

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	632
Land:	Iran
Kilde:	UN General Assembly
Titel:	Situation of human rights in the Islamic Republic of Iran. Report of the Secretary General
Udgivet:	3. marts 2016
Optaget på baggrundsmaterialet:	13. juni.2016

Advance Unedited Version

Distr.: General
3 March 2016

Original: English

Human Rights Council

Thirty-first session

Agenda item 2

Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General

Report of the Secretary-General on the situation of human rights in Iran*

Summary

The report is submitted in accordance with General Assembly resolution 70/173, in which the assembly requested the Secretary-General to submit an interim report to the thirty-first session of the Human Rights Council on the progress made in the implementation of the resolution. The report reflects patterns and trends in the human rights situation in Iran and includes recommendations to improve the implementation of the resolution.

* The present report was submitted after the deadline as a result of consultations with the Member State.

I. Introduction

1.The present report is submitted pursuant to General Assembly resolution A/70/173, requesting the United Nations Secretary-General to submit an interim report on the situation of human rights in Iran to the thirty-first session of the Human Rights Council. The report provides information on progress made in the implementation of the resolution, focusing on the concerns identified therein.

2.The report draws upon observations made by the United Nations human rights treaty bodies, the special procedures of the Human Rights Council, and various United Nations entities. It also takes into account information from official State media and non-governmental organizations (NGO).

3.Since the submission of the report of the Secretary-General to the 70th session of the General Assembly, the application of the death penalty persisted at an alarmingly high rate, including in relation to drug-related crimes, and with regard to juveniles. Corporal punishment, including amputation, flogging and forced blinding, was applied against individuals in detention.

4.The crackdown on journalists, human rights defenders, in particular women human rights defenders intensified, with a large number of individuals arrested, detained and prosecuted for the mere and peaceful exercise of their profession or of their legitimate rights to freedoms of expression and association. No improvement was observed regarding the situation of religious and ethnic minorities, who remain subjected to restrictions. Women and girls continued to face discrimination in the areas of marriage, employment and political participation.

5.The Government of the Islamic Republic of Iran continued to engage constructively with the United Nations treaty bodies and under the Universal Period Review (UPR). It also invited the Special Rapporteurs on the right to food and on unilateral coercive measures to visit the country. However, requests for visits by other mandate holders, including the Special Rapporteur on the situation of human rights in Iran, remained unanswered.

II. Overview of the human rights situation in the Islamic Republic of Iran

A. The death penalty

1. The use of the death penalty

6.The Secretary-General remains alarmed at the staggering rate of executions carried out in Iran. At least 900 executions including women and children were reportedly recorded in 2015, with some sources suggesting the figure to be as high as over 1,000, confirming a consistent pattern since 2005.¹ At least 750 persons were executed in 2014. On 26 June 2015 alone, 25 individuals were executed in Rajai Shahr prison.² The United Nations High Commissioner for Human Rights and several Special Procedures mandate holders of the Human Rights Council have repeatedly expressed concerns at the surging execution rate

¹ Abdorrahman Boroumand Foundation, 6 January 2016, <http://iranrights.org/newsletter>

² <http://tnews.ir/news/290E43222158.html>

and called on the Government to institute a moratorium on executions.³ In their comments on this report, the authorities continued to argue that due to threats linked to the production of narcotics in the region, it was necessary to apply the death penalty as a deterrent, especially for drug-related crimes. They also argued that individuals found guilty in court proceedings are afforded due process guarantees, including access to defence counselling.

7. The Secretary-General notes the initiative by Parliamentarians to replace drug-related executions by imprisonment. On 8 December 2015, a parliamentarian announced that a proposal to amend the Anti-Narcotics law, which provides mandatory death penalty for drug-related offences, had been presented to the Parliament. The proposal reportedly seeks to eliminate the death penalty for drug-offences, except for armed drug smuggling.⁴ The current Anti-Narcotics law provides for the death penalty for a myriad of lesser drug-related offenses, including the possession of more than 30 grams of methamphetamines.⁵

8. Executions for drug-related offences, which amount to a violation of international law, account for over 70 per cent of all executions in Iran. These executions are often carried out after trials that did not meet international fair trial standards. The ICCPR prohibits the imposition of the death penalty for any but the most serious crimes. The Human Rights Committee, which oversees the implementation of ICCPR, has repeatedly stressed that drug-related offences do not meet the threshold of the most serious crimes, unless they involve intentional killing.⁶ The Secretary-General encourages the Government to seek alternative solutions, including by abolishing the mandatory death penalty for drug-related crimes, noting it has not deterred this type of crime.

9. A large number of foreign nationals are reportedly on death row for drug-related crimes. Afghan nationals are reportedly the most affected, with at least 1,200 on death row as of August 2015.⁷ Of the 17 foreign nationals reportedly executed in 2015, 16 were Afghans. Foreign nationals are particularly vulnerable as they often do not speak the language in which the legal proceedings take place, are unfamiliar with the laws under which they are charged, have inadequate access to legal assistance and support, and are often forced to sign confessions.⁸ For instance, Kelven Ozube Agbai, a Nigerian national has been detained in Evin Prison since March 2013. He was reportedly arrested at Imam Khomeini Airport in Tehran for possession of drugs. On 29 August 2013, the Tehran Revolutionary Court sentenced him to death for possession of drugs. While in custody, Mr. Agbai was reportedly pressured to sign documents that had not been translated from the original Persian. Furthermore, he reportedly did not have access to an interpreter and legal assistance during the investigation phase and the trial.

10. In 2015, at least eight political prisoners were executed for charges such as *Moharebeh* (taking up arms for terrorism and disruption of public

³ On 14 September 2015, in his opening statement to the Human Rights Council, the High Commissioner expressed concerns at the accelerated use of the death penalty. On 19 October, the Spokesperson of the Secretary-General reaffirmed the opposition of the United Nations to the death penalty and called on the Government to abolish the practice altogether.

