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CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Submission to the 139th Session of the Human Rights Committee

IRAN

(Military service, conscientious objection and related issues)

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CPTI aims to supply information on all States with armed forces which report under the International Covenant on Civil and Political Rights (ICCPR) with regard to their military recruitment legislation and their recognition of the right of conscientious objection, whether or not urgent questions arise.

In association with the Child Rights Information Network, CPTI also reports to the Committee on the Rights of the Child on States where there appear to be issues under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Such concerns are also summarised for information in our ICCPR submissions.

Summary

As far as is known, Iran has no provisions for conscientious objection to military service.

Males who have not performed military service suffer severe restrictions of their civil rights.

There are also concerns over military training in the education system and the exceptionally low age for recruitment into the paramilitary Basij, which carries a risk of consequent juvenile mobilisation in time of war.

IRAN: BASIC INFORMATION

HISTORICAL BACKGROUND

Iran or Persia (the alternative name which was officially dropped in 1935) has existed since the 16th Century, more or less within its present borders, although in the 19th Century it was engaged in a struggle with Russia for control of Central Asia. It was a founder member of the United Nations and ratified the ICCPR in 1975.

The last Shah of Iran, Reza Pahlavi (who had seized the throne in a 1920 coup), was deposed in the “Islamic Revolution” of 1979.

Subsequently, Iran’s only significant direct involvement in international armed conflict was the war against Iraq from 1980 to 1988 which cost the lives of perhaps 200,000 members of the Iranian military; the civilian death toll was probably in five figures. However the Revolutionary Guard in particular has given considerable report to Shia militias in Iraq, Yemen, and particularly the Hizbollah in Lebanon, and also to the Government side in the Syrian civil war since 2011. Considerable attention has also been attracted in recent years by Iran’s alleged attempts to develop nuclear weapons, and by the chequered history of international monitoring.

Internally, the main armed threat has been posed by Kurdish separatists; the 1979 Kurdish uprising was responsible for about 10,000 deaths and 200,000 displacements over three years, and lower-level clashes have continued.

Overlapping the Kurdish question has also been the widespread use of armed and paramilitary forces, particularly the Basij, to suppress popular dissent; with more than 1,500 killed in the protests of 2019 and over 500 in the current wave of protest following the death of a young (Kurdish) woman, Mahsha Amini, after her arrest for an alleged breach of the Islamic dress code.

POPULATION (November 2022, estimated)¹	86,758,000
proportion of males aged 15-19 ²	3.6%
thus annually reaching recruitment age (approx):	624,658

MILITARY SERVICE: Obligatory for males

 Duration: 18 months (12 , without a vocational training component, for graduates)

 Minimum recruitment age: 18 for conscription, voluntary from 16 ³

 Conscientious objection: No provision

ARMED FORCES: Active strength, November 2022 ⁴	610,000
compared to the male population reaching recruitment age	97.7%

MILITARY EXPENDITURE:⁵ US \$ equivalent, estimated 2022	\$6,847m
Per capita	\$80
As % of GDP	2.6%

¹ Source: The Military Balance 2023 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

² Ibid

³ Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers. London, September 2012, p146,

⁴ The Military Balance 2023

⁵ Stockholm International Peace Research Institute – SIPRI, April 2023..

Military Service

Iran last reported under the ICCPR as long ago as 2011. On that occasion, Conscience and Peace Tax International made a submission concerning military service issues, but they did not feature in the examination of the State Report.

It is clear that Iran imposes obligatory military service with absolutely no recognition of conscientious information. Its overall record on thought, conscience, or religion raises fears that anyone who was to come forward as a conscientious objector would face draconian punishment. It is therefore not surprising that there have been no high-profile individual cases.

In its initial report under the Convention on the Rights of the Child, submitted in 1998, Iran indicated that “every Iranian citizen is eligible for military service as of 21 March of the year he reaches 19 [...] at age 19 Iranian nationals are summoned to the Conscription Office to clarify their draft status [...] those persons found eligible to serve are recruited for military service during the year they have reached the age of 19.”⁶ In Iran's Combined Third and Fourth Periodic Reports, Article 4 of the Military Service Act was quoted as the basis, and in a footnote is added “However, based on Article 151 of the Constitution, the government has to provide general military training for all people, in a manner that all people could be able to defend the country. The Trainings are giving mostly in high schools.”⁷ This is the sort of information which usually emerges in Reports under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) but although Iran signed the Optional Protocol on 21st September 2010, it has still yet to ratify.

