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BACKGROUND PAPER

ON

REFUGEES AND ASYLUM SEEKERS FROM the Islamic Republic of Iran

UNHCR
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List of Acronyms

AFP	Agence France Presse
AI	Amnesty International
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CDR	Centre for Documentation and Research (UNHCR)
CERD	International Convention on the Elimination of all forms of Racial Discrimination
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
EU	European Union
EIU	Economist Intelligence Unit
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHRC	Islamic Human Rights Commission
MP	Member of Parliament
NGO	Non-governmental organization
PKK	Kurdish Workers Party
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
USDOS	United States Department of State
WGAD	United Nations Working Group on Arbitrary Detention

1 Introduction¹

The Islamic Republic of Iran (or Iran) is located in southwestern Asia. In the North, it borders Armenia, Azerbaijan, Turkmenistan, as well as the Caspian Sea. Iran furthermore has borders with Turkey, Iraq, Kuwait, and Saudi Arabia in the West, with Afghanistan and Pakistan in the East, and with Bahrain, Qatar, the United Arab Emirates, Oman and the Gulf of Oman in the South.² Its total area surfaces 1,636,000 square kilometres. Structurally, Iran is an extreme complex area and, owing partly to political difficulties and partly to the difficult nature of the country itself, complete exploration and investigation have so far not been achieved.³

The capital is Tehran, which is located in the north of the country and has a population of 6.75 million inhabitants. The major cities are Mashad, Isfahan, Tabriz, Shiraz, Qom, Bakhataran and Bandar Abbas. The latest census (of 1991) indicates that Iran has a population of 55.8 million; mid-1998 the Economist Intelligence Unit (EIU) estimated a population of 62.8 million.⁴ The population is approximately 99 per cent Muslim, of which 89 per cent are Shi'a and 10 per cent are Sunni.

The Islamic Republic of Iran was established in 1979, after a populist revolution which toppled the Pahlavi monarchy. The Constitution ratified after the revolution by popular referendum, established a theocratic republic and declared as its purposes the "establishment of institutions and a society based on Islamic principles and norms".⁵ The 1979 Constitution was amended in 1989. This amendment was approved by the government on 8 July 1989 and submitted to a referendum on 28 July 1989 "for ratification by the nation".

The government is dominated by Shi'a Muslim clergy. Following the Islamic revolution, supreme authority was vested in the Wali Faqih, a religious leader appointed by the Shi'a clergy.⁶ Since the death of Ayatollah Khomeini on 3 June 1989, this spiritual leader of Iran, the "Supreme Leader of the Islamic Revolution", is Ayatollah Ali Khamenei.⁷ According to the Constitution, he has "absolute" powers, and is therefore above the legislative, executive and judiciary powers of the country.⁸ He also has supreme command of the armed forces and the internal security forces.⁹

Executive power lies with "the President and the ministers".¹⁰ President Seyyed Mohammad Khatami, a former Minister of Culture, was elected to a four-year term in elections in February 1997.¹¹ He had run on a platform of economic reform, rule of law, civil society and improved foreign relations. President Khatami won the support of intellectuals, women, youth and business groups, gaining a landslide 70 per cent of the vote with 90 per cent of the electorate turning out.¹²

¹ This UNHCR/CDR Background Paper on the Islamic Republic of Iran is an update of previous background papers of October 1995, May 1997 and September 1998. It covers the period of October 1998 until January 2001.

² See the Annex to this Background Paper for a map of the Islamic Republic of Iran and its surroundings.

³ Europa Publications Limited, *The Middle East and North Africa 2001. Regional Surveys of the World*, 47th edition, London, October 2000, p. 492.

⁴ Economist Intelligence Unit (EIU), *Country Profile 2000 – Iran*, 2000, p. 3.

⁵ U.S. Department of State (USDOS), *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁶ Europa Publications Limited, *The Europa World Year Book*, Volume I, London, March 2000, p. 1852.

⁷ Europa Publications Limited, *The Middle East and North Africa 2001. Regional Surveys of the World*, 47th edition, London, October 2000, p. 504.

⁸ Constitution of the Islamic Republic of Iran, Article 57. The full text of the Constitution can be found in UNHCR/CDR's Refworld 2000.

⁹ Constitution of the Islamic Republic of Iran, Article 110, paragraph 4.

¹⁰ Constitution of the Islamic Republic of Iran, Article 60.

¹¹ See for more: United Nations High Commissioner for Refugees (UNHCR), *UNHCR/CDR Background Paper on Refugees and Asylum Seekers from Iran*, Geneva, Update, September 1998, p. 3.

¹² Freedom House, *Freedom in the World 1999-2000: Iran*, December 2000.

The legislative body is the unicameral Islamic Consultative Assembly, or the Majlis. The total number of seats used to be 270, and has been increased in 2000 to 290.¹ All legislation which is passed by the Majlis is reviewed for adherence to Islamic and constitutional principles by the Council of Constitutional Guardians, which consists of six senior clerical members appointed by the Ayatollah, and six lay jurists appointed by the head of the judiciary and approved by the Majlis.²

The judiciary in Iran is, according to the Constitution, independent and protects the "rights of the individual and society"; it is to perform its functions "in accordance with the criteria of Islam".³ On 5 May 2000, it was reported that Mr. Ali Mobasher was appointed as chief judge of the Revolutionary Courts, in succession to Mr. Gholamhossein Rahbarpour.⁴

The Constitution of the Islamic Republic of Iran also elaborates on several "councils", such as the Nation's Exigency Council and the Guardian Council. The previous UNHCR/CDR Background Paper deals with these in more detail, as well as with an array of existing political parties in Iran.⁵

The official language of Iran is Persian. Persian is to be used for official documents, texts *et cetera*, but regional and tribal languages are allowed in the press and mass media, as well as for teaching of literature in schools.⁶ Since the language of the Qur'an and Islamic texts and teachings is Arabic, Arabic must be taught "in secondary school and in all areas of study".⁷

2 Major Developments in Iran, October 1998 – January 2001

In February 1999, Iran's first nation-wide municipal elections were held. On 26 February, moderates won an estimated 80 per cent of some 200,000 seats throughout the country, giving President Khatami an "important vote of confidence".⁸

2.1 Student Demonstrations

On 8 July 1999, students were peacefully protesting proposed legislation by the Majlis that would limit press freedom and the government's closure of a prominent reform-oriented newspaper.⁹ Government officials and other individuals acting with the consent of the authorities, used excessive force in attacking a dormitory at Tehran University during the protests, including reportedly throwing students from windows and taking some away.¹⁰ Police forces reportedly looked on, and allowed repeated attacks against the students and their dormitory. Human Rights Watch reported that at least four students died, approximately 300 students were injured in the incident, and 400 students were taken into detention.¹¹

¹ USDOS, 1999 Country Reports on Human Rights Practices – Iran, 25 February 2000.

² *Ibid.* The power of the Council to review legislation stems from Article 72 of the Iranian Constitution.

³ Constitution of the Islamic Republic of Iran, Articles 61 and 156.

⁴ Keesing's Record of World Events, Vol. 46, May 2000, *Iran – Appointment of army commander*.

⁵ See: UNHCR, *UNHCR/CDR Background Paper on Refugees and Asylum Seekers from Iran*, Geneva, Update, September 1998, p. 3-8 and 11-18.

⁶ Constitution of the Islamic Republic of Iran, Article 15.

⁷ Constitution of the Islamic Republic of Iran, Article 16.

⁸ Freedom House, *Freedom in the World 1999-2000: Iran*, December 2000.

⁹ *Ibid.*

¹⁰ USDOS, 1999 Country Reports on Human Rights Practices – Iran, 25 February 2000.

¹¹ Human Rights Watch, *World Report 2000: Iran*, December 1999, p. 352.

In the following days, the scale of the demonstrations changed dramatically, and the demonstrations grew to include many non-students, and spread to looting, vandalism and large-scale rioting, also in cities outside Tehran.¹ Student groups distanced themselves from these events, and blamed them on "government-sanctioned agitators". Hundreds were arrested throughout the country, most of whom were held without charge or trial.² The government announced a counter-demonstration on 14 July of regime-loyalists and off-duty government workers.³

The government took action against members of security forces for their violent assault, and against student leaders and demonstrators for inciting illegal behaviour. President Khatami stated on 12 August 1999 that "police officers acting outside their authority and non-military personnel" were responsible for the dormitories raid.⁴ On 29 February 2000, in a Tehran military court, the trial started of 20 police and other security officers, who were involved in the unauthorized raid on the student dormitory.⁵ The trial of the officers, including the dismissed former chief of police, was regarded as a "sign of the willingness" of President Khatami's government to "control hardline elements within the security forces".⁶ However, Human Rights Watch indicated, in its World Report 2001, that those charged did not include "uniformed paramilitaries who witnesses said were responsible for the worst of the violence".⁷ On 11 July 2000, the former police chief was acquitted by the military court; one police officer was imprisoned for two years for disobeying orders not to enter the dormitories, and another for 91 days for stealing an electric razor.⁸

On 8 July 2000, demonstrations were held in Tehran, to mark the anniversary of the 1999 police raid on university student dormitories and the days of civil unrest which had followed.⁹ Students marched and were joined by other demonstrators expressing their frustration at poor economic conditions.¹⁰

The Majlis approved the outlines of a bill, on 20 August 2000, to prohibit the armed forces and the police from entering university premises without special permission from the university administration and the agreement of the Ministry of Higher Education.¹¹

In late August 2000, violence erupted during a student rally in the western town of Kharrahmad. When two prominent dissidents had come to address a national convention organized in Kharrahmad by Iran's main pro-reform student group, Basij militia men attacked them. During the following days, student leaders were arrested and beaten by Revolutionary Guards and the militia men. A policeman was shot dead by "unidentified elements".¹² In a report published in November 2000, a parliamentary committee investigating these "five days of the worst unrest [...] for more than a year", accused Iranian state institutions such as the Revolutionary Guards and the Basij militia of being responsible.¹³

¹ Amnesty International, *Annual Report 2000 – Iran*, 2000, p. 132.

² *Ibid.*

³ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁴ Human Rights Watch, *World Report 2000: Iran*, December 1999, p. 353.

⁵ Keesing's Record of World Events, Vol. 46, February 2000, *Iran – Trial of security officers*.

⁶ *Ibid.*

⁷ Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 379.

⁸ Justin Huggler, "Iranian show trial clears police chief of campus rampage", *The Independent*, 12 July 2000.

⁹ Keesing's Record of World Events, Vol. 46, July 2000, *Iran – Demonstrations on anniversary of police raid*.

¹⁰ Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 381.

¹¹ Keesing's Record of World Events, Vol. 46, August 2000, *Iran – Blocking of amendments to press law*.

¹² Guy Dinmore, "Iranian hardliners blamed over student riots", *Financial Times*, 14 November 2000.

¹³ *Ibid.*

2.2 Majlis Elections

Legislative elections for the sixth Majlis, the Islamic Consultative Assembly, were held on 18 February 2000. Provisional results showed a two-thirds majority win for reformist candidates associated in varying degrees with President Khatami, presenting him with a considerable boost.¹ The elections were hailed as “the fairest in Iran’s history”.² The Majlis majority was still unclear, however, as some conservatives had run on reformist lists and as it was not clear how many elected independents would be sympathetic to the reformists.³ A total of 18 reformist factions, including the Islamic Iran Participation Front led by the President’s younger brother Mohammad Reza Khatami, had campaigned under an umbrella alliance, known as the May 23 Front.

On 12 March 2000, a senior presidential adviser, Saeed Hajjarian, was shot in the head and seriously injured by a gunman, immediately leading to speculation that this assassination attempt had been ordered by conservative political forces who were angered with the election results.⁴ Because the assailant escaped from the shooting scene on a motorcycle of the type reserved for security forces, it was suspected that he was acting in collaboration with them.⁵ Mr. Hajjarian had received death threats before, because of his prominent role as the managing director of *Sobh-e Enrouz*, a reformist newspaper. The issue of state-sponsored assassinations had been revived by the publication, on 8 March 2000 in *The Independent*, of the names of reputed members of a committee of senior government officials who had allegedly authorized the assassination of almost 100 intellectuals, journalists and clerics during the Rafsanjani presidency.⁶ In connection with the Hajjarian assassination attempt, eight people were arrested. It was announced on 4 April that they had been transferred from the control of the Ministry of Information to the (conservative-controlled) judiciary.⁷ The investigation had not finished at that time, and the transfer was stated to be a “blow to attempts to trace those responsible for the shooting”.⁸ On 17 May 2000, the assailant and four co-conspirators were sentenced to imprisonment between three and 15 years for their role in the assassination attempt.⁹

¹ Keesing’s Record of World Events, Vol. 46, February 2000, *Iran – Landslide reformist victory in elections to sixth Majlis*.

² Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 378.

³ Keesing’s Record of World Events, Vol. 46, February 2000, *Iran – Landslide reformist victory in elections to sixth Majlis*.

⁴ *Ibid.*, Vol. 46, March 2000, *Iran – Assassination attempt on presidential adviser*.

⁵ Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 379.

⁶ Keesing’s Record of World Events, Vol. 46, March 2000, *Iran – Assassination attempt on presidential adviser*.