⁴ <http://www.isna.ir/fa/news/94091710313/>

⁵ A/70/352

⁶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16581&LangID=E>

⁷ A/70/304, para 77

⁸ In their comments on this report, the authorities stated that foreigners were systematically afforded translation and defence counselling facilities.

safety) and several others were handed down the death penalty for politically motivated charges. On 4 March 2015, six individuals including Hamed Ahmadi, Kamal Malaee, Jahangir Dehghani and Jamshed Dehghani, all members of the Kurdish community, were executed on charges of *Moharebeh* and *Mofsid fil Arz* (corruption on earth). The executions were carried out despite serious concerns about the fairness of their trials.⁹ The authorities asserted that these individuals were executed after being sentenced to death on charges of membership in a terrorist group and carrying out armed attacks against military bases.

11. Furthermore, on 5 August, the High Commissioner and a group of Special Procedures mandate holders separately expressed serious concern at the imposition of the death penalty on Mohammad Ali Taheri, the founder of a spiritual movement, writer and practitioner of alternative medicine theories used in Iran and abroad. Mr. Taheri was arrested in May 2011 and sentenced to five years in prison for insulting Islamic sanctities. On 1 August 2015, the Revolutionary Court of Tehran sentenced him to death on charges of 'Fisad-fil-Arz' ('corruption on earth'), while he was serving a five year sentence. On 21 December 2015, the Supreme Court annulled the death sentence and referred the case back to Branch 26 of the Revolutionary Court that issued the sentence. While confirming the Supreme Court's decision, the authorities asserted that Mr. Taheri was convicted for establishing a diversionary cult, which caused deep harm to the members and their relatives. Shahram Ahmadi, a religious activist promoting Sunni belief by distributing books and leaflets, was arrested on 26 April 2009 and sentenced to death in early 2015 on charges relating to his alleged ties with the group that had assassinated Mohammad Sheikholeslam, an Imam of Sanandaj Friday prayer. He was held in solitary confinement for 33 months and subjected to beatings, psychological attacks, and exposure to extreme cold. Mr. Ahmadi was forced to sign a blank paper on which revolutionary guards later reportedly composed a confession. During his trial, in October 2012, neither Mr. Ahmadi nor his attorney was allowed to present his defence. Mr. Ahmadi was imprisoned five months before Mr. Sheikholeslam's assassination.

12. The Secretary-General notes with concern that the practice of public executions continued, despite their dehumanizing, cruel, inhuman and degrading nature on the victims and on observers. At least 47 individuals were publicly executed in 2015. Despite statements to the contrary by the Government, photos taken from the scene demonstrates that children are often present at these events. The authorities dispute this figure and argue that public executions are rare and applied as a dissuasive means. During Iran's second UPR, the Government did not accept the recommendations to abolish public executions.¹⁰ The Human Rights Committee also recommended ending this archaic and harmful practice in its concluding observations on the third periodic report submitted by Iran.¹¹

⁹ <https://www.amnesty.org/en/latest/news/2015/03/iran-six-kurdish-sunnis-about-to-be-hanged/>

¹⁰ See UPR Info, http://www.upr-info.org/database/index.php?limit=0&f_SUR=All&f_SMR=10&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly

¹¹ A/70/352

2. Executions of Minors

13. On 16 October 2015, several Special Procedures mandate holders expressed outrage at the executions, on 6 and 13 October, of two juvenile offenders.¹² The Special Rapporteur on summary executions described these executions as unlawful killings by the State, comparing them with murders performed by individuals. Underlining that executing a juvenile offender, especially after a questionable trial, directly contravenes international human rights law, the Special Rapporteur urged the Government of Iran to “immediately stop killing children”.¹³ On 19 October 2015, the Secretary-General stressed that international human rights law prohibits the death penalty for crimes committed by individuals below eighteen years of age. On 25 November, according to a semi-official Iranian news outlet, Mr Alireza, a juvenile offender, was reportedly executed in Rajai Shahr Prison- Karaj. He was sentenced to death for the murder of his friend on 30 October 2008.¹⁴ These cases bring to four the number of confirmed juvenile executions in Iran in 2015.¹⁵

14. In their comments on this report, the authorities stated that juvenile cases were tried in special courts, except for *qisas* (retribution in kind) cases, which entails the death penalty are tried in the presence of five judges in provincial Penal Courts. Since *qisas* is a private right of the victim’s family that could not be overruled by the judiciary, the authorities are only obliged to process legal proceedings in the case. Furthermore, the authorities stated that great efforts were made to prevent juvenile executions, including by encouraging the families of victims and perpetrators to reach a settlement.

15. The Secretary-General is particularly concerned about the denial of due process and fair trial protections to minors. Courts consistently accept confessions that were obtained under torture or other cruel, inhumane, and degrading treatment as evidentiary basis for conviction of the accused. For instance, Hamid Ahmadi who was 16 when he was involved in a deadly fight was detained and interrogated by police without an attorney or guardian, despite his minor status. After prolonged interrogation, he confessed to stabbing a man during the fight. He later informed the court that he had confessed to the murder based on fear of torture or other cruel, inhumane or degrading treatment when officials threatened to return him to the Police Investigation Unit. He was convicted of murder and sentenced to death based on this retracted confession, without investigation of his claims of torture or consideration that the confession was made by a minor.

B. Torture, inhuman or degrading treatment and punishment

16. The Secretary-General remains concerned about the persistent practice of corporal punishment, such as amputation of limbs, blinding and flogging. The Islamic

¹² On 6 October 2015, Samad Zahabi was executed in secret, after being sentenced to death for the killing of a fellow shepherd, when he was 17. On 13 October 2015, Fatemeh Salbehi was hanged despite reported flaws in her trial and appeal process. Ms. Salbehi was twice a child bride, accused of murdering her second husband when she was 17.

