

Iran (27)

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Iran Country Report on Human Rights Practices for 1997

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IRAN*

The Islamic Republic of Iran was established in 1979 after a populist revolution toppled the monarchy. The Government is dominated by Shi'a Muslim clergy. Ayatollah Ali Khamenei is the Leader of the Islamic Revolution and functions as the Chief of State. He is also the Commander-in-Chief of the armed forces. President Seyed Mohammad Khatami was inaugurated in August, following a landslide victory in elections held on May 23. The Constitution establishes a 270-seat unicameral Islamic Consultative Assembly, or Majles. The Government seeks to conform public policy to its political and socio-religious values, but serious differences exist within the leadership and within the clergy. The Government maintains power through widespread repression and intimidation. The judiciary is subject to government and religious influence.

Several agencies share responsibility for internal security, including the Ministry of Intelligence and Security, the Ministry of Interior, and the Revolutionary Guards, a military force established after the revolution. Paramilitary volunteer forces known as Basijis, and gangs of street thugs, known as the Ansar-e Hezbollah (Helpers of the Party of God), who are often aligned with specific conservative members of the clergy, act as vigilantes. Both regular and paramilitary security forces committed numerous, serious human rights abuses. Iran has a mixed economy. The Government owns the petroleum and utilities industries and the banks. Large charitable foundations called bonyads, most with strong connections to the Government, control properties expropriated from the former Shah and figures associated with his regime. The bonyads exercise considerable influence in the economy. Oil exports are the primary source of foreign exchange. Mismanagement and corruption have created serious economic problems. Unemployment in 1997 was estimated to be at least 25 percent, and inflation was an estimated 20 percent.

The Government's human rights record remained poor. The Government restricts the right of citizens to change their government. Systematic abuses include extrajudicial killings and summary executions; disappearances; widespread use of torture and other degrading treatment; harsh prison conditions; arbitrary arrest and detention; unfair trials; infringement on

*The United States does not have an embassy in Iran. This report draws heavily on non-U.S. Government sources.

citizens' privacy; and restriction of the freedoms of speech, press, assembly, association, religion, and movement. The Government manipulates the electoral system and represses political dissidents. However,

during the presidential election campaign however, a lively debate on political, economic, and social issues occurred, although the Government closed several newspapers, disqualified candidates, and intimidated opposition campaigners by encouraging vigilante attacks. Supreme Leader Khatamei, in a break with precedent, backed one candidate, Majles Speaker Ali Akbar Nateq-Nuri. Nonetheless, Khatami's election victory, with nearly 70% of the vote, was not disputed and the regime apparently did not engage in election fraud. Khatami's election appeared to demonstrate a strong desire among his supporters, primarily women, youth, and the middle class, for greater social and cultural freedom and increased economic opportunity. Women face legal and social discrimination. The Government discriminates against minorities and restricts important worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

U.N. representatives, including the U.N. Special Representative on Human Rights in Iran, Maurice Copthorne, and independent human rights organizations continue to comment on the absence of procedural safeguards in criminal trials. Inhuman punishments are used in some cases, including stoning (see Section 1.c.). In 1992 the domestic press stopped reporting most executions; however, executions appear to continue in substantial numbers. Amnesty International (AI) reported that at least 110 persons were executed in 1996, a substantial increase over the previous year's total of 50 executions. Special Representative Copthorne reported 137 executions through November.

Iranian journalist Ebrahim Zalzadeh, editor of *Mayar* literary magazine, had criticized government censorship and persecution of writers, and was arrested in February. His body was found on March 29 with multiple stab wounds to the chest, according to Human Rights Watch (HRW). It is widely believed that the regime is responsible. Attorney Mohammed Assadi was executed on August 9 on charges that included taking part in a 1980 coup attempt, visiting Israel before the 1979 Iranian revolution, and being a Freemason and a member of the International Lions organization.

Exiles and human rights monitors allege that many of those executed for criminal offenses, primarily narcotics charges, are actually political dissidents. A November 1995 law criminalized dissent and applied the death penalty to offenses such as "attempts against the security of the State, outrage against high-ranking Iranian officials, and insults against the memory of Imam Khomeini and against the Leader of the Islamic Republic."

Two Baha'i men reportedly died under circumstances that led some observers to believe that the men were killed because of their religious beliefs.

Investigations of the killing of political dissidents abroad continued in 1997. A verdict issued on January 24 by the seventh Criminal Court of Istanbul sentenced an Iranian citizen to more than 32 years in prison with hard labor for his role—under the supervision of the Iranian Ministry of Intelligence and Security—in the murders of two members of the People's Mojahedin Organization of Iran, according to the U.N. Special Representative.

On April 10, in its official verdict, the Berlin Superior Court stated that the Supreme Leader, President and Minister of Intelligence and Security had ordered the 1992 killings of three Kurdish Iranian dissidents and their translator at the Mykonos restaurant in Berlin. The trial revealed persuasive evidence that government agents were responsible for the killings and that senior Iranian government officials had ordered them.

