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Introduction

Since Iran's last Universal Periodic Review in 2014, the government's rights record has remained dismal, particularly regarding civil and political rights and cooperation with international human rights institutions. Security forces continue to arrest and the judiciary to prosecute thousands of peaceful protestors, human rights defenders, lawyers, journalists, students, and ethnic and religious minority rights activists for their peaceful dissent. In a positive development, amendments in November 2017 to Iran's Anti-Narcotics Law have led to a significant decrease in executions after a very high number of death sentences carried out in the previous years. However, officials continue to implement executions of individuals who are convicted for crimes they allegedly committed as children.

Freedom of Assembly, Expression and Association

During the previous UPR cycle in 2014, Iran accepted the recommendation to "take the necessary steps to ensure that its citizens fully enjoy the rights and freedoms [...] of expression, the right to political activity and the right to assemble." Iran's constitution recognizes the rights to free expression and peaceful assembly and association, but in practice authorities severely restrict such rights, arresting and prosecuting individuals on vaguely defined national security charges such as "acting against national security," "propaganda against the state," and "conspiracy and collusion to act against national security." Security forces, including the Revolutionary Guards Intelligence Organization, have continued to arrest thousands of individuals for peaceful activism in the past several years. In 2018, authorities responded to widespread protests against deteriorating economic conditions, perceptions of systematic government corruption, and popular frustration over the lack of political and social freedoms with arbitrary mass arrests and prison sentences. During this cycle authorities have also arrested dozens of teachers, labor union leaders, and human rights defenders for their peaceful activism.

Mehdi Karoubi and Mirhossein Mousavi, two 2009 presidential elections candidates, as well as Zahra Rahnavard, Mousavi's wife, have remained under arbitrary house arrest with no judicial order since February 2011.

Recommendations

- Amend vaguely defined provisions of the penal code including articles 498 to 519 of the law to ensure the law protects citizens' rights and freedoms of expression, the right to political activity and the right to peaceful assembly;
- Release all individuals detained solely for legitimate exercise of their rights to freedom of expression and peaceful assembly.

Due Process Rights and Right to Fair Trial

During the 2014 UPR, Iran accepted the recommendation to “take measures to ensure due process and fair trials, particularly in any process that would lead to the application of the death penalty.” Iran’s criminal procedure law that went into effect in 2014 intended to improve detainees’ access to legal counsel, but an amendment to article 48 now requires people accused of certain offenses to select their counsel from a pool of lawyers approved by the head of the judiciary during the investigation phase.¹ These offenses include national or international security crimes, political and media crimes, and charges that incur capital punishment, life imprisonment, or retributive punishment (*Qisas*).

In June 2018, the judiciary introduced the list of approved lawyers in several cities. In the province of Tehran, the judiciary only approved 20 lawyers out of more than 20,000 members of Tehran’s bar association. This list did not include any human rights lawyers or women. Human Rights Watch has documented numerous cases in which authorities have prevented detainees from having access to a lawyer during investigation and later only access to lawyers from the approved list, in violation of Iran own laws. In 2018 alone, at least 5 people have died in custody and several activists have claimed that they have been tortured in detention, but authorities have systemically failed to investigate such serious abuses.

Recommendations

- Amend article 48 of country’s criminal procedure law to ensure all detainees have access to the lawyer of their own choice upon arrest and during the entire judicial process;
- Establish an independent monitory body to investigate all allegations of torture and mistreatment in detention.

Death Penalty

During the 2014 UPR Iran received numerous recommendations regarding the death penalty but did not accept any of them. In November 2017, Iran amended the Anti-Narcotics Law, increasing the threshold of the amount of drugs possessed for a mandatory imposition of the death sentence, with retroactive effect. Government officials indicated that up to 15,000 people on death row would have their death sentences for drug-related offences reviewed, with a view to commutation under the amended law.² According to estimates by human rights groups, the number of people executed has decreased from 507 in 2017 to 255 as of November 2018.³

In its midterm report to the council, Iran promised to replace execution (*Hodoud*) of people under the age of 18 with alternative punishment, but in 2018 alone Iran executed at least 5 people, including two women, for alleged crimes they committed as children. Iran’s 2013 penal code granted judges the discretion to not sentence to death a child who could not

¹ Tara Sepehri Far, Want to Choose Your Lawyer? Good Luck in Iran, Human Rights Watch, June 5, 2018, <https://www.hrw.org/news/2018/06/05/want-choose-your-lawyer-good-luck-iran>.

