



IRAN

AMNESTY INTERNATIONAL SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW 20TH SESSION OF THE UPR WORKING GROUP, OCTOBER-NOVEMBER 2014

FOLLOW UP TO THE PREVIOUS REVIEW

During its first Universal Periodic Review (UPR) in 2010, Iran accepted 123 recommendations, partially accepted three, rejected 46, and took note of the remaining 16.¹ Those Iran accepted were mostly general recommendations, while it rejected other recommendations proposing specific measures to achieve tangible human rights improvements.

Amnesty International regrets Iran's rejection of recommendations to sign and ratify the UN Convention on the Elimination of All Forms of Discrimination against Women,² to abolish legal provisions and policies that discriminate against women and girls,³ to end discrimination and harassment of members of ethnic and religious minorities,⁴ to establish a moratorium on the death penalty with a view to abolition and to cease executions by stoning,⁵ to eradicate torture of detainees,⁶ and to amend laws that are used to arbitrarily restrict rights to freedom of expression, assembly and association.⁷

Amnesty International also regrets Iran's failure to date to implement many recommendations that it accepted, including to ensure equality of women and girls in law and in practice,⁸ to respect religious freedom,⁹ to ensure that all due process guarantees in the International Covenant on Civil and Political Rights are respected in law and in practice,¹⁰ to enhance freedom of expression, association, and assembly, and the right to express dissent, including for journalists, human rights defenders, and the media,¹¹ to take measures to prevent torture and other cruel, inhuman, or degrading treatment or punishment,¹² and to consider abolishing juvenile executions.¹³ The only improvement appears to be a legal restriction on the scope of implementation of death sentences for some offences perpetrated by juveniles under the revised Islamic Penal Code.

Iran accepted a recommendation to respond positively to visit requests of UN Special Procedures.¹⁴ However, no UN Special Procedures have been able to visit Iran since 2005, despite the standing invitation Iran issued in 2002 and requests for visits from six Special Procedures since 2006.¹⁵

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Incorporation of international human rights obligations in domestic law

Iran has ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child.¹⁶ It is not party to other human rights treaties, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Convention on the Elimination of All Forms of Discrimination against Women.

Once ratified, international treaties are accorded the force of law under Article 9 of Iran's Civil Code, yet key human rights guarantees contained in the two Covenants and other treaties have not been incorporated into domestic law. In 2011, the

Human Rights Committee observed: "the status of international human rights treaties in domestic law is not specified in the legal system, which hinders the full implementation of the rights contained in the Covenant."¹⁷

Protection and promotion of human rights under national legislation

Iran's Constitution contains articles protecting some human rights, but these are subject to vague qualifications, such as "in accordance with Islamic criteria", which effectively undermine these protections. For example, Article 20 guarantees women's right to equality subject to "observance of Islamic criteria",¹⁸ freedom of association is protected under Article 26 only if it does not violate the "criteria of Islam", and Article 27 protects freedom of assembly when this is not "detrimental to the fundamental principles of Islam"¹⁹ – a limitation that the authorities frequently use to refuse permits for peaceful public gatherings.

The revised Islamic Penal Code, signed into law in May 2013, imposes further limits on freedom of expression, association and assembly. It criminalizes many acts that amount to legitimate exercise of human rights, retaining vaguely-worded "crimes" such as "spreading propaganda against the system" and "insulting the holy sanctities" which the authorities use to arbitrarily detain peaceful critics.

National law fails to afford adequate protection against torture and other cruel, inhuman or degrading treatment or punishment. There is no clear and comprehensive definition of torture that accords with international standards; Article 38 of the Constitution prohibits torture only when it is used "for the purpose of extracting a confession or acquiring information".

The death penalty is prescribed in national law for offences other than those considered "the most serious crimes" under international law, such as drug trafficking, and for acts that should not be criminalized, such as consensual same-sex intercourse. Moreover, those convicted under the Anti-Narcotics Law have no right of appeal; rather sentences go for confirmation to the Head of the Supreme Court or the Prosecutor General, who may revise or quash a sentence if it contravenes Islamic law or the judge who passed it is deemed incompetent.²⁰

The revised Islamic Penal Code also retains stoning to death as a punishment for "adultery while married"²¹ – which is imposed disproportionately against women – as well as other cruel punishments, including flogging and amputation.

