

Flygtningenævnets baggrundsmateriale

| | |
|---------------------------------|---|
| Bilagsnr.: | 871 |
| Land: | Iran |
| Kilde: | UN General Assembly |
| Titel: | Situation of human rights in the Islamic Republic of Iran. Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman |
| Udgivet: | 11. januar 2021 |
| Optaget på baggrundsmaterialet: | 3. november 2021 |



General Assembly

Distr.: General
11 January 2021

Original: English

Human Rights Council

Forty-sixth session

22 February–19 March 2021

Agenda item 4

Human rights situations that require the Council's attention

Situation of human rights in the Islamic Republic of Iran

Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman

Summary

The present report provides an overview of current human rights concerns in the Islamic Republic of Iran. In the report, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran details observations regarding trends, concerns and progress made in the protection of human rights and puts forward recommendations to improve the human rights situation.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 43/24, in which the Council requested the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to submit a report at its forty-sixth session. It contains information collected up until 3 December 2020, including from the Government of the Islamic Republic of Iran and non-governmental and media organizations, and through interviews with victims of alleged violations and their families and lawyers. The Special Rapporteur appreciates the Government's engagement and the increased response to communications from special procedures. The Government's dialogue with the Office of the United Nations High Commissioner for Human Rights is also encouraging. The Special Rapporteur regrets that requests to visit the country have not been accepted.

2. The Special Rapporteur details the current human rights situation in the country, with a focus on the situation of women and girls. While some steps have been taken towards gender equality, he expresses concern that gender-based discrimination persists in law, practice and societal attitudes. He outlines where the Government can reform and promote gender-equal policies, including by repealing discriminatory family, criminal and employment laws, protecting women from violence, promoting female leadership and full participation in cultural life, and ending the targeting of women's rights advocates.

3. The Special Rapporteur is dismayed that sanctions imposed by the United States of America continue to have a negative impact on economic and social rights in the Islamic Republic of Iran, especially during the coronavirus disease (COVID-19) pandemic, with humanitarian exemptions proving unsuccessful. Notwithstanding the above, there are concerns that the Government's pandemic response remains inadequate and opaque, especially relating to protecting detainees in overcrowded and unhygienic prisons. The Special Rapporteur remains deeply concerned at the high execution rate in the Islamic Republic of Iran, expressing particular alarm at the recent implementation of the death penalty against protesters. The Government has failed to conduct an independent and transparent investigation into the violent State response to the November 2019 protests or hold perpetrators accountable. While the release and pardons of some human rights defenders, lawyers, dual and foreign nationals and labour rights activists are welcomed, State targeting of individuals from these groups continues. Ongoing discrimination against ethnic, religious and sexual minorities remains a serious concern.

4. The Special Rapporteur notes with concern the killing of Iranian nuclear scientist and Islamic Revolutionary Guard Corps brigadier general Mohsen Fakhrizadeh while he was travelling through Absard, Tehran Province, on 27 November 2020. The Special Rapporteur condemns this assassination as an arbitrary deprivation of life in violation of article 6 of the International Covenant on Civil and Political Rights. He invites the Government to share further information to enable him to establish his views on the assassination.

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

A. Death penalty, right to a fair trial and arbitrary detention

5. The Special Rapporteur remains deeply concerned at the high number of death sentences and executions in the Islamic Republic of Iran, including for acts that do not amount to the "most serious crimes" and following unfair trials. The Human Rights Committee has consistently interpreted the most serious crimes as those involving intentional killing.¹ Between 1 January and 1 December 2020, at least 233 people were reportedly executed; 18 of the executions were for drug-related charges and 11 for *moharebeh* (taking up arms to take lives or property or to create fear in the public) or *efsad-e fel-arz* ("corruption

¹ General comment No. 36 (2018), paras. 5 and 35.

on Earth”). Executions carried out in violation of international human rights law after an unfair trial constitute arbitrary deprivation of life.

6. The Special Rapporteur is alarmed by reports of secret executions in connection with protests, with death sentences issued in these cases following unfair trials and after the systematic use of torture to extract forced confessions. On 12 September 2020, Navid Afkari was secretly executed without prior notice in contravention of Iranian law. Mr. Afkari had participated in the August 2018 protests in Shiraz, and was subsequently arrested, convicted and given two death sentences for an alleged murder and for *moharabeh*.² He denied the accusations and stated he had been tortured to confess. The confession was later used against him in court,³ with the judge failing to investigate his torture claim.⁴ The Government rejected the torture allegations. On 5 August 2020, Mostafa Salehi was secretly executed for an alleged murder, following his participation in protests that took place in December 2017 and January 2018.⁵ Despite denying the charges, he was reportedly held for over a year in solitary confinement in an attempt to force a confession,⁶ an allegation the Government rejected. The main evidence reportedly used against him was a forced statement from another individual.⁷ The Government claimed that Mr. Salehi had confessed and that other evidence had supported the verdict, and that the executions of Mr. Afkari and Mr. Salehi complied with domestic law. With regard to recommendations made during the State’s third universal periodic review, the Government supported 1, partially supported 3, noted 2 and did not support 16 recommendations on prohibiting torture, and partially supported 2 and did not support 38 recommendations on death penalty reduction or elimination (A/HRC/43/12/Add.1).

7. The Special Rapporteur is concerned that proceedings that could lead to capital punishment have continued against protesters, including in Behbahan, Tehran and Isfahan,⁸ and that the authorities may be using harsh sentences, including the death penalty, to suppress dissent. He notes that Amir Hossein Moradi, Mohammad Rajabi and Saeed Tamjidi were granted a retrial after earlier reports that the Supreme Court had confirmed their death sentences in relation to their participation in protests that took place in November 2019.⁹ The Government stated that torture was constitutionally prohibited and confessions under duress were inadmissible. It claimed special fair trial rules applied in murder trials, including that a confession could not be the sole basis for determining guilt.

Execution of child offenders

8. The Special Rapporteur remains deeply concerned by the continued execution of child offenders. At least three were executed between 1 January and 1 December 2020, while over 85 child offenders are on death row. The Government’s international obligations prohibit without exception the execution of individuals aged under 18 years at the time of the alleged crime.¹⁰ Nevertheless, the Penal Code retains the death penalty for girls of at least 9 lunar years and for boys of at least 15 lunar years for *qisas* (retribution in kind) crimes, such as homicide, or *hudud* crimes, such as adultery. The Government stated that the Reconciliation Commission and a judicial working group regularly intervened to persuade families to accept *diya* (blood money) and pardon alleged child offenders.

Human rights defenders and lawyers

9. The harassment and detention of human rights defenders and lawyers for the exercise or defence of human rights, including through prolonged detention and new convictions, is concerning. While Golrokh Iraee was released on 8 April 2019, after being imprisoned for

² <https://iranhr.net/en/articles/4404/>.

³ <https://iranhr.net/en/articles/4427/>.

⁴ <https://iranhr.net/en/articles/4406/>.

⁵ www.mizanonline.com/fa/news/643977/ (in Persian).

⁶ www.iranhr.net/en/articles/4369/.

⁷ *Ibid.*

⁸ www.amnesty.org/download/Documents/MDE1328912020ENGLISH.PDF, p. 8;

www.mashreghnews.ir/news/1088097/ (in Persian).

⁹ www.bbc.com/news/world-middle-east-53463685.

¹⁰ International Covenant on Civil and Political Rights, art. 6 (5).

defending human rights,¹¹ the appeals court in Tehran subsequently upheld new convictions against her and Atena Daemi for condemning political prisoner executions and singing a commemorative song.¹² On 9 November 2019, Ms. Iraee was arrested in order for her to begin her new sentence, while Ms. Daemi was kept incarcerated. Ms. Daemi was due for release on 4 July 2020 after serving five years' imprisonment on charges connected to her advocacy for children's rights and opposition to the death penalty.¹³ She has been sentenced to two years' imprisonment and 74 lashes on charges of "propaganda against the system and disrupting prison order".¹⁴ The release of human rights defender Narges Mohammadi on 8 October 2020 after the judiciary reduced her sentence is welcomed. Other convictions and new charges laid in February 2020 appear to be still active, which could lead to her being returned to prison.¹⁵ The Government stated that new charges against Ms. Mohammadi had not yet been pursued.

10. Renewed targeting of relatives to coerce human rights defenders into stopping their activism has been observed. On 20 October 2020, a Tehran Revolutionary Court sentenced Farangis Mazloun, mother of imprisoned human rights defender Soheil Arabi, to 18 months' imprisonment on a national security charge for speaking out about the conditions in which her son was being held. Mr. Arabi continues to face ill-treatment for defending prisoners' rights. In September 2020, he was transferred to Raja'i Shahr Prison and put in a death row cell for sending recordings to the media. The authorities denied him access to medication and telephone calls until he was returned to Evin Prison 31 days later.¹⁶ On 15 July 2020, it was reported that Alireza Alinejad, brother of campaigner Masih Alinejad, had been convicted and sentenced to eight years of imprisonment on spurious national security charges, in reprisal against his sister's advocacy.¹⁷ The Government commented that a final appeals verdict had not yet been issued. The trial judge reportedly dedicated a portion of the first hearing to Ms. Alinejad's activities.¹⁸

11. Iranian lawyer Mohammad Najafi remains arbitrarily detained in Arak central prison after having received several prison sentences since 2018.¹⁹ In April 2019, an appeals court upheld his combined 13-year prison sentence on national security-related charges.²⁰ The Government stated that one of the sentences had been reduced from 10 years to 5 and a half years of imprisonment.²¹ He was returned to prison on 10 May 2020 after being furloughed under COVID-19 directives in March. Payam Derafshan has been arbitrarily detained for his legal work and freedom of expression advocacy. On 23 July 2020, an appeals court upheld his two-and-a-half year prison sentence and he is awaiting a Supreme Court review. The decision came after an earlier two-year sentence for advocating against the Government ban of the Telegram messaging application had been reduced and suspended.²² While lawyer Nasrin Sotoudeh was released temporarily on health grounds on 7 November 2020,²³ she was returned, against medical recommendations, to Qarchak Prison on 2 December 2020 to continue serving her arbitrary sentence.

¹¹ www.iranhumanrights.org/2019/04/just-released-from-prison-golrokh-irae-ebrahimi-faces-more-time-behind-bars/.

¹² www.iranhumanrights.org/2019/09/female-political-prisoners-to-serve-additional-two-years-for-insulting-supreme-leader/.