⁷ *Ibid.*, Vol. 46, April 2000, *Iran – Developments in Hajjarian case*.

⁸ Middle East Economic Digest, 14 April 2000.

⁹ *Ibid.*, Vol. 46, May 2000, *Iran – Convictions in Hajjarian case*.

On 12 March 2000, it was reported that the conservative-controlled Council of Constitutional Guardians had declined to ratify the results of the elections. The Council annulled the results without presenting evidence to support their action.¹ During April, right-wing conservative factions gained momentum in their efforts to undermine President Khatami's reform movement. President Khatami and other reform leaders appealed for calm amid growing unrest amongst students.² There was speculation that the conservatives wanted to delay or prevent the formation of a new reformist dominated Majlis. Run-off elections for the 63 out of 290 seats for which no candidate had secured a minimum of 25 per cent of the votes, were originally scheduled for April but postponed until May by the Council of Constitutional Guardians.³ The Council also nullified the results in 11 Majlis constituencies without explanation, and challenged the results in Tehran where pro-Khatami candidates had won 29 out of 30 seats.⁴

On 5 May 2000, the second round of Majlis elections took place in 66 constituencies. Preliminary results indicated that reformists had taken 47 seats, conservatives ten and independents the remaining nine.⁵ As a result of this, the reformists and independents theoretically enjoyed a working majority in the legislature, although some independents were closer to the conservatives than to the reformists. The number of clerics elected was 33, which was 20 fewer than in the previous Majlis.⁶

The opening session of the new – sixth – Majlis, on 27 May 2000, elected Mehdi Karrubi as its Speaker. He had previously served as Speaker from 1989 until 1992. Reformists had hoped to get President Khatami's younger brother, Mohammad Reza, elected.⁷ Mr. Khatami was elected, however, as first Deputy Speaker in June.⁸ Former President Rafsanjani⁹, who was widely tipped as a credible conservative candidate for Speaker, withdrew himself as member of the Majlis, following allegations that supporters had secured his election in Tehran by vote rigging.¹⁰

¹ United Nations General Assembly, *Situation of human rights in the Islamic Republic of Iran. Interim report prepared by Maurice Copithorne, Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with Assembly resolution 54/177 of 17 December 1999, A/55/363, 8 September 2000, para. 91.*

² Keesing's Record of World Events, Vol. 46, April 2000, *Iran – Conservative advances.*

³ *Ibid.*

⁴ Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 380.

⁵ Keesing's Record of World Events, Vol. 46, May 2000, *Iran – Reformist victories in second round elections.*

⁶ *Ibid.*, Vol. 46, May 2000, *Iran – Reformist victories in second round elections.*

⁷ *Ibid.*, Vol. 46, May 2000, *Iran – Election of Speaker.*

⁸ *Ibid.*, Vol. 46, June 2000, *Iran – Reformist consolidation of Majlis power.*

⁹ Ali Akbar Hashemi Rafsanjani had been President of Iran from 1989 until 1997. See: UNHCR, *UNHCR/CDR Background Paper on Refugees and Asylum Seekers from Iran*, Geneva, Update, September 1998, p. 3.

¹⁰ Keesing's Record of World Events, Vol. 46, May 2000, *Iran – Election of Speaker.*

The next elections are due by June 2001 (presidential) and 2005 (legislative).¹ The power struggle between Iran's reformist government and its conservative opponents will therefore continue to dominate the political scene, with attention focusing increasingly on the 2001 presidential election.² President Khatami has reportedly been disappointed in what he has been able to achieve in terms of reform. He admitted that his "policies have failed", and was quoted as stating "I declare after three years as president that I don't have sufficient powers to implement the constitution, which is my biggest responsibility".³ In a televised interview, which was broadcast on 21-22 August 2000, President Khatami reaffirmed his commitment to democracy, and appealed to his supporters to be patient in the pace of the slow pace of reform.⁴ He is still expected to run for re-election and win a second four-year term in the presidential elections, but if he were to follow through threats not to stand, political stability would be likely to deteriorate markedly.⁵

2.3 Foreign Relations

United States

President Khatami "sparked a thaw" in the relations between Iran and the United States, with a televised interview in January 1999 and an address to the United Nations General Assembly in September. He expressed "regret" over the 1979 hostage-taking of American citizens in Tehran, and invited the United States to participate in a "dialogue of civilizations".⁶ In response, the administration of U.S. President Clinton defied Congress to waive sanctions against three foreign companies that invest in the Iranian oil industry.⁷

Following the Majlis elections of February 2000, speaking at a conference organized by the American Iranian Council⁸ on 17 March 2000, U.S. Secretary of State Madeleine Albright called for a "new chapter" in U.S. relations with Iran, and announced the lifting of U.S. restrictions of some goods.⁹ She added that U.S. support of Iraq during the Iran-Iraq war in the 1980s had been "shortsighted", and also said that the U.S. government was prepared to negotiate a "global settlement" with Iran of outstanding legal claims on such issues as the return of Iranian assets frozen by the U.S. government in 1979 (worth US\$ 5 billion).¹⁰ The 1995 prohibition on private U.S. investment in the Iranian oil and gas industry would be maintained, however, on the grounds that Iran was still a threat to U.S. security.¹¹ In April 2000, new – but largely symbolic – U.S. sanctions were imposed on Iran for alleged missile technology transfers; the Iranian government denied the allegations.¹²

¹ EIU, *Country Report – Iran*, Updater, January 2001, p. 1 and *ibid.*, *Country Report – Iran*, Main Report, December 2000, p. 4.

² *Ibid.*, *Country Report – Iran*, Main Report, December 2000, p. 3.

³ Geneive Abdo, "Iran's Would-Be Reformer", in *International Herald Tribune*, 1 December 2000.

⁴ Keesing's Record of World Events, Vol. 46, August 2000, *Iran – Blocking of amendments to press law*.

⁵ EIU, *Country Report – Iran*, Main Report, December 2000, p. 3.

⁶ Freedom House, *Freedom in the World 1998-99: Iran*, December 1999.

⁷ *Ibid.*

⁸ The American Iranian Council (AIC) was founded in 1997 as a non-profit and educational organization for the purpose of promoting dialogue and improved relations between the peoples and governments of the United States and Iran, supporting efforts to construct a civil society in Iran, and encouraging the participation of the Iranian-American community in formulation of U.S. policy toward Iran. See for more information, the website of the Council at: <http://www.american-iranian.org/>.

⁹ Remarks by Secretary of State Madeleine K. Albright at "Iran's New Parliament: Implications for U.S.-Iran Relations", a conference organized by the American Iranian Council, in association with the Asia Society, Middle East Institute and Georgetown's School of Foreign Service, on 17 March 2000 in Washington D.C.

¹⁰ Keesing's Record of World Events, Vol. 46, March 2000, *Iran – Relaxation of US sanctions regime*.

¹¹ *Ibid.*

¹² *Ibid.*, Vol. 46, April 2000, *Iran – Relations with USA*.

In August 2000, the Speaker of the Majlis, Mr. Karrubi, and four members of the Majlis met four member of the U.S. Congress in Washington D.C., in order to discuss ways of promoting better relations. Mr. Karrubi said on his return to Iran that there were "efforts under way in the United States for lifting sanctions against Iran".¹ Three U.S. government officials visited Iran in September to attend a conference sponsored by the United Nations Food and Agriculture Organization (FAO).²

The United Nations Millennium Summit, from 6-9 September 2000 in New York, also showed evidence of cautiously improving relations between Iran and the United States. It was noted that U.S. Secretary of State Madeleine Albright sat in on a pre-summit roundtable discussion presided over by Iranian President Khatami.³ She also came to hear President Khatami's speech before the United Nations General Assembly, because there is no official dialogue with Iran and she "wanted to send a signal to the Iranians that we're willing to listen to what they have to say".⁴ U.S. officials said that no high-level meetings were planned, but that the U.S. government supported President Khatami's democratic reforms.⁵

With the election of George W. Bush as the new U.S. President, a softening of the U.S. stance towards Iran is expected.⁶ The resumption of economic ties and political dialogue with the United States is widely expected for 2001.⁷ However, given the sensitivity of U.S. ties in Iran, it is not likely that significant steps will be taken before the conclusion of the next presidential elections in Iran in June 2001.⁸

Germany

On 20 January 2000, a German businessman which had been held by the Iranian authorities since September 1997 was released.⁹ He had been sentenced to death by stoning in January 1998 for allegedly having sexual intercourse with an unmarried Iranian woman. Later, his sentence had been overturned, and it was concluded that there was no evidence to support the allegation. His release coincided with the release by the German authorities of an Iranian charged with espionage.¹⁰

During the period examined, relations between Iran and Germany have been strained, mainly as the result of events following a conference held in Berlin in April 2000. The international conference was held to consider the future of the reform movement after the reformists won control of the Majlis in the February 2000 elections.¹¹ Leading Iranian reformist politicians attended the conference, which was also attended by banned, exiled political activists.¹² Conservatives forces in Iran took this opportunity to portray the reformists as linked to "hostile foreign powers", and many were prosecuted for participating in what the state-controlled media pictured as an anti-Iranian, anti-Islamic event.¹³

¹ *Ibid.*, Vol. 46, September 2000, *Iran – Improvement in relations with USA*.

² *Ibid.*

³ CNN, *U.N. primed for historic Millennium Summit*, 6 September 2000.

⁴ Elaine Sciolino, "The Visiting Mullah: President of Iran Praises His Country's Civilization", *New York Times*, 6 September 2000.

⁵ *Ibid.*

⁶ EIU, *Country Report – Iran*, Updater, January 2001, p. 2.

⁷ *Ibid.*, *Country Report – Iran*, Main Report, December 2000, p. 3.

⁸ *Ibid.*, *Country Report – Iran*, Updater, January 2001, p. 2.

⁹ Keesing's Record of World Events, Vol. 46, January 2000, *Iran – Release of German businessman*.

¹⁰ *Ibid.*, Vol. 46, January 2000, *Iran – Release of German businessman*.

¹¹ Agence France Presse (AFP), 7 January 2001.

¹² Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 380.

¹³ *Ibid.*

Among the people charged were dissident cleric Hassan Yusefi-Eshkevari, a close ally of President Khatami accused of apostasy, and journalist Akbar Ganji, who has accused top officials in the regime of being behind the 1998 assassinations of several dissidents.¹ Three participants of the Berlin conference remained in prison at the end of 2000. Five others were awaiting trial, but free on bail.² In January 2001, at least eight of the participants of the Berlin conference – among Iran's most vocal and best-known dissidents – were convicted by the Revolutionary Court, and sentenced to prison for "undermining state security" and other crimes.³ Other defendants had been cleared of the charges.

From 10-12 July 2000, President Khatami visited Germany, the first Iranian head of state to do so since the Shah in 1967. Talks with German Chancellor Gerhard Schröder concentrated on economic questions. Germany announced that it would increase export credit guarantees.⁴ During the visit, more than 4,000 police officers were deployed to contain 7,000 demonstrators from various Iranian opposition groups.⁵ According to Chancellor Schröder, the visit was sign of the end of a years-long chilled relationship, and he promised to visit Iran in return. However, following the conviction of the dissident participants to the Berlin conference, Chancellor Schröder was "unlikely to go ahead" with his visit to Iran that had been tentatively scheduled for February.⁶ Iran has urged Germany to "act wisely" following its criticism of the prison sentences.⁷

European Union

Despite some localized difficulties, notably in the above-mentioned bilateral relationship with Germany, the improvement in relations between the European Union (EU) and Iran generally continued. The European governments were explicit in their support of reform efforts.⁸

In 1999, visits were made to Iran by two European heads of state: Thomas Klestil of Austria and Costis Staphanopoulos of Greece.⁹

¹ AFP, 7 January 2001.

² Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 380.

³ Molly Moore and John Ward Anderson, "8 Iran Dissidents Draw Stiff Sentences", *International Herald Tribune*, 15 January 2001.

⁴ Germany was Iran's biggest trading partner in Europe. See: Keesing's Record of World Events, Vol. 46, July 2000, *Iran – Visit of Khatami to Germany*.

⁵ *Ibid.*

⁶ Guy Dinmore, *Financial Times*, 13 January 2001.

⁷ BBC News, World, Middle East, *Iran Urges Germany Not to Interfere*, 15 January 2001.

⁸ Human Rights Watch, *World Report 2000: Iran*, December 1999, p. 356.

⁹ AFP, *Italian president, other top officials to visit Iran*, 19 January 2001.