In June a Swiss judge voiced suspicions that Iranian authorities ordered the 1990 murder of Kazem Rajavi, a member of the National Council of Iranian Resistance. The announcement was made after 1 ½ years of close collaboration with German judicial authorities.

The U.N. Special Rapporteur noted that a total of 91 mostly Kurdish oppositionists based in Iraq were reported to have been killed by the Iranian regime in 1997, as a result both of targeted killings and armed clashes.

The Government took no action to repudiate the fatwa, or religious ruling, calling for the murder of British author Salman Rushdie or anyone associated with his book, "The Satanic Verses."

b. **Disappearance**

No reliable information is available on the number of disappearances. In the period immediately following arrest, many detainees are held incommunicado.

Faraj Sarkubi, who disappeared for 2 months in 1996, was arrested in February and convicted of spreading antigovernment propaganda (see Section 2.a.).

c. **Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Credible reports indicate that security forces continue to torture detainees and prisoners. Common methods include suspension for long periods in contorted positions, burning with cigarettes, and, most frequently, severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. A July 1996 law strengthens Islamic punishments such as flogging, stoning, amputations, and public executions. Four people were reported to have been stoned in 1997. According to Amnesty International, in August a 20-year-old woman, Zoleykhah Kadkhoda, was arrested on charges of adultery and stoned on the same day, but survived.

Prison conditions are harsh. Some prisoners are held in solitary confinement or denied adequate food or medical care in order to force confessions. Female prisoners have reportedly been raped or otherwise tortured while in detention. In the past, prison guards have intimidated the family members of detainees and have sometimes tortured detainees in their presence. Special Representative Copithorne met privately in 1996 with detainee Abbas Amir Entezam, a former deputy minister in the government of Prime Minister Mohdi Bazargan. Amir Entezam reported that the conditions in Evin prison improved after 1989, but that political prisoners still were housed with violent criminals and denied regular family visits. Amir Entezam claimed that he was beaten so severely that he lost the hearing in his left ear. There is no indication that conditions in the prisons have improved substantially since Copithorne's visit.

The Government does not permit unrestricted visits to imprisoned dissidents by human rights monitors. During the 1996 visit the U.N. Special Representative was not able to see all the dissidents he asked to see.

In September 1994, the International Committee of the Red Cross (ICRC) issued a report on "unresolved humanitarian issues" from the Iran-Iraq war. The ICRC noted that the Government failed to identify combatants killed in action and failed to exchange information on those killed or missing. The report criticized the Government for obstructing ICRC efforts to register and repatriate prisoners of war (POW's). The ICRC estimated in August that more than 13,000 Iraqi POW's had not been repatriated. Iran released 46 POW's in September in what it called a humanitarian gesture. In late November, Iran released 500 Iraqi POW's, describing it as a "philanthropic" action. The governments of Iran and Iraq made little progress during the year on resolving the issue of those missing in action.

d.

Arbitrary Arrest, Detention, or Exile

Although the Constitution prohibits arbitrary arrest and detention, it remains a problem. There is reportedly no legal time limit on incommunicado detention, nor any judicial means to determine the legality of detention. Suspects may be held for questioning in jails or in local Revolutionary Guard offices.

The security forces often do not inform family members of a prisoner's welfare and location. Even if these circumstances are known, the prisoner still may be denied visits by family and legal counsel. In addition, families of executed prisoners do not always receive notification of the prisoner's death. Those that do receive such information may be forced to pay the Government to retrieve the body of their relative.

On December 14, Ebrahim Yazdi, Secretary-General of the Freedom Movement (IFM) since 1995, was arrested on unknown charges and detained in Evin prison in Tehran. Yazdi was Minister of Foreign Affairs for the Islamic Republic's first government after the 1979 revolution. He tried to run in recent presidential and parliamentary elections but was denied permission by the regime. Yazdi had made public statements that may have been considered insulting to the Supreme Leader and joined some 50 others in signing an open letter to President Khatami urging the regime to respect the rights of dissident clerics. He was released on December 25, but faces charges of "desecrating religious sanctities," according to press reports.

Although the Government claimed to have released Abbas Amir Entezam early in 1996, he is still detained. Initially arrested in 1979 on charges of espionage and condemned to life in prison, he is now held under house arrest.

Adherents of the Baha'i faith continue to face arbitrary arrest and detention. The Government appears to adhere to a practice of keeping a small number of Baha'is in detention at any given time. According to the Special Representative and Baha'i groups, at least 21 Baha'is are currently in Iranian prisons, including 2 men convicted of apostasy and sentenced to death. Two other Baha'i men are in prison and sentenced to death for espionage and Zionist activities. Eleven Baha'is were arrested between May and December, two on unknown charges, one for proselytizing a Muslim, four for holding Baha'i meetings, and four for working without permits (see Section 2.c.).

Although reliable statistics are not available, observers believe that scores or hundreds of Iranians are currently imprisoned for their political beliefs.