¹³ <https://iranhumanrights.org/2020/09/iran-new-charges-thrown-at-political-prisoners-to-keep-them-behind-bars/>.

¹⁴ https://iranhr.net/media/files/HRD_Report_Iran_Human_Rights_Eng.pdf, p. 16.

¹⁵ www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26376&LangID=E.

¹⁶ www.frontlinedefenders.org/sites/default/files/iran_-_ua_-_soheil_arabi_-_4_nov_2020.pdf.

¹⁷ <https://iranhumanrights.org/2020/07/activists-brother-sentenced-to-eight-years-in-prison-collective-punishment-of-families-continues-in-iran/>.

¹⁸ www.iranhumanrights.org/2020/04/masih-alinejad-my-brother-is-facing-prison-time-for-being-related-to-me/.

¹⁹ www.iranhumanrights.org/2020/06/list-of-attorneys-imprisoned-in-iran-for-defending-human-rights/.

²⁰ https://iranhr.net/media/files/HRD_Report_Iran_Human_Rights_Eng.pdf, p. 11.

²¹ www.iranhumanrights.org/2020/06/list-of-attorneys-imprisoned-in-iran-for-defending-human-rights/.

²² <https://iranhumanrights.org/2020/08/imprisoned-human-rights-lawyer-in-poor-health-needs-hospitalization/>.

²³ www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26502&LangID=E.

Dual and foreign nationals

12. The Special Rapporteur is dismayed that at the time of writing, Iranian-Swedish academic Ahmadreza Djalali remained at imminent risk of execution.²⁴ On 24 November 2020, reports emerged that Mr. Djalali had been put in solitary confinement in Evin prison in preparation for transfer to Raja'i Shahr prison, where his execution could take place. While reports stated that his execution had been temporarily postponed on 2 December 2020, he remains at imminent risk.²⁵ Mr. Djalali received a death sentence in 2017 on spurious espionage charges based on forced confessions.²⁶

13. The Special Rapporteur also remains seriously concerned about other dual and foreign nationals arbitrarily detained in the Islamic Republic of Iran, including Nazanin Zaghari-Ratcliffe, Kamran Ghaderi, Siamak Namazi, Morad Tahbaz and Massud Mossaheb. While noting that Ms. Zaghari-Ratcliffe remains on monitored temporary release, the Special Rapporteur is concerned by attempts to press new charges against her near the end of her current arbitrary imprisonment. On 2 November 2020, Islamic Revolutionary Guard Corps agents took the British-Iranian national to court on a new charge, reportedly based on the same evidence used in 2016.²⁷ The Working Group on Arbitrary Detention found in a 2016 opinion that her detention was arbitrary (A/HRC/WGAD/2016/28). The Government stated that no further charge would be brought against Ms. Zaghari-Ratcliffe unless she committed a crime. The 10-year prison sentence of Mr. Mossaheb, an Austrian-Iranian national,²⁸ was confirmed without a hearing by an appeals' court in July 2020.²⁹ The espionage accusations against him are based on forced confessions made under torture,³⁰ which the State television outlet broadcast on 13 August 2020.³¹ Despite suffering from serious medical conditions, he has been denied adequate treatment and temporary furlough.³² Similar concerns remain for the health of Mr. Tahbaz, an American-British-Iranian national and conservationist, who is reportedly in great pain in prison. The Government claimed that dual and foreign nationals were not prosecuted without legal justification.

B. Rights to freedom of association and of peaceful assembly and to freedom of expression

Aftermath of the November 2019 protests

14. The Special Rapporteur is dismayed that, more than one year on, the Government has failed to conduct an impartial, independent and transparent investigation into the use of excessive and lethal force during nationwide demonstrations in November 2019. As documented (see A/75/213), evidence confirms security forces used firearms in a manner that amounted to a serious violation of international human rights law, resulting in the deaths of at least 304 people, including women and children. Impunity for those actions and a lack of accountability prevail. The Government asserted that Parliament, the judiciary and the President had established investigations and that it took seriously efforts to clarify the various aspects of the protests.

15. The Special Rapporteur is concerned by reports that continue to emerge of the violations committed during the protests and of harsh sentences ordered against participants. While Iranian authorities have not released official figures, a Parliament spokesperson stated on 25 November 2019 that around 7,000 people had been arrested.³³ Recent reports indicate that the Islamic Revolutionary Guard Corps raided homes, hospitals, schools and workplaces in the days following the protests to arrest suspected demonstrators, including children, and

²⁴ www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26543&LangID=E.

²⁵ www.iranhr.net/en/articles/4514/.

²⁶ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22645&LangID=E.

²⁷ www.theguardian.com/news/2020/nov/02/nazanin-zaghari-ratcliffe-avoids-being-returned-to-jail.

²⁸ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25340>.

²⁹ www.amnesty.org/download/Documents/MDE1333012020ENGLISH.pdf.

³⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25153>.

³¹ www.amnesty.org/download/Documents/MDE1333012020ENGLISH.pdf.

³² <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25340>.

³³ www.entekhab.ir/fa/news/514774/ (in Persian).

to quash what officials qualified as a “very dangerous conspiracy”.³⁴ Detainees were reportedly held in secret facilities without access to lawyers, with many placed in solitary confinement, tortured, deprived of sufficient food and water and made to record false confessions.³⁵

16. A legal order from Behbahan, Khuzestan Province, dated 20 January 2020, reveals that in that city alone, over 1,000 people had been arrested in connection with the protests, with the vast majority subsequently released.³⁶ In October 2020, at least 36 Behbahan protesters were sentenced to a combined total of 109 years’ imprisonment and 2,590 lashes in the absence of the accused and their lawyers.³⁷ Prosecutors reportedly presented no evidence for many of the charges. The Government stated that 27 sentences had been suspended and disputed that no evidence had been presented. In Kurdistan Province, at least 16 protesters have to date been sentenced to a combined total of over 57 years’ imprisonment, and 30 lashes in one case, in connection with the November 2019 protests.³⁸ Activists were arrested in the provinces of Azarbayjan-e Sharqi and Azarbayjan-e Gharbi by plain-clothes intelligence agents during and following the protests, despite not participating. They were held in an intelligence ministry detention centre in Tabriz, Azarbayjan-e Sharqi Province for over two months. Their relatives were harassed, intimidated and detained for short periods for seeking information on their whereabouts. Interrogators reportedly tried to force detainees to “confess”.³⁹ They were all released on bail in February and March 2020 pending trial, with none allowed a lawyer until days before the trial commenced. At least three have since been sentenced to imprisonment or fines on national security-related charges.⁴⁰

17. Information on further protests has been received. On 16 July 2020, security forces used tear gas to disperse demonstrators in Behbahan⁴¹ and arrested over 30 people. On 8 October 2020, some commemorative gatherings after the death of Iranian singer Mohammad Reza Shajarian turned into anti-government protests, with security forces reportedly using batons against participants.⁴² Protests also took place on 17 October 2020 in several cities with large Azerbaijani-Turk populations, with over 30 arrests reported. The Special Rapporteur notes the judiciary’s announcement on 10 November 2020 to pardon 157 people detained on security-related charges, including related to protests held over the past three years.⁴³ While this is welcomed, he underlines that detention for exercising the rights to freedom of association and peaceful assembly is arbitrary and anyone so detained should be released.

Harassment and reprisals against victims

18. The Special Rapporteur is concerned that reprisals for raising allegations of human rights violations committed during protests only reinforce impunity and further prevent accountability. Manouchehr Bakhtiari, father of Pouya Bakhtiari, who was killed by security forces during the November 2019 protests, has been subjected, together with other relatives, to repeated arrests, interrogations and threats for publicly calling for justice. Following his

³⁴ www.theguardian.com/world/2020/sep/02/iran-iranians-tortured-and-jailed-after-mass-protests-amnesty-report-says.

³⁵ www.amnesty.org/download/Documents/MDE1328912020ENGLISH.PDF.

³⁶ *Ibid.*, p. 17.

³⁷ www.hra-news.org/2020/hranews/a-27396/ (in Persian).

³⁸ <https://hengaw.net/fa/news/%D8%B5%D8%AF%D9%88%D8%B1-%D8%AD%DA%A9%D9%85-%D8%AD%D8%A8%D8%B3-%D9%88-%D8%B4%D9%84%D8%A7%D9%82-%D8%A8%D8%B1%D8%A7%DB%8C-%D9%86%D9%81%D8%B1-%D8%A7%D8%B2-%D9%85%D8%B9%D8%AA%D8%B1%D8%B6%D8%A7%D9%86-%D8%A7%D8%A8%D8%A7%D9%86-%D9%85%D8%A7%D9%87-%D8%AF%D8%B1-%DA%A9%D8%B1%D8%AF%D8%B3%D8%AA%D8%A7%D9%86> (in Persian).

³⁹ www.amnesty.ch/fr/pays/moyen-orient-afrique-du-nord/iran/docs/2020/nouveau-rapport-sur-la-terrible-repression-de-novembre-2019/trampling-humanity-mass-arrests-disappearances-and-torture-since-irans-november-2019-protests-advance-embargoed-version.pdf, p. 19.

⁴⁰ *Ibid.*, p. 20.

⁴¹ www.reuters.com/article/us-iran-protests-idUSKCN24H31V.

⁴² www.reuters.com/article/us-iran-maestro/iranian-composer-and-opposition-beacon-shajarian-dies-at-80-idUSKBN26T2SU.

⁴³ www.mizanonline.com/fa/news/673038/ (in Persian).

first arrest, he was charged with national security crimes, and subsequently released on bail. In a letter dated 29 May 2020 addressed to the United Nations High Commissioner for Human Rights and others, Mr. Bakhtiari called for an international investigation into the November 2019 crackdown.⁴⁴ In July 2020, he was arrested and transferred to a prison in Bandar Abbas.⁴⁵ On 12 August 2020, he went on hunger strike to protest the denial of telephone contact with his ill mother.⁴⁶ The Government stated that Mr. Bakhtiari had been released on bail on 1 December after appearing before an investigation authority. There is also concern regarding similar reports of harassment, including death threats, of relatives seeking justice for the victims of Ukraine International Airlines Flight 752, shot down by the Islamic Revolutionary Guard Corps on 8 January 2020.⁴⁷ The Government denied harassing relatives, and said it was addressing the legal aspects and the issue of compensation for damages caused by the incident.