On 10-11 January 2000, Foreign Minister Kamal Kharrazi visited the United Kingdom, the first such official visit to the UK since the Islamic Revolution of 1979.¹ Relations between Iran and the UK had been strained by several issues, including British tolerance of the activities of Iranian opposition groups based in the UK. But relations had improved, following the Iranian government's declaration in September 1998, that it would take no action to execute the 1989 *fatwa* sentencing the author Salman Rushdie to death for alleged blasphemies against Islam in his work "The Satanic Verses".² Following this Iranian declaration, the UK agreed to an exchange of ambassadors, and discussed opening a "new chapter" in relations between Iran and the European Union.³ During the January 2000 visit of the Foreign Minister of Iran, progress was made on issues such as cooperation against drug-trafficking in the Middle-East, but fundamental differences remained, including on matters as the Middle-East peace process and weapons proliferation.⁴

At the beginning of 2001, it was reported that President Carlo Azeglio Ciampi of Italy, Prime Minister Giuliano Amato and Minister of Industry Enrico Letta would make separate visits to Iran. Prime Minister Amato's visit was scheduled for 26 February 2001, shortly before that of the Italian president.⁵

The recent conviction of the eight dissidents who participated in the Berlin conference, however, gave rise to great concern within the EU. The EU considered the verdicts to be in contradiction with the international human rights standards, as well as with the Iranian government's efforts to "establish a civil society and reinforce the rule of law".⁶ However, it was expected that the EU would persist with its "policy of dialogue" with Iran.⁷

Others

President Khatami conducted a state visit to China, from 22-26 June 2000, during which he held talks with Chinese President Jiang Zemin and other Chinese leaders. The visit was primarily intended to promote economic cooperation, but it was speculated that officials had also discussed the transfer of military technology.⁸

After a meeting at the United Nations Millennium Summit in September 2000 between President Khatami and Algeria's President Abdelaziz Bouteflika, it was announced that the two countries had decided to resume official diplomatic relations.⁹ The relations had been broken off by Algeria in 1993, when it accused Iran of supporting armed Islamic fundamentalists opposing the Algerian government.¹⁰

¹ Keesing's Record of World Events, Vol. 46, January 2000, *Iran – Visit to UK by Foreign Minister*.

² *Ibid.* The *fatwa*, or religious ruling, was made by Ayatollah Khomeini in 1989 against Rushdie or anyone associated with his work. The government's announcement to take no action on it, came during discussions with the United Kingdom regarding the restoration of full diplomatic relations. Some revolutionary foundations and a number of Majlis members, however, emphasized the "irrevokability" of the *fatwa*. See: USDOS, 1999 *Country Reports on Human Rights Practices – Iran*, 25 February 2000.

³ Freedom House, *Freedom in the World 1998-99: Iran*, December 1999.

⁴ Keesing's Record of World Events, Vol. 46, January 2000, *Iran – Visit to UK by Foreign Minister*.

⁵ AFP, *Italian president, other top officials to visit Iran*, 19 January 2001.

⁶ Agence Europe, 16 January 2001.

⁷ Guy Dinmore, *Financial Times*, 13 January 2001.

⁸ Keesing's Record of World Events, Vol. 46, June 2000, *Iran – Visit by President to China*.

⁹ *Ibid.*, Vol. 46, September 2000, *Iran – Restoration of relations with Algeria*.

¹⁰ *Ibid.*

Late October 2000, President Khatami carried out a four-day landmark visit to Japan, the first by an Iranian leader since the revolution and the most senior-level visit for 42 years.¹ Japan was one of the few developed countries that had maintained fairly close economic relations with Iran since the Islamic Revolution.² The presidential visit confirmed the steady improvement of external ties, and increased pressure on the United States to reassess its policy towards Iran.³ President Khatami was allowed to address the Parliament, an unusual honour which appeared to underline the improvement in political ties between both countries.⁴

2.4 Other Developments

On 25 January 2000, Ayatolla Khamenei pardoned Gholamhossain Karbaschi, the former mayor of Tehran, who was convicted in July 1998 on charges of embezzlement and mismanagement of public funds.⁵ Karbaschi's arrest had brought forth more outspoken media criticism of the judiciary, and his trial and conviction had widely been seen as having been orchestrated by conservative political forces.⁶ He had served almost nine months of a sentence which had been reduced from five to two years in December 1998.

The World Bank approved, on 18 May 2000, its first loans to Iran since 1993. The loans, which were intended for healthcare and sewerage projects, totalled US\$ 232 million. There were also developments signalling the Iranian government's intention to open its economy for foreign investment.⁷

3 Review of the Human Rights Situation

3.1 International Legal Framework

The Islamic Republic of Iran has been a member of the United Nations (UN) since 24 October 1945. Since then, it has become a state party to only a few of the major international instruments relating to refugees and human rights:

¹ EIU, *Country Report – Iran*, Main Report, December 2000, p. 15.

² EIU Viewswire, *Iran: Cementing relations with Japan*, 20 November 2000.

³ EIU, *Country Report – Iran*, Main Report, December 2000, p. 3.

⁴ Japan had already begun seeking improved relations, given its dependence on imported oil, but this programme had been put on hold responding to U.S. hostility towards Iran. See: EIU, *Country Report – Iran*, Main Report, December 2000, p. 15-16.

⁵ Keesing's Record of World Events, Vol. 46, January 2000, *Iran – Pardoning of Karbaschi*.

⁶ Human Rights Watch, *"As Fragile as a Crystal Glass"*. *Press Freedom in Iran*, Vol. 11, No. 1 (E), October 1999, p. 6.

⁷ The United States voted against resumption; France and Canada abstained. See: Keesing's Record of World Events, Vol. 46, May 2000, *Iran – Resumption of World Bank loan*.

United Nations Instrument	Date of ratification or accession (a); date of entry into force
Convention Relating to the Status of Refugees (1951)	28 July 1976 (a); 28 July 1976
Protocol to the Convention Relating to the Status of Refugees (1967)	28 July 1976 (a); 28 July 1976
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	14 August 1956; 14 August 1956
International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965)	29 August 1968; 4 January 1969
International Covenant on Civil and Political Rights (ICCPR, 1966)	24 June 1975; 23 March 1976
International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)	24 June 1975; 3 January 1976
International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)	17 April 1985 (a); 17 April 1975
Convention on the Rights of the Child (CRC, 1989)	13 July 1994; 12 August 1994

Sources: UNHCR/CDR's Refworld 2000, www.unhchr.ch, untreaty.un.org

It is important to note that the Islamic Republic of Iran has not signed or ratified the following United Nations instruments:

- Convention Relating to the Status of Stateless Persons (1954)
- Convention on the Reduction of Statelessness (1961)
- Optional Protocol of the International Covenant on Civil and Political Rights (1966)
- Convention on the Elimination of all forms of Discrimination Against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Second Optional Protocol of the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty (1989)

Besides these instruments, the Islamic Republic of Iran also did not sign or ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999), nor the Optional Protocols to the Convention on the Rights of the Child of 2000 on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography.

On 31 December 2000, the Islamic Republic of Iran signed the Statute of the International Criminal Court. The Statute, which now has 139 signatories and has been ratified by 27 states, needs 60 ratifications to enter into force.¹

¹ Steven Lee Myers, "U.S. Signs Treaty for World Court to Try Atrocities", *The New York Times*, 1 January 2001.

3.2 General Respect for Human Rights

The human rights situation in the Islamic Republic of Iran continues to give rise for concern. The government's human rights record remained poor.¹ In particular in 1999, human rights failed to improve, and in some areas even deteriorated, as the power struggle between reformist supporters of President Khatami and the conservative clergy associated with Ayatollah Khamenei intensified.²

The mandate of the Special Representative of the United Nations Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (further: UN Special Representative) was established in 1984.³ The Iranian government has not allowed the UN Special Representative to visit the country since 1996,⁴ and has continued to obstruct visits by international monitors from non-governmental organizations.⁵ In order to prepare his reports, the UN Special Representative on Iran has used many sources of information though, including the government of Iran, other governments, individuals, non-governmental organizations and the Iranian and international media.⁶

The UN Special Representative noted that the prospect of improvement of the human rights situation had certainly grown stronger, since the government of President Khatami took office.⁷ In his 1999 report, the UN Special Representative praised President Khatami for trying "to create a more tolerant society in which the rule of law plays a part and which generally recognizes human rights to a considerable degree greater than in the past."⁸ He added that the government, under President Khatami's leadership, continues on a course that, if successful, would not only bring a popular legitimacy to government, but also a "new respect of the individual and for the rights of all citizens".⁹

The human rights situation in Iran continued to be a subject of concern to the United Nations, in particular the General Assembly and the Commission on Human Rights. However, the United Nations increasingly recognized the reform efforts of President Khatami, who was praised by Secretary-General Kofi Annan as a "far-sighted leader".¹⁰

¹ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

² Human Rights Watch, *World Report 1999: Iran*, December 1998.

³ Since 1995, the Special Representative is Mr. Maurice Danby Copithorne from Canada. For more information, see the section on the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR) related to the Special Representative: <http://www.unhchr.ch/html/menu2/7/a/mira.htm>.

⁴ United Nations Commission on Human Rights, *Statement by Mr. Copithorne, Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran*, 1 April 1999.

⁵ Human Rights Watch, *World Report 2000: Iran*, December 1999, p. 355.

⁶ United Nations Commission on Human Rights, *Situation of human rights in the Islamic Republic of Iran. Report of the Special Representative, Maurice Danby Copithorne, submitted pursuant to Commission resolution 1999/13*, E/CN.4/2000/35, 18 January 2000, para. 6.

⁷ United Nations Commission on Human Rights, *Report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights, Mr. Maurice Danby Copithorne, pursuant to Commission resolution 1997/54*, E/CN.4/1998/59, 28 January 1998, Summary and para. 1.

⁸ United Nations Commission on Human Rights, *Report on the situation of human rights in the Islamic Republic of Iran, submitted by the Special Representative of the Commission on Human Rights, Mr. Maurice Danby Copithorne, pursuant to Commission resolution 1998/80*, E/CN.4/1999/32, 28 December 1998, Executive summary and para. 1.

⁹ United Nations Commission on Human Rights, *Statement by Mr. Copithorne, Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran*, 1 April 1999.

¹⁰ Human Rights Watch, *World Report 2000: Iran*, December 1999, p. 356.

The tone of the 1999 Commission on Human Rights resolution on Iran was more positive than in previous years, noting a number of positive developments. It praised the governmental efforts to make progress in the area of freedom of expression, and it welcomed Iran's commitment to promote respect for the rule of law and its investigations of the 1998 political disappearances and murders.¹ The resolution expressed concern, however, at continuing human rights violations, in particular the high number of executions and cases of torture.² In its 2000 resolution on Iran, the Commission on Human Rights noted the work of the Islamic Human Rights Commission, and expressed hope that the recent adoption of amendments to the Commission's Charter concerning representation of persons from the non-governmental sector, would contribute to its strengthening and independence.³ The Commission on Human Rights remained concerned that since 1996 no invitation had yet been extended by the Iranian government to the UN Special Representative on Iran.⁴

3.3 Right to Life, Personal Security and Physical Integrity

Extrajudicial, Summary or Arbitrary Executions

According to the U.S. Department of State in its 1999 human rights report, the Iranian government is responsible for numerous extrajudicial killings. Human rights groups reported that security forces killed at least 20 persons while violently suppressing demonstrations by Kurds that occurred in the wake of the arrest of Kurdish Workers Party (PKK) leader Abdullah Öcalan in February 1999.⁵

The government continued the investigation into the murders of political activists Dariush Foruhar (a former minister), his wife Parvaneh Majdeskandari and dissident intellectuals Mohammed Moktari and Mohammed Jafar Puyandeh, which were committed during the period October to December 1998. Although the killing of political dissidents at home and abroad was not new to Iran, popular reactions to these deaths were strong and immediate.⁶ While the disappearances and killings had been blamed by several senior officials on "foreign hands", it was revealed in February 1999 that active-duty agents of the Ministry of Information had carried out the killings.⁷ Throughout the year, the government was much criticized because of the slow pace of the investigation and doubt about the government's willingness to follow the case to its conclusion.⁸ The UN Special Representative urged the government to hasten the investigation.

¹ United Nations Commission on Human Rights, Resolution 1999/13, *Situation of human rights in the Islamic Republic of Iran*, 23 April 1999, para. 1.

² *Ibid.*, para. 3.

³ United Nations Commission on Human Rights, Resolution 2000/28, *Situation of human rights in the Islamic Republic of Iran*, 18 April 2000, para. 2(b). The amendments to the Charter of the Islamic Human Rights Commission were adopted on 8 August 1999; see: E/CN.4/2000/35, 18 January 2000, para. 71.

⁴ United Nations Commission on Human Rights, Resolution 1999/13, *Situation of human rights in the Islamic Republic of Iran*, 23 April 1999, para. 3(a).

⁵ As stated in: USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000. See for more on the arrest of Öcalan: Keesing's Record of World Events, Vol. 45, February 1999, *Turkey – Capture of Öcalan*.

⁶ Human Rights Watch, *World Report 2000: Iran*, December 1999, p. 351.