The Government does not use forced exile, but many dissidents leave Iran because they feel threatened. Amnesty International reported in June that at least three dissident senior religious figures have been held under house arrest. The clerics include Ayatollah Hassan Tabatabaei-Qomi, under house arrest for more than 13 years, Ayatollah Mohammad Sadeq Rowhani, under house arrest for more than 12 years, and Ayatollah Yasub al-Din Rastgari, under house arrest since late 1996. Additionally, the ayatollahs' followers reportedly have been detained and tortured.

e.

Denial of Fair Public Trial

The court system is not independent and is subject to government and religious influence.

Iran has two court systems: The traditional courts, which adjudicate civil and criminal offenses; and the Islamic Revolutionary Courts, established in 1979 to try political offenses, narcotics crimes, and "crimes against God."

Many aspects of the prerevolutionary judicial system survive in the civil and criminal courts. For example defendants have the right to a public trial, may choose their own lawyer, and have the right of appeal. Trials

are adjudicated by panels of judges. There is no jury system. If a situation is not addressed by statutes enacted after the 1979 revolution, the Government advises judges to give precedence to Islamic law rather than rely on statutes enacted during the Shah's regime. The courts are subject to political influence. The Revolutionary Courts may consider cases normally in the jurisdiction of the civil and criminal courts, and also may overturn their decisions. Criteria for assigning cases to either system of courts appear to be arbitrary and unsystematic. The Supreme Court has limited authority to review cases.

Trials in the Revolutionary Courts are not fair. A law authorizes judges to act as prosecutor and judge in the same case, and judges are appointed for their ideological beliefs. Often, pretrial detention is prolonged and defendants lack access to attorneys. When legal help is available, attorneys are rarely given time to prepare an effective defense. Indictments are often for undefined offenses such as "antirevolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants do not have the right to confront their accusers or to appeal. Secret or summary trials of 5 minutes are not uncommon. Others are show trials intended to highlight a coerced public confession. A woman's testimony is worth only half that of a man making it difficult for a woman to prove a case against a male defendant. In addition, the families of female victims of violent crime reportedly must pay the assailant's court costs.

The Government often charges members of religious minorities with crimes such as drug offenses or apostasy. Ayatollah Mohammad Yazdi, the head of the judiciary, stated in 1996 that Baha'ism was an espionage organization. In January it was learned that the Supreme Court of Iran had confirmed the death sentences against Zabihullah Mahrami and Musa Talabi, two Baha'is convicted of apostasy (see Sections 2.c. and 5). In January Hedayatollah Zendehtdel, a Jewish businessman who converted to Islam, was hanged, having been charged in July 1996 with espionage and economic fraud during the 1980-88 Iran-Iraq war.

No estimates are available on the number of political prisoners. However, the Government often arrests persons on questionable criminal charges, usually drug trafficking or espionage, when their actual "offenses" are political.

f. **Arbitrary Interference With Privacy, Family, Home, or**

Correspondence

The Constitution states that "reputation, life, property, (and) dwelling(s)" are protected from trespass except as "provided by law." However, security forces enter homes and offices, monitor telephone conversations, and open mail without court authorization.

The Basijis, other security forces, and the Ansar-e-Hezbollah monitor the social activities of citizens. Such organizations may harass or arrest women whose clothing does not cover the hair and all of the body except the hands and face, or those who wear makeup. Vigilante violence may include attacks on young people believed to be too foreign in their dress or activities, invading private homes, and abusing unmarried couples. Women also have been beaten if caught without proper clothing in public or in private houses when men are present. Enforcement appears to be very arbitrary, varying widely with the political climate and the individuals involved.

In the past, prison guards have intimidated family members of detainees (see Section 1.c.). Iranian opposition figures living abroad have reported harassment of their relatives in Iran.

Section 2 **Respect for Civil Liberties, Including:**

a. **Freedom of Speech and Press**

The Constitution provides for the freedom of the press, except when published ideas are "contrary to Islamic principles, or are detrimental to public rights." In practice the Government restricts freedom of speech and

the press. However, since his August inauguration, President Khatami has publicly stated his intention to loosen constraints on freedom of expression, and some signs of this have been observed.

The Government exerts strong control over most media, particularly publications. Some newspapers are associated with factions in the Government. They reflect different views and criticize the Government, but are prohibited from criticizing the concept of *velayat-e faqih*, or rule by a supreme religious leader, or from promoting the rights of ethnic minorities.

Complaints against journalists, editors, and publishers are frequently levied by public officials and even rival publications, and the offending writer is often subject to a trial, with fines, suspension from journalistic activities, lashings, and imprisonment being common punishments if found guilty of offenses ranging from propaganda against the State to insulting the leadership of the Islamic Republic. Ansar-e Hezbollah have in the past attacked the offices of liberal publications and bookstores without interference from the police or prosecution by the courts.

