



## **UPR Submission**

**Iran**

**March 2014**

### **Summary**

Since Iran's last Universal Periodic Review by the Human Rights Council in 2009, the government's rights record and its level of cooperation with international rights institutions, particularly organs of the United Nations, has remained poor. Some of the thousands of protesters, political opposition members, and activists unlawfully arrested following the 2009 election remain in prison, including opposition figures and former 2009 presidential candidates Mir Hossein Mousavi and Mehdi Karroubi. Authorities have held Mousavi, Karroubi, and Mousavi's wife Zahra Rahnava under detention or house arrest since February 2011 without charge.

Security and intelligence forces continue to suppress lawful activities or expression perceived as critical of the state. Iran's judiciary still relies heavily on vaguely worded national security laws to prosecute, convict and sentence peaceful activists in revolutionary courts to heavy punishments, including death. Security trials are often plagued with serious due process violations, including the use of coerced or extracted confessions that often violate Iran's own laws. The government unlawfully summoned, detained, and prosecuted journalists, political opposition members, and rights defenders including lawyers in revolutionary courts. Authorities systematically targeted religious and ethnic minorities, with some of the harshest treatment reserved for Baha'is, Christian converts, and members of the Nematollahi Gonabadi Sufi order. They also targeted ethnic minority rights activists working to protect the rights of Azeris, Ahwazi Arabs, and Kurds among others.

Among the most worrying concerns is the extremely high rate of executions in Iran, which is second only to China. Though Iran's penal code underwent some positive changes in 2013, the judiciary can still sentence child offenders to death for certain crimes including murder. Iran is one of a handful of countries that still allows such executions.

With the election of Hassan Rouhani as president in June 2013 the government's tone regarding human rights saw moderate improvements, including submitting a draft Citizens' Rights Charter allegedly intended to elevate the discussion of human rights between the government and civil society. The overall rights situation, however, has not significantly changed for the better.

### **Death Penalty and Inhumane Punishments**

During its previous UPR in 2010, Iran had accepted recommendations to "respect at least the minimum standards and the provisions of ICCPR and CRC concerning the death penalty" and to "consider the abolition of juvenile execution" and had received several other recommendations on the use of death penalty and juvenile death penalty.

Iran has made headlines in recent years as the second country in the world in terms of numbers of executions carried out, with over 600 in 2013, more than 500 in 2012, and over 250 announced by the government in 2011, according to rights groups. The rapid pace of executions is continuing in 2014, with rights groups documenting more than 100 hangings as of February 15. There are unconfirmed reports that at least two child offenders were among those executed between 2013-2014. The vast majority of executions in Iran are for

crimes, including drug-related offenses, not considered “most serious” under international law. The death penalty also exists for other non-serious crimes or conduct that should be protected such as engaging in consensual sexual relations outside of marriage (including same-sex relations) and apostasy. The judiciary has also carried out death sentences for vaguely worded or overly broad terrorism-related charges such as *moharebeh*, or “enmity against God.” Since 2009 the majority of death sentences carried out for the crime of *moharebeh* have affected Iran’s ethnic minorities, especially Kurds, Ahwazi Arabs, and Baluch.

In early 2013, Iran’s judiciary implemented an amended penal code under which children convicted of “discretionary crimes” such as drug-related offenses could no longer be sentenced to death. A judge may, however, still sentence to death juveniles convicted of crimes such as rape, sodomy, and murder if he determines that the child understood the nature and consequences of the crime, a vague standard susceptible to abuse. The amended law also retains stoning as punishment for the crime of adultery, as well as inhuman punishments such as lashings and amputations.

### **Restrictions on the Freedom of Assembly, Association and Voting**

During its previous UPR in 2010, Iran accepted recommendations to “enhance freedom of expression and assembly,” “fully guarantee the right to freedom of expression, press and political activity” and “conduct a review of legislation to ensure that it complies with article 19 of ICCPR.” In practice, however, since the 2009 election protests Iranian authorities have failed to implement these recommendations and, for the most part, refused to allow government critics to engage in peaceful demonstrations.

Though violence did not mar elections carried out since 2009, authorities prohibited many opposition candidates or government critics from running for parliamentary elections in 2012, and presidential elections in 2013. During Iran’s June 14, 2013 presidential and local elections, several opposition party members were serving prison sentences and prevented from participating. The Guardian Council, an unelected body of 12 religious jurists, disqualified all but eight of the more than 680 registered presidential candidates using vague criteria that enabled authorities to make sweeping and arbitrary exclusions.

