

Iran

Since 2000—in the midst of a media crackdown that has seen the judiciary close more than 100 publications, inspiring widespread self-censorship—the Islamic Republic of Iran has installed one of the most extensive technical filtering systems in the world. Iranian authorities have detained dozens of people for publishing material online.¹ In addition, Iran has moved to contain the Internet within heightened and more explicit regulation, accommodating aggressive online censorship policies through a complex system of political networks and their affiliated government institutions.



dated state control of radio and television,³ and the repression against independent papers and reformist voices in print media, the space initially afforded to free expression online was a unique phenomenon for Iran. However, after several years of relative openness in Iranian cyberspace, bloggers, journalists, and others began to be targeted, detained, and even tortured for their online activities. And zealous new legislation places sweeping controls over what people may post to the Internet.

Background

Regulation of freedom of expression in Iran is extensive and the parameters of prohibited conduct are vague and ambiguous, or simply undefined. It is prohibited to publish matters relating to atheism and sensitive information without prior approval, and media cannot promote social discord or divisions, dissent against state interests, insult Islam or public officials, or quote from deviant parties or parties opposed to Islam.² Compared with the constitutionally man-

Internet in Iran

The Internet in Iran has experienced the most explosive growth of the countries in the Middle

RESULTS AT A GLANCE

Filtering	No evidence of filtering	Suspected filtering	Selective filtering	Substantial filtering	Pervasive filtering
Political					●
Social					●
Conflict/security				●	
Internet tools					●

Other factors	Low	Medium	High	Not applicable
Transparency		●		
Consistency		●		

KEY INDICATORS



Source (by indicator): World Bank 2005, 2006a, 2006a; UNDP 2006; World Bank 2006c, 2006c; ITU 2006, 2005

East, with an increase of 2,900 percent between 2000 and 2005.⁴ Today an estimated 7.2 million people are online in Iran, and there are approximately 400,000 blogs in Farsi.⁵ Yet even as the government continues to promote the Internet as an engine of economic growth, one Iranian official recently boasted that Iran has censored ten million Web sites, and that the judiciary requests an additional 1,000 sites to be blocked every month.⁶

On October 11, 2006, an order reportedly issued to Internet service providers (ISPs) by the Ministry of Communications and Information Technology (MCIT) made providing Internet services—for use in private or public places—at a speed higher than 128 kilobytes per second illegal, reportedly with the aim of hindering users' ability to download foreign cultural products (such as music and films) and organize political opposition.⁷ Such an about-face contradicts Iran's fourth Five-Year Development Plan, which calls for 1.5 million high-speed Internet ports throughout the country.⁸

At that time, some 250,000 users were using broadband services, with demand growing sharply.⁹ Though the order applies to both public and home use, high-speed Internet services are

most commonly available for commercial and office use. Over the previous two years eleven companies had been licensed to provide such high-speed services free from government competition and have invested significant capital in importing the required machinery and setting up the required infrastructure.¹⁰ The ban of high-speed Internet services has pushed these private sector companies to the verge of bankruptcy. Furthermore, several projects—such as the USD6 million Internet television project of the ITC (Information Technology Company), as well as virtual surgery lab projects and e-universities and many more scientific and commercial projects being implemented in the country—may be doomed to fail.¹¹

Members of parliament are campaigning against the broadband ban and have started a Web site, www.more-speed-more-progress.ir, which is hosted on Iranian government servers.¹² Although the head of the Public Relations Department of the Regulation Organization said that the ban would be lifted in four months' time, after the government had had a chance to put in place measures to more effectively monitor Internet use, the Minister of the MCIT stated that “positive” results could make the measure

permanent. Individuals can file a written complaint with the Regulation Organization and those who can demonstrate that they will use broadband access for "legitimate" purposes may be allowed to circumvent the ban.¹³

Legal and regulatory frameworks

As with all print media under the Press Law, Internet content providers are subject to two complementary sets of requirements: they must produce content within state-defined objectives and they must refrain from producing state-defined types of illegal material.¹⁴ Thus, through the judiciary, parliament, and the executive bodies who all exercise the authority to make law, content providers were encouraged to promote genuine Islamic culture while being warned against fomenting social discord or encouraging dissent against state interests.