The record on freedom of expression has been mixed this year. President Khatami has publicly stated his intention to loosen constraints on freedom of expression, and in October, after his inauguration, it was reported that a year-long ban on the Iranian-Armenian monthly *Arz* had been lifted. The journal was to resume publication in Tehran with the support of the Ministry of Islamic Culture and Guidance. Also in October, the 2 1/2 year ban on *Jahan-e Eslam* newspaper was lifted, and the Ministry of Culture and Islamic Guidance blocked the reissue of the blacklist *Hoviyat*, citing it as hostile to Iranian intellectuals.

Faraj Sarkubi, a magazine editor who had been critical of the Government and who disappeared in November 1996 while traveling to Germany, reappeared in Iran in late December 1996. He was subsequently arrested and detained in February on charges of espionage and attempting to leave the country illegally. Sarkubi was denied permission to meet with family members, lawyers, or foreign diplomats who requested to see him, according to Human Rights Watch. In September he was convicted of "spreading antigovernment propaganda" and sentenced to a year in jail, including time already served. This sentence, lighter than some observers had expected, was variously interpreted as being influenced by Khatami's emphasis on openness, or by strong international pressure on Sarkubi's behalf.

Despite Khatami's public commitment to increased openness, many constraints remain. In particular, criticism of the Supreme Leader or of the principle of rule by a religious leader tend to generate a stern, immediate response from the Government. In November, Ayatollah Hossein Ali Montazeri called into question the Supreme Leader's authority. In the past, Khamenei had been attacked by other clerics on the grounds that he does not possess sufficient religious credential to serve as the senior Iranian religious authority. Montazeri's remarks sparked attacks on his residence by Ansar-e Hezbollah mobs. These events prompted Ebrahim Yazdi and 49 others to issue an open letter calling for the Government to respect Montazeri's rights (see Section 2.d.). Montazeri remains under house arrest.

At least nine publications were banned during the year, most before Khatami's inauguration. In March the Estahban-based cultural magazine, *Zayendeh Rud*, was closed down. No reason was cited for this action. In May *Ya Sarat al-Hoseyn* was banned for insulting then-candidate Khatami, who had initially lodged the complaint against the publication. In July *Sobh* magazine was suspended for a month after its publisher was accused of scandalous reporting. In a July letter published in a newspaper, publisher and writer Abdolkarim Soroush confirmed that he had been banned from leaving the country and that his passport had been confiscated. In November Ansar-e Hezbollah thugs attempted to break up at least one of Soroush's lectures.

The Ministry of Islamic Culture and Guidance is also charged with vetting books prior to publication to ensure that they do not contain offensive material. However, some books and pamphlets critical of the Government are published without reprisal. It was announced in July that regulations on book censorship would be made available to publishers to help them "overcome potential problems more easily." The Ministry inspects foreign printed materials prior to their release on the market.

Human Rights Watch reports that in January Karamollah Tavaboli, a Kurdish writer living in Mashhad, was detained and sentenced to 1 year in prison because of the content of one of the volumes of his work, "The Historical Movement of Kurds in Khorassan." The book had been banned prior to his detention.

Government restrictions on the film industry were tightened during the year. In August new regulations were announced requiring that film producers get official permission before they can sell international distribution rights to their films. Films produced in Iran already needed Ministry approval before they could be produced or screened. However, the Foreign Ministry intervened in May to overturn a ban imposed by the Ministry of Islamic Culture and Guidance on Abbas Kiarostami's "The Taste of the Cherry," so that it could be shown at the Cannes Film Festival. In addition, since Khatami's inauguration, the Government has released at least two previously-banned films despite the protests of religious conservatives.

The Government owns all broadcasting facilities, and their programming reflects its political and socio-religious ideology.

The Government took no action to repudiate the fatwa, or religious ruling, calling for the murder of British author Salman Rushdie or anyone associated with his book, "The Satanic Verses." Also, the Government has failed to demand that the 15 Khoradad Foundation rescind the bounty offered for Rushdie's murder. Moreover, it was announced by the head of the 15 Khoradad Foundation, Ayatollah Sane'i, a member of the council of senior clerics that oversees legislation, that anyone who carried out the execution of Rushdie during the 10-day Dawn of the Victory of the Islamic Revolution would receive an increased bounty; after the 10-day period, the bounty was decreased to its former amount.

Academic censorship persists. In his 1996 interim report the U.N. Special Representative noted the existence of a campaign to bring about the "Islamization of the universities," which seemed to be a movement to purge persons "who fight against the sanctities of the Islamic system."

Government informers are said to be common on university campuses and monitor classroom material. Admission to universities is politicized; all applicants must pass "character tests" in which officials screen out applicants critical of the Government's ideology. To achieve tenure, professors must cooperate with government authorities over a period of years.

An academic, Habibollah Peyman, was not allowed to leave the country in February.

b.

Freedom of Peaceful Assembly and Association

The Constitution permits assemblies and marches "provided they do not violate the principles of Islam." In practice, the Government restricts freedom of assembly. The Special Representative in 1996 noted the tendency of government police and military forces not to intervene when Ansar-e Hezbollah attempted to break up opposition or cultural gatherings.