Authorities have banned many opposition parties, including two of the country’s leading reformist parties. The government has either shut down or severely interfered in the internal affairs of various civil society groups and nongovernmental organizations such as the Tahkim-e Vahdat (one of the country’s largest university student groups), the Iranian Journalists Association, and the Iranian Bar Association, and The Syndicate of Workers of Tehran and Suburbs Bus Company. Dozens are serving prison sentences for their affiliation with the aforementioned groups.

In September 2013, Iran’s interim minister of science, responsible for management of the country’s universities, announced that universities could reinstate professors and students suspended for their political activities from 2005 to 2012, but at time of writing dozens remained unable to continue their studies or teach. During the same month, in another positive move, the Ministry of Culture ordered the reopening of the country’s largest independent film guild, the House of Cinema, which authorities had shut down in January 2012.

### **Restrictions on Freedom of Expression, Access to Information**

During its previous UPR in 2010, Iran had accepted the recommendations to “enhance freedom of expression and assembly, and to safeguard all groups, journalists and especially human rights defenders” and to “investigate and prosecute all those (...)suspected of having mistreated, tortured or killed anyone, including demonstrators, political activists, human rights defenders and journalists.” Iran was also recommended to “end the harassment and persecution of journalists and bloggers” and to “put an end to the detention and trials of writers solely for the practice of their right to freedom of expression.” However, the number of

journalists and bloggers imprisoned in Iran is among the largest in the world. According to Reporters Without Borders, Iran was detaining at least 44 journalists and bloggers as of February 2014. Numerous security and intelligence agencies heavily censor the print media, enforcing a dizzying array of censorship rules and “red lines” that Iranians cannot cross without risking arrest, detention, and conviction. These restrictions extend to television and the Internet, and authorities routinely block or filter websites, jam satellite signals, and slow Internet speeds, violating the right of Iranians to access to information.

An investigation by judiciary officials into the November 6, 2012 death in custody of blogger Sattar Beheshti has stalled. Authorities harassed Beheshti’s family to cease criticism regarding the slow pace of the investigation. Iran’s cyber police had arrested Sattar Beheshti on October 30, 2012, apparently because of his blogging activities.

### **Human Rights Defenders**

During its previous UPR in 2010, Iran accepted the recommendation to “guarantee (...) adequate protection for human rights defenders and political opposition members.” Since 2008 authorities have shut down several of the country’s independent human rights or movements, including Shirin Ebadi’s Center for Human Rights Defenders (CHRD), the Committee of Human Rights Reporters, and the One Million Signatures Campaign for women’s rights. The government has targeted defense lawyers representing clients charged with national security crimes.

Several of Ebadi’s colleagues who were also members of the CHRD are currently in prison or subject to prosecution, including Abdolfattah Soltani, Mohammad Seifzadeh, and Mohammad Ali Dadkhah. Several other lawyers, including Mohammad Mostafaei, Shadi Sadr, and Mohammad Olyaeifard felt compelled to leave the country. Security and intelligence forces also regularly target independent rights activists not affiliated with particular organizations.

In September and October 2013 authorities released a few dozen rights activists and political prisoners, including defense lawyer Nasrin Sotoudeh.

### **Women and Girls’ rights**

During its previous UPR, Iran had accepted the recommendation to “Take all steps necessary to reform the discriminatory provisions of penal and civil laws, including with regard to women’s equal rights in marriage, access to justice and legal discrimination” and to “adopt measures to guarantee women’s equality under the law.” The government however failed to implement these accepted recommendations.

Iranian women face discrimination in many areas, including personal status matters related to marriage, divorce, inheritance, and child custody. A woman needs her male guardian’s approval for marriage regardless of her age, and cannot generally pass on her nationality to her foreign-born spouse or their children. A woman may not obtain a passport or travel outside the country without the written permission of a male guardian. Child marriage, though not the norm, continues in Iran, where the law provides that girls can marry at the age of 13 and boys at the age of 15; and below such ages with the permission of a judge. In 2013, a new law on the protection of children in adoptive care came into force that allows marriage between current and former adoptive parents and their children if a court decides that the marriage is in the interests of the child.

### **Discrimination against Ethnic and Religious Minorities**

Iran had accepted the recommendations to “Guarantee the protection of the civil and political rights of all, particularly dissidents and members of minority groups” and to “amend all legislation that discriminates against minority groups” during its previous UPR in 2010 but failed to implement these accepted recommendations. It also rejected a number of important recommendations to end the repression against

minority groups. Iran's Constitution recognizes Zoroastrians, Jews, and Christians as protected religious minorities, although members of these communities often face discrimination in employment and political participation. The rights of Sunni Muslims, though not recognized as a minority, are also protected. The government denies freedom of religion to Baha'is, who constitute Iran's largest non-Muslim minority, and subjects them to heavy discrimination. As of September 2013, the Baha'i International Community reported that the government had detained 114 Baha'is for their peaceful activities. Nine Baha'is have been murdered by unknown assailants or died under suspicious conditions since 2005, and plainclothes government agents or unidentified attackers physically assaulted 52 Baha'is between 2005 and 2012.