² Iran, Events of 2018, Human Rights Watch World Report 2019, <https://www.hrw.org/world-report/2019/country-chapters/iran>.

³ Iran, Events of 2018, Human Rights Watch World Report 2019, <https://www.hrw.org/world-report/2019/country-chapters/iran>.

comprehend the nature and consequences of their crime at the time it happened. Judges, however, continue to issue the death penalty in cases of children and alleged child offenders for crimes committed before the age of 18.⁴

Iran also continues to execute people on charges that do not meet the standard of the most serious crimes, as well as vaguely defined or overly broad terrorism-related charges such as *moharebeh*, or “enmity against God.” On September 8, Iran executed three Kurdish men, two of them charged with *moharebeh* and another one with *bagh’e* or “armed insurgency against the state.” The three had claimed that they had been tortured in detention.⁵ In November and December 2018, Iran’s judiciary executed three individuals on corruption related charges with little transparency into the proceedings.⁶

Recommendations

- Immediately and unconditionally abolish the death penalty for individuals who were below the age of 18 at the time of committing the alleged crime by establishing a unifying judicial order that children under the age 18 do not understand the nature of the crime they committed;
- Clarify the definition of vaguely worded national security crimes to exclude non-violent crime from charges that can carry the death penalty;
- Issue an immediate moratorium on all uses of the death penalty with a view towards its immediate abolition.

Freedom of Religion and Belief

During its 2014 UPR, Iran accepted recommendations to “take measures to fully respect the freedom of religion and belief of its citizens” and “ensure respect, in law and in practice, of the freedom of religion and belief.”

Iran’s constitution recognizes only Zoroastrians, Jews, and Christians as protected religious minorities, although members of these communities often face discrimination in employment and political participation. Iranian law and regulations, however, deny Baha’is, the largest non-Muslim minority community in Iran, freedom of religion. At least 79 Baha’is were held in Iran’s prisons as of November 2018. Iranian authorities also systematically refuse to allow Baha’is to register at public universities because of their faith.

Authorities restrict political participation and employment of non-Shia Muslim minorities, including Sunnis. They also prevent Sunnis from constructing mosques in Tehran. The government heavily restricts the activities of Christian converts, especially those who proselytize or are members of Persian-speaking churches and prosecutes and sentences them to prison terms.

⁴ Tara Sepehri Far, Iran’s Death Penalty Laws Failing Children, October 12, 2018, <https://www.hrw.org/news/2018/10/12/irans-death-penalty-laws-failing-children>.

⁵ Iran executes three Kurdish prisoners accused of militant attacks, Reuters, September 8, 2018, <https://www.reuters.com/article/us-iran-rights-executions/iran-executes-three-kurdish-prisoners-accused-of-militant-attacks-idUSKCN1LOOPA>.

⁶ Sultan of Bitumen¹ executed in Iran over economic crimes, Middle East Eye, December 22, 2018, <https://www.middleeasteye.net/news/sultan-bitumen-executed-iran-over-economic-crimes>.

On February 19 and 20, 2018, clashes broke out when security forces attempted to repress the gathering of members of the Gonabadi Dervish community in front of the house of one of the Dervishes' leaders in Tehran. Following the clashes that left several dozen Dervishes severely injured and four law enforcement agents dead, including three who were struck by a bus, security forces arrested more than 200 members of the community. The courts handed down sentences that include prison terms ranging from four months to 26 years, flogging, internal exile, travel bans, and a ban on membership in social and political groups.

On June 18, 2018, after a rapid trial that concluded only a few weeks after his arrest and allegations of police torture, authorities executed Mohammad Sallas, a Dervish member who was arrested during the clashes, to death for allegedly driving the bus that ran over and killed three officers.⁷

Mohammad Ali Taheri, a spiritual teacher and the founder of a group called Erfan-E-Halgheh and his followers remain under arrest and prosecution.⁸

Recommendations

- Ensure equal access of all citizens, including members of religious minorities, to education at all levels, as well as employment opportunities;
- Amend laws that restrict certain public positions to members of the Muslim Shia community.