The Constitution provides for the establishment of political parties, professional associations, and religious groups provided that they do not violate the principles of "freedom, sovereignty, and national unity," or question Islam or the Islamic Republic. In practice, most independent organizations are banned, co-opted by the Government, or moribund.

c.

Freedom of Religion

The Constitution declares that the "official religion of Iran is Islam and the sect followed is Ja'fari Shi'ism." It also states that "other Islamic denominations shall enjoy complete respect," and specifically mentions "protected religious minorities" including Jews, Christians, and Zoroastrians. However, the Government

restricts freedom of religion, particularly for those religious minorities not recognized by the Constitution. The Government is profoundly influenced by Shi'a Islam. The President and many top officials, including the Speaker of the Parliament and many parliamentary deputies, are Shi'a clergymen.

Approximately 90 percent of the population are Shi'a Muslims. Aside from slightly over 1 percent who are not Muslims, the rest of the population are Sunni Muslims, drawn largely from Kurdish, Arab, Turkoman, Baluchi, and other ethnic minorities.

Christians, Jews, and Zoroastrians are legally permitted to practice their religion and instruct their children, but may not proselytize Muslims. The Government interferes with the administration of their schools, and harassment by government officials is common (see Section 5).

Oppression of evangelical Christians continued in 1997. In January two visiting Christian evangelists, Daniel Baumann and Stuart Timm, were arrested and detained under suspicion of espionage, a charge often levied against persons who proselytize. Both eventually were released without having been charged.

In January Hedayatollah Zendeheidi, a Jewish businessman who converted to Islam, was hanged, having been charged in July 1996 with espionage and economic fraud during the 1980-88 Iran-Iraq war. Zendeheidi is widely believed to have been targeted because he was a wealthy member of the Jewish community.

The Government regards the Baha'i community, with 300,000 to 350,000 members, as a "misguided sect." Baha'is may not teach or practice their faith or maintain links with coreligionists abroad. The Government appears to adhere to a practice of keeping a small number of Baha'is in arbitrary detention at any given time. According to the Special Representative, at least 12 Baha'is are currently in Iranian prisons, including 2 men sentenced to death for apostasy and two others sentenced to death for espionage. Two Baha'i men reportedly died in circumstances that led some observers to believe that the men were killed because of their religious beliefs (see Section 1.a.).

The Government continues to persecute Baha'is. Broad restrictions on the Baha'is appear to be geared to destroying them as a community (see Section 5). For example, Baha'i marriages are not recognized by the Government, leaving Baha'i women open to charges of prostitution. Children of Baha'i marriages are not recognized as legitimate and, therefore, are denied inheritance rights. Baha'i sacred and historical properties have been systematically confiscated and some have been destroyed. Group meetings and religious education are severely curtailed. Universities continue to deny admittance to Baha'i students. Baha'is regularly are denied compensation for injury or criminal victimization. Government authorities claim that only Muslim plaintiffs are eligible for compensation in these circumstances. Baha'is are prohibited from government employment. A 1993 law prohibits government workers from membership in groups that deny the "divine religions." The Government uses such terminology to describe members of the Baha'i faith. The law also stipulates penalties for government workers who do not observe "Islamic principles and rules."

The Government often charges members of religious minorities with crimes such as drug offenses or apostasy (see Section 1.d.)

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens may travel to any part of Iran, although there have been restrictions on travel to Kurdish areas during times of heavy fighting. There were no reports of heavy fighting in these areas in 1997. Citizens may change their place of residence without obtaining official permission. The Government requires exit permits for draft-age males and citizens who are politically suspect. Some citizens, particularly those whose skills are in short supply and who were educated at government expense, must post bonds to obtain exit permits.

The Government permits Jews to travel abroad, but often denies them the multiple-exit permits normally issued to other citizens. The Government does not normally permit all members of a Jewish family to travel abroad at the same time. Baha'is often experience difficulty getting passports. The Government prevented at least one academic from leaving the country (see Section 2.a.).

The Government and the U.N. High Commissioner for Refugees (UNHCR) estimate that there are approximately 1.3 million Afghan refugees in Iran. Of this total, only about 21,800 are accommodated in refugee camps administered by the Government. The rest live seminomadic lives or reside in settlements. In 1996 about 8,000 refugees repatriated to Afghanistan; none were repatriated in 1997. This was far fewer than the UNHCR had predicted would return and resulted from continued instability in Afghanistan.

The UNHCR estimates that there are about 580,000 Iraqi Kurdish and Shi'a Muslim refugees in Iran who were displaced by the Gulf War. There were no substantial changes in the population of Kurdish refugees in Iran in 1997. Most Kurdish refugees who fled fighting in northern Iraq in 1996 have returned there.

The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. Although the Government generally provides first asylum (and provided it to a large number of Afghan and Iraqi refugees), there have been instances, most recently in 1996, where pressure was applied to force refugees to return to their home countries.