¹³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16611&LangID=E>

¹⁴ <http://ana.ir/news/67795>

¹⁵ 73 juvenile offenders were reportedly executed between 2005 and 2015. See Growing Up on Death Row, 26 January 2016. <https://www.amnesty.org/en/documents/mde13/3112/2016/en/>

Penal Code, which came into force in June 2013, recognizes corporal punishment, including limb amputations¹⁶ flogging¹⁷ and stoning.¹⁸ *Qisas* (retribution in kind) might encompass corporal punishment for crimes against the body or crimes against the person. The judiciary has frequently applied these punishments, which the Human Rights Committee considers as incompatible with Article 7 of ICCPR.¹⁹

17. At least 21 cases of corporal punishment were reported in 2015, including three cases of forceful blinding, five cases of amputation of limbs, one stoning to death, and 12 cases of flogging in public.²⁰ On 13 December 2015, Iranian media reported that a woman convicted of adultery (*zina*) was sentenced to death by stoning in Gilan province. At the end of December 2015, the verdict was awaiting confirmation by the Chief of Judiciary. Article 225 of the new Islamic Penal Code (IPC) prescribes “stoning” as a punishment for people convicted of adultery.²¹ United Nations human rights mechanisms hold the view that execution by stoning constitutes a form of torture or other cruel, degrading and inhuman treatment or punishment, which is prohibited in international law, including ICCPR. The Human Rights Committee concluded that stoning to death for adultery is a punishment that is grossly disproportionate to the nature of the “crime”.²²

18. The Secretary-General regrets the Government’s refusal to accept all the recommendations concerning torture and other cruel, inhuman or degrading punishment that it received during Iran’s second UPR cycle. The Government partially accepted four recommendations’ while rejecting recommendations to outlaw inhuman corporal punishments, revoke all laws that allow corporal punishment of children, and investigate and prosecute all those responsible for ill-treatment or abuse of detainees.²³ The Government also rejected recommendations to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.²⁴

19. The persistence of torture and other cruel, inhuman or degrading punishment in various places of detention and prisons also remains of serious concern. Beatings, stress positions, denial of medical attention and prolonged solitary confinement are among commonly applied methods of ill-treatment. Such treatment appears to mainly affect human rights defenders, journalists, social activists, political activists, members of some religious groups and individuals associated with some minority groups. The authorities argue that torture is prohibited under Iranian law and that perpetrators are subjected to severe penalties. They stated that detention facilities were systematically supervised and

¹⁶ Articles 234 and 278 of the Islamic Penal Code provides for limb amputations for theft and *Moharebeh*.

¹⁷ PC provides for flogging for insulting the prophet and Islam, sodomy, consumption of alcohol, and public moral offences (Articles 234 and 262)

¹⁸ A/HRC/25/75

¹⁹ Human Rights Committee, General Comment No.20 (1992)

²⁰ In January 2015, a young man identified as Hamis S, reportedly underwent surgical removal of his left eye and right ear after a 2005 incident in which he attacked a man with acid, causing the victim to lose an eye and an ear. In their comments on this report, the authorities confirmed that the blinding sentence was carried out on 4 March 2015, after the victim insisted on the implementation of *qisas*.

²¹ <http://ana.ir/news/71450>

²² Human Rights Committee, General Comment 20 (1992)

²³ A/HRC/28/12

²⁴ <http://indicators.ohchr.org/>

inspections carried out by relevant authorities, including the Supervision and Management of Prison Organization.

20. Between January and November 2015, several special procedures transmitted 14 communications to the Government of Iran concerning prolonged solitary confinement, forced confessions, flogging, amputations, blinding, virginity tests (also referred to as virginity examination), pregnancy tests and lack of medical attention to prisoners. For instance, on 13 September 2015, Shahrokh Zamani, a labour rights activist, reportedly died of a stroke in Rajai Shahr prison. He had been waiting for nearly a year to receive a magnetic resonance imaging test due to persistent neurological symptoms. The denial of health care, along with the severely overcrowded and unsanitary conditions and deficient food, are believed to have caused his death.

21. On 10 January 2015, Atena Farghdani, a peaceful activist and artist, was arrested and beaten in front of her parents and later in front of a court judge. In June 2015, she received a sentence of 12 years and six months of imprisonment. While in prison, she was reportedly subject to torture, sexual harassment and degrading detention conditions. Furthermore, she was reportedly forced to take virginity and pregnancy tests, and held in prolonged solitary confinement for 20 days.²⁵ In their comments on this report, the authorities stated that prison authorities carried out tests to respond to allegations of sexual assault against her on some websites. On 14 October 2015, Fatemeh Ekhtesari, a prominent poet, was sentenced to nine years and 6 months of imprisonment on charges of “insulting the sacred,” “publishing unauthorized content in cyberspace” and “propaganda against the state” for the publication of a collection of poetry online entitled “A Feminist Discussion before Boiling the Potatoes.” Throughout her detention, Ms. Ekhtesari was subjected to prolonged solitary confinement and other cruel, inhumane or degrading treatment. She was convicted primarily on a coerced confession. Additionally, she was sentenced to 99 lashes for shaking hands with a member of the opposite sex to whom she was not related. She was also forced to take virginity and pregnancy tests.²⁶

22. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on violence against women, its causes and consequences all consider virginity testing to be a form of sexual violence.²⁷ The Special Rapporteurs noted that virginity-testing” is violation of the right to dignity, the right not to be subjected to ill-treatment and constitute a particularly gross form of discrimination and of custodial violence.

C. Restrictions to freedom of opinion and expression

23. The Secretary-General notes the apparent good intentions of the President of Iran in committing to loosening restrictions on freedom of expression, and his advocacy for freedom of speech as a basic human right. However, this remains to be translated into reality. In the last months of 2015, the already limited space for freedom of expression, particularly for social media activists and journalists had further eroded.

²⁵ [https://spdb.ohchr.org/hrdb/29th/public_-_UA_Iran_16.01.15_\(1.2015\).pdf](https://spdb.ohchr.org/hrdb/29th/public_-_UA_Iran_16.01.15_(1.2015).pdf)

²⁶ Iran Human Rights, <http://www.iranhumanrights.org/2015/10/two-poets-sentenced/>

²⁷ A/HRC/7/3

24. The Secretary-General is particularly concerned about the crackdown on journalists and social media activists ahead of the parliamentary elections scheduled for 26 February 2016. On 2 November 2014, five journalists were reportedly arrested by Revolutionary Guards in Tehran on suspicion of taking part in an “infiltration network”, seeking to influence public opinion and undermine the Islamic Republic on behalf of western governments. The Government has named four of the journalists while it has not disclosed the identity of the fifth one. On 11 November, a group of Special Procedures mandate holders issued a joint press statement expressing concern about the crackdown on journalists and urging the Government to provide a safe space for freedom of expression ahead of the parliamentary elections. The experts stressed the importance of freedom of expression for free and fair political processes and that public participation in any electoral process was virtually impossible if the media and civil society were so frequently affected by arrests and prosecution.²⁸ The Secretary-General is encouraged by statements by President Rouhani²⁹ and other Government officials condemning these arrests, and urges the Government to reverse this trend by immediately releasing journalists who have been arbitrarily detained for the peaceful and legitimate exercise of their profession, and to open up the space for the free exchange of ideas. Freedom of opinion and expression is essential to fair and credible elections.