⁷ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁸ *Ibid.*

On 11 September 2000, it was announced that 18 defendants, including senior security officials, would be tried in a military court for complicity in the murders.¹ Most recently, in January 2001, a military court imposed death sentences on three Iranian secret agents convicted of killing the four dissidents. The religious conservatives in Iran were "quick to declare" that this "meant that the case was closed".²

Death Penalty

The death penalty can only be imposed for the "most serious crimes". This resulted in 155 executions in 1998, 60 of which were carried out in public.³ Of the 199 executions in 1997, most were said by the Iranian authorities to have been related to drug-trafficking. However, human rights monitors have alleged that many of those executed for criminal offenses such as narcotics charges, were political dissidents.⁴

The U.S. Department of State reported, in its 1999 human rights report on Iran, that citizens continued to be tried and sentenced to death, in the absence of sufficient procedural safeguards.⁵ A November 1995 law criminalized dissent and also applied the death penalty to offences 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 Supreme leader of the Islamic Republic".⁶

The UN Special Representative on Iran cited an estimated 138 executions from January through mid-August 1999, most of which were reported in the media.⁷ The government has not cooperated with the UN Special Representative, as it had indicated, in providing him with accurate numbers of executions.⁸ Amnesty International recorded 165 executions in 1999.⁹ In his 2000 report to the General Assembly, the UN Special Representative noted that a public debate about the death penalty got under way in 1999 before strong official opposition extinguished it. He indicated that the number of executions continued to be high. According to information received by him, some 130 executions occurred from January to the end of July 2000.¹⁰

On 30 April 2000, it was announced that, following the approval of Ayatollah Khamenei, death sentences imposed on four student leaders for their role in the July 1999 demonstrations, had been commuted to 15 years' imprisonment.¹¹

¹ Keesing's Record of World Events, Vol. 46, September 2000, *Iran – Trial for murder of dissidents – Dismissal of police chief*.

² Geneive Abdo, "Iran Acts Quickly to Close Case of 4 Slain Dissidents", *International Herald Tribune*, 29 January 2001.

³ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.57.

⁴ *Ibid.*

⁵ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁶ *Ibid.*

⁷ United Nations General Assembly, *Situation of human rights in the Islamic Republic of Iran. Interim report prepared by Maurice Copithorne, Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with General Assembly resolution 53/158 of 9 February 1999 and Economic and Social Council decision 228 of 27 July 1999, A/54/365, 21 September 1999, para. 34.*

⁸ *Ibid.*

⁹ Amnesty International, *Annual Report 2000 – Iran*, 2000, p. 133.

¹⁰ A/55/363, 8 September 2000, para. 49-50.

¹¹ Keesing's Record of World Events, Vol. 46, May 2000, *Iran – Commutation of death sentences*.

Arbitrary Arrest and Detention

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 reportedly have been raped or otherwise tortured while in detention. Prison guards reportedly intimidate family members of detainees and torture detainees in the presence of family members.¹ The UN Special Representative on Iran reported receiving numerous reports of overcrowding, prisoner unrest and appeals from local prison officials that judges avoid imposing jail sentences.² The Iranian government does not permit visits to imprisoned dissidents by human rights monitors.³

The United Nations Working Group on Arbitrary Detention did not adopt any opinions relating to Iranian cases in its reports of December 1998 and 1999.⁴ During the period examined, it did send two urgent appeals to the government of the Islamic Republic, one in 1998⁵ concerning one person and one in 1999⁶ concerning 13 persons.

3.4 Torture and Other Inhuman and Degrading Treatment and Punishment

The Constitution of Iran forbids the use of all forms of torture "for the purpose of extracting confession or acquiring information".⁷ However, stoning and flogging are prescribed expressly by the Islamic Penal Code as appropriate punishment for adultery.⁸

There are numerous, credible reports that security forces and prison personnel continue to torture detainees and prisoners.⁹ Some prison facilities are notorious for the cruel and prolonged acts of torture inflicted upon political opponents of the government. Common methods include suspension for long periods in contorted positions, burning with cigarettes, sleep deprivation and, most frequently, severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Other reported methods are beatings on the ears, inducing partial or complete deafness, and punching in the eyes, leading to partial or complete blindness.¹⁰

¹ USDOS, 1999 Country Reports on Human Rights Practices – Iran, 25 February 2000.

² He cited a reported figure of only 8.2 square feet (2.5 square metres) of space available for each prisoner. See: A/54/365, 21 September 1999, para. 31.

³ USDOS, 1999 Country Reports on Human Rights Practices – Iran, 25 February 2000.

⁴ See: United Nations Commission on Human Rights, *Report of the Working Group on Arbitrary Detention. Addendum: Opinions adopted by the Working Group on Arbitrary Detention*, E/CN.4/1999/63/Add.1, 9 November 1998, and United Nations Commission on Human Rights, *Report of the Working Group on Arbitrary Detention. Addendum: Opinions adopted by the Working Group on Arbitrary Detention*, E/CN.4/2000/4/Add.1, 17 December 1999.

⁵ United Nations Commission on Human Rights, *Report of the Working Group on Arbitrary Detention*, E/CN.4/1999/63, 18 December 1998, para. 16.

⁶ United Nations Commission on Human Rights, *Report of the Working Group on Arbitrary Detention*, E/CN.4/2000/4, 28 December 1999, para. 35.

⁷ Constitution of the Islamic Republic of Iran, Article 38.

⁸ As indicated in: USDOS, 1999 Country Reports on Human Rights Practices – Iran, 25 February 2000.

⁹ USDOS, 1999 Country Reports on Human Rights Practices – Iran, 25 February 2000.

¹⁰ Amnesty International, *Annual Report 2000 – Iran*, 2000, p. 133.

In June 1999, the official government news agency reported a meeting of the Islamic Human Rights Commission (IHRC)¹ to discuss measures for the prevention of torture.² President Khatami was quoted in public remarks, in August 1999, as criticizing the use of torture. He defended the rights of prisoners as a legitimate concern based on "Islam and human conscience".³

It was reported on 18 September 2000 that Ayatollah Khamenei had dismissed hard-line security police chief, Brigadier-General Mohammed Reza Naqdi, for his involvement in a case in which some of his subordinates had been convicted of torture.⁴ Brigadier-General Naqdi was notorious for his outspoken attacks on President Khatami and his reformist supporters. One Iranian newspaper had claimed that he supervised a public beating by thugs of the Minister for Culture and Islamic Guidance, Seyyed Ata'ollah Mohajerani, in September 1998.⁵ Minister Mohajerani had been the subject in May 1999 of an impeachment motion which he survived by a vote of 135 to 121.⁶ In October 2000, it was reported that Minister Mohajerani wrote his resignation letter, "an angry 50-page account detailing all the pressures that led to his decision".⁷ He first denied this, but it was later reported that his resignation was delayed by President Khatami's rejection of it.⁸

It was confirmed on 6 March 2000 that an examining magistrate in Belgium, following a complaint from an Iranian-born Belgian citizen, was considering launching a criminal investigation into allegations that former President Rafsanjani had been party to acts of illegal imprisonment and torture during his term in office as Speaker of the Majlis during the 1980s.⁹ The announcement was received with fury in Iran. Conservative forces threatened various forms of retaliation against Belgium; the Belgian government, however, emphasized that it could not intervene in judicial proceedings.¹⁰

Involuntary Disappearances

No reliable information was available, according to the U.S. Department of State in its 1999 report on Iran, on the number of disappearances. In the period immediately following arrest, many detainees were held *incommunicado* and denied access to lawyers and family.¹¹

¹ The Special Representative had been following the evolution of the IHRC for some years, noting that it was clearly making progress and seemed to be addressing "such difficult issues as the need for society to be able to debate the death penalty and, more generally, other public issues which, for some at least, touch on Islamic verities". See: E/CN.4/2000/35, 18 January 2000, para. 69.

² There was no known public report of the meeting. See: USDOS, 1999 *Country Reports on Human Rights Practices – Iran*, 25 February 2000.

³ USDOS, 1999 *Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁴ Keesing's Record of World Events, Vol. 46, September 2000, *Iran – Trials for murders of dissidents – Dismissal of police chief*.

⁵ *Ibid.*

⁶ Human Rights Watch, "As Fragile as a Crystal Glass". *Press Freedom in Iran*, Vol. 11, No. 1 (E), October 1999, p. 6.

⁷ Keesing's Record of World Events, Vol. 46, October 2000, *Iran – Uncertainty over resignation of Mohajerani*. It was first reported by the Iranian newspaper *Entekhab*, 2 October 2000.

⁸ Middle East Economic Digest, 13 October 2000.

⁹ Keesing's Record of World Events, Vol. 46, March 2000, *Iran – Possible launch of Belgian criminal inquiry into Rafsanjani*.

¹⁰ *Ibid.*

¹¹ USDOS, 1999 *Country Reports on Human Rights Practices – Iran*, 25 February 2000.

In December 1999, the United Nations Working Group on Enforced or Involuntary Disappearances had transmitted four newly reported cases to the Government. Three cases were transmitted under the urgent action procedure.¹ The Working Group received allegations that relatives are not informed of the detention of their family members, in breach of Article 10 of the United Nations Declaration on the Protection of all Persons from Enforced Disappearance.² That was reportedly the case of several students detained during the demonstrations that took place in Tehran on 8 July 1999. It was alleged that in the following days, students, journalists and academics were taken from their homes without any arrest warrant and without any explanation or notice to their relatives. It was said that these actions placed the detainees outside the protection of the law. It was also reported that other detentions without a legal warrant took place in Mashhad and Rasht. Some of the detained persons were reportedly linked to the People's Mojahedin Organization of Iran.³

In December 1998, the Working Group had transmitted two newly reported cases of disappearance to the Government of the Islamic Republic of Iran, during the period under review.⁴ During the same period, the Working Group clarified one case on the basis of information previously provided by the Government that the person had been arrested on charges of fraud and released after the plaintiff withdrew the complaint, and on which no observations were received from the source within a period of six months.⁵

Pirouz Davani, a political activist who disappeared in late 1998, along with several other prominent intellectuals and dissidents who were later found murdered, remained unaccounted for.⁶ He is believed to have been killed for his political beliefs and activism, in a series of killings and "disappearances" exposing the involvement of state officials in the "illegal violent suppression of dissent".⁷

3.5 Right to Fair Trial

The judiciary is subject to government and religious influence. It does not ensure that citizens receive due process or a fair trial.⁸ According to the 1999 U.S. Department of State report, the Iranian government uses the judiciary to stifle dissent and obstruct progress on human rights.⁹ The UN Special Representative on Iran and various human rights organizations continue to note the absence of procedural safeguards in criminal trials.¹⁰

There have been mounting demands for an overhaul of the judicial system, with criticism focusing on investigations into a series of political assassinations in the 1990s. Allegations of involvement in the killings by the courts have further damaged their credibility, adding to the pressure for reform.¹¹

¹ United Nations Commission on Human Rights, *Report of the Working Group on Enforced or Involuntary Disappearances*, E/CN.4/2000/64, 21 December 1999, para. 58.

² United Nations General Assembly, *Declaration on the Protection of all Persons from Enforced Disappearance*, A/RES/47/133, 18 December 1992.

³ E/CN.4/2000/64, 21 December 1999, para. 59.

⁴ Only communications or cases examined "before the last day of the third annual session of the Working Group", which was 4 December 1998. See: United Nations Commission on Human Rights, *Report of the Working Group on Enforced or Involuntary Disappearances*, E/CN.4/1999/62, 28 December 1998, para. 6.

⁵ *Ibid.*, para. 162.

⁶ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁷ Human Rights Watch, *World Report 2000: Iran*, December 1999, p. 351.

⁸ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ EIU, *Country Report – Iran, Main Report*, December 2000, p. 3.

In May 2000, Hamid Tefileen, one of the 13 Iranian Jews charged with espionage for Israel and the United States, was interviewed on state television, and confessed that he had been working for the Israeli intelligence service in order to gather information about Iranian nuclear facilities.¹ It was also reported that he and seven other defendants had pleaded guilty to the espionage charges. The confessions were viewed with suspicion by human rights observers, and aroused concerns about the procedural fairness of the trial. The accused, who had been held since June 1999, had reportedly been denied legal representation until just before the start of the trial.²

In June 2000, ten of the Jews were found guilty and sentenced to between four and 13 years' imprisonment. The case was largely based on the confessions obtained while they were in custody and without legal representation.³ It was also observed that "conservative elements" within the security forces and the judiciary has used the trial in order to damage relations with the United States and Israel.⁴ On appeal, on 21 September 2000, ten of the convicted had their sentences reduced, after the court acquitted them of one charge of belonging to an illegal organization.⁵

A dissident cleric, Hasan Yusefi-Eshkevari, was tried in a closed Special Clerical Court on 7 October 2000, on a range of charges including apostasy and undermining national security. Prosecutors explained on 22 October that the verdict had not been published, because it had not yet been upheld against appeal.⁶

3.6 Right to Freedom of Religion

According to the Constitution of Iran, the official religion of Iran is "Islam and the Twelve Ja'fari School", "and this principle will remain eternally immutable".⁷ Other Islamic schools, including the Hanafi, Shafi'i, Maliki, Hanbali and Zaydi are "to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites".⁸ Therefore, religions not specifically protected under the Constitution do not enjoy freedom of religion.⁹

The main religions in Iran are Ithna'ashari, Sunni and Isma'ili Islam. There are also the Ahl-I Haq and Mazda-Yasnie (Zoroastrian) religions, as well as the Baha'i faith, Armenian and Assyrian Christianity, and Judaism.¹⁰ Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities, on the basis of Article 13 of the Iranian Constitution.¹¹ Religious activity is monitored closely by the Ministry of Islamic Culture and Guidance and by the Ministry of Information and Security.¹²

Prior to the Majlis elections of 18 February 2000, Majlis candidates had been required to subject themselves to a review by the Council of Guardians, in order to determine their suitability to stand.

¹ Keesing's Record of World Events, Vol. 46, May 2000, *Iran – Confessions in Jewish spy trial*.

² Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 381-382.