Section 3 Respect for Political Rights: The Right of Citizens to

Change Their Government

The right of citizens to change their government is severely compromised by the leadership of the Government. The Supreme Leader, who exercises decisive power, is not elected and cannot be removed. The Government effectively manipulates the electoral system to its advantage. There is no separation of state and religion, and clerics dominate all branches of government. The Government represses any movement seeking to separate state and religion, or to alter the State's existing theocratic foundation. The selection of candidates for elections is effectively controlled by the ruling clerics.

The Constitution provides for a Council of Guardians composed of six Islamic clergymen and six lay members who review all laws for consistency with Islamic law and the Constitution. The Council also screens political candidates for ideological and religious suitability. It accepts only candidates who support a theocratic state, but clerics who disagree with government policies also have been disqualified.

Regularly scheduled elections are held for the President, members of the Majles, and members of the Assembly of Experts, a body responsible for selecting the successor to the Supreme Leader. The decisions of the Majles are reviewed by the Council of Guardians, which must approve legislation before it enters into force. Vigorous parliamentary debates take place on various issues. Most deputies are associated with powerful political and religious officials, but often vote independently and shift from one faction to another.

A new president was elected in May. The Interior ministry estimated that over 90 percent of the eligible population voted in the May presidential election. During the campaign, there was considerable government intervention and censorship. The Council of Guardians reviewed 238 candidates, including a woman, but only allowed 4 individuals to run. Three were clerics; all were men. Seyed Mohammad Khatami garnered nearly 70% of the vote, his greatest support coming from the middle class, youth, minorities, and women.

The election results were particularly notable because Khatami was not the regime's preferred candidate. In a break with precedent, Supreme Leader Khamenei let it be known that he preferred Majles Speaker Ali Akbar Nateq-Nuri. Prayer leaders also supported Nateq-Nuri in their sermons. The regime attempted to censor public debate by restricting the campaign coverage of some technocratic and modern left publications, particularly the pro-Khatami daily, Salam. As the election neared, Khatami was evicted from his campaign headquarters. Despite the regime's clear preference for Nateq-Nuri, the election results were not disputed, and the regime does not appear to have engaged in election fraud—possibly due to Khatami's early

and overwhelming lead. The results appear to indicate that citizens demanded change within the limits allowed by government control of the electoral process.

The Government continued in early 1997 to nullify election results from the spring 1996 Majles elections in several districts, including Malayer, Asara, and Esfahan. Women are underrepresented in government. They hold only 13 of 270 Majles seats, and there are no female cabinet members. President Khatami appointed the first female vice president since the 1979 Islamic Revolution, Masoumeh Ebtekar, following his inauguration. Minister of Culture and Islamic Guidance Ali 'ollah Mohajerani appointed a second woman to a senior post, Azam Nouri, when he chose her in August as his deputy. A woman was also appointed as a district mayor of Tehran.

Christians, Jews, and Zoroastrians elect deputies to reserved Majles seats.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continued to repress local human rights groups. In 1996 the Government established a human rights committee in the Majles and a human rights commission in the judiciary, but observers believe that they lack independence. The ICRC and the UNHCR both operate in Iran.

In 1997 the Government did not allow U.N. Special Representative for Human Rights in Iran, Mr. Copithorne, to visit the country, and complained that his annual report to the U.N. Human Rights Commission was biased. Iran denies the universality of human rights and has stated that separate "Islamic" standards of human rights should apply to Islamic countries.

In April a Foreign Ministry spokesman complained that Copithorne had exploited the goodwill of the Government and published lies and rumors in his reports. The spokesman also claimed that the issue of human rights was being used as a political tool and was manipulated by Zionist and foreign interests. Although the Special Representative reported that the Government was generally cooperative during his February 1996 visit, following the release of his findings he was refused permission to go back to Iran in late 1996 and early 1997 to gather fresh material for an updated review. In his October report, Copithorne stated that he was disappointed by the difficulty in getting information from the Government on specific cases.

A newspaper close to the regime advised that allowing members of the UNHRC to visit Iran would "in fact enable them to abuse Iran's goodwill to publish their pre-planned reports," and further stated that the criteria for assessing human rights "should undergo a drastic change."

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

In general the Government does not discriminate on the basis of race, disability, language, or social status. The Government does discriminate on the basis of religion and sex.

Women

Although domestic violence is known to occur, little is known about its extent. Abuse in the family is considered a private matter and seldom discussed publicly. There are no official statistics on the subject.

Discrimination against women has increased since the revolution. In general women suffer discrimination in the legal code, particularly in family and property matters. It is difficult for many women, particularly those residing outside large cities, to obtain any legal redress. Under the legal system, a woman's testimony as a witness is worth only half that of a man, (see Section 1.c.)

Although women may be educated and employed in the professions, social constraints tend to inhibit their opportunities. Illiteracy and lack of university degrees also affect their standing. The enforcement of con-

servative Islamic dress codes has varied considerably since the death of Ayatollah Khomeini in 1989. Such dress codes persist, although reports from human rights organizations and individual citizens indicate that enforcement varies with the political climate and the location. Women are often subject to harassment by the Ansar-e Hezbollah or the authorities if their dress or behavior is considered inappropriate.