Freedom of expression and access to information

19. The Special Rapporteur remains concerned at the authorities' repeated disruption of telecommunications. He has previously detailed how the Government had implemented an unprecedented Internet shutdown during the November 2019 protests, blocking those inside the country from sending information abroad about the protest crackdown. During the recent Behbahan protests and those related to the commemoration of Mr. Shajarian, Internet monitors reported connectivity disruption in protest locations.⁴⁸ Additionally, government online censorship of websites and social media platforms continues. Telegram, Twitter, Facebook and YouTube are permanently blocked and inaccessible without circumvention tools. Internet shutdowns and the blanket blocking of websites and applications represent a violation of the right to freedom of expression. The Government stated that the Supreme Leader had stressed that violation of privacy online was religiously forbidden.

20. The Special Rapporteur is also disturbed at the Government's continued targeting of journalists and writers. In June 2020, five journalists were sentenced to imprisonment on charges connected to their reporting on topics such as corruption and COVID-19.⁴⁹ On 24 August 2020, Kayvan Samimi, editor of *Iran-e-Farda*, reported to prison to serve a three-year term on a national security charge for covering a Labour Day protest.⁵⁰ Three other journalists were sentenced to imprisonment or began their prison terms in September 2020 on charges related to their reporting.⁵¹ On 26 September 2020, three current or former board members of the Iranian Writers Association began multi-year imprisonment sentences for publishing materials about censorship and alleged State-ordered killings of Association members in the 1990s.⁵² Ruhollah Zam was sentenced to death in June 2020 and convicted of "spreading corruption on Earth" for operating the AmadNews website from abroad.⁵³ He had reportedly been lured to Iraq and then forcibly returned to the Islamic Republic of Iran in October 2019,⁵⁴ with his alleged forced confession broadcast on State television.⁵⁵

⁴⁴ <https://iranhumanrights.org/wp-content/uploads/Manuchehr-Bakhtiari-Letter-to-UN-Iran-Pouya.pdf>.

⁴⁵ www.hra-news.org/2020/hranews/a-25694/ (in Persian).

⁴⁶ www.radiozamaneh.com/526675.

⁴⁷ www.cbc.ca/news/politics/iran-flight-752-ukraine-international-airlines-crash-1.5521377.

⁴⁸ <https://netblocks.org/reports/internet-disrupted-in-iran-amid-regional-protests-xyMkjXAZ>;
<https://netblocks.org/reports/internet-disrupted-in-iran-as-thousands-gather-to-mourn-singer-shajarian-Q8okW38n>.

⁴⁹ <https://cpj.org/2020/06/at-least-5-journalists-sentenced-to-jail-in-iran-since-early-june/>.

⁵⁰ <https://cpj.org/2020/08/iranian-journalist-kayvan-samimi-begins-3-year-jail-term-over-protest-coverage/>.

⁵¹ <https://cpj.org/2020/09/mohammad-mosaed-cpj-2020-awardee-sentenced-to-more-than-4-years-in-jail-in-iran/>; <https://cpj.org/2020/09/iranian-journalist-nada-sabouri-begins-3-5-year-jail-term-in-2014-protest-case/>; <https://cpj.org/2020/09/iranian-journalist-khosrow-sadeghi-borojeni-begins-7-year-jail-term/>.

⁵² <https://iranhumanrights.org/2020/10/prominent-iranian-writers-sent-to-prison-for-peaceful-dissent/>.

⁵³ www.theguardian.com/world/2020/jun/30/iran-sentences-journalist-ruhollah-zam-to-death.

⁵⁴ www.iranhr.net/en/articles/4301/.

⁵⁵ www.amnesty.org/en/latest/news/2020/07/iran-two-kurds-executed-amid-increasing-use-of-death-penalty-as-weapon-of-repression/.

Labour rights

21. The Special Rapporteur recognizes some recent positive steps concerning labour rights, but encourages the Government to end the harassment of labour rights activists. He is encouraged by the authorities' increased consideration of the issues at the Haft Tappeh agro-industrial company, including at a meeting on 5 August 2020,⁵⁶ and by the reported pardons of some detained activists. The issues presented by worker representatives at the 5 August meeting had reignited protests in June 2020, including over unpaid wages, which had increased after the company's 2016 privatization.⁵⁷ The reported pardoning and release of Haft Tappeh workers Esmail Bakhshi, Mohammad Khonifar and Ali Nejati,⁵⁸ and independent teachers' union representative Mohammad Habibi,⁵⁹ is positive. A journalist and four Haft Tappeh workers were arrested during July 2020 protests,⁶⁰ and the Ministry of Education dismissed Mr. Habibi in April 2020.⁶¹ The Government claimed that charges in the open cases against Mr. Bakhshi, Mr. Khonifar and Mr. Nejati were at the preliminary stages and that Mr. Habibi had requested retirement.

22. A lack of independent trade unions has restricted workers' ability to negotiate during a time of economic recession. Several strikes took place in recent months across different sectors,⁶² with reports of excessive actions against strikers. In June 2020, police reportedly violently stopped a nurses' protest in Mashhad⁶³ and briefly detained 11 participants, while seven North Khorasan Teachers' Union members had prison and flogging sentences confirmed for participation in privatization protests that took place in 2018.⁶⁴ The Government stated it had made reform efforts to promote and improve worker associations and to strengthen tripartite talks.

23. Labour rights activists continue to be imprisoned. Haft Tappeh supporter Sepideh Qoliyan was returned to prison on 21 June 2020 after being freed on bail, as she refused to request a pardon.⁶⁵ The Government stated a pardon must be requested for it to be considered. Jafar Azimzadeh, a leader of the Free Union of Iranian Workers, remains detained after receiving a new 13-month prison sentence, upheld by an appeals court in August 2020.⁶⁶ He has since been attacked by fellow prisoners, contracted COVID-19, been denied medical treatment, transferred prisons and been put in solitary confinement.⁶⁷ The Government claimed his general health was good and that he had denied the attack claim. Esmail Abdi, an Iranian Teachers' Trade Association member, was due for release in November 2020 after serving a five-year sentence on arbitrary national security charges for advocating for teachers' and education rights.⁶⁸ However, the authorities have revived a suspended 10-year sentence against him, also related to labour rights activism.⁶⁹ Mr. Abdi reportedly contracted COVID-

⁵⁶ www.ilna.news/fa/tiny/news-950367 (in Persian).

⁵⁷ <https://iranhumanrights.org/2020/09/showdown-at-haft-tappeh-sugar-factory-minor-win-for-workers-larger-abuses-left-unchecked/>.

⁵⁸ www.rfi.fr/fr/moyen-orient/20200524-iran-mesure-gr%C3%A2ce-plus-3-700-prisonniers (in French); www.mizanonline.com/fa/news/623360 (in Persian); <https://iranhumanrights.org/2020/06/sepideh-qoliyan-refuses-to-beg-for-pardon-goes-back-to-prison/>.

⁵⁹ www.hra-news.org/2020/hranews/a-27423/ (in Persian); www.mizanonline.com/fa/news/673038/.

⁶⁰ <https://en.radiozameh.com/labor/>, June–July 2020 Report, p. 12.

⁶¹ <https://en.radiozameh.com/labor/>, April–May 2020 Report, p. 16.

⁶² <https://en.radiozameh.com/labor/>, August–September 2020 Report, pp. 10–15.

⁶³ *Ibid.*, p. 10.

⁶⁴ <https://en.radiozameh.com/labor/>, June–July 2020 Report, pp. 13–14.

⁶⁵ <https://iranhumanrights.org/2020/06/sepideh-qoliyan-refuses-to-beg-for-pardon-goes-back-to-prison/>.

⁶⁶ <https://iranhumanrights.org/2020/08/new-conviction-against-imprisoned-labor-leader-upheld-to-keep-him-behind-bars/>.

⁶⁷ <https://iranhumanrights.org/2020/08/new-conviction-against-imprisoned-labor-leader-upheld-to-keep-him-behind-bars/>; <https://en.radiozameh.com/labor/>, August–September 2020 Report, pp. 18–19.

⁶⁸ <https://iranhumanrights.org/2020/09/iran-new-charges-thrown-at-political-prisoners-to-keep-them-behind-bars/>.

⁶⁹ www.frontlinedefenders.org/sites/default/files/ua_iran_abdi_and_azimzadeh_130820_eng_intl.pdf.

19⁷⁰ and is not receiving proper treatment for other conditions. The Government claimed that a prison clinic physician had recently examined him and had reported no specific health problem.

C. Minorities

Ethnic and religious minorities

24. The Special Rapporteur is deeply concerned that discrimination against ethnic and religious minorities persists, and is alarmed at reports of executions and enforced disappearances of ethnic minority political prisoners. On 11 May 2020, Iranian authorities secretly executed Hedayat Abdollahpour, a Kurd sentenced to death despite a lack of evidence supporting his conviction for allegedly taking up arms against the State and following torture-induced confessions. He was forcibly disappeared after being taken on 9 May to an undisclosed location. Authorities denied his execution for weeks until a death certificate was made available on 24 June 2020.⁷¹ The Government denied he had confessed under torture and claimed that other evidence supported his conviction. Similar reports were received of Ahwazi Arabs and Kurds at risk of execution on national security charges despite unfair trials and torture allegations.⁷² Concerns remain over the use of excessive force by border security forces against Kurdish border couriers (*kulbaran*). Shootings by security forces reportedly resulted in 44 *kulbaran* deaths between 1 January and 28 September 2020.⁷³ The Government claimed that shootings by border guards only targeted dangerous smugglers and *kulbaran* who were working illegally.

25. The imprisonment of individuals from ethnic and religious minorities for practising their culture, language or faith is an ongoing concern. In July 2020, the Supreme Court rejected a judicial review request of the 15-year prison sentence against Azerbaijani-Turk activist Abbas Lisani on specious national security charges.⁷⁴ Kurdish teacher Zara Mohammadi was sentenced to 10 years' imprisonment on national security charges by the Sanandaj Revolutionary Court on 12 July 2020 after an unfair trial.⁷⁵ The Government claimed she had received a fair trial and that the verdict was being appealed. On 15 August 2020, Liza Tebyanian was arrested and sent to begin seven months' imprisonment for "teaching the Baha'i faith". After an earlier acquittal, the Supreme Court had reinstated the conviction without notifying her of the proceedings. The Government confirmed her sentence and conviction but noted she had been released on end-of-imprisonment furlough. While the 10 November 2020 pardoning of 25 Gonabadi dervishes is welcomed,⁷⁶ many dervishes remain in detention.