25. Iran has one the highest numbers of journalists and social media activists in detention, with at least 45 being held for their peaceful activities.³⁰ The laws pertaining to freedom of expression remain overly restrictive and allow several vague and broad exceptions to journalistic freedoms that make it possible for the authorities to violate the spirit of the law, and to harass, arbitrarily arrest and detain, or prosecute journalists.³¹ On 16 January 2016, the Secretary-General welcomed the release of a number of Iranian-Americans, including Jason Rezaian, a reporter for the Washington Post, following an exchange of prisoners with the United States of America. Mr. Rezaian was detained for 18 months, charged with espionage, collaboration with hostile governments, gathering classified information, and disseminating propaganda against Iran. Commending the positive steps taken by the Government to release Mr Rezaian, the Secretary-General called on the authorities to facilitate the release of remaining detainees arbitrarily held in the country.

26. On 14 October 2015, the Revolutionary Court in Tehran sentenced Mehdi Moosavi, a poet, to 11 years of imprisonment and 99 lashes on charges of “insulting the sacred” due to the social criticism expressed in his poetry.³² The convictions were reportedly based on forced confessions. Mr. Moosavi was reportedly subjected to repeated and long interrogations and to

²⁸ Ibid

²⁹ On 8 November 2015, President Rouhani criticized the granting of “special privileges” to some media, which act as “undercover police,” while others “face harsh punishments”.
<http://www.theguardian.com/world/2015/nov/05/irans-president-criticises-recent-arrests-of-journalists>, <http://www.iranhumanrights.org/2015/11/irgc-intelligence-arrests/>
<http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=16736&LangID=E>

³¹ A/70/352

³² International Campaign for Human Rights in Iran, <http://www.iranhumanrights.org/2015/10/two-poets-sentenced/>

more than a month of solitary confinement. He refuted the charges against him during his trial.

27. The authorities continued to filter and block social media websites, such as Facebook, YouTube, Twitter, Viber, Tango, WhatsApp and Instagram. The authorities stated that smart filtering of YouTube, Facebook and Twitter was aimed at preventing terrorist activities, promotion of extremism and violence and breaching of private privacy. On 20 October, 2015, the Chief Executive Officer of the instant messaging service Telegram, Mr. Pavel Durov, affirmed publicly that the Government had asked the company to spy on its users in Iran. On 15 November 2015, the administrators of more than 20 groups on Telegram were arrested for spreading "immoral content."³³ The authorities stated that the Chief Executive Officer of Telegram had accepted their request to block sites promoting terrorist and extremists' activities through Telegram. They added that the prosecution of the managers of the sites were in conformity with Iranian law, which requires combating the spread of prostitution and exploitation of children. In September 2015, 11 individuals were also arrested in relation to jokes circulated on social media that were deemed offensive to the former Supreme Leader, Ayatollah Khomeini.³⁴

D. Rights to freedoms of association and peaceful assembly

28. The Secretary-General deplores the Government's refusal to accept the recommendations that it received during the second cycle of Iran's UPR to "repeal all legal provisions that infringe the freedoms of peaceful assembly and association"³⁵. Between January and November 2015, Special Procedures transmitted five communications to the Government concerning freedom of assembly and association, drawing its attention to its international obligation to respect and fully protect the rights of all individuals to associate freely, including individuals adhering to minority or dissenting views or beliefs, and human rights defenders.

29. Although domestic laws protect freedom of peaceful assembly, there are multiple restrictions on its exercise, some of which are severe. Article 27 of the Constitution states that "public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam". The latter part of this provision, which refers to the fundamental principles of Islam, is vague and prone to broad interpretation and arbitrary application. Moreover, the revised Islamic Penal Code failed to amend the overly broad provisions of national security laws that severely punish individuals for exercising their right to freedom of association and assembly. For example, article 498 of the Penal Code imposes a punishment of two to 10 years of imprisonment for any individual who "establishes or directs a group, society, or branch, with aims to perturb the security of the country". Article 500 of the Penal Code imposes a punishment of three months to one year in prison on any individual who "engages in any type of propaganda against Iran or in support of opposition groups and associations". Prosecutors and revolutionary courts have

³³ <http://www.reuters.com/article/us-iran-rights-socialmedia-idUSKCN0T40MU20151115>.

³⁴ <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

³⁵ A/HRC/28/12

systematically used these laws to target, harass and imprison peaceful protesters and political dissidents. Furthermore, the Islamic Parliament Elections law prohibits protests and publications aimed at encouraging boycotts or reducing voter participation.³⁶ The United Nations Human Rights Committee has repeatedly highlighted the importance of the principle of proportionality with regard to the “necessary” restrictions on freedom of assembly and association³⁷

30. The Secretary-General remains concerned about the large number of political prisoners, including members of political parties who continue to serve sentences for charges that are believed to be linked to the exercise of their freedoms of association and peaceful assembly. The continued trend of arrests of political activists, human rights defenders, including women human rights defenders, and media professionals will adversely affect free, fair and participatory parliamentary elections. In particular, the house arrest, since February 2011, of the two former presidential candidates and leaders of the “Green Movement”, Mir Hossein Mousavi and Mehdi Karubi, remains of concern. Neither has been formally charged, nor brought before a judge to contest the legality of their detention. The United Nations human rights mechanisms have repeatedly called for their immediate release, noting their detention was arbitrary and in violation of Iran’s international obligations and national laws. Their condition will prevent them from contesting and participating in the elections and may also discourage their supporters from participating in the elections. The Secretary-General calls on the Government of Iran to release the Green Movement leaders and all other political prisoners and open space for greater political participation and contest.