Discrimination against Women

During the 2014 UPR, Iran accepted several recommendations regarding women's rights, including one from Yemen to "continue its efforts to implement the comprehensive program to protect the rights and empowerment of women."

In Iran's 2016 parliamentary elections the number of female elected candidates increased from 9 to 17, but women still constitute only six percent of parliament. President Rouhani appointed a few women to city governor positions and two as ambassadors, but he did not appoint a female minister, a demand many supporters, including members of parliament had requested.

Iranian women continue to face discrimination in personal status matters related to marriage, divorce, inheritance, and decisions concerning children (custody). Iranian women cannot pass on their nationality to their foreign-born spouses or their children like men, which discriminates against women and risks violating children's rights to a nationality and an identity. A married woman may not obtain a passport or travel outside the country without the written permission of her husband. Under the civil code, a husband is accorded the right to choose the place of their residence and can prevent his wife from having certain

⁷ Iran: Over 200 Dervishes Convicted, Human Rights Watch, August 29, 2018, <https://www.hrw.org/news/2018/08/29/iran-over-200-dervishes-convicted>.

⁸ 12 Members of Erfan Halghe were arrested in Isfahan, Radio Farda, November 23, 2018, <https://www.radiofarda.com/a/arresting-mysticism-members-in-isfahan/29617650.html>.

occupations if he deems them to be against “family values.” Iran has no law on combatting domestic violence.

In 2017, Human Rights Watch [documented](#) how in this discriminatory environment, and in the face of government policies that do not afford adequate protection against discrimination in the public and private sectors, women are marginalized in the economy, constituting only 16 percent of the workforce. The rate of unemployment for women is 20 percent, twice that of men.⁹ Iran has no law to combat sexual harassment in the workplace.

In December 2017 and January 2018, several women took their headscarves (hijabs) off while standing in public spaces across the country to protest Iran’s compulsory hijab law. Courts have sentenced several of these women to imprisonment ranging from a few months to 20 years, although suspending most of the sentence for some of the cases with the longest prison terms. Authorities have also prosecuted three human rights defenders for their peaceful activism against compulsory hijab laws.

In June 2018, authorities opened Azadi stadium’s doors to women and men to watch a live screening of the last two games of Iran’s national football team at the 2018 World Cup. Despite authorities’ promise to allow women to watch the games however, women are still banned from attending several men’s sports tournaments, such as Iran’s football league matches.

According to Iranian law the minimum age of marriage is 13 for girls and 15 for boys, but younger children can still be married with the consent of their fathers and permission from the court. During the period between March 2017 and March 2018, 1463 marriages of girls under the age 15 took place in Tehran province alone.¹⁰

Recommendations

- Move towards abolishing or amending all laws and other legislation under the civil code that discriminate against women when it comes to the right to work, including but not limited to:
 - Article 1117 of the civil code, which allows a husband to prevent his wife from obtaining an occupation he deems against family values or his reputation;
 - Article 18 of the passport law, which allows a husband to refuse permission to his wife to travel. As an interim measure, judicial authorities should waive the requirement for women traveling for work until that requirement is abolished entirely;
 - Revise marriage contracts to guarantee equal rights for women, in accordance with international human rights law. As an interim measure, make all those provisions optionally available in marriage contracts at all official marriage registration offices.