26. The Special Rapporteur is concerned at reports of forced evictions in ethnic minority areas. On 26 August 2020, security forces raided a village in Ahwaz, Khuzestan province, and fired tear gas at residents who resisted land confiscation and house demolitions, causing injuries. At least 130 people were arrested, 60 of whom were reportedly released on bail. Demolition orders by the judiciary for around 300 village homes were issued, despite residents presenting evidence of ownership.⁷⁷ The Government denied the arrests and stated security forces had enforced the rights of the Mostaz'afan Foundation, which it claimed owned the land. It confirmed the use of tear gas and "minor" injuries. Asieh Panahi was reportedly killed by security officials on 19 May 2020 in Kermanshah as she attempted to save her house from demolition. The Government stated the deputy mayor had been found partially guilty for the "quasi-premeditated murder" of Ms. Panahi and had been sentenced

⁷⁰ <https://iranhumanrights.org/2020/08/political-prisoners-in-iran-contracting-covid-19-at-alarmed-rate/>.

⁷¹ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26036.

⁷² <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25281>.

⁷³ <https://kmmk-ge.org/sd/annual-report-2020/>, p. 13.

⁷⁴ www.amnesty.org/download/Documents/MDE1331302020ENGLISH.pdf.

⁷⁵ https://iranhr.net/media/files/HRD_Report_Iran_Human_Rights_Eng.pdf, p. 30.

⁷⁶ www.mizanonline.com/fa/news/673038/ (in Persian); www.hra-news.org/2020/hranews/a-27419/ (in Persian).

⁷⁷ <http://tnews.ir/news/e20e171853876.html> (in Persian).

to 10 months' imprisonment. On 22 November 2020, over 100 security agents undertook raids without cause against Baha'is, reportedly demanding deeds and confiscating items.⁷⁸ It is feared this may lead to unlawful seizure of Baha'i-owned property.⁷⁹

Lesbian, gay, bisexual and transgender persons

27. The Special Rapporteur regrets that individuals who identify as lesbian, gay, bisexual and transgender experience human rights violations and widespread discrimination. Senior officials describe the community in hateful terms, including by labelling individuals as "subhuman" and "diseased".⁸⁰

28. The death penalty can be imposed for consensual sexual activity between members of the same sex in the Islamic Republic of Iran, with its applicability dependent on the religion and marital status of the persons involved and the nature of the acts (passive or active) while "kissing and touching out of lust" between persons of the same sex is punishable by flogging.⁸¹ The criminalization of same-sex consensual acts legitimizes violence by State actors and private individuals, including the use of torture, beatings and rape by law enforcement and vigilantes.⁸² Lesbian, gay, bisexual and transgender persons face regular harassment and, if arrested, are denied the right to a fair trial.⁸³ Other forms of violence and discrimination include sustained domestic abuse and bullying in educational institutions and workplaces.⁸⁴ These acts remain largely underreported due to the victims' fear of persecution. The Government highlighted its recognition of transgender persons and claimed it had engaged in raising public awareness about their rights.

29. Substantial barriers are placed on lesbians and gays in accessing the health-care system. Lesbian, gay, bisexual and transgender persons are often advised that their gender non-conformity or same-sex attraction represents so-called gender identity disorder, which necessitates "reparative" therapies or sex reassignment surgeries, to "cure" them.⁸⁵ The Government claimed that there were no restrictions on medical services and that any treatment was administered with consent. The Special Rapporteur is also concerned at reports that lesbian, gay, bisexual and transgender children were subjected to electric shocks and the administration of hormones and strong psychoactive medications (CRC/C/IRN/CO/3-4, paras. 53–54). These practices amount to torture and cruel, inhuman and degrading treatment, and violate the State's obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

D. Impact of the economic crisis and sanctions

30. The Special Rapporteur is concerned by the impact of the economic crisis and sanctions on the human rights situation. Since the start of the COVID-19 outbreak in February 2020, the Government has faced significant difficulties in containing the virus, in part due to the weakening of the national health-care system and the wider economy by the cumulative effect of sanctions imposed by the United States since 2018. The International Monetary Fund downgraded its economic growth forecast for the country to a 5 per cent

⁷⁸ www.bic.org/news/home-raids-across-iran-indicate-alarming-increase-human-rights-violations-against-bahais-says-bahai-international-community.

⁷⁹ www.bic.org/news/home-raids-across-iran-indicate-alarming-increase-human-rights-violations-against-bahais-says-bahai-international-community.

⁸⁰ <http://6rang.org/english/wp-content/uploads/2017/12/Official-Hate-Speech-against-LGBT-People-in-Iran.pdf>.

⁸¹ Islamic Penal Code, arts. 233–240.

⁸² <https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf>, pp. 3 and 25; https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf, p. 14.

⁸³ <https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf>, pp. 14–17; <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>, pp. 31–32.

⁸⁴ https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf, p. 14; <https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf>.

⁸⁵ [ILGA_State_Sponsored_Homophobia_2019.pdf](https://www.ilga.org/ILGA_State_Sponsored_Homophobia_2019.pdf), p. 441.

contraction of the gross domestic product in 2020.⁸⁶ The Government noted that it supported some 1.5 million to 2 million undocumented Afghans with free primary health services and COVID-related testing and treatment, and had provided nearly 1 million refugees with medical check-ups and hospitalization services during the pandemic.

31. Domestic criticism has been expressed regarding the government response to the pandemic in view of the mortality rate, one of the highest globally,⁸⁷ with 48,628 deaths as at 1 December 2020.⁸⁸ Inconsistency in COVID-19 figures announced by officials⁸⁹ raised concerns, including among health experts,⁹⁰ about the absence of accurate reporting and transparency.⁹¹ While the National Organization for Civil Registration shows 36,853 excess deaths between 21 June and 21 September 2020 compared to the same period in 2019, the official COVID-19 death toll for this period is 14,855. The Deputy Health Minister stated that the actual number of cases and deaths could be 1.5 to 2.2 times higher than official reports.⁹² Health experts who questioned the Government's management of the health crisis reportedly faced prosecution or dismissal.⁹³ Iranian parliamentarians have raised concerns at the lack of correct information concerning COVID-19.⁹⁴

32. Government-adopted public health and social measures have not limited transmission or reduced COVID-19-related mortality. Only partial restrictions have been imposed since 21 November 2020, against the repeated calls of health officials for stronger measures since September,⁹⁵ including full lockdowns. On 30 July 2020, the country's medical associations warned about the consequences of holding mass gatherings in August, including university entrance exams⁹⁶ and religious rituals. The decision to allow public gatherings against expert advice⁹⁷ has likely increased preventable mortality. On 28 October 2020, the State television outlet announced that every three minutes a person died of COVID-19 in the Islamic Republic of Iran.⁹⁸

33. The Government has stood by its decision not to apply stringent public health measures in order to avoid economic collapse and protests.⁹⁹ The Special Rapporteur reminds the State of its obligation to use the maximum of its available resources for the progressive realization of the rights recognized in the International Covenant on Economic, Social and Cultural Rights (art. 2 (1)). Responding to the crisis, the Government withdrew \$1.1 billion from the National Development Fund.¹⁰⁰ It distributed, through its economic stimulus plan, cash subsidies to the most vulnerable households in June 2020¹⁰¹ and allocated 4.4 per cent of its gross domestic product to loans for affected businesses and households.¹⁰² However, the \$5 billion emergency loan requested from the International Monetary Fund to respond to

⁸⁶ www.imf.org/en/Countries/IRN.

⁸⁷ <https://covid19.who.int/table>.

⁸⁸ <https://en.ima.ir/news/84131247/Some-382-more-Iranians-die-from-COVID-19>.

⁸⁹ www.aljazeera.com/news/2020/2/25/legislator-from-irans-qom-alleges-coronavirus-coverup; www.theguardian.com/world/2020/mar/03/an-absolute-disaster-iran-struggles-as-coronavirus-spreads.

⁹⁰ <https://fr.reuters.com/article/us-health-coronavirus-iran-newspaper-idUSKCN2561SW>.

⁹¹ <https://cpj.org/2020/08/iran-shuts-down-economic-newspaper-over-covid-19-reporting/>.

⁹² www.al-monitor.com/pulse/originals/2020/10/iran-official-iraj-haririchi-coronavirus-death-toll.html.

⁹³ www.tabnakardebil.ir/fa/news/838317/ (in Persian).

⁹⁴ <http://modara.ir/fa/news/103362/> (in Persian).

⁹⁵ <https://etemadonline.com/content/435227/> (in Persian); www.mizanonline.com/002p58 (in Persian); www.aljazeera.com/news/2020/11/21/iran-imposes-nationwide-covid-19-restrictions-but-no-lockdown.

⁹⁶ <https://hamshahrionline.ir/x6zbY> (in Persian).

⁹⁷ *Ibid.*

⁹⁸ www.reuters.com/article/us-health-coronavirus-iran/iran-reports-covid-19-death-every-three-minutes-speaker-tests-positive-idUSKBN27D1KZ.

⁹⁹ www.irandaily.ir/News/269811.html?catid=3&title=269811;

<https://fr.reuters.com/article/us-health-coronavirus-iran-rouhani/irans-president-calls-for-ban-on-weddings-wakes-to-halt-virus-spread-idUSKCN24C0F5>.

¹⁰⁰ www.tasnimnews.com/en/news/2020/04/07/2238296/leader-authorizes-using-1-billion-from-iran-national-fund-for-coronavirus-fight.

¹⁰¹ www.irna.ir/news/83718476/ (in Persian).

¹⁰² www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19.

the COVID-19 crisis¹⁰³ remains under consideration. The Government asserted that the United States had blocked the loan request.

34. The Special Rapporteur shares the Secretary-General's concerns that sanctions and banking restrictions have had an adverse effect on the health sector (A/75/287), including with respect to addressing shortages of pharmaceutical and medical items as witnessed throughout the pandemic.¹⁰⁴ However, the health sector had received only 27 per cent of the allocated \$1.1 billion as at 29 September 2020.¹⁰⁵ The Government stated that the allocation was being provided in stages. Health-care workers have not received wages for months,¹⁰⁶ and had been working extra shifts and with limited protective equipment.¹⁰⁷ As at 7 November 2020, more than 300 doctors, nurses and health-care workers had died of COVID-19, with many hospitals reaching maximum capacity.¹⁰⁸ Sanctions limited the State's access to its foreign currency reserves to purchase medical supplies and the raw materials needed to produce supplies locally.¹⁰⁹ This disruption has led to issues of scarcity and affordability¹¹⁰ affecting the right to health. Medication produced overseas required for the treatment of life threatening or rare conditions remain scarce.¹¹¹ Approximately 4.5 million diabetic patients, 600,000 of whom need daily shots, are reportedly affected by insulin shortages.