The legal status of blogs and Web sites in Iran has been contested, but starting in 2006 the government took additional steps to bring them firmly in hand. First, framing regulations to systematize control and management of Internet activity were issued by the government and signed by the vice president on November 26, 2006. Second, the Bill of Cyber Crimes' Sanctions (Cyber Crimes Bill) prepared by the Judiciary's Committee for Combating Cyber Crimes on October 12, 2006, was slated to be signed in to law by parliament;¹⁵ this bill will apply to all forms of electronic writings and graphics and generally any activity within the realm of cyberspace.

The November 2006 regulations were a response to a directive of the Supreme Cultural Revolution Council (SCRC) to manage Internet activity "while considering individual rights and safeguarding Islamic, national and cultural values."¹⁶ The Ministries of Islamic Culture and Guidance (MICG), Justice, and Information are the main governmental bodies responsible for leading this effort, and the MICG was given the duty to create an infrastructure to systematize management and stamp out illicit and immoral

content.¹⁷ All activities of Web sites and blogs that do not obtain a license from the MICG are considered illegal. On January 1, 2007, the MICG issued a notice requiring all owners of blogs and Web sites to register by March 1, provide detailed personal information, and abstain from posting certain types of content.¹⁸ An official from the Telecommunications Ministry claimed that enforcement would be impracticable.¹⁹

The Cyber Crimes Bill makes ISPs criminally liable for the content they carry, effectively shifting the burden of censoring Web sites and potentially e-mail correspondence on to their shoulders. Under the Cyber Crimes Law, ISPs that do not abide by government regulations (including filtering regulations) may be temporarily or permanently suspended, depending on the graveness of the offense, and their owners could face prison terms.²⁰ Article 18 of the bill requires ISPs to ensure that "forbidden" content is not displayed on their servers, that they immediately inform law enforcement agencies of violations, that they retain the content as evidence, and that they restrict access to the prohibited content. The bill also includes provisions for the protection and disclosure of confidential data and information as well as the publishing of obscene content.

Until the introduction of the Cyber Crimes Bill, the most relevant statute governing the activities of blogs and Web sites was the 2000 Press Law. Although experts argued to the contrary, through the Press Law electronic publications were subsumed into the definition of press publications.²¹ As such, Iranians were theoretically required to first obtain a license to publish a Web site or a blog and were subject to the Press Law. Among the Press Law's broad prohibitions on speech are articles that prohibit "promoting subjects that might damage the foundation of the Islamic Republic ... offending the Leader of the Revolution ... or quoting articles from the deviant press, parties or groups that oppose Islam (inside and outside the country) in such a manner as to propagate such ideas."²² Other provi-

sions prohibit insulting Islam or senior religious authorities.²³ The Press Supervisory Board under the Ministry of Islamic Culture and Guidance had absolute power to revoke licenses, ban publications, and refer complaints to a special Press Court.²⁴

As “publications” under the Press Law, blogs and Web sites that did not obtain licenses became subject to stricter “General Laws.” As a part of the “General Laws,” the Penal Code places further restrictions on speech. The Penal Code incorporates content-based crimes such as propaganda against the state (while leaving “propaganda” undefined).²⁵ Similarly, Article 513 allows for the death penalty or imprisonment of up to five years for speech deemed to be an “insult to religion,” but leaves “insult” undefined.²⁶ Article 698 provides maximum sentences of two years imprisonment or seventy-four lashes for those convicted of intentionally creating “anxiety and unease in the public’s mind,” spreading “false rumors,” or writing about “acts which are not true.”²⁷ Article 609 criminalizes criticism of state officials in connection with carrying out their work, and calls for a fine, seventy-four lashes, or between three and six months in prison as punishment for such “insults.”

ISPs and subscribers are also subject to prohibitions on twenty types of activities, where insulting Islam and religious leaders and institutions, as well as fomenting national discord and promoting drug use or obscenity and immoral behaviors, are prominent.²⁸

The Committee in Charge of Determining Unauthorized Sites is legally empowered to identify sites that carry prohibited content.²⁹ Established in December 2002 (some reports state June 2003), this Committee notifies the MICT of criteria for identifying unauthorized Web sites and what sites shall be blocked. The SCRC oversees committee members from the Ministry of Culture and Islamic Guidance, the Intelligence and Security Ministry, and the Sound and Vision