Authorities restrict political participation and employment of non-Shia Muslim minorities, including Sunnis, who reportedly account for around 10 percent of the population. They also prevent Sunnis from constructing mosques in Tehran and restrict their ability to conduct communal prayers during Eid celebrations. The government heavily restricts the activities of Christian converts, especially those who proselytize or are members of Persian-speaking churches, and regularly prosecutes them under the country's national security laws. Authorities also systematically target members of the Nematollahi Gonabadi, a Sufi order, including arresting their members and destroying their houses of worship. In July 2013, revolutionary courts in Tehran and Shiraz sentenced 11 members of the order to terms of one to 10.5 years for their peaceful activities.

The government restricted cultural and political activities among the country's Azeri, Kurdish, Arab, and Baluch minorities. Security forces have detained, tortured, or executed dozens of ethnic Arab activists in Iran's southwestern Khuzestan province since 2011. Several dozen members of Iran's Kurdish minority are currently on death row on politically motivated charges, crimes not considered "most serious" under international law, or pursuant to convictions based on flawed trials in revolutionary courts, according to Kurdish rights activists.

In September 2013 Iran threatened to expel from the country hundreds of thousands of Afghans without allowing them to have their asylum claims considered fairly or to challenge any order to deport them. At time of writing, authorities had not carried out plans to deport the Afghans, but the 2.5-3 million Afghan refugees and migrant workers living and working in Iran continue to face serious abuses.

### **Cooperation with Rights Bodies**

Iran has continuously denied access to UN thematic special procedures of the Human Rights Council since 2005, despite its formal standing invitation and longstanding and repeated requests for invitations to visit addressed by several Rapporteurs. It has similarly denied access to the UN Special Rapporteur on Iran, Dr. Ahmed Shaheed, appointed in 2011 by the UN Human Rights Council in response to the deteriorating human rights situation in Iran.

The Iranian government has also failed to implement the recommendations of General Assembly resolutions and, UN expert bodies, as well as dozens of recommendations member states made in 2010 during Iran's Universal Periodic Review. Many of the recommendations related to accountability for torture and killings perpetrated by Iranian officials following the wide-scale crackdown that followed the 2009 presidential election. To date, no high-ranking official has been held accountable for these gross violations.

### **Recommendations**

- Unconditionally release all persons detained solely for peaceful political activities and peacefully exercising their rights to free expression, association, and assembly; charge and bring before a court whose proceedings meet international fair trial standards persons suspected of actual criminal offenses.
- Investigate and prosecute all government officials and paramilitary members suspected of beating and killing demonstrators.

- Investigate and prosecute all government officials suspected of torture or cruel and degrading treatment of detainees.
- Amend the “Offenses against the National and International Security of the Country” to define both “national security” and the breaches against it in specific terms that do not infringe upon internationally guaranteed rights of free speech and assembly, and amend the penal code to remove laws that criminalize protected conduct, are vague or overly broad, or that allow the use of inhumane punishments such as stonings, lashings and amputations.
- Amend provisions in the Code of Criminal Procedure that allow the government to deny due process rights such as the right to counsel in the investigative phase of pretrial detention.
- Lift restrictions on press and publications, end blocking of internet sites.
- Lift restrictions preventing political opposition parties, independent trade unions, student groups, rights groups and other civil society organizations from legally operating in the country.
- End harassment and arrests of individuals on the basis of dress or appearance and repeal laws criminalizing consensual same-sex conduct between adults.
- Immediately release detained Baha’i leaders and end policies of discriminating against the Baha’i community.
- End discrimination in law and practice against all religious and ethnic minorities including Sunni Muslims.
- End discrimination in law and practice against women and girls.
- Allow newly-arriving Afghans and Afghans arrested for unlawful presence to lodge refugee claims or otherwise seek a protected status, review such claims fairly and efficiently, and guarantee rejected applicants a right of appeal.
- Enact as a matter of urgency legislation banning the imposition of capital punishment or life imprisonment without parole on persons who were under 18 at the time of the crime, without exceptions, and implement a moratorium on all executions of persons convicted of crimes committed before age 18. Review all existing death sentences passed on persons who were under 18 at the time of the crime, and commute those sentences to custodial or other sentences in conformity with international juvenile justice standards.
- Implement an immediate moratorium on the death penalty with a view towards abolishing the practice altogether.
- Fully cooperate with all UN rights bodies and allow the Special Rapporteur on the Situation of Human Rights in Iran, to visit Iran to meet with officials and conduct independent investigations.