³ *Ibid.*, p. 382.

⁴ Keesing's Record of World Events, Vol. 46, June 2000, *Iran – Sentencing of Jews in espionage case*.

⁵ *Ibid.*, Vol. 46, September 2000, *Iran – Reduction of sentences for Jews*.

⁶ Keesing's Record of World Events, Vol. 46, October 2000, *Iran – Trial of cleric*.

⁷ Constitution of the Islamic Republic of Iran, Article 12.

⁸ Constitution of the Islamic Republic of Iran, Article 12.

⁹ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

¹⁰ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 336.

¹¹ See further: Paragraph 4.1 on religious minorities.

¹² USDOS, *Annual Report on International Religious Freedom for 1999: Iran*, 9 September 1999.

An estimated more than ten per cent of the individuals were rejected on the grounds that they had, among others, shown insufficient support for the principles of Islam.¹

Proselytism, Conversion and Apostasy

The government is highly suspicious of any proselytizing of Muslims by non-Muslims. It can be harsh in its response, in particular against Baha'is and evangelical Christians.² Proselytizing Christian churches, especially Evangelicals, are likely to be regarded more suspiciously by the Iranian authorities.³

The government does not ensure the right of citizens to change or replace their religion.⁴ Apostasy, especially conversion from Islam to another religion, is not acceptable in Islamic law. An innate-apostate (one whose parents were Muslims and who embraced Islam but later left Islam), if a man, is to be executed. If a woman, she is to be imprisoned for life, but will be released if she repents.⁵ A national apostate (a person converting from another faith to Islam, and then reconverting back to the other faith) is to be encouraged to repent and, upon refusal to repent, is to be executed. The most prominent cases of apostasy appear to occur from Islam to Christianity. Proselytizing apostates (converts who have begun preaching Christianity) are likely to face execution. Seventeen clerics are known to have been in detention in 1997.⁶ The UN Special Representative reported on pressure against Muslim converts and against efforts to proselyte among Muslims, and pointed out that the right to conversion is clearly recognized in the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief.⁷

Blasphemy

It was reported on 22 January 2000 that the Supreme Court had rejected an appeal against the conviction in November 1999 of a leading reformist cleric Hojatolislam Abdollah Nouri, on charges of blasphemy and insulting the late Ayatollah Khomeini. The Supreme Court argued that they had no constitutional authority to overturn a verdict of the Special Court for the Clergy.⁸

¹ Keesing's Record of World Events, Vol. 46, February 2000, *Iran – Landslide reformist victory in elections to sixth Majlis*.

² USDOS, 1999 Country Reports on Human Rights Practices – Iran, 25 February 2000.

³ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.35.

⁴ USDOS, 1999 Country Reports on Human Rights Practices – Iran, 25 February 2000.

⁵ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.35.

⁶ *Ibid.*

⁷ United Nations General Assembly, *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, A/RES/36/55, 25 November 1981. See: E/CN.4/2000/35, 18 January 2000, para. 25.

⁸ Keesing's Record of World Events, Vol. 46, January 2000, *Iran – Rejection of Nouri appeal*.

3.7 Right to Freedom of Expression

On 13 January 2000, *The Guardian* published an interview in the United Kingdom with Grand Ayatollah Hossein Ali Montazeri, the dissident cleric who had lived under house arrest since November 1997.¹ Due to the restrictions imposed on him, the interview was conducted by fax. In the interview, Montazeri elaborated on his vision for a “new Iran”, reiterating his opinion that the power of the supreme leader should be subject to the rule of law, and that more powers should be granted to the presidency.² Due to reprinting of excerpts from the interview, on 17 January 2000 three Iranian editors were reportedly summoned to the press court in Tehran, and faced possible indictments under the press law.³

Conservative elements within the powerful Revolutionary Guard Corps issued a statement on 16 April which appeared to increase the – at the time already rising – political tension. Two days later, Basij volunteer guards rallied in Tehran, calling for “death to the mercenary writers”.⁴ The demonstration was intended at journalist Akbar Ganji. Mr. Ganji had written a series of articles alleging that prominent official figures were responsible for a series of unresolved political killings. He was imprisoned on 22 April 2000, after a court upheld complaints lodged by the Revolutionary Guard Corps and others.⁵

The outgoing – fifth – Majlis passed a series of controversial laws in March and April 2000, among them a press law which banned criticism of the Constitution, and made it easier to prosecute publishers and journalists. It also simplified the procedure for closing newspapers and journals, and made it harder for them to reopen under different names.⁶ The passage of this press law heralded a “major crackdown” on the reformist press, which was sanctioned by Ayatollah Khamenei who delivered a speech on 20 April 2000 complaining about the reformist press, accusing it of undermining Islamic principles and of “creating discord” in society.⁷

Press courts, controlled by conservative forces, began to close down independent newspapers and magazines, and on 23 April 2000 ordered the closure of 13 reformist publications for publishing material that “disparaged Islam and the religious elements of the Islamic revolution”.⁸ In reaction to the closure, students boycotted their classes and organized peaceful campus demonstrations.⁹ The newspaper of Mr. Saeed Hajjirian, *Sobh-e Emrouz* was subsequently reinstated by an appeals court, but other leading dailies remained closed. On 27 April 2000, *Sobh-e Emrouz* was again closed, as was *Mosharekat*, the newspaper published by President Khatami’s younger brother.¹⁰ In May 2000, press courts ordered the closure of a further six reformist publications.¹¹

¹ Montazeri had been subjected to house arrest, because of his contention that the Iranian Constitution required the election of all government leaders including the supreme leader, the spiritual leader of the nation. He had also said that Ayatollah Khomeini was “unfit” to make religious rulings.

² Geneive Abdo, “Iran’s banned cleric breaks silence”, *The Guardian*, 13 January 2000.

³ *Ibid.*, “Pro-reform Iranian press in court over interview”, *The Guardian*, 17 January 2000. See also: Keesing’s Record of World Events, Vol. 46, January 2000, *Iran – Controversy surrounding Montazeri interview*.

⁴ *Ibid.*, Vol. 46, April 2000, *Iran – Conservative advances*.

⁵ *Ibid.*

⁶ Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 380.

⁷ Keesing’s Record of World Events, Vol. 46, April 2000, *Iran – Conservative advances*.

⁸ Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 379, and Keesing’s Record of World Events, Vol. 46, April 2000, *Iran – Conservative advances*.

⁹ Keesing’s Record of World Events, Vol. 46, April 2000, *Iran – Conservative advances*.

¹⁰ *Ibid.*

¹¹ *Ibid.*, Vol. 46, May 2000, *Iran – Election of Speaker*.

During June 2000, the new Majlis began drafting a new press law, to supersede the April press law enacted by the previous conservative Majlis. The new law would make it more difficult for judicial authorities to close newspapers and to imprison journalists who had offended the "clerical establishment".¹ Under the terms of the Constitution, all new legislation required the approval of the conservative-controlled Council of Constitutional Guardians.² Acknowledging the danger of provoking a general conservative backlash, Mr. Khatami, the President's younger brother, stated that reform, including the proposed amendment of the electoral law to reduce the power of this Council, would proceed at a "moderate pace".³

However, on 6 August 2000, Ayatollah Khamenei, in a rare constitutional intervention, personally issued a decree instructing the Majlis not to debate the new press law.⁴ He stated that the existing law, passed by the previous Majlis in April 2000, prevented "bases of the enemy" from infiltrating the press, and that to change it would pose a threat to the security of the country and to the "religious faith of the Iranian people".⁵ The decree outraged many members of the Majlis. Following the Ayatolla's intervention, the press court ordered, on 7 August, the arrest of a prominent liberal journalist, Ahmad Zeidabadi, and on 13 August the journalists Ebrahim Nabavi and Mohammad Qouchani were also detained.⁶ Despite this effort by the Ayatollah to block the press reform bill, the Majlis has taken a significant step in re-establishing its own human rights committee, and is pressing ahead with several legislative initiatives to improve the human rights situation in several key areas.⁷

In late October, the Majlis approved an amendment to the law making it unnecessary for a newspaper altering its frequency (from weekly to daily, for example) or scope (from local to national) to gain judicial approval.⁸ As an amendment designed to "clarify" an existing law, this would not usually require approval from the Council of Guardians. However, the council intervened and rejected the amendment in early November, blocking reformist plans to establish the local newspaper Aftabe Yazd and the weekly Hambastegi as their new national daily papers. This action by the council was the second instance in which Majlis moves to reform the press law had been thwarted.⁹

3.8 Right to Freedom of Movement

According to a member of the Iranian delegation during the session of the Committee on the Elimination of Racial Discrimination in August 1999, there was no restriction on the movement and choice of residence of Iranians.¹⁰ The U.S. Department of State, however, noted that the Iranian government does place some restrictions on the right to freedom of movement. For example, the Government requires exit permits (a validation stamp placed in the traveller's passport) for draft-age males and citizens who are politically suspect. It also restricts the movement of certain religious minorities and of several religious leaders.¹¹

¹ *Ibid.*, Vol. 46, June 2000, *Iran – Reformist consolidation of Majlis power*, and *idem*, August 2000, *Iran – Blocking of amendments to press law*.

² Constitution of the Islamic Republic of Iran, Article 72.

³ Keesing's Record of World Events, Vol. 46, June 2000, *Iran – Reformist consolidation of Majlis power*.

⁴ EIU, *Country Report – Iran*, Main Report, December 2000, p. 13.

⁵ Human Rights Watch, *World Report 2001: Iran*, December 2000, p. 380, and Keesing's Record of World Events, Vol. 46, August 2000, *Iran – Blocking of amendments to press law*.

⁶ Keesing's Record of World Events, Vol. 46, August 2000, *Iran – Blocking of amendments to press law*.

⁷ A/55/363, 8 September 2000, para. 94.

⁸ EIU, *Country Report – Iran*, Main Report, December 2000, p. 13.

⁹ *Ibid.*

¹⁰ United Nations Committee on the Elimination of Racial Discrimination, Press Release HR/CERD/99/38, 5 August 1999 (Morning).

¹¹ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

The Iranian authorities once allowed refugees unrestricted movement within Iran. However, in recent years, Iran has increasingly confined refugees to designated residential areas and enclosed camps.¹ Furthermore, for most Afghan refugees, legal status remains "vague and confusing". Most who arrived during the 1980s are permanent "blue card" holders; these do not use the word for "refugees" (*panahandegan*), but rather the term for involuntary migrants (*mohageren*). A large percentage of Afghan refugees are either undocumented or hold temporary registration cards, which Iranian authorities started issuing to undocumented Afghans in 1993 as a way to register them for repatriation.²

3.9 Right to an Adequate Standard of Living

The UN Committee on the Rights of the Child expressed concern, in its concluding observations adopted on 2 June 2000, about the large numbers of children living and/or working on the streets, particularly in urban centres such as Tehran and Isfahan, who were amongst the most marginalized groups of children in Iran. The Committee recommended that Iran ensures that these children are provided with identity documents, food, clothing and housing, as well as to access to health care and comprehensive education.³

It also expressed concern that Iran paid "insufficient attention" to Article 4 of the Convention on the Rights of the Child, regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.⁴ The Committee recommended that Iran ensures the "adequate distribution of resources at the national and local levels, where needed, within the framework of international cooperation".⁵

In November 2000, the Financial Times reported that an estimate of several thousands Iranians per month try to leave the country, mostly out of economic considerations.⁶ It was stated that living standards have "steadily eroded" since the revolution, and that official statistics show nearly one fifth of Iranians living beneath the poverty line.⁷ Iran generally imposes no restrictions on its citizens leaving the country.

4 Vulnerable Groups

In general, the situation in Iran is vulnerable for all minorities. Religious minorities are declining in Iran, through legal and illegal migration. Their numbers dwindling, they continue to be particularly vulnerable.⁸

¹ U.S. Committee for Refugees, *World Refugee Survey 2000: Iran*, p. 180.

² *Ibid.*, p. 182.

³ United Nations Committee on the Rights of the Child, *Concluding observations by the Committee on the Rights of the Child – Iran*, adopted on 2 June 2000, CRC/C/15/Add.123, para. 45-46.

⁴ *Ibid.*, para. 13.

⁵ *Ibid.*, para. 14.

⁶ Guy Dinmore, "Iranians flee falling living standards. To the alarm of minority group leaders, members are leaving despite the increase in official tolerance", *Financial Times*, 16 November 2000.

⁷ *Ibid.*

⁸ U.S. Committee for Refugees, *World Refugee Survey 2000: Iran*, p. 185.

4.1 Religious Minorities

The only recognized religious minorities in Iran are Zoroastrian, Jewish and Christian minorities.¹ These are Iran's "pre-Islamic religions".² In matters of personal affairs and religious education, they are "within the limits of the law, [...] free to perform their religious rites and ceremonies".³ This means that, as stated above,⁴ that other religions do not enjoy freedom of religion, affecting most directly the followers of the Baha'i faith. As the Iranian population consists of approximately 99 per cent Muslims, followers of the Baha'i, Christian, Zoroastrian and Jewish faiths compose less than one per cent of the total population.