Organization (Islamic Republic of Iran Broadcasting).³⁰

In February 2007 the online conservative journal Baztab (www.baztab.com) became the first site reported to have been blocked by the November 2006 regulations. According to a government official, Baztab not only failed to apply for a license, but it also violated the regulations by disclosing state secrets and other confidential military information, insulting government officials, and publishing false news.³¹ However, the Supreme Court of Iran ruled against the filtering of Baztab and it was made accessible inside Iran again.³² This incident sparked a debate within Iranian legal and media circles over the authority of the Committee in Charge of Determining Unauthorized Sites, and whether as an executive body (government) it was improperly involved in making legislative or judicial decisions according to the constitution.³³

However, not all filtering occurs through this body. The Internet Bureau of the Judiciary also orders ISPs to block sites through court orders, which are considered a form of lawful punishment imposed on legal entities.³⁴ Tehran Prosecutor General Saeed Mortazavi, who has led harsh crackdowns on media and has also been implicated in cases of the torture of detainees, including twenty-one bloggers arrested in 2004, has also ordered that certain sites be censored.³⁵ In May 2006 the MICT announced the formation of a central filtering office, reportedly to filter illegal content, identify Internet users, and keep a record of the sites they visit.³⁶ The MICT subsequently denied having such tracking capabilities, saying its primary objective was to block pornography.³⁷

In 2001 the SCRC declared that the government was taking control of all access service providers (ASPs).³⁸ ISPs were required to obtain bandwidth from these ASPs and also to employ filtering systems to block access to immoral, political, and other “undesirable” content while storing user data and reporting to the ICT

Ministry.³⁹ ISPs in which the government owns a share, such as the popular Pars Online, reportedly filter some sites at their own discretion over and above what is required by the regulations.

ONI testing results

ONI conducted testing on seven ISPs: APN, Dana Fajr, Datak, Jahan Nama Co., Pars Online, Shatel, and Tarashe. ONI testing confirmed that Iran employs the greatest degree of filtering of all the countries tested, in both scope and depth of content. Iran uses a filtering proxy that displays a blockpage when accessing blocked content. Heavily filtered types of content include pornography, provocative attire, and circumvention tools, which is characteristic of states that use commercial software such as SmartFilter. ONI testing also found significant blocking of content related to homosexuality, particularly if it had any connection to Iran; Farsi-language news sites; and opposition political sites.

A majority of circumvention tools were blocked by all ISPs, including www.peoplesproxy.com and www.guardster.com. Compared with anonymizers and proxies, filtering of other Internet tools was more selective but nevertheless occurred in all categories tested. Certain multimedia sharing sites, such as www.metacafe.com and www.photobucket.com, were completely blocked, while others were less consistently filtered: the popular photo-sharing Web site Flickr was blocked on four ISPs at time of testing, while the video-sharing site YouTube was blocked on only two. Also filtered in limited numbers were social networking sites, but at the time of testing popular social networking sites such as Myspace and Orkut were universally available. Some Farsi-language forums for discussing movies (www.aghaghi.com) and music (www.roozi.com) were also filtered.

Only a limited number of search engines were filtered, and then, only on some ISPs. Among them were including www.163.com and the Chinese site www.sina.com. However, on

certain ISPs—including Shatel, Datak, and Pars Online, keywords in URL paths are blocked, most often affecting queries in search engines (e.g., <http://128.100.171.12/key.php?word=torture>).

Of blog-hosting sites tested, only one, www.livejournal.com, was blocked by all ISPs. A limited number of other sites, including www.xanga.com and the blog search engine www.technorati.com, were blocked by multiple ISPs. Instead, filtering targeted individual blogs. A substantial number, though not a majority, of individual blogs hosted by Blogspot and others were filtered; these blogs spanned subjects such as religion, women's rights, political reform, and reproductive health. All seven ISPs chose to filter the same individual blogs, which all happened to be hosted on Blogspot. Very few of the individual blogs hosted on Persian-language services, such as Blogfa and www.persianblog.com, were filtered by any ISP.

Iran is among the most successful blockers of pornographic Web sites in countries where ONI conducted testing. Esmail Radkani, of Iran's quasi-official Information Technology Company, claimed in a recent interview that 90 percent of the ten million filtered sites were deemed to contain "immoral" content.⁴⁰ This assertion was supported by ONI's tests. With very few exceptions, all of the pornography and provocative attire sites tested were blocked by all ISPs. Further, no pornography site tested was blocked by fewer than five ISPs. The government does not filter content regarding drugs, alcohol, gambling, or dating as universally, though a substantial number of sites in these categories are blocked as well.