35. Humanitarian exemptions in place¹¹² have provided limited assistance. The complex regulatory process, limited access to non-sanctioned banking, foreign currency shortages and the private sector's cautious approach¹¹³ have combined to prevent trade, including in food and medical items. The Government stated that some equipment it needed to fight COVID-19 did not qualify for the general licences,¹¹⁴ and for items authorized under special or general licences, the challenge still lay in finding banking channels,¹¹⁵ particularly since the sanctions imposed, on 8 October 2020, on 18 Iranian banks.¹¹⁶ Governments have attempted to develop alternative financial channels, including through the Instrument in Support of Trade Exchanges¹¹⁷ and the Swiss Humanitarian Trade Agreement. The channels have completed only one transaction each since established in March 2019 and January 2020, respectively.¹¹⁸ The due diligence required by the United States Department of the Treasury, coupled with the liquidity crisis, puts into question the ability of the channels to allow for quick and reliable purchases of medical items needed during a pandemic.¹¹⁹ The Special Rapporteur echoes

¹⁰³ www.tasnimnews.com/en/news/2020/03/12/2221922/iran-applies-for-5-billion-loan-from-imf-to-battle-coronavirus.

¹⁰⁴ www.tasnimnews.com/en/news/2020/04/21/2248171/sanctions-relief-not-enough-to-help-iran-stop-coronavirus-richard-nephew; www.isna.ir/news/98050703466/ (in Persian); <https://edition.cnn.com/2019/02/22/middleeast/iran-medical-shortages-intl/index.html>; www.nytimes.com/2018/11/11/world/middleeast/iran-sanctions.html; <https://financialtribune.com/articles/economy-business-and-markets/93564/impact-of-ussanctions-on-irans-healthcare-sector>; www.irna.ir/news/83236255/ (in Persian).

¹⁰⁵ www.tasnimnews.com/fa/news/1399/07/08/2359073/ (in Persian).

¹⁰⁶ www.mehrnews.com/xSbqH; www.ilna.news/fa/tiny/news-934461 (both in Persian).

¹⁰⁷ www.tasnimnews.com/fa/news/1399/07/08/2359073/ (in Persian).

¹⁰⁸ www.isna.ir/news/99081409236/ (in Persian).

¹⁰⁹ <https://ifpnews.com/iran-producing-97-of-medicines-it-needs-domestically>.

¹¹⁰ www.bourseandbazaar.com/articles/2020/9/30/us-weighting-iran-sanctions-to-cripple-humanitarian-trade.

¹¹¹ www.mehrnews.com/news/4688345/ (in Persian).

¹¹² www.state.gov/remarks-to-the-media-3/.

¹¹³ www.ipinst.org/wp-content/uploads/2019/06/1906_Sanctions-and-Humanitarian-Action.pdf.

¹¹⁴ <https://en.mehrnews.com/news/156654/Zarif-publishes-list-of-Iranian-health-ministryrequirements>; www.treasury.gov/resource-center/sanctions/Programs/Documents/gtsr_gl8.pdf.

¹¹⁵ www.mofo.com/resources/insights/200331-us-sanctions-iran-coronavirus-problem.html.

¹¹⁶ <https://home.treasury.gov/news/press-releases/sm1147>.

¹¹⁷ https://eeas.europa.eu/delegations/japan/57475/statement-high-representativevice-president-federica-mogherini-creation-instexinstrument_en.

¹¹⁸ www.auswaertiges-amt.de/en/newsroom/news/instex-transaction/2329744; www.diplomatie.gouv.fr/en/country-files/iran/news/article/iran-instex-q-a-from-the-press-briefing-31-mar-20; <https://home.treasury.gov/news/press-releases/sm890>.

¹¹⁹ www.europeanleadershipnetwork.org/commentary/as-iran-faces-virus-trump-admin-fails-to-use-touted-swiss-channel-to-ease-medical-exports/.

calls made by the Secretary-General,¹²⁰ the United Nations High Commissioner for Human Rights¹²¹ and several special procedure mandate holders¹²² to ease sanctions to enhance the Government's pandemic response and protection of the right to health.

E. Prison conditions

36. The State's prisons have faced long-standing overcrowding and hygiene deficiencies (see A/HRC/43/61), insurmountable obstacles for responding to COVID-19, according to the World Health Organization. As of June 2020, prisons held 211,000 prisoners,¹²³ 2.5 times above official capacity.¹²⁴ Overcrowding has made social distancing impossible, especially following the return of furloughed prisoners since May 2020. The judiciary states that 95,000 prisoners were furloughed between 8 July and 25 August 2020.¹²⁵ The Government stated that over 200,000 individuals had benefited from various temporary or permanent release policies over the previous eight months.

37. Infrastructure deficiencies prevent the recommendation of isolation in single accommodations, while cohort isolation is not respected in some prisons. In Borazjan and Zanjan prisons, recovering prisoners, or those with COVID-19 symptoms, were reportedly placed in regular wards;¹²⁶ similar situations in Valikabad prison were reported. Health screening and quarantining upon admission to prison are inconsistently applied and court transfer protocols to prevent transmission are not in place.¹²⁷ Prisoner testing and treatment are limited. Suspected COVID-19 cases are only transferred to prison clinics if their condition deteriorates and to outside hospitals if in critical condition, resulting in prisoner deaths.¹²⁸ The Government disputed those claims, stating it had established comprehensive detection, isolation and treatment measures.

38. Confidential letters sent by senior prison officials between February and July 2020 reveal serious shortages of protective equipment, disinfectant products and essential medical devices. The authors of the letters warn that "security hazards" and "irreparable harm" will result from inaction and note that, despite repeated appeals, the ministry of health has failed to respond.¹²⁹ In June 2020, Orumiyeh prison clinic staff undertook two strikes after employees contracted COVID-19.¹³⁰ The Government denied those reports. Prisoners also sent letters,¹³¹ and conducted protests and hunger strikes due to the authorities' failure to address prison conditions and to release political prisoners under furlough directives. Prisoners of conscience and political prisoners have contracted COVID-19 or experienced symptoms, with many denied testing or treatment or suffering unnecessary delays in receiving test results and treatment. The Government stated disinfectants were provided and regularly used, infected prisoners were isolated and critical cases were sent to hospitals. The Special Rapporteur reiterates concerns that only a few human rights defenders and lawyers, labour rights activists, journalists and dual and foreign nationals were furloughed under recent directives, in contravention of the International Covenant on Economic, Social and

¹²⁰ www.un.org/en/coronavirus/war-needs-war-time-plan-fight-it; www.un.org/sg/en/content/sg/note-correspondents/2020-03-24/note-correspondents-letter-the-secretary-general-g-20-members.

¹²¹ www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25744&LangID=E.

¹²² www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25769&LangID=E;
www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26393&LangID=E;
www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25761&LangID=E;
www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26155&LangID=E.

¹²³ www.irna.ir/news/83819418/ (in Persian).

¹²⁴ www.tasnimnews.com/fa/news/1398/02/25/2011935/ (in Persian).

¹²⁵ www.ilna.news/fa/tiny/news-958995 (in Persian).

¹²⁶ <http://www.iranrights.org/library/document/3764>, pp. 8, 9, 11 and 21.

¹²⁷ *Ibid.*, pp. 13, 20 and 25; www.hra-news.org/2020/hranews/a-26010/ (in Persian).

¹²⁸ www.iranrights.org/library/document/3764, p. 22; www.hra-news.org/2020/hranews/a-25693/.

¹²⁹ www.amnesty.org/download/Documents/MDE1328112020ENGLISH.PDF.

¹³⁰ www.hra-news.org/2020/hranews/a-25078/; www.hra-news.org/2020/hranews/a-25332/ (both in Persian).

¹³¹ See <http://www.iranrights.org/library/document/3764>, p. 33.

Cultural Rights and rule 24, paragraph 1, of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

III. Situation of women and girls

39. The Special Rapporteur notes that the Islamic Republic of Iran has taken some positive steps in the realization of women's rights. These include the nationality law amendment, which provides for Iranian women married to non-Iranian men a right to apply for Iranian nationality for their children aged under 18 years.¹³² In November 2020, the first national identity card under this amendment was issued.¹³³ The Government's efforts to draft legislation on domestic violence and the 2019 legislation imposing tougher sentences for acid attacks is also welcomed.¹³⁴ Significant progress was also achieved in providing equal access to education. The female literacy rate had increased by 2016 to 80.8 per cent,¹³⁵ and there has been almost no gender gap in primary or secondary school enrolment for over a decade.¹³⁶

40. Notwithstanding these improvements, the Special Rapporteur remains deeply concerned at the persistent discrimination against women and girls in public and private life, enshrined in the Constitution of the Islamic Republic of Iran and within law and practice. Articles 20 and 21 of the Constitution guarantee equal protection of men and women before the law and the State's undertaking to secure women's rights. However, the provision of these rights is subject to "the Islamic criteria", which have been implemented by the authorities in a manner that violates and undermines women's dignity and fundamental human rights, including the right to equality and non-discrimination, as established in the State's international human rights obligations. The Government stated that the Islamic criteria were defined and could be updated according to societal needs.

International legal framework

41. The Islamic Republic of Iran has ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, which emphasize non-discrimination and gender equality. The State has not ratified the Convention on the Elimination of All Forms of Discrimination against Women. It is regrettable that the Government did not support 14 recommendations, made during its third universal periodic review, regarding the ratification of that Convention, although it partially supported or noted 4 related recommendations. The Government stated its authorities were examining the issue of accession to international treaties. The State's other international human rights obligations require it to ensure gender equality and non-discrimination.

Discrimination in family law

42. The Special Rapporteur is concerned that substantial discrimination exists against women and girls within family law, including laws vis-à-vis marriage, divorce, custody and guardianship. Iranian law requires a woman to receive permission from her father or paternal grandfather for marriage if she has not married previously, although if permission is withheld unreasonably, she can apply to a court to allow the marriage.¹³⁷ The marriage of a Muslim woman to a non-Muslim man is unlawful¹³⁸ and a marriage between an Iranian woman and a non-Iranian man requires government permission.¹³⁹ These provisions are inconsistent with the International Covenant on Civil and Political Rights.¹⁴⁰

¹³² www.independent.co.uk/news/world/middle-east/iran-mothers-citizenship-children-new-law-latest-a9138206.html.