According to information available to the UN Special Representative on Iran, from Zoroastrian and Christian sources in particular, even the recognized minorities believe they face discrimination in civil society.⁵ It was asserted that all minorities, especially religious minorities, are by law or practice barred from being elected to a representative body (except as regards the reserved seats in the Majlis), from becoming a school principal and from holding senior government or military positions.⁶ Members of religious minorities may, for example, not run for president.⁷ The Majlis reserves a few seats for minorities on the basis of Article 64 of the Constitution: one each for the Zoroastrians and the Jews, one jointly for Assyrian and Chaldean Christians, and Armenian Christians in the north and in the south also one each.

The Financial Times reported in November 2000 that the past year the Austrian embassy in Tehran had become the "main exit route" for Iran's communities of Jews, Armenian and Assyrian Christians and even Zoroastrians.⁸ To the alarm of Jewish and Christian leaders in Iran, some of these groups appear to have an "active policy of emptying Iran of its minorities".⁹ However, the Jewish representative in the Majlis stated that there are "no religious reasons" to leave Iran.¹⁰

¹ Constitution of the Islamic Republic of Iran, Article 13.

² USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

³ Constitution of the Islamic Republic of Iran, Article 13.

⁴ See Paragraph 3.6 on "Freedom of Religion".

⁵ United Nations General Assembly, *Situation of human rights in the Islamic Republic of Iran. Interim report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission on Human Rights in accordance with General Assembly resolution 52/142 of 12 December 1997 and Economic and Social Council decision 1998/273 of 30 July 1998*, A/53/423, 23 September 1998, para. 52.

⁶ *Ibid.*

⁷ Article 115 of the Iranian Constitution states that the President must have a "convinced belief in the fundamental principles of the Islamic Republic of Iran and the official *madhhab* of the country".

⁸ Guy Dinmore, "Iranians flee falling living standards. To the alarm of minority group leaders, members are leaving despite the increase in official tolerance", *Financial Times*, 16 November 2000.

⁹ *Ibid.*

¹⁰ *Ibid.*

Zoroastrians

The Zoroastrian faith is one of the three recognized religious minorities. There are probably about 45,000 Zoroastrians in Iran, living mainly in Yazd and Kirman.¹ Like the Jews and Christians, Zoroastrians are allowed to conduct religious education of their followers. There are separate, privately funded Zoroastrian, Jewish and Christian schools; these schools are supervised by the Ministry of Education and directed by Muslims.² The three recognized religious minorities are also allowed to establish community centres and certain cultural, social, sports or charitable associations, which they finance themselves.³ However, according to the Minority Rights Group, the state discriminates in practice, generally rejecting Zoroastrian job applicants, particularly for teaching or military service, by introducing strict Islamic tests.⁴

Jews

Like the Zoroastrians and the Christians, the Jews enjoy formal status as a recognized religious minority. However, following the 1979 Revolution, many Jews have felt unsafe under such a "vehemently anti-Zionist [...] regime", and have left Iran.⁵ More than 1,000 Jews are believed to depart from Iran each year, leaving behind a community presently of about 20,000.⁶ In general, the government permits Jews to travel abroad, but it often denies them multiple-exit permits normally issued to other citizens. Usually, not all members of a Jewish family are allowed to travel at the same time.⁷

In June 1999, 13 members of the Jewish community were arrested by the authorities, charged with spying for Israel and the United States. The United Nations Special Rapporteur on religious intolerance sent out an urgent appeal about their arrest to the authorities, as "the real reason they were arrested was that they were Jewish".⁸ On 2 February 2000, three of them were released on bail, pending a later trial. The three were said to be facing lesser charges.⁹ The trial of the 13 Jews started on 12 April 2000; the trial was held *in camera* for security reasons.¹⁰ The judge adjourned the case until 1 May. As stated before, in June 2000, ten of the Jews were found guilty and sentenced to between four and 13 years' imprisonment.¹¹ On appeal their sentences were reduced.

Christians

A Christian group reported that between 15 and 23 Iranian Christians disappeared between November 1997 and November 1998. Those who disappeared reportedly were Muslim converts to Christianity, whose baptisms had been discovered by the authorities.¹² The group reporting the disappearances believed that most of them were killed. In 1999, one organization reported eight deaths of evangelical Christians at the hands of the authorities in the past 10 years.¹³

¹ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 338.

² USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

³ *Ibid.*

⁴ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 339.

⁵ *Ibid.*

⁶ Guy Dinmore, "Iranians flee falling living standards. To the alarm of minority group leaders, members are leaving despite the increase in official tolerance", *Financial Times*, 16 November 2000.

⁷ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁸ United Nations Commission on Human Rights, *Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 1999/39*, E/CN.4/2000/65, 15 February 2000, para. 51.

⁹ Keesing's Record of World Events, Vol. 46, February 2000, *Iran – Release of Jewish spies*.

¹⁰ *Ibid.*, Vol. 46, April 2000, *Iran – Opening of trial of Jewish spies*.

¹¹ See Paragraph 3.5.

¹² As reported in: USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

¹³ *Ibid.*

Baha'is

The Baha'i faith is the largest non-Muslim minority in Iran. It is estimated that it has nearly 350,000 adherents in the country.¹ The religion originated in Iran during the 1840s, as a reformist movement within Shi'a Islam. Shi'a clerics considered Baha'is as apostates, and therefore punishable by death under the Islamic law.² It is linked by the government to the Shah's regime, and is therefore considered as "counterrevolutionary" and characterized by its "espionage activities" for foreign entities, in particular Israel.³

Followers of the Baha'i faith effectively enjoy no legal rights, since the government does not consider them as a legitimate religious group but as a political organization.⁴ The U.S. Department of State, in its 1999 annual report on religious freedom, stated Iran is implementing policies against Baha'is "geared to destroying them as a community", through prolonged imprisonment, confiscation and desecration of their holy sites and graves, and by denying them university education and government jobs.⁵ They repeatedly have been offered relief from persecution, in exchange for recanting their faith. Unlike the recognized religious minorities, the Baha'i are not allowed to teach or practice their faith. Baha'is often experience difficulty in getting passports.⁶

There is still an unabated pattern of persecution against the Baha'i, including death sentences and arbitrary arrests and detention. The Los Angeles Times reported, on 28 October 2000, on the fleeing of Iranian Baha'is to Turkey. According to the UNHCR office in Van (Turkey), the number of Iranian asylum-seekers, including Baha'is, has "steadily risen" over the last three years. Nearly half of those who were granted refugee status were Baha'is.⁷

The Baha'is have also been the "target" of economic discrimination, losing welfare rights, public sector employment and frequently private businesses; their properties remain confiscated.⁸

Baha'i marriages were not recognized by the Iranian government, leaving Baha'i women open to charges of prostitution. Children of Baha'i marriages are not recognized by the Iranian government as legitimate, and are therefore denied inheritance rights.⁹ However, the UN Special Representative reported in his 2000 report to the General Assembly that questions regarding the religion of spouses at the time of marriage had been eliminated. He considered this a "welcome development", opening up the possibility of registering Baha'i marriages.¹⁰

¹ *Ibid.* The Minority Rights Group estimates some 300,000 Baha'is in Iran, and some 5 million worldwide; see: Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 337.

² Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 338.

³ The fact that the Baha'i world headquarters are located in Israel, and the fact that there is a large Baha'i community in the United States have contributed to this view. See: USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000, and Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 338.

⁴ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁵ *Ibid.*, *Annual Report on International Religious Freedom for 1999: Iran*, 9 September 1999.

⁶ *Ibid.*, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁷ Amberin Zaman, "Iranian Bahais, Fleeing Religious Persecution, Find a Refuge in Turkey", *Los Angeles Times*, 28 October 2000.

⁸ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 337.

⁹ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

¹⁰ A/55/363, 8 September 2000, para. 75.

Other Religious Minorities

Sunnis – Sunni Muslims are in theory the largest religious minority of Iran, but they are not recognized as such, as they are part of the same “Islamic family” as the Shi’a Muslim majority.¹ Most Kurds, Turkmen, Baluchis and some Arabs are Sunni; altogether they probably represent almost 15 per cent of Iran’s population. However, they do not form a coherent whole as Sunnis, and tend to express their identity in ethnic terms.²

Although Sunni Muslims are accorded full respect under the Constitution, some Sunni groups claim discrimination on the part of the government.³ In his latest report to the United Nations General Assembly, the UN Special Representative indicated that one of the principle complaints has been the “official and unofficial obstacles” put in the way of building and rebuilding Sunni mosques.⁴ The most often raised example is Tehran itself, with a reported one million Sunnis and no mosque of their own.⁵ The U.S. Department of State stated in its 1999 human rights report that numerous Sunni clerics had been murdered in recent years, some allegedly by government agents.⁶

Assyrians – The Assyrians, totalling approximately 100,000, are located in north-western Iran.⁷ In spite of their formal status and representation in parliament, life has been more difficult for them under the Islamic republic. Although they do not feel persecuted, “pressure to conform to the public precepts of the *shari’a*” and the closure of Assyrian schools and publications has led to migration to the West.⁸

4.2 Ethnic Minorities

The Iranian Constitution states in Article 19 that “[a]ll people, whatever the ethnic group or tribe to which they belong, enjoy equal rights”, and “colour, race, language, and the like, do not bestow any privilege”. In addition, all citizens of Iran, both men and women, enjoy equal protection of the law and enjoy all “human, political, economic, social, and cultural rights, in conformity with Islamic criteria”.⁹

¹ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 October 2000, para. 6.32.

² Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 337.

³ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁴ A/55/363, 8 September 2000, para. 71.

⁵ *Ibid.*

⁶ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁷ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 338.

⁸ *Ibid.*

⁹ Constitution of the Islamic Republic of Iran, Article 20.

Iran signed the International Convention on the Elimination of all forms of Racial Discrimination (CERD) on 29 August 1968; the Convention entered into force on 4 January 1969.¹ The monitoring committee under the Convention, the Committee on the Elimination of Racial Discrimination, dealt on 4-5 August 1999 with the latest reports submitted by the Iranian government.² On 18 August 1999, the Committee adopted its concluding observations, in which it welcomed Iran's efforts to provide statistics and breakdowns to "enable an identification of different ethnic groups", including Azeris, Arabs, Kurds, Baluchis, Lurs and Turkmen.³ The Committee also noted with appreciation that Iran has a long tradition of receiving and hosting a large number of refugees, particularly of Afghan origin, and welcomed its efforts to provide the refugees with food shelter and health services.⁴

The Committee on the Elimination of Racial Discrimination was concerned that the definition of racial discrimination found in, *inter alia*, Article 19 of the Iranian Constitution, was not in complete conformity with the broad definition contained in the Convention, which refers to "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin".⁵ It noted that several civil and political rights, such as the right to freedom of religion and the right to freedom of expression were subject to restrictions, but it needed more information in order to determine whether these restrictions were in conformity with the Convention.⁶

As was also noted by the Committee on the Elimination of Racial Discrimination,⁷ the Committee on the Rights of the Child was concerned at the "large disparities in the enjoyment of rights" in provinces inhabited largely by persons belonging to ethnic minorities, especially in Sistan and Baluchestan, Lorestan, West Azerbaijan, Ardabil and Hormozgan.⁸

Azeris

There are probably 15 million Azeris in Iran, almost one-third of the total population. According to the UN Special Representative on Iran, it seems that the Azeris are the largest minority in the country.⁹ The Azeris have settled in north-western Iran, mingling to some extent with Kurds and Persians. They are a border minority, cut off from their more numerous fellows in what is now Azerbaijan.¹⁰ Although they are linguistically a distinctive Turkic group, the Azeris have tended to identify with Iran, having "embraced" Shi'a Islam and priding themselves on taking a political lead in national issues.¹¹

¹ Although, as indicated by the Iranian government, the Convention is part of domestic law and could be used by plaintiffs charging racial discrimination, there have been no cases in which the Convention has been invoked in courts. See: United Nations Committee on the Elimination of Racial Discrimination, Press Release HR/CERD/99/38, 5 August 1999 (Morning).

² It concerned the 13th, 14th and 15th reports. See: *Concluding observations of the Committee on the Elimination of Racial Discrimination on the Islamic Republic of Iran*, A/54/18, 18 August 1999, para. 294.

³ *Ibid.*, para. 294 and 296.

⁴ *Ibid.*, para. 297.

⁵ Article 1, paragraph 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.

⁶ *Concluding observations of the Committee on the Elimination of Racial Discrimination on the Islamic Republic of Iran*, A/54/18, 18 August 1999, para. 302 and 304.

⁷ *Ibid.*, para. 303.

⁸ CRC/C/15/Add.123, *Concluding observations by the Committee on the Rights of the Child – Iran*, adopted on 2 June 2000, para. 23.

⁹ A/55/363, 8 September 2000, para. 68.

¹⁰ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 339.

¹¹ *Ibid.*, p. 339-340.