Outside of "immoral" content, independent and dissenting voices are filtered across a range of issues pertaining to Iran, including political reform, criticism of the government, reporting on human rights issues, and minority and women's rights. Filtering in these areas, across nongovernmental organizations (NGOs), blogs, and thematic Web sites, is inconsistent and lim-

ited when content is provided solely in English, and much more substantial and complete across ISPs for sites relating to Iran or in Farsi. For example, while no independent media sites or newspapers available only in English were filtered across all ISPs tested, a large majority of similar sites relating to Iran or composed in Farsi were consistently blocked, such as www.iranvajahan.net and the publisher www.kayhanpublishing.uk.com.

All seven ISPs tested blocked access to almost the same list of human rights, political reform, and opposition sites. All ISPs kept access to international watchdogs such as Amnesty International and FIDH open, but unilaterally blocked Iran-focused groups such as the Society for the Defense of Human Rights in Iran (www.polpiran.com) and the online magazine Siah Sepid (www.siahsepid.com).

For remaining content categories, the considerable variation among the sites blocked by the ISPs suggests that they are exercising some control over the implementation of filtering. There is no discernible pattern in the content of sites blocked only by one ISP. For example, Pars Online, the largest private provider of Internet services in Iran, is the only ISP to block such disparate sites as www.boingboing.net, the *International Herald Tribune*, and the teen sexual health site www.teenhealthfx.com. Tarashe is the only ISP that blocked the e-mail service Hushmail and the *Times of India* newspaper.

Overall, the greatest overlap in filtering occurred with Jahan Nama, Pars Online, Datak, and Shatel. Together, these ISPs filtered a range of Web sites in common, including a substantial number of lesbian, gay, bisexual, and transgender (LGBT) rights organizations (including www.gmhc.org and www.iglhrc.org), NGOs focusing on free expression and access to information, dating services, and alcohol and drug sites.

Conclusion

Iran continues to maintain the most extensive filtering regime of any country ONI has studied. As filtering and censorship policies evolve, government officials and citizens have pushed back against many of the more extreme measures, including the ban on high-speed Internet in 2006. New developments may provide opportunities to contest these policies further. The draft Cyber Crimes Bill prohibits any blocking or investigation of data without a warrant issued by a court after evidence of suspicious activity. When this provision becomes law, it could potentially be used to impede the arbitrary closures and blocking of Web sites.

NOTES

1. Human Rights Watch Report, False Freedom: Online Censorship in the Middle East and North Africa: Iran, November 2005, http://hrw.org/reports/2005/mena1105/5.htm#_Toc119125727.
2. Ibid.
3. Article 44(2), Constitution of the Islamic Republic of Iran, amended July 28, 1989, http://www.oefre.unibe.ch/law/icl/ir00000_.html.
4. See U.N. Office on Drugs and Crime, http://www.unodc.org/iran/en/crime_prevention.html (accessed April 30, 2007); Telecommunications Company of Iran, Annual Report 2005, <http://iran.telecom.ir/eng.asp?sm=3&page=17&code=5>.
5. BBC Monitoring International Reports, "Iran press Iranian activists oppose regulation of websites, weblogs," January 2, 2007 (citing text of report by E'temad-e Melli).
6. Interview with Esmā'il Radkani, Iranian Communication and Information Technology News Agency, September 11, 2006, <http://citna.ir/435.html>.
7. *The Guardian*, "Iran bans fast internet to cut west's influence: Service providers told to restrict online speeds Opponents say move will hamper country's progress," October 18, 2006.
8. See the Information Technology Company Web site, <http://www.dci.ir/english/moarefi.htm>.
9. BBC Persian, "Speed reduced for high speed Internet in Iran," October 20, 2006, http://www.bbc.net.uk/persian/science/story/2006/10/061020_fb_rsh_adsl.shtml.
10. Ibid.
11. Ibid.