31. The Secretary-General remains concerned about the ongoing ban on the activities of the Workers’ Union and Teachers Association, whose members continue to face judicial harassment, arrest and prosecution for legitimately and peacefully exercising their right to freely associate and assemble. Teachers’ unions were targeted in recent months for protesting against inequality, poor living standards, and overdue wages.³⁸ Some of their leaders have been arrested and prosecuted. For instance, on 15 October 2015, Ramin Zandnia, a well-known member of the Iranian Teachers’ Trade Association (ITTA), and Parvin Mohammadi, a human rights activist, were reportedly arrested by the Revolutionary Guards in the Kurdistan province. They were reportedly subjected to ill-treatment during interrogation. The Revolutionary Guards also interrogated their eight-year-old-daughter until she was released to her family later that night. The whereabouts of Mr. Zandnia and Mrs. Mohammadi remained unknown at the end of December 2015. In April 2015, Esmail Abdi, General Secretary of ITTA, was ordered to resign from his position under the threat that a prior sentence issued against him to 10 years of imprisonment would be implemented.³⁹ On 27 June 2015, while traveling to Armenia, he was arrested at the border and his passport confiscated. He was then directed to the prosecutors’ office in Tehran. He has

³⁶ Article 65 and 66 of the Islamic Parliament Elections law

³⁷ Human Rights Committee, Vladimir Petrovich Laptsevich v. Belarus, communication 780/1997

³⁸ Authorities argued that economic sanctions had led to the closure of several industrial units, making it difficult to pay the salaries of workers.

³⁹ Trade Union Congress, 14 July 2015, <https://www.tuc.org.uk/iranteacherleader>, Education International, 7 July 2015, <http://www.ei-ie.org/congress7/en/637-iranian-teacher-union-leader-jailed>

since been held in solitary confinement and his family has only been allowed access to him only once in the presence of an interrogator. He has not been provided information regarding the charges against him.⁴⁰ The authorities reported that on 22 August 2015, Mr. Abdi was indicted on charges of assembly and collusion, crimes against national security and propaganda against the State.

E. Situation of human rights defenders and other civil society actors

32. The situation of human rights defenders in Iran remains worrisome. The Government has taken no practical measures to open up space for human rights activists and lawyers. Most of the prominent human rights activists and lawyers are serving prison terms or are subjected to travel bans and bans on the exercise of their profession. In July 2015, the Iranian Bar Association only reduced to nine months the three-year ban on practicing law imposed in 2014 on Nasreen Sotoudeh, an internationally known lawyer and human rights activist. In addition, authorities have harassed and threatened people who have expressed solidarity with Ms. Sotoudeh during her eight months long protest against the ban, which she staged in front of the Bar Association from October 2014 to June 2015.

33. Narges Mohammadi, former vice-president of the Defenders of Human Rights Centre and one of the founders of the group Step by Step to Stop the Death Penalty, has been continually harassed, imprisoned, and subjected to cruel, inhumane or degrading treatment since her conviction in April 2012 on charges of assembly and collusion against national security, membership in the Defenders of Human Rights Centre and spreading propaganda against the Government. Ms. Mohammadi was arrested on 5 May 2015 despite her poor health. Her medical condition, which includes muscular paralysis and lung complications, has lately deteriorated significantly. Following a medical emergency on 7 October 2015, when she had a nervous attack that led to partial numbness of her body, she was taken to a specialists' hospital. While doctors ordered her immediate hospitalization, she was returned to the prison where her condition further deteriorated. On 11 October, Ms. Mohammadi was hospitalized outside prison. She was reportedly chained hand and foot to her bed, under the constant surveillance of three guards. Since her hospitalization, she has suffered convulsions at least on three occasions but has reportedly been denied the necessary treatment.⁴¹

34. The Secretary-General remains concerned about allegations of acts of reprisals in the form of intimidation against individuals for their cooperation with the United Nations Special Rapporteur on the situation of human rights in Iran. In his report to the thirtieth session of the Human Rights Council, the Secretary-General referred to reprisals against 10 individuals owing to their engagement or contacts with the Special Rapporteur on the situation of human rights in Iran.⁴² The Secretary-General reiterates that reprisal against

⁴⁰ Ibid.

⁴¹ <https://www.fidh.org/en/issues/human-rights-defenders/iran-the-cruel-inhuman-treatment-of-ms-nargess-mohammadi-must-stop-18652>

⁴² A/HRC/30/29

individuals should immediately cease as it is contrary to the principle of human dignity and violates numerous human rights.

F. The situation of women

35. Iran has ratified several treaties that deal with discrimination, such as ICCPR and the International Covenant on Economic, Social and Cultural Rights. However, it is not a party to the Convention on the Elimination of All Forms of Discrimination against Women. As observed by the Human Rights Committee during its review of Iran's periodic report in 2011, the status of the international human rights treaties in domestic law is not specified in the legal system, which hinders the full implementation of the rights contained in the Covenant.⁴³

36. The Secretary-General remains concerned about violations of the human rights of women including in relation to the freedom of movement, the rights to health and to work. Following the adoption of the April 2015 Plan to Promote Virtue and Prevent Vice, strict and discriminatory rules on women's and girls' dress are being enforced across the country. On 15 November 2015, police announced that cars driven by women not observing the hijab will be impounded for a week and fines will be imposed.⁴⁴ The police allegedly use this provision to intimidate and harass women, and also to subject them to physical violence and imprisonment. On 15 December 2015, the head of Tehran's traffic police was quoted by media stating that during the previous eight months, traffic police had dealt with 40,000 cases of "bad Hijabs", with vehicles seized and their owners brought before courts.⁴⁵ These regulations violate women's and girls' human rights and limit their ability to carry out essential daily activities. The authorities stressed that wearing the Hijab was a moral matter and its imposition in public places is to maintain security.