The Minority Rights Group reported in 1997 that in spite of the existence of a distinct Azeri consciousness, it was unlikely to find a nationalist expression, and that there was no sign of a desire to reunite with Azerbaijan.¹ However, the UN Special Representative on Iran indicated, in his latest report to the United Nations General Assembly, that for some time, there has been a “demand” by some Azeris for greater cultural autonomy. The principal complaint is that Azeris have been denied “cultural recognition”, in particular the exercise of basic cultural rights as set out in Article 26 of the International Covenant on Civil and Political Rights.²

Kurds

The Kurds are believed to number about six million, mainly living in the northwest of the country – principally in the province of Kurdistan, along the borders with Iraq and Turkey.³ Ethnic Kurds can be found in all walks of life in Iran, both in the private and public economic sectors as well as in Iran’s military and civilian establishments.⁴ The Islamic regime deals “harshly” with rebellious Kurdish leaders seeking autonomy – notably those of the Kurdish Democratic Party of Iran (KDPI) and the Marxist Komaleh – and their militant supporters.⁵ However, few Kurds seek outright independence and the slogan of the KDPI is “autonomy for the Kurds and democracy for Iran”. Yet the government remains convinced that any form of autonomy will lead to the progressive break-up of Iran.⁶ Iranian troops are permanently stationed in Kurdish areas and also monitor the activities of members of the Iraqi Kurdish Democratic Party in the areas.⁷

The Committee on the Elimination of Racial Discrimination noted with appreciation, in its concluding observations adopted on 18 August 1999, that “ethnic and national minorities, in particular the Kurds”, are represented in the parliament in proportion to the demographic composition of the country.⁸

It was reported in December 2000 by a Kurdish Member of Parliament (MP), that a number of Kurdish students were beaten and arrested during a peaceful demonstration at the University of Tehran.⁹ The MP, who represented the principal Kurdish area of Sanandaj and was close to the conservatives, reported the incident in parliament where he denounced the “secret police” for not respecting the right to demonstrate. He said that he and two other Kurdish MPs who attended the demonstration were treated “without regard” by the police. According to him, “plainclothes policemen intervened and began insulting and beating the demonstrators and arrested a number of them”, without giving a number, and he demanded their immediate release.¹⁰ Another (reformist) Kurdish MP had, on 28 November 2000, denounced before parliament what he said was a “campaign of repression and serial killings against the some six-million-strong Kurdish minority in Iran”. This included prohibition of religious freedom for the Sunni Muslim Kurds, he said.¹¹

¹ *Ibid.*, p. 340.

² A/55/363, 8 September 2000, para. 69.

³ David Levinson, *Ethnic Groups Worldwide. A Ready Reference Handbook: Iran*, Oryx Press, 1998, p. 231.

⁴ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.54.

⁵ *Ibid.*

⁶ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 341.

⁷ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.54.

⁸ *Concluding observations of the Committee on the Elimination of Racial Discrimination on the Islamic Republic of Iran*, A/54/18, 18 August 1999, para. 300.

⁹ AFP, *Kurdish students beaten, arrested in “peaceful” Tehran demonstration*, 13 December 2000.

¹⁰ *Ibid.*

¹¹ *Ibid.*

Arabs

At least one million Arabs, mainly Shi'a Muslims, live in Iran, primarily in Khuzestan and in the south. The Sunni Arabs tend to live on the Gulf coastline.¹ Attempts by the Arabs of Khuzestan to gain autonomy in 1979 gave way to support for Iran during the Iran-Iraq war of 1980-1988.² Many are employed in the agriculture and oil industries.³

Baluchis

The Baluchis are mostly Sunni Muslims, numbering between one and two million. They live mainly in the poorer and less economically developed south-eastern region of Iran,⁴ as part of a larger community which extends into Pakistan as well as Afghanistan. In some Gulf states, notably Bahrain and Oman, there is a considerable Baluch migrant population.⁵ As a coherent Indo-European linguistic group, the Baluchis have retained a strong Sunni identity; a small minority of Baluchis, living in the west, are Shi'a.⁶ In the 1990s, Sunni clerics trained in Pakistan and Saudi Arabia have strengthened the Sunni dimension of Baluch identity, leading to serious demonstrations and clashes with government forces in early 1994.⁷

4.3 Women

Article 21 of the Iranian Constitution stipulates that the government must ensure the rights of women in all respects, "in conformity with Islamic criteria", with the goal of, *inter alia*, creating a "favourable environment for the growth of woman's personality and the restoration of her rights".⁸ This is not to say that women do not face social and legal discrimination.⁹

As indicated in paragraph 3.1, Iran is not a party to the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). However, the monitoring committees under the UN human rights instruments that Iran is a party to, have each commented on the issue of discrimination against women in Iran. Both the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child have recommended that Iran takes "effective measures to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life".¹⁰

¹ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.55.

² *Ibid.*, para. 6.55, and Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 342.

³ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.55.

⁴ *Ibid.*, para. 6.56.

⁵ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 341.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Constitution of the Islamic Republic of Iran, Article 21, preamble and paragraph 1.

⁹ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.2.

¹⁰ CRC/C/15/Add.123, *Concluding observations by the Committee on the Rights of the Child – Iran*, adopted on 2 June 2000, para. 5.

Women suffer discrimination in the legal code, in particular in family and property matters. The view of women in a primarily familiar context and motherhood role continues to be encouraged.¹ According to current marriage law in Iran, men are allowed up to four permanent wives and an unlimited number of concubines or temporary wives. Furthermore, Muslim men are free to marry non-Muslim women, but marriage between Muslim women and non-Muslim men is not recognized.² In event of a divorce, the father traditionally gets custody of his children, unless the mother can prove her spouse to be an "unfit father". Women who remarry are forced to give up custody of children from previous marriages to their father.³

There is gender segregation in most public spaces, and women are prohibited from mixing openly with unmarried men or men not related to them. There are separate sections for women in public transportation, and women must enter public buildings, universities and airports through separate entrances.⁴ While the enforcement of conservative Islamic dress codes has changed, women are still subject to harassment by the authorities if their dress or behaviour is considered inappropriate. They may be sentenced to flogging or imprisonment for such behaviour. The Penal Code mandates stoning for women and men convicted of adultery.⁵ It is difficult for many women, particularly those living outside large cities, to obtain legal redress, and the testimony of a woman is worth only half that of a man in court.⁶ Women must obtain permission of their husband, father or other living male relative, in order to obtain a passport. Married women must receive written permission from their husband to travel abroad.

There are no publicly available statistics on spousal abuse and violence against women, although cases have been reported.⁷ "Blood money" is only awarded if the aggrieved party is a man. In addition, families of female victims of violent crimes are reported to have to pay for an assailant's court costs.⁸ Like in many countries, domestic abuse is considered a private matter. In May 1999, the President's Advisor on Women's Affairs was quoted in the press as stating that "one cannot claim that violence against women does not take place in Iran".⁹ In September 1999 however, the UN Special Representative on Iran noted ongoing efforts by the government to develop a national action plan to address the issue. The action plan reportedly is to include "legal and judicial measures, a public information campaign, establishment of a women's police college, and an organization for defending women in peril as well as victims of violence".¹⁰

¹ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.6 and 6.2.

² *Ibid.*, para. 6.14.

³ *Ibid.*, para. 6.19.

⁴ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁵ *Ibid.*

⁶ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 October 2000, para. 6.6.

⁷ USDOS, *1999 Country Reports on Human Rights Practices – Iran*, 25 February 2000.

⁸ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 October 2000, para. 6.7.

⁹ A/54/365, 21 September 1999, para. 22.

¹⁰ *Ibid.*

4.4 Children

The Islamic Republic of Iran signed the United Nations Convention on the Rights of the Child on 13 June 1994; the Convention entered into force on 12 August 1994. The Committee on the Rights of the Child, the monitoring committee under the Convention, considered the initial report of Iran on 16 May 2000.¹ In its concluding observations, adopted on 2 June 2000, the Committee noted as one of the positive aspects that Iran hosts the “largest refugee population in the world, around 2.1 million people, including a large number of children”, and that it has provided assistance, generally with speed and effectiveness and with only “limited help from the international community”.²

However, the Committee was concerned that the “broad and imprecise nature of the State party’s general reservation potentially negates many of the Convention’s provisions” and it questioned its compatibility with the object and purpose of the Convention.³ It also noted serious concerns, in particular with regard to non-discrimination, the best interests of the child, civil rights and freedoms, and special protection measures. The Committee said it was a concern that formally, at least, there was still a possibility of application of criminal law to persons under 18.⁴ The Committee also called on the Iranian government to take steps beyond the passage of legislation to improve the situation of girls. Efforts had to be made to alter attitudes and traditions that perpetuated inequality between the sexes.⁵

With regard to the situation of unaccompanied, asylum-seeking and refugee children, the Committee on the Rights of the Child was particularly concerned that “many refugee children remain unregistered, limiting their ability to fully utilize social services, including schools”.⁶

4.5 Homosexuals

The Islamic Penal Law of Iran deals extensively with sodomy, lesbianism and pimping.⁷ Homosexuality is forbidden by Islamic law, and will be punished. Sodomy, defined as “sexual intercourse with a male”, is punishable by death if both parties “are mature, of sound mind and have free will”.⁸ It must be proven by either four confessions from the accused, the testimony of four “righteous men” who witnessed the act, or through the knowledge of a Shari’a judge “derived through customary methods”.⁹ If the accused repents before the witnesses testify, the penalty “will be quashed”.¹⁰

¹ The initial report of the Islamic Republic of Iran under the Convention on the Rights of the Child is contained in CRC/C/41/Add.5, submitted on 9 December 1997.

² CRC/C/15/Add.123, *Concluding observations by the Committee on the Rights of the Child – Iran*, adopted on 2 June 2000, para. 5.

³ *Ibid.*, para. 7. Iran made two reservations, one upon signature (“The Islamic Republic of Iran is making reservation to the articles and provisions which may be contrary to the Islamic Shariah, and preserves the right to make such particular declaration, upon its ratification”), and one upon ratification (“The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect”).

⁴ United Nations Committee on the Rights of the Child, *Calls, in Preliminary Remarks, for Further Improvement in Situation of Girls, Efforts to Change Attitudes and Traditions*, Press Release CRC, 24th Session, 16 May 2000 (Afternoon).

⁵ *Ibid.*

⁶ CRC/C/15/Add.123, *Concluding observations by the Committee on the Rights of the Child – Iran*, adopted on 2 June 2000, para. 49.

⁷ All articles of the Islamic Penal Law in Iran related to sodomy, lesbianism and pimping (Articles 108-140) can be found in UNHCR/CDR’s Refworld 2000. The Penal Law entered into force on 28 November 1991.

⁸ Islamic Penal Law in Iran, Articles 108 and 111.

⁹ Articles 114-126 deal with “ways of proving sodomy in court”.

¹⁰ Islamic Penal Law in Iran, Article 125.

According to the Ta'azirat of November 1983 (valid to June 1996) sentences of imprisonment for between one and 10 years and up to 74 lashes are possible. The death penalty may also be incurred if the act is deemed "Act against God and corruption on earth".¹ Since June 1996, the revised Ta'azirat omits direct threat of lashes or the death penalty, but may impose closure of premises where the act took place. Lesbianism, defined as "homosexuality for women by genitals", is punishable by hundred lashes for each party, and by death on the fourth offence.² The most recent report of execution is of the death by stoning of a man in 1995, on charges of repeated acts of "adultery and sodomy".³

5 UNHCR Operations

5.1 Introduction⁴

The initial objectives for the UNHCR operation in the Islamic Republic of Iran, as laid out in the Global Appeal 2001, are:

- Facilitate the voluntary repatriation of an estimated 100,000 Afghan and 5,000 Iraqi refugees.
- Ensure a transparent and fair procedure to identify persons in need of protection.
- Devote a larger share of programme resources to address the needs of the majority of refugees living outside camps.
- Improve programme delivery and impact, particularly through the increased involvement of NGOs.

5.2 Major Developments, Progress Achieved and Constraints⁵

Voluntary Repatriation of Afghan Refugees

The Islamic Republic of Iran continues to host (according to government estimates) some 1.3 million Afghan refugees in the country's eastern provinces and major urban centres. Only a small proportion of the refugees lives in camps and the majority has access to a number of government services on an equal basis with nationals. However, economic recession coupled with the protracted nature of the Afghan refugee situation have led to a gradual reduction in government assistance and an increasing need for solutions to their plight.

¹ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.28.

² Islamic Penal Law in Iran, Articles 127, 129 and 131.

³ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Iran*, 1 April 2000, para. 6.28.

⁴ UNHCR, *Global Appeal 2001 – Strategies and Programmes*, 2000, p. 150.

⁵ Based on: UNHCR, *2000 Mid-Year Progress Report*, September 2000, p. 144-146.

To avoid that Afghans return involuntarily to their country of origin and to ascertain their need for continued international protection, UNHCR and the government formally agreed on 14 February 2000 to begin implementing a Joint Programme for voluntary repatriation of Afghan refugees. The Programme, which lasted until December 2000, started on 8 April and comprised two components:

- 1) Afghan refugees (both documented and undocumented) were assisted to return voluntarily in organized repatriation convoys, and
- 2) undocumented Afghans who believe they have valid reasons for continued protection in the Islamic Republic of Iran had their claims examined by joint government/UNHCR screening teams to be permitted to remain in the country until solutions are found to their situation.

By the end of 2000, a total of 134,000 Afghans had repatriated voluntarily under the Joint Programme. Repatriation packages consisting of USD 40 per person (USD 20 paid in the Islamic Republic of Iran and the other half to be paid in Afghanistan) and one plastic sheet per family were distributed to repatriating refugees in the Islamic Republic of Iran. In parallel, eight protection screening centres (which operated under UNHCR's supervision) had been established out of a planned nine. By the end of December, some 50,000 requests (covering 250,000 persons) for interviews had been registered and carried out by the 28 joint government/UNHCR teams. Some 80,000 persons were accepted as persons in need of protection.