¹³³ <http://irangov.ir/detail/351448>.

¹³⁴ www.mizanonline.com/fa/news/564808/ (in Persian).

¹³⁵ <http://uis.unesco.org/en/country/ir>.

¹³⁶ www.imf.org/en/Publications/CR/Issues/2018/03/29/Islamic-Republic-of-Iran-Selected-Issues-45768.

¹³⁷ Civil Code, art. 1043.

¹³⁸ *Ibid.*, art. 1059.

¹³⁹ *Ibid.*, art. 1060.

¹⁴⁰ Human Rights Committee, general comment No. 28 (2000), para. 23.

43. Concern is expressed that the legal age for a girl to marry in the Islamic Republic of Iran is 13 years, with even younger girls allowed to marry with paternal and judicial consent.¹⁴¹ This is inconsistent with the State's obligations under the Convention on the Rights of the Child, where the Committee on the Rights of the Child has strongly recommended an increase in the minimum age of marriage to 18, in law and in practice, for girls and boys.¹⁴² The National Organization for Civil Registration registered 13,054 marriages of girls under 13 between March 2018 and March 2019. The numbers continue to be high. In December 2019, a deputy minister warned that banks offering "marriage loans" without age restrictions increased child marriage. He stated that, from March to August 2019, 4,460 girls under 15 had received such loans. If the trend continued, 12,000 girls under 15 would have received such loans by the latter half of March 2020, representing a tripling or quadrupling of girl-child marriages. Between March and June 2020, 7,323 marriages involving girls aged 10 to 14 were registered.¹⁴³ President Hassan Rouhani's intervention to introduce age restrictions for these loans is noted, but is regrettably not adhered to by banks.¹⁴⁴ Child marriage is considered a form of forced marriage, given that one or both parties have not expressed full, free and informed consent.¹⁴⁵ Girls marrying under the age of 18 are more likely to experience domestic violence,¹⁴⁶ are frequently unable to continue education and are marginalized from social activities.¹⁴⁷ A survey found that 37.5 per cent of those subjected to child marriage were illiterate and a significant number reported domestic abuse.¹⁴⁸ The Government noted that raising the marriage age may increase the number of unregistered marriages, however it still did not recommend marriage for individuals under 18 years of age. It claimed that judicial training had led to the non-issuance of marriage permits to underage girls. Failure to increase the marriage age undermines measures aimed at protecting women and girls from domestic violence and negatively affects education and employment prospects.

44. Legal provisions also maintain gender inequality between spouses. The husband has authority over his wife, including the right to prevent her from taking up employment that he considers incompatible with family interests or his dignity.¹⁴⁹ The wife requires the husband's consent to obtain a passport and travel abroad.¹⁵⁰ Iranian law allows polygamy, including an unrestricted number of temporary marriages for a fixed period.¹⁵¹ The Human Rights Committee has said that polygamy and the need for a husband's consent to obtain a passport and travel are discriminatory.¹⁵² The Government stated that polygamy was uncommon and that a wife must consent to a polygamous marriage. While the wife is entitled to maintenance, this is contingent upon her fulfilling her "duties",¹⁵³ including responding to the husband's sexual needs. Husbands have an incontestable right to divorce,¹⁵⁴ whereas wives can only apply to court seeking divorce on limited grounds, including the husband's addiction, imprisonment or refusal to provide financially.¹⁵⁵ Wives must prove an intolerable level of

¹⁴¹ Civil Code, art. 1041; https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf.

¹⁴² General comment No. 4 (2003), para. 20.

¹⁴³ www.iranhumanrights.org/2020/12/easy-state-loans-prompting-surge-in-child-marriages-in-iran/; www.hamshahronline.ir/news/474420/ (in Persian).

¹⁴⁴ www.irna.ir/news/83824552/ (in Persian); www.iranhumanrights.org/2020/12/easy-state-loans-prompting-surge-in-child-marriages-in-iran/.

¹⁴⁵ Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), para. 20.

¹⁴⁶ www.girlsnotbrides.org/wp-content/uploads/2019/10/Girls-Not-Brides-Child-Marriage-Violence-Against-Children-LR.pdf.

¹⁴⁷ Committee on the Rights of the Child, general comment No. 4 (2003), para. 20.

¹⁴⁸ https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf.

¹⁴⁹ Civil Code, art. 1117.

¹⁵⁰ Passport law of 1973, art. 18; www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market.

¹⁵¹ <https://www1.essex.ac.uk/hri/documents/legal-status-women.pdf>, p. 24.

¹⁵² General comment No. 28 (2000), paras. 16 and 24.

¹⁵³ Civil Code, art. 1108.

¹⁵⁴ *Ibid.*, art. 1133.

¹⁵⁵ *Ibid.*, arts. 1119, 1129 and 1130; https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf.

spousal abuse to successfully rely on domestic violence as a ground of divorce.¹⁵⁶ Women seeking divorce usually have to forgo their monetary claims, such as payment of maintenance, to secure their husband's agreement.¹⁵⁷

45. The father is the default sole legal guardian retaining primary authority over all major decisions and financial affairs in his child's life. In his absence, legal guardianship is transferred to the paternal grandfather.¹⁵⁸ The Government stated that relatives could apply to court for the dismissal of a father as guardian if he was not fulfilling his responsibilities. Following divorce, the mother has physical custody of the child until age 7, at which time custody is transferred to the father.¹⁵⁹ The Government stated that the father's right was not absolute; if there was a disagreement, the Family Court would decide in the best interests of the child. Custody is automatically lost by the mother if she remarries, but the same does not apply to the father.¹⁶⁰

Discrimination in criminal law

46. As mentioned above, age of criminal responsibility in the Islamic Republic of Iran, which is based on the age of maturity, applies to girls at 9 lunar years, whereas it is 15 lunar years for boys for *qisas* or *hudud* crimes.¹⁶¹ Gender discrimination in age adds to the serious violation of applying the death penalty to child offenders. It is alarming that girls who committed offences as child offenders have been executed in recent years, including some who had been forcibly married as children and who had suffered domestic violence. In 2018, Mahboubeh Mofidi, who was married at the age of 13, was executed for allegedly having murdered her husband when she was 17 (see A/HRC/40/67). Zeinab Sekaanvand, who was married at the age of 15, allegedly murdered her husband when she was 17 and was executed.¹⁶² She had raised domestic violence allegations against her husband.

47. The criminal justice system discriminates between men and women regarding payment of *diya* (blood money). The Penal Code states that the amount of *diya* paid as compensation for a female victim is half that of a male (art. 550). Notwithstanding legislative changes and a July 2019 Supreme Court ruling instructing that the difference in *diya* would be paid by a government fund, the discriminatory provision remains. By making the perpetrator liable for only half of the *diya*, the State effectively devalues the worth of a woman's life to half that of a man, and consequently makes women more vulnerable to crime.¹⁶³ Similarly, in many legal proceedings, a woman's testimony is half of the evidentiary value of that of a man¹⁶⁴. Evidence from male witnesses is usually required,¹⁶⁵ while in most civil cases the required evidence is that of two men, or one man and two women.¹⁶⁶ Provisions discriminating on the grounds of gender in the legal system are a clear violation of the International Covenant on Civil and Political Rights.¹⁶⁷

Violence against women

48. Patriarchal values and misogynist behaviours permeate many segments of Iranian family life,¹⁶⁸ with discriminatory legal provisions, outlined in the present report, exacerbating the vulnerabilities of women to domestic abuse. Support systems for domestic

¹⁵⁶ https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf, p. 29.

¹⁵⁷ *Ibid.*; www.idrc.ca/en/book/feminist-advocacy-family-law-and-violence-against-women-international-perspectives, pp. 76 and 84.

¹⁵⁸ Civil Code, art. 1180.

¹⁵⁹ *Ibid.*, art. 1169.

¹⁶⁰ *Ibid.*, art. 1170.

¹⁶¹ Penal Code, art. 147; www1.essex.ac.uk/hri/documents/legal-status-child.pdf, pp. 24–25.

¹⁶² www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23689&LangID=E.

¹⁶³ <https://iranhumanrights.org/2019/08/blood-money-paid-for-a-woman-in-iran-is-still-half-that-paid-for-a-man-despite-new-ruling/>.

¹⁶⁴ https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf, p. 8.

¹⁶⁵ Penal Code, art. 199.

¹⁶⁶ Code of Civil Procedure, art. 230.

¹⁶⁷ Human Rights Committee, general comment No. 28 (2000), para. 19; general comment No. 32 (2007), para. 65.

¹⁶⁸ <https://iranhumanrights.org/2018/11/iran-must-pass-legislation-to-protect-women-against-violence/>.

violence survivors are insufficient. Law enforcement agencies are often reluctant to intervene in such cases, commonly using mediation to resolve them, even when a woman claims her life is threatened.¹⁶⁹ The 28 shelters¹⁷⁰ established in 27 out of 31 provinces since 2014 lack capacity to provide long-term support to victims and mostly focus on reconciling and returning victims home.¹⁷¹ The Government claimed that family protection meant there was limited demand for shelters, but necessary arrangements would be made available if needed. A hotline and 358 social emergency units had been established across the country to respond to social issues, including suicide attempts and domestic violence. According to the State's welfare organization, 8 per cent of calls to the hotline and 10 per cent of in-person social emergency unit visits concern violence against women.¹⁷²

49. It is noted that the bill for the protection, dignity and security of women against violence, first introduced to Parliament in 2015 and currently before the Bill Committee, would criminalize some types of violence against women. There are several deficiencies in the current draft, including a requirement for a victim to go through a "reconciliation period" before a dispute settlement council prior to filing a claim in court. This provision, if enforced, exposes the victim to the risk of further violence and removes judicial scrutiny of the perpetrator's actions and accountability. The Government claimed that the conciliation process would not be forced. Other problematic draft provisions include the need for three separate convictions of violence before a wife can seek divorce and a lesser punishment for murder through domestic violence than in other murder cases.¹⁷³

50. The Human Rights Committee has stressed that States parties are required to take special measures of protection towards persons in vulnerable situations, including victims of gender-based violence.¹⁷⁴ Sexual assault is not criminalized as a distinct crime under the Penal Code. Rape is prosecutable as *zina* (illicit sexual relations), a capital offence, but the limited definition of *zina* in the Penal Code excludes several coercive sexual acts that also constitute rape. The excluded acts can only be prosecuted under article 637 of the Penal Code, which carries a punishment of 99 lashes.¹⁷⁵ The Special Rapporteur opposes the death penalty and flogging, but also recommends in reforming these sentences that the definition of *zina* be expanded to include other coercive sexual acts. The current draft bill on protection of women against violence also categorizes sexual assault under the two limited categories of *zina* and non-*zina*. Victims face obstacles in proving the crime due to high evidentiary requirements for proving sexual assault. Since extramarital sexual relations are considered criminal acts, reporting sexual assault may expose victims to prosecution if they cannot prove the act was coercive. Accounts of victims indicate the authorities usually fail to investigate such claims.¹⁷⁶ Additionally, during a #MeToo social media movement in the country in August 2020, which led to one arrest,¹⁷⁷ many victims expressed reluctance to press charges as they disagreed with the perpetrator being punished by the death penalty.¹⁷⁸ The Government stated that its legal system was one of the most serious in addressing sexual crimes.