37. There has been no progress in efforts to end child marriages. According to the Global Gender Gap Report 2015, 21 per cent of Iranian women aged between 15 and 19 married as children.⁴⁶ UNICEF estimates that between 2005 and 2013, 17 per cent of girls were married by the age of 18 in Iran.⁴⁷ Despite increasing awareness on the harms caused by child marriages, in particular following the second UPR cycle, which made several recommendations on eliminating early and forced marriages, the legal age of marriage for girls in Iran is still 13 years old, as established by the Civil Code. The same Code further allows girls below the legal age to be married with the consent of their father or the permission of a court.⁴⁸ It further stipulates that, regardless of the bride's age, if she is a virgin, she needs her father's or grandfather's consent to marry. There are numerous human rights violations resulting from child, and forced marriage,

⁴³ CCPR/C/IRN/CO/3

⁴⁴ Iran Human Rights, <http://www.iranhumanrights.org/2015/11/hijab-new-restrictions/>

⁴⁵ <http://shohadayeiran.com/fa/news/101470/>

⁴⁶ World Economic Forum, Global Gender Gap Report 2015, <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=IRN>

⁴⁷ UNICEF, November 2014, http://data.unicef.org/corecode/uploads/document6/uploaded_pdfs/corecode/SOWC_2015_Summary_and_Tables_210.pdf

⁴⁸ Article 1041 of the Civil Code

including those relating to employment, education and other opportunities for girls and young women, as well as exposure to a variety of forms of violence. Several United Nations human rights experts, special procedures mandate holders⁴⁹ and treaty bodies⁵⁰ have established that neither cultural diversity nor freedom of religion may justify discrimination against women. In their comments on this report, the authorities acknowledged occurrences of underage marriages in rural areas and noted that it is legitimate in some regions- due to geography and sexual maturity. They stated that the average age for marriage for men and women in urban areas stood at 26.7 and 23.4 respectively.

38. Article 1117 of the Civil Code allows men to prevent their wives from being employed (in the public or private sector) if they consider it to be “incompatible with the interests of the family or with his or his wife’s dignity”.⁵¹ The Code also requires women to be submissive to men and specifies that they may lose their rights, including to maintenance, if they fail to respond to the sexual needs of their husband.⁵² Women seeking to divorce must prove before the court the intolerable level of difficulty and hardship in marriage in order to be granted the right to request a divorce. This requirement does not apply to men.⁵³ International human rights law guarantees gender equality in the family, including when marriage is entered into, during marriage and at its dissolution and the lack of equality in these forms of marriage leads women and girls to experience discrimination, making them vulnerable to domestic violence.

39. The Secretary-General notes the improvement recorded by the Global Gender Gap Report 2015, which shows a gender parity index of 0.98 in the context of enrolment in primary education. However, the report ranks Iran at 106 of 145 countries in terms of educational attainment, according to a calculation that includes the literacy rate and enrolment at all levels of education.⁵⁴ In this context, the gender gap among out-of-school children of primary school age is particularly alarming, with 63 per cent of girls not enrolled in primary education – compared to 35 per cent of boys.

40. Iran was ranked 141 out of 145 countries in terms of women’s economic participation and opportunity, with unemployment for women reaching 19.8 per cent – compared with 8.6 per cent for men.⁵⁵ While acknowledging the low rate of women’s economic participation, the authorities stressed that various ministries and economic institutions were working to reduce the gap by allocating entrepreneurship facilities to women, facilitating technical and vocational training, allocating loans, and providing increased credit for women heads of household.

⁴⁹ A/68/290, A/67/287 and A/HRC/26/22

⁵⁰ Human Rights Committee, general comment No.28, para. 21; Committee on Economic, Social and Cultural Rights, general comment No.21, paras. 18 and 64

⁵¹ Amnesty international, March 2015, <https://www.amnesty.ch/de/laender/naher-osten-nordafrika/iran/dok/2015/iran-frauen-sollen-zu-gebaermaschinen-degradiert-werden/you-shall-procreate>

⁵² Article 1108 of the Civil Code

⁵³ Article 1133 of the Civil Code

⁵⁴ World Economic Forum, Global Gender Gap Report 2015, <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=IRN>

⁵⁵ Ibid.

41. The Secretary-General remains concerned about the extremely low political representation of women in Iran, noting that only 3.1 per cent of parliamentarians are women. Women generally remain underrepresented in decision-making positions. Moreover, a ban on women to practice as judges and on issuing verdicts remains in place. Women have never served in the Guardian Council or high positions in the Expediency Council.⁵⁶ The Comprehensive Population and Exaltation of Family Bill, adopted on 2 November 2015, further excludes women from the labour market, as it gives priority to men.⁵⁷ The Secretary-General expresses his concern regarding the above-mentioned law as it reinforces discriminatory stereotypes of women. In their response to this report, the authorities indicated that women were represented at the highest political level, including as vice-presidents, vice-Ministers, advisers to Ministers, director generals, governors, mayors, judicial counsellors and judges. They noted that the Government had appointed its first woman ambassador in 2015.

42. The Secretary-General is concerned about the Bill to Increase Fertility Rates and Prevent Population Decline (No.446), currently before the Parliament, as it would increase restrictions on women's right to accurate information on contraception and reduced childbearing, restricting it to access to educational material to prevent threats to children's health. Moreover, the text would outlaw voluntary sterilization, which is reportedly one of the most common methods of modern contraception in Iran⁵⁸. Restrictions on contraception have explicitly been characterized by the Special Rapporteur on Violence against Women as a form of violence.

G. Treatment of individuals belonging to religious and ethnic minorities

43. In its interactive dialogue during its second UPR cycle, the Iranian delegation referred to President Rouhani's efforts to promote the rights of ethnic and religious minorities. They referred to the President's appointment of a special assistant for ethnic and religious minority affairs; to the appointment of 335 members of ethnic communities to high-ranking State positions; to parliamentary seats dedicated to religious minorities; and to the right of members of all religious and ethnic minorities to profess and practice their culture and religion. Despite these welcome announcements, the Secretary-General regrets the Government's decision to fully or partially accept only 12 out of 28 UPR recommendations concerning the protection of religious and ethnic minorities.⁵⁹ The United Nations human rights mechanisms continued to express concern about the situation of ethnic and religious minorities, highlighting the absence of improvement in that regard. Between January and November 2015, the Special Rapporteur on the situation of human rights in Iran and other thematic mandate holders transmitted four communications to the Government concerning the freedom of religion or belief.