The Periodic Report continues: “Those who cannot perform military activities, due to medical grounds will be excused from the military service. Students, while still studying, will not be summoned till the time they finish. There is not any military service for females in Iran.” (Presumably this implies also that girls are not included in the military training programmes in the school system.) Other exemptions are known to apply to sole family breadwinners and in the past to sons and brothers of “martyrs of the revolution” (ie those killed in the Iraq war of the 1980's).

Presumably in anticipation of an early opportunity to examine Iran under OPAC, the Committee on the Rights of the Child does not appear to have raised military recruitment issues in any of its examinations under the Covenant itself.

During the war with Iraq, the period of military service was 28 months. This was reduced in 1988 to 24 months.⁸ It has subsequently been shortened again and is currently 18 months. In June 2009 the *Majlis* approved stepped shortenings of the period of service for conscripts with higher education qualifications; ranging from two months for those with diplomas to ten months for holders of doctorates, to take effect from 2011⁹ Graduates now generally serve for twelve months.

The number of recruits available, even after exemptions, is usually greater than the requirements of the armed forces. The selection of those who actually serve is therefore made by ballot. It was reported in the 1990s that those not selected were, like students, granted a deferment, rather than total exemption. This meant that they might leave the country only in exceptional circumstances, for three months, and on payment of a deposit. It is not known if these restrictions still apply.

⁶ Initial Report of Iran under the Convention on the Rights of the Child , (CRC/C/41/Add.5), 23 July 1998, para 172.

⁷ CRC/C/IRN/3-4, para 192

⁸ Horeman, B. & Stolwijk, M., Refusing to Bear Arms , War Resisters International, London, 1998

⁹ War Resisters International, “Iran to shorten military service from 2011”, CO Update No.49, July/August 2009.

Iran is also one of the countries where certification of military service status is a prerequisite for such purposes as obtaining a passport or driving licence or employment in the public sector. It is believed that Iranians resident abroad may now purchase exemption for a fee of between \$1,000 and \$3,000; for those who left the country before March 1990, this option had been available only to graduates and on payment of \$16,600.¹⁰

It is not recorded that any provision exists in Iran to accommodate conscientious objectors to military service. Although there have been no reports of individual cases, this does not prove that such objections are unknown; it could well be that any potential conscientious objector might have felt unsafe in expressing these, particularly to the recruitment authorities.

Juvenile recruitment

“According to the Article 16 paragraph (i) of the Act of 1982 on the Statute of the Islamic Revolutionary Guard Corps, the minimum age for active participation in Basij and Islamic Revolution Guard Corps is 16 years. It worth mentioning, Basij consists of voluntaries that are entrusted with a wide range of responsibilities (Article 35 of the said Act), including participation in aid and rescue operations or assisting people in natural disasters/emergencies.”¹¹

The Basij are an important part of Iran’s military establishment. In addition to the tasks listed above, they are also notorious for policing popular behaviour. The recruitment process begins at a very young age. “From seven years old, children can be registered as “Hopes of Basij”; 11-year-olds can join as regular members (unpaid volunteers); and 15 year olds as active members (paid members who undergo extensive ideological and political indoctrination. According to a senior IRGC official some 4.6 million schoolchildren are members of the Students’ Basij, Like all schoolchildren in Iran, young Basij members are militarily trained, receiving both practical and theoretical military training as part of their general education. Moreover (...) according to the organisation’s statutes regular members are eligible for mobilisation in time of war.¹² Such recruitment accounted for a large part of the notorious use by Iran during the war with Iraq of very young children who were typically sent forward in the front line as “human minesweepers” to prepare the path for more valuable experienced troops.

¹⁰ Horeman & Stolwijk, op cit.

¹¹ CRC/C/IRN/3-4, para 193

¹² Child Soldiers International, Louder than Words, op cit, pp 33,34.

Suggested questions

What provision exists in the State Party for conscientious objectors to the obligatory military service?

It is reported that certification of having performed military service is required in order to obtain a passport or driving licence or to be employed in the public sector. How does the State Party justify these restrictions on civil rights?

Is the State Party contemplating raising to 18 the minimum age for volunteers into active service in the Basij and Islamic Revolutionary Guard Corps, and for mobilisation in those corps in time of war?