Under legislation passed in 1983, women have the right to divorce, and regulations promulgated in 1984 substantially broadened the grounds on which a woman may seek a divorce. However, a husband is not required to cite a reason for divorcing his wife. In 1986 the Majlis passed a 12-article law on marriage and divorce that limited the privileges accorded to men by custom and traditional interpretations of Islamic law. The 1986 law also recognized divorced women's rights to a share of the property that couples acquire during their marriage and increased alimony rights.

Although the Government permitted women to attain the rank of judge in 1995 for the first time since the 1979 revolution, until May they were not allowed to issue judicial verdicts. They may now do so, but only in cases relevant to women.

Children

Most children have access to education through the 12th grade, and to some form of health care. There is no known pattern of child abuse.

People With Disabilities

There is no available information regarding whether the Government has legislated or otherwise mandated accessibility for the disabled. However, the Cable News Network reported in 1996 on the harsh conditions in an institution for retarded children who had been abandoned by their parents. The film showed children tied or chained to their beds, in filthy conditions, without appropriate care. It is not known to what extent this represents the typical treatment of the disabled in Iran.

Religious Minorities

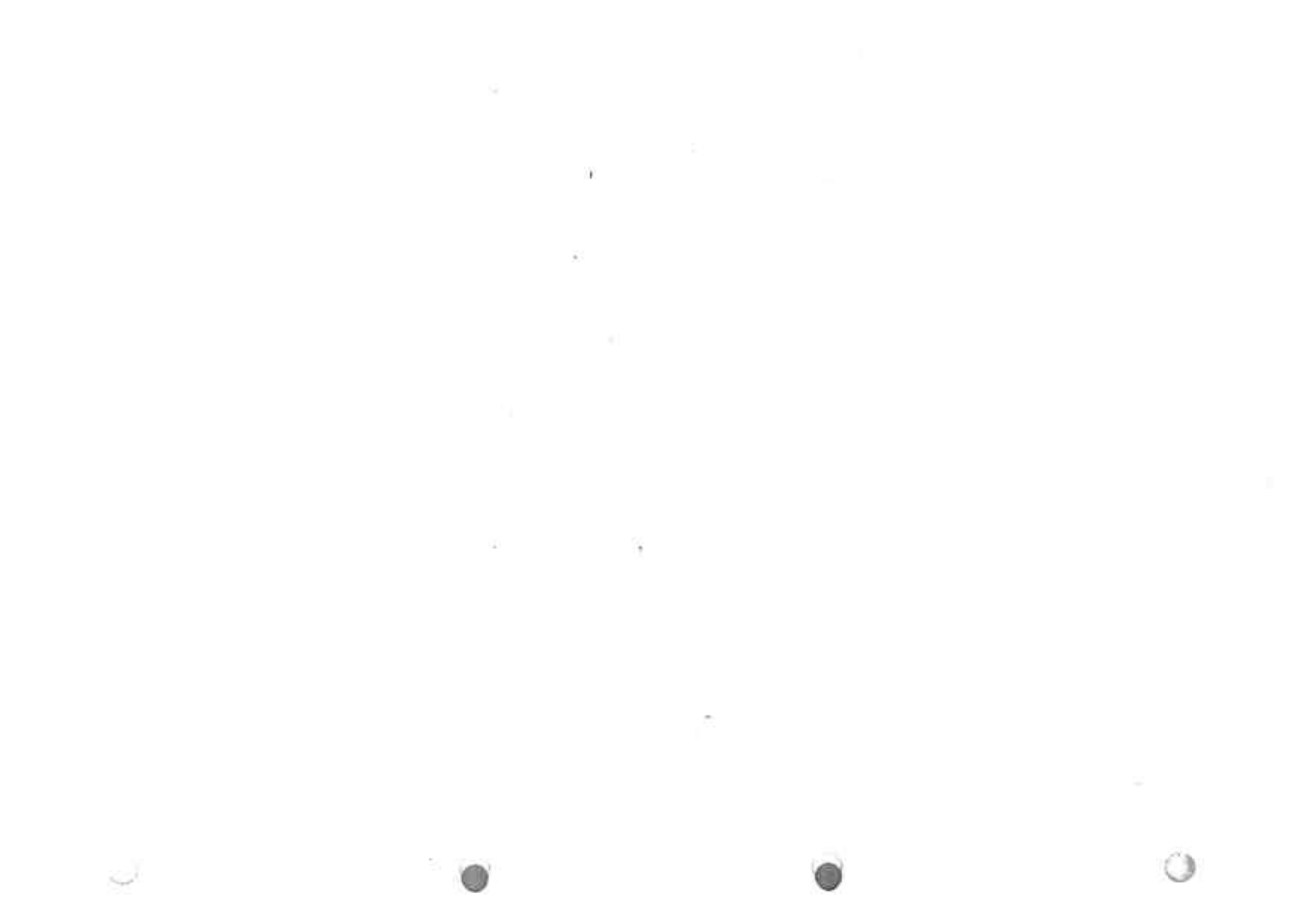
The Christian, Jewish, Zoroastrian, and Baha'i minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and public accommodations (see Section 2.d.). Muslims who convert to Christianity also suffer discrimination.