⁵⁶ CCPR/C/IRN/CO/3

⁵⁷ A/70/368

⁵⁸ Amnesty international, <http://www.amnestyusa.org/research/reports/you-shall-procreate-attacks-on-women-s-sexual-and-reproductive-rights-in-iran>

⁵⁹ A/HRC/28/12

44. The Iranian Constitution recognizes Christians, Jews and Zoroastrians as protected religious minorities, who are free to perform their religious rites, ceremonies and provide religious education, in accordance with the tenets of their faith.⁶⁰ The Constitution does not extend such recognition to other religious groups, such as Baha'is, leaving them vulnerable to discrimination and judicial harassment and persecution. On 15 November, 20 individuals belonging to the Baha'i community were arrested for their faith related activities in Tehran, Isfahan and Mashhad.⁶¹ At the time of drafting of the report, 10 of the detainees were released and two were charged under propaganda against the system. At the end of 2015, 80 Baha'is, including the seven Baha'i community leaders, known as the Yaran, remained in prison solely for their religious beliefs. The seven leaders were arrested in May 2008 and are serving a 10-year prison sentence on charges of espionage, 'propaganda against the regime,' 'collusion and collaboration for the purpose of endangering national security,' and 'spreading corruption on earth'. They remain deprived of a number of rights, to which all other prisoners are entitled to, including furlough and conditional release. The United Nations Working Group on Arbitrary Detention and other international human rights mechanisms declared their detention arbitrary and urged the Government to ensure their release.

45. Members of the Baha'i community are generally denied access to public and private universities. Few managed to enroll without their religious affiliation being known but were expelled upon revelation of their faith. In their comments on this report, the authorities claimed that no Baha'i had been prosecuted for his/her beliefs and that Baha'is were pursuing higher education at the Masters and Doctorate level in Iranian Universities.

46. The desecration of Baha'i cemeteries and the campaign of incitement to hatred by spreading false statements in the state media, including State sponsored television and economic prohibition of businesses belonging to Baha'is continued in 2015. In late November 2015, at least 28 shops owned by Baha'is were closed down in Mazandaran and Kerman, simply for observing Holy Days.⁶² The authorities argued that these business owners had failed to acquire prior permission from the guild before the mass closure, as required by law. On 24 October 2015, Azita Rafizadeh began serving a four-year prison sentence issued by the Tehran Revolutionary Court on charge of "membership in the illegal and misguided Baha'i group with the aim of acting against national security through illegal activities at the Baha'i Institute of Higher Education."⁶³ Ms. Azita was amongst those arrested during the 2010 crackdown on the institute.

47. The Secretary-General notes the concern expressed by the Special Rapporteur on Iran regarding the ongoing discrimination against non-Shia Muslims and other recognized religious minorities. For instance, Sunnis have not been granted permission for the construction of a Mosque in Tehran since 1979, and the construction of Christian church buildings, including for Orthodox Armenians and Assyrians have been restricted since 1979.⁶⁴

⁶⁰ A/70/368

⁶¹ <http://news.bahai.org/story/1084>

⁶² Ibid

⁶³ Iran Human Rights, <http://www.iranhumanrights.org/2015/10/azita-rafiezadeh/>

⁶⁴ A/HRC/28/70

48. Authorities often apply vague codified criminal charges that allow for broad interpretation and discriminatory treatment of minorities. For example, by October 2015, at least 33 Sunni men, mostly members of the Kurdish minority, were on death row on charges of “gathering and colluding against national security”, “spreading propaganda against the system”, “membership of Salafist groups”, “corruption on Earth” and “enmity against God”⁶⁵.

H. Environmental concerns

49. The Secretary-General is concerned about harmful environmental conditions, particularly severe dust storms and drought affecting various parts of Iran. Environmental conditions are closely linked to the enjoyment of many fundamental human rights, such as the rights to life, health, water and sanitation, and development, and the Government should adopt effective measures to mitigate the harmful impacts of environmental degradation and extreme weather events on the population.

50. Reports have indicated that several devastating dust storms swept through southwest Iran in February 2015. On occasion, dust concentration was so high as to render pollution testing devices dysfunctional.⁶⁶ The storms also reduced visibility to as low as 50 metres, contributing to fatal car crashes. On 10 February 2015, a dust storm in Ahwaz sparked protests from local residents. Official reports indicated that over 250 people reported to Ahwaz hospitals with respiratory problems in February 2015. The situation worsened in the following months, with around 22 provinces affected by dust storms.⁶⁷

51. While some officials have stated that the dust problem comes from neighboring countries, reports indicate that the storms in the central regions seem to have internal origins and may be related to oil exploration, excavation, and exploitation. The State-owned organization Petroleum Engineering and Development Company continues its development of Yaran Shomali, a joint oil field between Iran and Iraq, despite environmental complaints lodged against it in May 2015.⁶⁸ The authorities stated that the company was allowed to operate after making modifications to avoid dust creation. The Secretary-General call on State owned enterprises to comply with human rights obligations and protect the environment.

52. The economic sanctions levied on Iran have also created a reliance on locally-produced, poorly-refined fuel the production of which may contribute to dust storms and air pollution that affects people’s health. During the highest-polluted time of the year, air pollution in Iran often causes a number of

⁶⁵ Amnesty International, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

⁶⁶ A joint submission of Justice for Iran and Insight on the Situation of Human Rights in Iran, 30 June 2015

⁶⁷ Ibid

⁶⁸ <http://isna.ir/fa/news/94022112548/%D9%85%DB%8C%D8%AF%D8%A7%D9%86-%D9%86%D9%81%D8%AA%DB%8C-%DB%8C%D8%A7%D8%B1%D8%A7%D9%86-%D8%B4%D9%85%D8%A7%D9%84%DB%8C-%D9%BE%D9%84%D9%85%D8%A8-%D8%B4%D8%AF;http://www.farsnews.com/newstext.php?nn=13940221001685;http://pedec.ir/resume-manager>

deaths.⁶⁹ As recently as December 2015, the Iranian government was forced to close all schools and kindergartens for two days⁷⁰ and postpone a top league football match⁷¹ because on 20 December 2015, the Air Quality Index reached 132, well above the World Health Organization's advised level of between zero and 50.⁷² While acknowledging the problem, the authorities hope that with the implementation of the nuclear agreement,⁷³ access to clean fuel and international investment in new and greener technology will allow for reduction in air pollution.⁷⁴ The authorities indicated that a national working group was working with various institutions to address issues pertinent to air pollution, and that a bill on air pollution and other environmental issues was being debated in the Parliament.