Voluntary Repatriation of Iraqi Refugees

According to government estimates, more than 500,000 Iraqi refugees (of which 44,000 live in camps) are also hosted by the Islamic Republic of Iran. Although some developments have fostered a climate more conducive to their eventual return (the issuance of a general amnesty for refugees originating from Iraq's southern provinces, the return of Iraqi prisoners of war, etc.), there are no indications that Iraqi refugees will begin to return in large numbers in the near future.

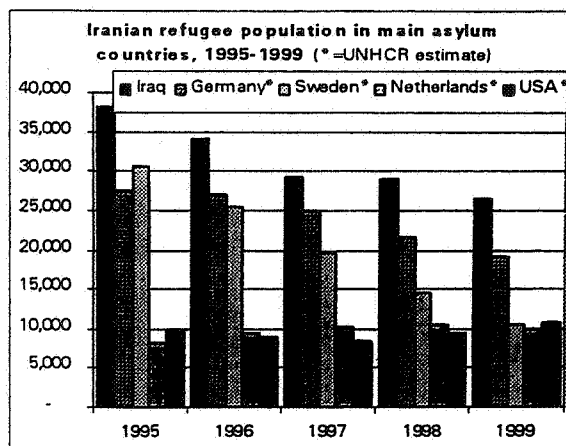
Organized repatriation of Iraqi Kurd refugees remains suspended, as UNHCR has been unable to reach an agreement with the two concerned governments on the modalities of return. Only 132 Iraqi Kurd refugees returned spontaneously to Iraq during the first six months of the year.

A decree issued by the Iraqi government in 1999, exempting from prosecution nationals who had left the country illegally, prompted the beginning of organized voluntary repatriation movements to southern Iraq. These movements continued in 2000, although at a reduced pace. During 2000, UNHCR assisted 1,360 Iraqi refugees to return voluntarily to southern Iraq. Refugees interested in returning to this part of the country have received information about the circumstances of return (including UNHCR's inability to monitor their situation in southern Iraq) in order to make an informed decision about repatriation.

6 Iranian Asylum-Seekers and Refugees: A Statistical Overview

6.1 Iranian Refugee Population in Main Asylum Countries

Since 1995, the Iranian refugee population in major asylum countries has generally decreased (see chart). In the five main asylum countries, the total number of Iranian refugees is estimated to have fallen from some 114,000 in 1995 to 77,000 in 1999.



Virtually all Iranian refugees assisted by UNHCR are located in Iraq. Their number fell from 29,000 at the beginning of 1999 to 26,500 by the end of the year. No *prima facie* refugee arrivals of Iranian nationals were reported during 1999. During the period 1997 to 1999, UNHCR offices in asylum countries reported no voluntary repatriation of Iranian refugees.

Iranian resettlement departures from selected UNHCR offices			
Office	1998	1999	change
Iraq	1,140	820	-28%
Turkey	820	1,110	35%
Pakistan	610	390	-36%
India	10	25	150%
Syria	14	22	57%
Total	2,594	2,367	-9%

During 1997-1999, 7,850 Iranian refugees were resettled from first asylum countries through UNHCR programmes, almost 50 per cent of whom were processed by UNHCR Baghdad. The annual number of resettled Iranian cases decreased from 2,850 in 1997 to 2,610 in 1998 and to 2,390 in 1999. In 1999, the UNHCR Office in Ankara resettled the largest number of Iranian refugees (1,110), followed by Iraq (820) and Pakistan (390).

At the end of 1999, UNHCR Offices reported the demographic breakdown of some 38,000 Iranian asylum-seekers and refugees. Of these, some 45 per cent were female. The proportion of female asylum-seekers and refugees is the highest in the lowest age group (49 per cent of those aged between 0-4 years) and the lowest among the oldest refugees (38 per cent for those aged 60 years and above).

From 1998 to 1999, the number of Iranian asylum-seekers applying for refugee status under the UNHCR mandate increased significantly in Turkey (94 per cent) and Cyprus (156 per cent), but declined in India and Pakistan (see chart).

Iranian asylum applications lodged in selected UNHCR offices			
UNHCR Office	1998	1999	change
Turkey	1,979	3,843	94%
Iraq	447	426	-5%
Pakistan	468	264	-44%
Syria	128	134	5%
Cyprus	36	92	156%
Azerbaijan	39	56	44%
India	32	26	-19%
Total	3,129	4,841	55%

6.2 Asylum Applications and Refugee Status Determination in Europe, 1990-1999

During 1990-1999, some 132,000 Iranian nationals applied for asylum in 23 industrialized countries (see Table 1). The annual number of applications lodged was the highest in 1990 and 1991. From 1998 to 1999, the number of Iranian applications increased by 36 per cent (from 10,000 to 13,600). During 1990-1999, Germany received 42 per cent of all Iranian asylum requests submitted in Europe, followed by the Netherlands (20 per cent), Austria (10 per cent) and Sweden (9 per cent).

During the period 1990-1999, some 44,300 Iranian asylum-seekers were granted refugee status under the 1951 UN Convention in the industrialized countries (see Table 2). In 1999, some 2,700 Iranian asylum-seekers were granted refugee status, the lowest figure during the decade. The Convention recognition percentage for Iranian asylum-seekers reached 20 per cent in 1999, down from 29 per cent in 1998. The 1999 rate figure was the lowest level during the decade.

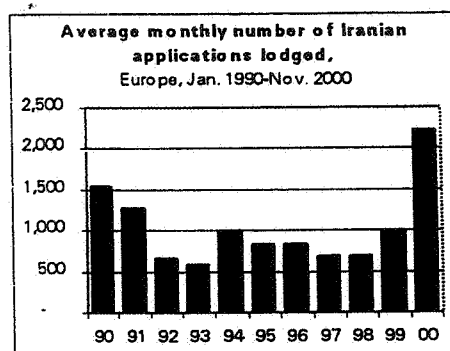
During 1990-1999, an additional 15,200 Iranian nationals were allowed to remain for humanitarian reasons in Europe (see Table 3). Of the 675 Iranians granted humanitarian status during 1999, some 405 were allowed to stay in the Netherlands. The number of Iranians granted humanitarian status during 1999 was almost half the 1998 figure and the lowest number during the decade.

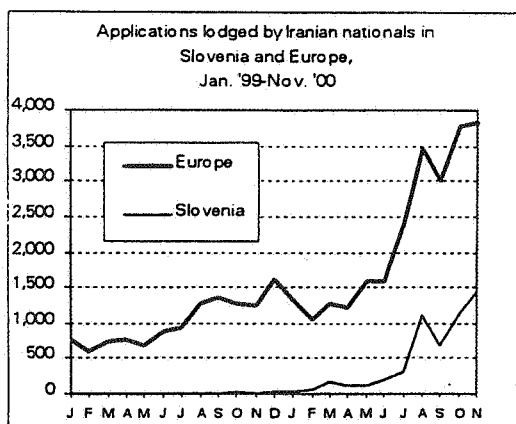
The total recognition rate (including both refugee and humanitarian status) for Iranian asylum-seekers in the industrialized countries was 25 per cent during 1999, down from 41 per cent in 1998 and the lowest rate during 1990-1999 (see Table 6).

6.3 Monthly Asylum Applications Submitted in Europe

The average number of monthly applications lodged by Iranian nationals in Europe decreased from 1,500 in 1990 to 690 in 1998. Since then, the figure increased sharply to reach 1,010 during 1999 and 2,230 during the first 11 months of 2000 (see chart).

Recently, the number of Iranian asylum applications lodged in Europe has increased significantly, from 750 in January 1999 to 3,820 in November 2000 (see chart). During period January to November 2000, the main receiving countries were Slovenia (22 per cent), UK 19 per cent, cases only), Germany (18 per cent) and Belgium (11 per cent). The increase in Iranian applications lodged in Slovenia is particularly noteworthy, from 20 in January to 1,455 in November 2000.





The increase in the number of applications lodged by Iranian nationals in Europe during January to November 2000, compared to the same period in 1999, was particularly high in Slovenia (from 70 to 5,380), Belgium (from 140 to 2,660) and the UK (from 1,150 to 4,650, cases only).

6.4 Asylum Applications and Refugee Status Determination: A Global View

During 1999, some 19,560 Iranian asylum-seekers applied for asylum in some 75 countries (see Table 9). Of the 18,880 decisions taken, some 5,090 resulted in refugee status, 680 decisions resulted in humanitarian status, 8,300 cases were rejected, whereas 4,950 cases were closed on other grounds. At the end of 1999, some 8,030 Iranian asylum cases were pending in the procedures. When cases closed on other, non-substantive grounds are excluded, the global Convention recognition percentage for Iranian asylum applicants during 1999 amounted to 36 per cent, whereas the total recognition percentage, including grants of humanitarian status, amounted to 41 per cent.

Note: In this and the following tables, an asterisk ("*") indicates that the value is between 0 and 4.

Table 1. Number of asylum applications submitted											
											Iran (Islamic Republic of)
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	1,815	1,587	652	250	425	485	656	502	950	3,343	10,665
Belgium	184	165	115	133	111	103	118	97	101	165	1,292
Bulgaria	-	*	-	-	-	-	15	33	75	63	188
Czech Rep.	-	22	*	8	*	6	7	7	11	71	135
Denmark	843	418	269	191	152	151	200	159	170	184	2,737
Finland	31	46	37	53	66	67	37	23	46	50	456
France	351	308	178	165	147	133	146	147	153	189	1,917
Germany	7,271	8,643	3,834	2,664	3,445	4,314	5,264	4,490	2,955	3,407	46,287
Greece	400	153	48	25	101	127	185	139	94	74	1,346
Hungary	-	-	-	-	-	18	5	29	45	75	172
Ireland	-	*	*	-	*	*	7	*	*	*	21
Italy	39	28	15	29	84	106	39	62	69	122	593
Netherlands	1,724	1,726	1,298	2,610	6,075	2,698	1,521	1,253	1,679	1,527	22,111
Norway	451	244	130	147	160	163	120	138	264	350	2,167
Poland	-	43	-	-	-	8	24	19	6	*	102
Portugal	-	-	*	-	-	-	11	5	*	*	22
Spain	167	-	-	64	243	492	621	168	79	73	1,907
Sweden	4,303	1,255	753	339	382	451	401	356	613	854	9,707
Switzerland	417	222	140	94	82	110	134	129	168	206	1,702
UK (cases)	455	530	405	360	520	615	585	585	745	1,320	6,120
Canada	2,101	1,545	1,407	1,019	1,470	1,901	1,728	1,210	880	794	14,055
USA (cases)	1,550	770	692	557	508	498	468	811	746	773	7,373
Australia	-	-	-	-	-	-	215	167	169	-	551
Total	22,102	17,708	9,978	8,708	13,977	12,449	12,507	10,530	10,020	13,647	131,626
Total EUR	18,451	15,393	7,879	7,132	11,999	10,050	10,096	8,342	8,225	12,080	109,647
- EU-14	17,583	14,860	7,608	6,883	11,755	9,745	9,791	7,987	7,656	11,313	105,160

Table 2. Convention status granted											
											Iran (Islamic Republic of)
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	116	363	335	128	91	112	136	97	56	99	1,533
Belgium	48	68	70	43	31	11	13	19	28	21	352
Bulgaria	-	-	-	-	-	-	*	*	*	11	15
Czech Rep.	-	-	-	*	6	*	-	-	-	*	11
Denmark	26	49	41	34	14	27	*	17	20	42	271
Finland	-	-	5	*	-	*	*	*	-	*	11
France	355	212	171	109	79	92	84	90	68	58	1,318
Germany	1,990	3,577	2,750	2,193	1,856	1,931	1,902	1,166	824	783	18,972
Greece	20	16	*	*	17	42	36	17	22	17	189
Hungary	-	-	-	-	-	*	*	*	*	8	17
Ireland	-	-	-	-	-	-	-	-	*	*	4
Italy	6	16	12	9	99	63	30	47	37	59	378
Netherlands	264	221	1,013	475	280	299	751	466	162	118	4,049
Norway	44	33	31	16	8	9	*	11	9	27	189
Poland	-	38	-	-	-	*	*	*	*	-	44
Portugal	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	22	7	22	10	5	12	6	84
Sweden	272	228	124	122	130	88	10	38	103	13	1,128
Switzerland	61	36	26	12	28	48	36	57	54	69	427
UK (cases)	45	55	110	100	100	165	195	155	125	55	1,105
Canada	1,095	1,875	922	800	974	882	1,141	1,080	915	664	10,348
USA (cases)	218	156	168	222	430	512	507	280	496	505	3,494
Australia	-	-	-	-	-	-	152	115	-	125	392
Total	4,560	6,943	5,779	4,289	4,150	4,308	5,011	3,668	2,938	2,685	44,331
Total EUR	3,247	4,912	4,689	3,267	2,746	2,914	3,211	2,193	1,527	1,391	30,097
EU-14	3,142	4,805	4,632	3,237	2,704	2,853	3,170	2,118	1,459	1,274	29,394