University applicants are required to pass an examination in Islamic theology. Although public-school students receive instruction in Islam, this requirement limits the access of most religious minorities to higher education. Applicants for public-sector employment are similarly screened for their adherence to Islam.

Religious minorities suffer discrimination in the legal system, receiving lower awards in injury and death lawsuits, and incurring heavier punishments than Muslims. Sunni Muslims encounter religious discrimination at the local level.

In 1993 the U.N. Special Representative reported the existence of a government policy directive on the Baha'is. According to the directive, the Supreme Revolutionary Council instructed government agencies to block the progress and development of the Baha'i community, expel Baha'i students from universities, cut the Baha'is' links with groups outside Iran, restrict the employment of Baha'is, and deny Baha'is "positions of influence," including those in education. The Government claims that the directive is a forgery. However, it appears to be an accurate reflection of current government practice.

Property belonging to the Baha'i community as a whole, such as places of worship, remains confiscated. Other government restrictions have been eased, so that Baha'is may currently obtain food ration booklets and send their children to public schools. However, the prohibition against the admission of Baha'is to universities appears to be enforced. Thousands of Baha'is dismissed from government jobs in the early 1980's



receive no unemployment benefits and have been required to repay the Government for salaries or pensions received from the first day of employment. Those unable to do so face prison sentences (see Sections 1.d. and 2.c.).

National/Racial/Ethnic Minorities

The Kurds seek greater autonomy and continue to suffer from government discrimination.

In February the Special Representative contacted the Government on two occasions regarding questionable detentions of persons reported to be sympathetic to Azeri nationalism.

Section 6 Worker Rights

a. The Right of Association

Although the Labor Code grants workers the right to establish unions, there are no independent unions. A national organization known as the Worker's House, founded in 1982, is the sole authorized national labor organization. It serves primarily as a conduit for the Government to exert control over workers. The leadership of the Worker's House coordinates activities with Islamic labor councils, which are organized in many enterprises. These councils also function as instruments of government control, although they have frequently been able to block layoffs and dismissals. Moreover, a network of government-backed guilds issues vocational licenses, funds financial cooperatives, and helps workers find jobs.

The Government does not tolerate any strike deemed to be at odds with its economic and labor policies. In 1993 the Parliament passed a law that prohibits strikes by government workers. It also prohibits government workers from having contacts with foreigners and stipulates penalties for failure to observe Islamic dress codes and principles at work.

In February oil refinery workers in Tehran went on strike to protest pay and working conditions. There were several reports of mass arrests.

There are no known affiliations with international labor organizations.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize independently and negotiate collective bargaining agreements. No information is available on mechanisms used to set wages.

It is not known whether labor legislation and practice in the export processing zones differ from the law and practice in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The Penal Code provides that the Government may require any person who does not have work to take suitable employment. This provision has been criticized frequently by the International Labor Organization (ILO) as contravening ILO Convention 29 on forced labor. There is no information available on the Government's policy on forced and bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment

The labor law prohibits employment of minors under 15 years of age and places special restrictions on the employment of minors under age 18. Education is compulsory until age 11. The law permits children to work in agriculture, domestic service, and some small businesses. By law women and minors may not be employed in hard labor or, in general, in night work. Information on the extent to which these regulations are enforced is not available. There is no information available on the Government's policy on forced and bonded labor by children.

e. Acceptable Conditions of Work

The Labor Code empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region. It is not known if the minimum wages are adjusted annually or enforced. The Labor Code stipulates that the minimum wage should be sufficient to meet the living expenses of a family and should take inflation into account. Under current poor economic conditions, many middle-class citizens must work two or even three jobs to support their families. The daily minimum wage was raised in March to \$2.80 (8,500 rials). It is unlikely that minimum wage laws alone can ensure a decent standard of living for a worker and family. Information on the share of the working population covered by minimum wage legislation is not available.

According to press reports, the Ministry of Labor in December 1996 announced that employers had 1 month in which to fire foreign workers and replace them with Iranians. It is believed that approximately 1 million foreign workers, mostly Afghan refugees, would have been affected. The Government apparently hoped to alleviate high unemployment by pressuring foreigners to leave. However, repatriation numbers appear to be low due to continuing unrest in Afghanistan.

The Labor Code establishes a 6-day workweek of 48 hours maximum, with 1 weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

According to the Labor Code, a Supreme Safety Council, chaired by the Labor Minister or his representative, is responsible for promoting workplace safety and health. The Council reportedly has issued 28 safety directives, and oversees the activities of 3,000 safety committees established in enterprises employing more than 10 persons. It is not known how well the Ministry's inspectors enforce regulations. It is not known whether workers can remove themselves from hazardous situations without risking the loss of employment.

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