53. Recently, parts of Iran have also experienced water shortages. In order to address water shortages, the Government has called for a revolution in agriculture, as over 90 per cent of the country's water is currently used for agricultural purposes. In March 2015, the Energy Ministry reported that 60 per cent of the reservoirs of major dams were empty, caused in part by a fall in the flow of water.⁷⁵ In order to address the problem, the government has pledged US\$ 5.4 billion from the National Development Fund to be invested in the water sector.⁷⁶ All persons have a right to adequate safe and accessible water and sanitation to meet their basic needs.

III. Cooperation with international human rights mechanisms

A. Cooperation with the United Nations Treaty Bodies

54. The Secretary-General welcomes Iran's continued engagement with the Treaty Bodies, notably the submission of periodic reports and its dialogue with experts. On 11 and 12 January 2016, the Committee on the Rights of Child considered the combined third and fourth periodic report of Iran –for the first time since 2005. During the review, the Committee raised a wide range of issues, such as: the legal definition of child, the execution of juvenile offenders, discrimination against girls, children with disabilities, children born out of wedlock, unregistered refugees, migrants, lesbian, gay, bisexual, transgender and

⁶⁹ According to Iranian officials, air pollution in Tehran alone claims 180 lives per days.

http://www.tehrantimes.com/index_View.asp?code=252082

⁷⁰ <<http://www.cbsnews.com/news/iran-closes-capital-schools-due-to-air-pollution/>> accessed 6 January 2016

⁷¹ <<http://www.theguardian.com/world/2015/dec/27/iranian-football-matches-postponed-as-air-pollution-soars>> accessed 6 January 2016

⁷² Ibid

⁷³ In the November 2015 Intended Nationally Determined Contribution submitted to the United Nations Framework Convention on Climate Change (UNFCCC) Iran pledged an intended 4 per cent mitigation of greenhouse gas emissions and suggested an additional 8 per cent mitigation (12 per cent in total) conditional on the lifting of sanctions.
<http://www4.unfccc.int/submissions/INDC/Published%20Documents/Iran/1/INDC%20Iran%20Final%20Text.pdf>> accessed 6 January 2016

⁷⁴ <http://www.bbc.com/news/world-middle-east-34961297>

⁷⁵ Middle East Economic Digest (MEED) Report
<http://www.un.org.ir/images/Tehrans_dwindling_water_supplies_-_MEED_15_July_2015.pdf>

⁷⁶ Ibid

intersex children, underage marriages, the practice of killings in the name of honour, and female genital mutilation.

B. Cooperation with the Special Procedures of the Human Rights Council

55. The Secretary-General welcomes the increasing contacts and dialogue between the Government and the Special Rapporteur on Iran. He is encouraged with the expert level dialogue which took place in September 2015 on issues related to drug-trafficking and addiction, between the Special Rapporteur and the Permanent Representative of Iran to the United Nations in Geneva and a delegation consisting of members of the Judiciary, the High Council for Human Rights in Iran, the Ministry of Foreign Affairs and the Chief of the Anti-Narcotics forces. The Government has also provided substantive comments to the Special Rapporteur's reports. However, the Government is yet to invite the Special Rapporteur to visit Iran.

56. Meanwhile, the Government invited the Special Rapporteurs on the right to food and on the unilateral coercive measures to visit Iran, which are the first invitations issued to thematic special procedures since 2005. The Secretary-General welcomes this development and encourages the Government to also authorize visits it has agreed to in principle by the Special Rapporteurs on extrajudicial summary or arbitrary executions; freedom of religion or belief; and enforced or involuntary disappearances.

57. Special Procedures have transmitted 24 communications to the Government of the Islamic Republic of Iran in 2015. Most communications referred to cases of torture and ill-treatment, executions, arbitrary arrest and detention of journalists and human rights defenders, persecution of religious minorities, unfair trials, and denial of medical treatment of detainees. The authorities responded to only five communications.

IV. Recommendations

58. **The Secretary-General remains deeply troubled by reports of increased executions, amputations, arbitrary arrest and detention, unfair trials, and possible torture and ill-treatment of human rights activists, lawyers, journalists and opposition activists. He reiterates his call on the Government to introduce a moratorium on the use of the death penalty, and to prohibit executions of juvenile offenders in all circumstances. The Secretary-General encourages the Government to approve the proposed amendment to the Anti-Narcotics law, which seeks to remove mandatory death penalty for drug-related offenses.**

59. **The Secretary-General urges the Government to create space for human rights defenders, lawyers and journalists to perform their duties without fear of arrest, detention and prosecution, and to release political prisoners, including human rights defenders and lawyers, detained solely for legitimately and peacefully exercising their rights to freedoms of expression, association and peaceful assembly.**

60. The Secretary-General welcomes the Government's invitation to the High Commissioner for Human Rights to visit Iran and encourages it to invite the Special Rapporteur on the situation of human rights in Iran and to fully cooperate with him.

61. The Secretary-General urges the Government to remove all discriminatory provisions affecting women in all relevant laws, in accordance with international standards, and to develop national strategies to address harmful and violent practices against women and girls, including child marriages. He urges the Government to take concrete and strong measures to eliminate all forms of discrimination against women in all spheres of life.

62. The Secretary-General urges the Government to improve the conditions of women's detention facilities in accordance with international standards and in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

63. The Secretary-General urges the Government to take immediate steps to protect the rights of all persons belonging to religious and ethnic minorities, especially Baha'is, and to address all forms of discrimination against them. The Secretary-General renews his call on the authorities to release the seven Baha'i leaders.

64. The Secretary-General welcomes the Government's engagement with United Nations human rights treaty bodies, and urges it to follow up on the concluding observations of all treaty bodies; to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to ICCPR, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