51. The killing of 13-year-old Romina Ashrafi by her father in 2019 was a tragic reminder that so-called honour killings remain widespread, yet such crimes are underreported. It is estimated that between 375 to 450 honour killings occur annually.¹⁷⁹ The Special Rapporteur expresses alarm at laws that exonerate perpetrators or reduce punishment for such crimes.

¹⁶⁹ www.idrc.ca/en/book/feminist-advocacy-family-law-and-violence-against-women-international-perspectives, p. 76.

¹⁷⁰ A/HRC/WG.6/34/IRN/1; see also www.eghtesadonline.com/n/2GS3 (in Persian).

¹⁷¹ www.hamshahrionline.ir/x66FG; <https://www.radiozameh.com/488134> (in Persian).

¹⁷² www.yjc.ir/fa/news/7250364/ (in Persian).

¹⁷³ See

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25651>.

¹⁷⁴ General comment No. 36 (2018), para. 23.

¹⁷⁵ <https://iranhrdc.org/en/wp-content/uploads/Access-to-Justice-for-Victims-of-Sexual-Violence-in-Iran-Final.pdf>, seventh page.

¹⁷⁶ Ibid.

¹⁷⁷ www.hrw.org/news/2020/09/09/iran-having-its-metoo-moment.

¹⁷⁸ www.trtworld.com/magazine/iran-s-metoo-opens-long-overdue-discussion-on-sexual-abuse-40107.

¹⁷⁹ www.hra-news.org/2020/hranews/a-25265/ (in Persian).

There are exemptions from criminal liability and *qisas* for a man who witnesses his wife committing adultery and kills and assaults either or both parties.¹⁸⁰ The Penal Code creates exemptions for men who kill their children or grandchildren. Ms. Ashrafi's father stated in court he had murdered his daughter because the law did not carry a severe punishment. Such incidents confirm the failure of the law to protect victims and to punish perpetrators of honour crimes. Treaty bodies have stated that legislation which exonerates or mitigates criminal responsibility for so-called honour crimes must be removed, and a holistic framework to prevent their occurrence implemented.¹⁸¹ The Government stated that initiatives to update laws in this area were under consideration.

Women's rights advocates

52. Iranian women play a prominent role in defending human rights. The Special Rapporteur remains alarmed at the continuing harassment, arrest and imprisonment of women's rights advocates, both women and men, including those campaigning against compulsory veiling laws. Under the Penal Code (art. 638), women who do not wear a hijab may be imprisoned for up to two months or fined up to 500,000 rials (\$12). In practice, however, women's rights advocates have been convicted under morality and national security offences that carry harsher sentences.¹⁸² The Human Rights Committee has stressed that laws regulating what women can wear in public can violate several rights guaranteed by the International Covenant on Civil and Political Rights, including the rights to non-discrimination, to freedom of expression, and to liberty and freedom of movement, where breaching such laws results in arrest or detention.¹⁸³ The right to freedom of religion cannot be relied upon to justify discrimination against women.¹⁸⁴

53. The police, Basij militia and vigilante morality police enforce compulsory veiling laws, with vigilante justice reportedly resulting in violence against women, including acid attacks and deaths. An emblematic case concerns acid attacks in October 2014 against at least six women in Isfahan, with concerns that the attacks were linked to Parliament's approval of a morality-related plan (A/HRC/28/26, para. 31). In 2018, the judiciary closed the case without finding the perpetrators.¹⁸⁵ Some official statements encourage attacks against women. In October 2020, two Friday prayers leaders, including an Assembly of Experts member, called on society to make the surroundings unsafe for women who did not observe veiling laws.¹⁸⁶ Data gathered between 2003 and 2013 indicated that 30,000 women had faced arrest and 4,358 cases had been referred to the judiciary for breaching the compulsory veiling law.¹⁸⁷

54. The authorities continue to arrest and imprison women's rights advocates who have challenged compulsory veiling. In April 2019, Yasaman Aryani, Monireh Arabshahi and Mojgan Keshavarz were arrested after publicly protesting compulsory veiling laws on International Women's Day (A/74/273, para. 37). They were sentenced to prison in July 2019 on national security and morality-based charges.¹⁸⁸ On 5 February 2020, an appeals court reduced their sentences, but still confirmed prison sentences of over 9 years for Ms. Aryani and Ms. Arabshahi and over 12 years for Ms. Keshavarz.¹⁸⁹ The Government stated all three had been sentenced to five-and-a-half years' imprisonment. On 21 October 2020, Ms. Aryani and Ms. Arabshahi were transferred to Kachuei Prison in Alborz Province.¹⁹⁰ The authorities

¹⁸⁰ Penal Code, art. 630.

¹⁸¹ Joint general recommendation No. 31/general comment No. 18 (2019), paras. 33 and 55 (c), general comment No. 28 (2000), para. 31.

¹⁸² <https://iranhumanrights.org/2019/08/three-women-issued-lengthy-prison-sentences-for-peacefully-protesting-irans-mandatory-hijab-law/>.

¹⁸³ General comment No. 28 (2000), para. 13.

¹⁸⁴ *Ibid.*, para. 21.

¹⁸⁵ <https://iranhumanrights.org/2018/07/iranian-judiciary-closes-acid-attack-cases-with-no-convictions-but-promises-victims-compensation/>.

¹⁸⁶ <https://aftabnews.ir/fa/news/674214/> (in Persian).

¹⁸⁷ <https://justice4iran.org/wp-content/uploads/2014/03/Hejab-Report-JFI-English.pdf>, pp. 18–19.

¹⁸⁸ www.hrw.org/news/2019/08/06/iranian-women-rebel-against-dress-code.

¹⁸⁹ https://iranhr.net/media/files/HRD_Report_Iran_Human_Rights_Eng.pdf, pp. 44–46.

¹⁹⁰ *Ibid.*, pp. 44–45.

arrested Saba Kord Afshari on 1 June 2019 for participating in a campaign against compulsory veiling¹⁹¹ and for sending a video to women's rights campaigner Masih Alinejad's social media account. Ms. Afshari was interrogated and then held in solitary confinement for 11 days. She was reportedly told that her father would be killed and her mother arrested, and that all private photographs on her telephone would be released, if she did not confess. In August 2019, she was convicted of three national security-related and morality charges and sentenced to 24 years' imprisonment. Although the Government affirmed that an appeals court had later acquitted her on some charges and reduced her sentence, in May 2020, her lawyer announced this had been extrajudicially reversed.¹⁹² On 9 November 2020, the Supreme Court rejected her retrial request.¹⁹³ In July 2019, the judiciary announced that sharing videos of women removing headscarves would result in sentences of up to 10 years' imprisonment.¹⁹⁴ Farhad Meysami, a women's rights activist, has been arbitrarily imprisoned since 2018 on charges related to his gender equality campaigning.

Discrimination in political and judicial position

55. Gender discrimination is pervasive in political and judicial appointments, with the Islamic Republic of Iran ranking 181 of 193 countries in 2020 for women's representation.¹⁹⁵ Almost no women are represented in senior decision-making positions, with the positions of Supreme Leader, President, Head of the Judiciary, the Attorney General and the Head of the Supreme Court never being held by a woman, and no woman has been named to the 12-member Guardian Council. While there are no legal limits on the right to vote or to stand as municipal or parliamentary candidates, female representation is poor. The Guardian Council disqualified 60 per cent of all female candidates for the February 2020 parliamentary elections, with only 16 of the 290 seats in Parliament being won by women,¹⁹⁶ as confirmed by the Government.

56. The Government has taken steps to increase female representation in executive positions. In 2017, it adopted a decision to allocate 30 per cent of public sector managerial positions to young people and women, increasing by 36 per cent the appointment of women between 2017 to 2019. Despite these advances, the decision was annulled by the Court of Administrative Justice in October 2020.¹⁹⁷ The Government stated that the decision had been reversed as the measure had been found to be unfair and discriminatory. In addition, it is regrettable that women are ineligible to become judges. While women can be appointed as legal advisers, oversee proceedings and sit on three-member appeal panels, Iranian law prohibits them from rendering a final judgment.¹⁹⁸

Discrimination in employment

57. Women's access to formal employment is restricted, with 29.7 per cent of women between the ages of 18 and 35 being unemployed in 2019. Despite major advances in education, female labour force participation in the country is 17 per cent.¹⁹⁹ The majority of working women are employed in the informal sector with minimal labour law protection;²⁰⁰ female university graduates make up 67.5 per cent of all unemployed individuals.²⁰¹ Women

¹⁹¹ www.fidh.org/en/issues/human-rights-defenders/iran-sentencing-of-mses-saba-kord-afshari-yassman-aryani-monireh.

¹⁹² www.amnesty.org/download/Documents/MDE1326532020ENGLISH.pdf.

¹⁹³ www.frontlinedefenders.org/en/case/womens-rights-defender-saba-kord-afshari-sentenced-15-years-prison.

¹⁹⁴ www.independent.co.uk/news/world/middle-east/iran-headscarf-protest-women-prison-white-wednesdays-masih-alinejad-a9025431.html.

¹⁹⁵ www.unwomen.org/en/digital-library/publications/2020/03/women-in-politics-map-2020.

¹⁹⁶ https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf, p. 19.

¹⁹⁷ www.radiozamaneh.com/552383 (in Persian).