Trials, especially those before Revolutionary Courts,²² are unfair; the judiciary lacks independence and is subject to political interference, particularly by the Ministry of Intelligence and other security bodies. A revised Code of Criminal Procedure, in draft form as of March 2014, could improve Iran's compliance with its international human rights obligations although it fails to provide adequate safeguards, such as ensuring a detainee's right of access to legal counsel from the time of arrest.

Iran's legal system entrenches discrimination based on sex by giving women a subordinate status relative to men, denying them equality before the law. Under the amended Islamic Penal Code, the testimony of a woman is accorded half the value of that of a man;²³ similarly, the amount of compensation payable for causing injury to or the death of a woman is half that payable for the death of a man.²⁴ Girls reach the age of criminal responsibility at nine, while boys become criminally liable at 14.²⁵ Marital rape is not recognized as a crime.²⁶ Women are also accorded inferior rights to men under the Civil Code, notably in matters relating to marriage, divorce, child custody and inheritance.

The revised Islamic Penal Code also discriminates against members of religious minorities: for example, the penalty for an unmarried Muslim man convicted of sexual relations with an unmarried Muslim woman is flogging, whereas the penalty for a non-Muslim man convicted of the same offence is death.²⁷

THE HUMAN RIGHTS SITUATION ON THE GROUND

The death penalty

During the last four years, Iran has carried out more executions than any other state bar one, and continues to execute juvenile offenders.²⁸

Most executions are of convicted drugs offenders, many of whom do not receive a fair trial. For example, Saeed Sedeghi, who was executed in October 2012 despite international pleas, was convicted and sentenced by a Revolutionary Court, and his lawyer was not permitted to meet him or to examine his case file before the trial.²⁹

Defendants frequently allege that they were tortured in pre-trial detention to make them “confess” to crimes and the courts generally admit such contested “confessions” as evidence; sometimes, they are also broadcast on television.³⁰ For example, Hadi Rashedi and Hashem Sha’bani Nejad, members of the Ahwazi Arab minority, were executed in secret in January 2014 after they were convicted in 2012, with three others, on charges including “enmity against God” and “corruption on earth.” Before trial, they were shown “confessing” on state television, undermining their right to a fair trial. The authorities did not tell their families when they were executed or hand over their bodies for burial. The three men sentenced with them remain on death row as of March 2014.³¹

Torture and other ill-treatment

Torture and other ill-treatment, particularly during pre-trial detention, remain prevalent and are committed with impunity. The State Prison Authority (SPA) is legally responsible for supervising detention centres; however, security bodies including the Ministry of Intelligence and Revolutionary Guards reportedly maintain separate detention facilities which are not supervised by the SPA, and in which torture and other ill-treatment of detainees are common.³²

Amnesty International has documented many cases of torture and other ill-treatment in detention, some of which have resulted in death. For example, the Cyber Police arrested Sattar Beheshti, a blogger, on 30 October 2012, following which his family had no news of him until 6 November 2012 when officials called them to collect his corpse. Prior to his death, while held briefly at Evin Prison, he lodged a complaint alleging torture. As of March 2014, no-one has been held to account.³³

Amnesty International has also documented numerous cases in which political prisoners and detainees were denied adequate medical care by prison authorities, including for injuries or health problems caused by torture or other ill-treatment.³⁴ Such denial of medical care – including withholding of prescribed medication³⁵ or denial of medical leave from prison to receive specialized treatment³⁶ - may amount to cruel and inhuman treatment. Harsh prison conditions often exacerbate prisoners’ existing health problems.³⁷

Violence against women

The authorities have failed to address violence against women and girls, which remains endemic. A draft bill to protect women against violence announced in 2012 by the Center for Women and Family Affairs, affiliated with the Office of the President, has not been passed into law. Meanwhile, the authorities have reduced women’s access to sexual and reproductive health services as part of reversing an official policy on population control, further eroding women and girls’ enjoyment of their rights, including their right to life. Amnesty International is concerned that this may result in increased incidences of unwanted pregnancies, illegal and high risk abortions, and hamper the prevention of HIV/AIDS.³⁸