12. *The Guardian*, "Iran bans fast internet to cut west's influence," October 18, 2006.
13. Information Technology News Agency, "Speed limitation becomes permanent," October 20, 2006, <http://www.itna.ir/archives/news/005618.php> (in Persian).
14. Article 19, Regulation of the Media in the Islamic Republic of Iran, March 2006.
15. Bill on Punishment for Cyber Crimes (Cyber Crimes Bill), October 12, 2006, <http://www.hoquouq.com/law/article522.html>.
16. BBC Monitoring Middle East, translation of report of Kayhan newspaper, "There were sound grounds for banning Baztab website: MP," February 25, 2007.
17. Ibid.
18. BBC Monitoring International Reports, citing text of report by E'temad-e Melli, "Iran press Iranian activists oppose regulation of websites, weblogs," January 2, 2007. See also Omid Memarian, "Bloggers rebel at new censorship," Inter Press Service News Agency, January 10, 2007, reporting that prohibited content includes criticism of religious figures, sexual matters, content considered offensive to the Ayatollah Khomeini, or content slanderous of Islamic law.
19. BBC Monitoring International Reports, citing text of report by E'temad-e Melli, "Iran press Iranian activists oppose regulation of websites, weblogs," January 2, 2007.
20. Article 21, Bill on Punishment for Cyber Crimes (Cyber Crimes Bill), October 12, 2006, <http://www.hoquouq.com/law/article522.html>.
21. Note 2 of Article 1 of Iran's Press Law (as amended in 2000) defines electronic publications as "publications regularly published under a permanent name, specific date and serial number ... on different subjects such as news, commentary, as well as social, political, economic, agricultural, cultural, religious, scientific, technical, military, sports, artistic matters, etc via electronic vehicles." Publications must also have obtained "publication licenses from the Press Supervisory Board in the Ministry of Cultural and Islamic Guidance," otherwise they "fall out of the scope of the Press law and become subject to General Laws."
22. Press Law, Article 6.
23. Press Law, Articles 26–27.
24. Article 19, Memorandum on Regulation of the Media in the Islamic Republic of Iran, March 2006.
25. Islamic Penal Code of Iran, May 22, 1996, Article 500 states that "anyone who undertakes any form of propaganda against the state ... will be sentenced to between three months and one year in prison"; unofficial translation at http://mehrg.org/index_islam.htm.
26. Islamic Penal Code of Iran, May 22, 1996, Articles 513–15; unofficial translation at http://mehrg.org/index_islam.htm.
27. Islamic Penal Code of Iran, May 22, 1996, Articles 697, 698, 700; unofficial translation at http://mehrg.org/index_islam.htm. Chapter 27 of the Penal Code on libels and revilements, and more specifically Article 698, only stipulate punishment for statements made in the press and does not cover writings in electronic format in computer and other communication systems. As seen earlier, "press" is defined in Article 1 of the Press Law, but the general articulation of Article 698 subsumes both publications with and without licenses.
28. Human Rights Watch Report, False Freedom: Online Censorship in the Middle East and North Africa: Iran, November 2005, <http://hrw.org/reports/2005/mena1105/5.htm>.
29. Decree on the Constitution of the Committee in Charge of Determining Unauthorized Websites, Official Gazette No. 16877.
30. Bill Samii, "Iran: Government strengthens its control of the Internet," Radio Free Europe, September 29, 2006, <http://www.rferl.org/featuresarticle/2006/09/e6ed377e-7618-479d-8e0e-b2917d6f9f92.html?napage=2>.
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32. <http://www.theage.com.au/news/Technology/Iran-lifts-ban-on-conservative-website/2007/03/20/1174153008276.html>.
33. Iranian Student News Agency (ISNA), Interview with Head of Iran Law Society, February 16, 2007, <http://www.isna.ir/Main/NewsView.aspx?ID=News-877388>.
34. Information Technology News Agency "Report of an ISP closure by judicial system agents," <http://www.itna.ir/archives/article/000665.php> (accessed April 30, 2007).
35. Human Rights Watch Press Release, Iran: Prosecute Torturers, Not Bloggers, December 12, 2006, <http://hrw.org/english/docs/2006/12/12/iran14824.htm>. See also Human Rights Watch Report, Like the Dead in Their Coffins: Torture, Detention, and the Crushing of Dissent in Iran, June 7, 2004, <http://www.hrw.org/campaigns/torture/iran/>.
36. Bill Samii, "Iran: Government strengthens its control of the Internet," Radio Free Europe, September 29, 2006, <http://www.rferl.org/featuresarticle/2006/09/e6ed377e-7618-479d-8e0e-b2917d6f9f92.html?napage=2>.
37. Ibid.
38. Iran CSOs Training & Research Center, A Report on the Status of the Internet in Iran, November 2005, 8, www.genderit.org/upload/ad6d215b74e2a8613f0cf5416c9f3865/A_Report_on_Internet_Access_in_Iran_2_.pdf.

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39. Ibid. See also Human Rights Watch Report, False Freedom: Online Censorship in the Middle East and North Africa: Iran, November 2005, <http://hrw.org/reports/2005/mena1105/5.htm>.
 40. Ibid.