⁹ It’s a Men’s Club, Discrimination Against Women in Iran’s Job Market, Human Rights Watch, May 25, 2017, <https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market>

¹⁰ Situation of Marriage in Tehran in 1396, Hamshahri Newspaper, <http://www.hamshahronline.ir/news/403848/%D9%88%D8%B6%D8%B9%DB%8C%D8%AA-%D8%A7%D8%B2%D8%AF%D9%88%D8%A7%D8%AC-%D8%AF%D8%B1-%D8%AA%D9%87%D8%B1%D8%A7%D9%86-%D8%B7%DB%8C-%D8%B3%D8%A7%D9%84-%DB%B9%DB%B6>

- Pass a comprehensive anti-discrimination law which bans all forms of discrimination on the grounds of gender or sex in the workplace, in both the public and private sectors, and includes prohibitions against indirect discrimination consistent with the definition adopted by the UN Committee on Economic, Social and Cultural Rights, while providing effective mechanisms for complaints, litigation, and implementation for women who bring complaints. The proposed legislation should specifically include reforms to the Labor Code and Social Security Law to:
 - Explicitly prohibit gender specifications in job advertising;
 - Ensure that state agencies do not conduct discriminatory recruitment practices and cease the use of gender-specific job advertising;
 - Establish penalties, including fines, against companies and state agencies that discriminate against women, including in recruitment and promotion processes.
 - Protect women from sexual harassment, including in the workplace;
 - Grant women and men equal protection and benefits, including but not limited to “family bonuses”;
 - Provide similar family leave benefits for fathers and men related to elderly or sick relatives.
- Pass draft legislation before the Parliament to increase the minimum age of marriage for girls to age 18;
- Pass a comprehensive law to combat sexual harassment in the workplace;
- Pass a comprehensive law to combat domestic violence including measures to prevent abuse, assist survivors and prosecute their abusers.

Rights of Persons with Disabilities

In 2014, Iran accepted several recommendations regarding the situation of persons with disabilities including one from Kazakhstan that states “continue to undertake measures to support and protect the rights of persons with disabilities.” People with disabilities however continue to face stigma, discrimination, and lack of accessibility when accessing healthcare, public transportation, and social services, including by the State Welfare Organization, the primary agency responsible for disability policy and services. People with disabilities may receive medical treatment, including electroshock therapy, without their informed consent.¹¹ In March 2018, parliament passed a disability law that increases disability pensions and insurance coverage of disability-related healthcare services but does not explicitly prohibit discrimination against persons with disabilities. But media reports said that the 2019-2020 budget does not allocate sufficient funding to provide the new benefits. Under election law, people who are blind or deaf may not run for parliament.

Recommendations

- Implement a comprehensive review of legislation and policies to ensure that they are in line with the requirements of the Convention on the Rights of Persons with Disabilities;

¹¹ “I am Equally Human, Discrimination and Lack of Accessibility for People with Disabilities in Iran,” Human Rights Watch, June 26, 2018, <https://www.hrw.org/report/2018/06/26/i-am-equally-human/discrimination-and-lack-accessibility-people-disabilities-iran#>.

- Develop and publish a time-bound, detailed plan to ensure, using maximum available resources, that public transportation, public roads, facilities, buildings and information would become equally accessible for people with disabilities;
- Ensure that medical care for people with disabilities is of the same quality and equally accessible for people with disabilities on an equal basis with others. Medicines and treatment should only be given on the basis of free and informed consent;
- Establish effective and independent monitoring systems as well as confidential, accessible complaint mechanisms to ensure that any alleged abusive or negligent treatment by State Welfare Organization or home care providers is adequately addressed.

Rights of Refugees

During the 2014 UPR Iran accepted a recommendation “That measures taken to protect refugee rights be in compliance with the internationally recognized norms and standards.”

In 2015, Iran reportedly allowed all Afghan children, including undocumented ones, to enroll in schools after Ayatollah Khamenei issued a ruling emphasizing that “no Afghan child, even the undocumented ones, should be left out of school.” On September 14, 2017, Seyed Mohammad Bathaie, Iran’s Minister of Education, announced that 370,000 Afghans and other foreign students had enrolled in schools in Iran.

In 2017, Human Rights Watch documented that Iran’s Islamic Revolutionary Guards Corps (IRGC) had recruited Afghan children residing in Iran to fight as combatants in Syria in its Fatemiyoun division.¹²

Recommendation

- Ensure refugee children are protected from recruitment in armed forces for battle and investigate cases of negligence and oversight in the policy.

¹² Iran: Afghan Children Recruited to Fight in Syria, Human Rights Watch, October 1, 2017, <https://www.hrw.org/news/2017/10/01/iran-afghan-children-recruited-fight-syria>.