Discrimination based on sexual orientation or gender identity

Iran’s revised Islamic Penal Code criminalizes all sexual conduct between individuals of the same sex, including between consenting adults. Suspected offenders, including those targeted due to their real or perceived sexual orientation or gender identity, are subject to arbitrary arrest, detention, torture and other ill-treatment, and imprisonment. For example, Revolutionary Guards raided a private party in Kermanshah in October 2013 and arrested at least 17 people whom they assaulted and verbally abused, then detained for several days, on account of their perceived sexual orientation or gender identity.³⁹

Restrictions on the rights to freedom of expression, association and assembly

Iran currently holds scores of political prisoners, including prisoners of conscience. They include journalists, student activists and human rights lawyers, such as Mohammad Ali Dadkhah, Abdolfattah Soltani and Mohammad Seyfzadeh, who co-founded the Centre for Human Rights Defenders, which the authorities closed down in 2008. Opposition leaders Mehdi Karroubi and Mir Hossein Mousavi, and political activist Zahra Rahnavard, the wife of Mir Hossein Mousavi, have been held under "house arrest" since February 2011.

The authorities tightened restrictions on the rights to freedom of expression, association, assembly and on access to information, amid the mass protests that followed the 2009 presidential election; this included blocking websites, jamming foreign broadcasts, closing media outlets, and arresting government critics.⁴⁰

Persecution of ethnic and religious minorities

Religious minorities, including Ahl-e Haq, Baha'is,⁴¹ Christian converts, and Sufis,⁴² continue to face discrimination and persecution by the authorities. In May 2013, at least 109 Baha'is were in prison, according to the UN Special Rapporteur on the situation of human rights in Iran.⁴³ Others held include Saeed Abedini, an Iranian-American Christian pastor, sentenced to eight years' imprisonment by a Revolutionary Court. He was convicted of "forming house churches with intent to harm national security" and other charges. Saeed Abedini has alleged torture and accused Evin Prison medics of refusing to provide him care because they considered him "unclean" and an "unbeliever".⁴⁴

Members of ethnic minorities, including Ahwazi Arabs, Azerbaijanis, Baluchis, Kurds, and Turkmen, continue to face a range of discriminatory laws and practices despite constitutional guarantees of equality.⁴⁵ Members of minority groups, particularly those who seek greater recognition of their cultural and linguistic rights, are likely to experience persecution, including arrest and imprisonment.⁴⁶

Restrictions on the right to education and academic freedom

The authorities took tighter control of the universities after the 2009 elections, removing students and academic staff deemed not to conform to state-imposed social and political views. Hundreds of students were banned from studying, some permanently, or imprisoned, and academics were dismissed or forced to retire.⁴⁷ Since the election of President Hassan Rouhani, some students have been allowed to return to university, but others remain deprived of their right to education for legitimately exercising their human rights.⁴⁸

Discriminatory policies and practices prevent Baha'is and certain other religious minorities from studying at Iran's universities,⁴⁹ and activists who campaign for the full enjoyment of the right to education of Baha'is face imprisonment.⁵⁰

In recent years, the authorities have limited women's access to higher education by imposing gender quotas, excluding women from certain academic courses, and increasing gender segregation at universities.⁵¹

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Iran to:

Normative and institutional framework:

- Ratify, without reservations, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and their Optional Protocols, and remove its reservation to the Convention on the Rights of the Child;
- Honour the existing standing invitation to the UN Special Procedures to visit Iran, and immediately facilitate a visit by the Special Rapporteur on the situation of human rights in Iran.

Protection and promotion of human rights in national legislation:

- Repeal or amend the provisions of national laws and all policies that discriminate against women and girls or have a discriminatory impact on them;

- Guarantee women and girls' equality before the law and their full protection under the law on an equal basis with men;
- Abolish laws, policies and practices that discriminate on the basis of race, colour, religion, ethnicity, birth, sex, sexual orientation, gender identity, political or other opinion, national or social origin, or other status.