¹⁹⁸ <https://rc.majlis.ir/fa/law/show/90547> (in Persian); https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf, p. 20.

¹⁹⁹ www.amar.org.ir/Portals/1/releases/lfs/LFS-1398.pdf, table 1.

²⁰⁰ www.hrw.org/sites/default/files/report_pdf/iran0517_web_11.pdf, pp. 20–21.

²⁰¹ www.amar.org.ir/Portals/1/releases/lfs/LFS-1398.pdf, table 1.

from minority backgrounds face intersectional discrimination, with the highest unemployment rates found in provinces where the majority of the population are from ethnic and religious minorities.²⁰² The Government stated it had initiated numerous programmes to strengthen women's employability and entrepreneurship.

58. The Labour Code grants equal protection and free choice of profession to men and women as long as it is not inconsistent with Islamic values, the public interest or the rights of others (art. 6). However, the Code forbids female employment in dangerous, arduous and harmful work (art. 75). Cultural and social norms, as well as administrative practices, point to a widespread preference for men in employment. In July 2014, the Tehran municipality announced that all women secretaries and office managers would be replaced by men; in the same year, the head of the Public Buildings Office of the Iranian police announced that women would be prohibited from working in coffee shops and traditional restaurants. Similar exclusions have been applied to the civil service, reducing the number of women working in that sector.²⁰³

59. As mentioned above, the Civil Code grants husbands the right to stop wives from work they consider against family values or their reputation. Some employers require married women to provide a statement of permission from their husband in order to be hired. The requirement that women need permission to travel abroad means employers with overseas-based work are reluctant to employ them.²⁰⁴ According to a law adopted in January 2017, women are entitled to nine months' maternity leave, but many have been dismissed upon their return to work.²⁰⁵ The Labour Code states employers are to pay equal wages to both men and women for equal work (art. 38). However, in practice, women receive lower salaries for the same level of work.

Sport and culture

60. Restrictions on the participation of women and girls in sport and cultural life remain. In January 2020, Kimia Alizadeh, the country's first female Olympic medal winner, announced she had permanently left the Islamic Republic of Iran, citing sexism of officials as her main reason.²⁰⁶ Most women's sports are banned from being broadcast on State television.²⁰⁷ Women's participation in recreational activities has also been restricted. On 14 May 2019, the prosecutor for Isfahan stated women were prohibited from riding bicycles, which the Government claimed was for safety reasons.²⁰⁸ The Government stated that there were dozens of sports federations and that over 100,000 Iranian women athletes participated in domestic and international sport competitions.

61. A prohibition on women attending sporting events, while not written into law, has effectively been enforced since 1981. A few exceptions have occurred in recent years,²⁰⁹ most recently in October 2019, when more than 3,000 women were allowed to attend a football match. However, tickets available to women were restricted²¹⁰ and the Government did not indicate a permanent change of policy. Women have frequently challenged the restriction on their ability to enter stadiums, through peaceful demonstrations or by entering incognito, with many consequently having been arrested. The authorization for women to attend the October 2019 match followed the outcry over the death of Sahar Khodayari. Ms. Khodayari had been arrested for dressing as a man to attend a football match. She died in September 2019, having

²⁰² Ibid., table 3.

²⁰³ https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf, p. 22.

²⁰⁴ www.hrw.org/sites/default/files/report_pdf/iran0517_web_11.pdf, p. 3.

²⁰⁵ https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf, p. 24.

²⁰⁶ <https://apnews.com/article/1211a66e166b79e032386dea8109d659>.

²⁰⁷ <https://observers.france24.com/en/20181002-iran-doesnt-broadcast-women-sports-fans-create-own-coverage-social-media>.

²⁰⁸ <https://iranhumanrights.org/2019/05/isfahan-prosecutor-bans-sinful-act-of-women-riding-bicycles/>.

²⁰⁹ www.iranhumanrights.org/2018/10/iranian-women-attend-mens-soccer-game-standing-firm-against-state-ban-and-hardline-threats/; www.iranhumanrights.org/2018/06/iran-spain-match-aftermath-will-irans-ban-on-women-in-sports-stadiums-finally-be-lifted/; www.iranhumanrights.org/2017/06/some-female-sports-fans-allowed-to-watch-mens-volleyball-match-in-tehran-but-ban-persists/.

²¹⁰ www.amnesty.org/en/latest/news/2019/10/iran-limited-allocation-of-football-tickets-for-women-a-cynical-publicity-stunt/.

set herself on fire after learning she would be imprisoned for her actions.²¹¹ In March 2018, as many as 35 women were reportedly arrested for seeking to attend a match²¹² and in August 2019 at least 4 women were arrested and held for several days after attempting to enter a stadium dressed as men.²¹³

62. Women continue to face restrictions in cultural activities, including singing.²¹⁴ Women are allowed to perform publicly but only as part of a choir or to an all-female audience. According to reports, artists have faced restrictions and arrest for having performances with women singers. Negar Moazzam was reportedly summoned to court in May 2019 after singing solo for tourists in Isfahan.²¹⁵ The Government stated she had been sentenced to one year of imprisonment but was later acquitted and released. Musician Ali Ghamsari was banned from performing after featuring a female singer in a 7 January 2020 concert performance.²¹⁶ In August 2020, musician Mehdi Rajabian was arrested on a morality charge after featuring women dancers and singers in his work.²¹⁷ The Government stated he had been fined 500,000 *tomans*. The Committee on Economic, Social and Cultural Rights has stated that the right to take part in cultural life requires that all legal, institutional and customary restrictions on female participation in such activities be eliminated.²¹⁸

IV. Recommendations

A. Human rights situation

63. **The Special Rapporteur recommends that the Government, the judiciary and/or Parliament:**

(a) **Introduce an immediate moratorium on the death penalty, prohibit the execution of child offenders in all circumstances and commute their sentences;**

(b) **Repeal laws authorizing torture and ill-treatment as a form of punishment, establish mechanisms for investigating torture claims and deaths in detention consistent with international standards, and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(c) **Ensure that all persons accused of any crime have access to a lawyer of their choosing during all stages of the judicial process, including during the initial investigation and interrogation stage, and are provided with legal aid;**

(d) **Ensure that human rights defenders, including women human rights defenders, lawyers, journalists and dual and foreign nationals, and their families, are not threatened with or subjected to intimidation, arbitrary arrest, deprivation of liberty or life or other arbitrary sanctions; release all those arbitrarily detained; and extend the COVID-19 policy for the temporary release of prisoners to those individuals and other detainees posing no threat to public safety;**

(e) **Conduct an independent, impartial and transparent inquiry consistent with international standards concerning the use of excessive and lethal force by security forces during the November 2019 protests and hold accountable all perpetrators of human rights violations during those protests;**

(f) **Ensure that all individuals arrested for the exercise of their rights to freedom of opinion, expression, association and peaceful assembly are released and that**

²¹¹ www.hrw.org/news/2019/09/09/woman-banned-stadiums-iran-attempts-suicide.

²¹² www.bbc.com/news/world-middle-east-43243414.

²¹³ www.hrw.org/news/2019/08/16/iran-women-detained-accused-flouting-stadium-ban.

²¹⁴ <https://iranhumanrights.org/2018/01/iranian-female-vocalist-we-never-get-a-chance-to-practice-our-art-in-a-professional-setting/>.

²¹⁵ www.bbc.com/news/blogs-news-from-elsewhere-48366149.

²¹⁶ www.iranhumanrights.org/2019/01/musician-ali-ghamsari-banned-from-performing-in-iran-after-refusing-to-remove-female-singer/.

²¹⁷ www.abc.net.au/news/2020-08-24/iranian-artist-arrested-featuring-women-sing-and-dance/12573412.

²¹⁸ General comment No. 21 (2009), paras. 13, 16 (a), 25 and 60.

the detaining authorities promptly report the whereabouts and situation of detainees to their families;

(g) Ensure that the rights to freedom of opinion and expression, peaceful assembly and association are respected in law and in practice, and that any limitation to these rights is in accordance with the criteria for permissible restrictions under international law;

(h) Recognize independent trade unions and ratify all fundamental International Labour Organization conventions;

(i) Protect the rights of all persons belonging to ethnic, religious and sexual minorities, eliminate all forms of discrimination against them and release all those imprisoned for exercising their right to freedom of religion or belief, for exercising their culture or for using their language;

(j) Take all measures necessary to mitigate the effects of sanctions, meet the Government's economic and social rights obligations, including regarding the protection of vulnerable groups, and establish transparent financial mechanisms to ensure that trade in medicine and other essential humanitarian items continues;

(k) Make substantial investments in all prisons to reduce overcrowding, improve hygiene and ensure that prisoners receive prompt access to medical treatment, especially during the COVID-19 pandemic;

(l) Continue to engage with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by permitting him to conduct country missions in the Islamic Republic of Iran.

64. The Special Rapporteur urges States imposing sanctions on the Islamic Republic of Iran to ensure that measures such as humanitarian exemptions are given broad and practical effect and are promptly and effectively implemented to minimize the adverse consequences of sanctions on human rights, especially during the COVID-19 pandemic.

B. Women and girls

65. The Special Rapporteur recommends that the Government, the judiciary and/or Parliament:

(a) Ratify the Convention on the Elimination of All Forms of Discrimination against Women without reservations and ensure that legislation and policies are consistent with its obligations;

(b) End discrimination against women and girls within all aspects of family law;

(c) Implement measures to end child marriage, including by increasing the minimum age of marriage to 18 years;

(d) Ensure gender equality within the criminal justice system, including by increasing the age of criminal responsibility for men and women to 18 years;

(e) Repeal legislation that mitigates, or exonerates perpetrators of, violence against women and girls, including for so-called honour killings and criminal acts within marriage, and ensure accountability for perpetrators;

(f) Introduce effective legislation and policies to help prevent violence against women and girls and hold perpetrators accountable;

(g) Increase support services for victims of violence, including by providing more shelters and financial assistance, and provide necessary training to the police, judiciary and social workers;

(h) Repeal all laws and regulations that impose mandatory dress codes;

- (i) **Amend the Constitution and legislation to expressly state that all political and judicial positions are open to women and men, and introduce legislation and policies to promote increased participation of women in public affairs;**
 - (j) **End gender discrimination in employment and introduce effective legislation and mechanisms to combat workplace discrimination;**
 - (k) **Remove all obstacles that prevent the full enjoyment of women to the right to culture.**
-