairs of the Islamic Republic Presidency, announced the upcoming creation of a halal Internet that will "increase Iran and the Farsi language's presence in what has become the most important source of international communication,"¹ blocking Iranians from the Internet that the entire global community has access to.

Iranians, on the other hand, are among the most sophisticated and eager consumers of information. They continue to find creative and imaginative ways to get around these limitations. Over the past three decades, particularly the younger generation of Iranians have become increasingly cosmopolitan in their outlook and have developed an insatiable thirst for global news and views. Their long-standing experience in handling state-sponsored censorship has equipped them with a keen ability to read between the lines and distinguish between genuine and manufactured information. This ability to compare and comprehend the underlying realities of communication stands out in their sense of objectivity and self-reliance manifested during the recent months of consistent uprising, both in Iran and around the globe.

Although the aspirations of the Iranian movement for freedom and human rights may be more similar to the American spirit, one of the emerging realities of this ever-evolving movement is the increasing tendency of Iranians to disregard the American-based sources of information in favour of their European counterparts. Over the past few years, majority of Iranian citizens and Diaspora have opted to appreciate the objective and more professional approach of Persian news and entertainment programs by sources such as Radio Farda, Al-Jazeera, Euronews or BBC Persian TV over Voice of America or various US-based TV programs and publications.

The second is despite the fact that often users have to manoeuvre their way through proxy servers to access the information they are after or that they may have to face the confiscation of their equipment, or even face imprisonment. Figures indicate that between 2000 and 2008 the number of Internet users in Iran grew by 22 million, the highest rate of growth anywhere in the Middle East.

Third, since the 2009 post-election demonstrations and the concomitant rise in suppression of dissidents, a number of the more influential figures have either chosen or been forced to leave Iran and many have either permanently or temporarily established roots in Europe. These, among other factors, may indicate an increasingly influential and effective role for UK and other European community policymakers in affecting the course and direction of the Islamic Republic's approach to human rights as well as assisting those who are striving for a culture of human rights, both in and outside of Iran, through access to information.

¹ To see the full article go to <http://www.hindustantimes.com/Now-a-new-halal-internet/Article1-686190.aspx> [Accessed 17 April 2011]

It is in this light that we wish to offer the following policy recommendations:

- Take multilateral action in response to Iran's violations of its international commitments regarding access to information
- Proactively implement and follow up action regarding recent steps taken by the European Union including EU Council Regulation No 359/2011 and EU Council conclusions on free access to information CL10-057EN
- Include access to information as a priority for the Special Rapporteur on Iran
- Hold Iran accountable for its attacks against international sources providing access to information for Iranians
- Hold businesses, such as Nokia, responsible for their planned or past dealings with Iran in order to prevent a culture of impunity
- Provide widespread financial and technical assistance, including circumvention technology, necessary to facilitate access to information
- Facilitate and encourage greater dialogue on exploring access to information among donors and implementers
- Research, develop and provide free or subsidized technical training for the Diaspora with respect to projects focused on access to information and human rights education
- Provide specialized and small media resources to closely knit populations with greater networks that provide an effective means for cross-border access to information, such as student activists and minority communities
- Exempt useful software, hardware and services from the list of sanctioned items on Iran
- Research, develop and provide licenses to basic secure tools to facilitate access for Iranian activists