The death penalty:

- Immediately establish an official moratorium on executions with a view to abolishing the death penalty, including the cruel punishment of stoning;
- Review the cases of all prisoners under sentence of death with a view to commuting their sentence or according them new trials that fully satisfy international standards for fair trial, without resort to the death penalty;
- Amend all laws and practices to guarantee that no individual under 18 at the time of their alleged crime is sentenced to death.

Torture and other ill-treatment:

- Explicitly prohibit torture and other ill-treatment in national legislation and in practice, and incorporate a clear and comprehensive definition of torture in national legislation in line with international standards;
- Repeal all legislation that allows for the application of corporal punishment, including flogging, amputation and other cruel punishments, such as stoning;
- Ensure that all allegations of torture and other ill-treatment are independently, promptly and thoroughly investigated, and that those responsible are brought to justice in fair trials and without resort to the death penalty.

Violence against women:

- Repeal all laws, policies and practices, including provisions of the Penal and Civil Codes, that discriminate against women and girls;
- Amend official population control policies to ensure protection of the rights of women and girls to access and receive sexual and reproductive health services and information;
- Investigate, promptly and impartially, all reports of violations of women and girls' human rights, including violence against them, and bring to justice anyone found responsible for such abuses in fair trials without recourse to the death penalty.

Discrimination based on sexual orientation or gender identity:

- Repeal the provisions of the Islamic Penal Code criminalizing same-sex sexual activity between consenting adults;
- Repeal all discriminatory legislation, policies and practices that result or could result in discrimination on the basis of actual or perceived sexual orientation or gender identity.

Restrictions on the rights to freedom of expression, association, and assembly:

- Remove arbitrary restrictions on freedom of expression contained in domestic law, in line with Iran's obligations under the International Covenant on Civil and Political Rights;
- Immediately and unconditionally release all prisoners of conscience imprisoned solely for the peaceful exercise of their rights;
- Remove all legal restrictions on the exercise of the rights to freedom of expression, assembly and association that do not adhere strictly to international standards.

Persecution of ethnic and religious minorities:

- End discrimination in law and practice against ethnic and religious minorities, and ensure full protection of their rights, including their rights to freedom of expression, association, assembly, religion and education.

Restrictions on the right to education and academic freedom:

- Ensure access to higher education is made equally accessible to all on the basis of an individual's academic ability and merit, and uphold the right to study, work, and teach in higher education without discrimination on grounds of sex, ethnicity, religion or other status;
- Revoke all arbitrary suspensions, expulsions and dismissals of students and academic staff from higher education, and allow the individuals concerned to resume their study or work.

ENDNOTES

¹ Human Rights Council, 14th Session (15 March 2010), *Report of the Working Group on the Universal Periodic Review, (A/HRC/14/12)*, para 90, 91, and 92.

In the 14th Session of the Human Rights Council, Iran stated its position on the remaining 20 recommendations of which it considered three recommendations partly acceptable, rejected one, and took note of the remaining 16. See Addendum to the Human Rights Council, 14th Session (3 June 2010) *Report of the Working Group on the Universal Periodic Review, (A/HRC/14/12/Add.1)*

² Ibid, para 92.1, (Spain, Luxembourg, Estonia, Netherlands, Belgium, and Chile).

³ Ibid, para 92.19, (Czech Republic).

⁴ Ibid, para 92.41 (France).

⁵ Ibid, para 92.20 (Luxembourg, Italy), 92.22 (Japan).

⁶ Ibid, para 92.23, (United States).

⁷ Ibid, paras 92.3 (Canada) and 92.4 (United Kingdom).

⁸ Ibid, para 90.34 (Austria).

⁹ Ibid, para 90.48 (Germany).

¹⁰ Ibid, para 90.46 (Mexico).

¹¹ Ibid, paras 90.52 to 90.55 (respectively Denmark, Brazil, Germany, And Italy).

¹² Ibid, paras 90.4 (Austria), 90.41 (Netherlands), 90.42 (Denmark).

¹³ Ibid, para 90.40 (Kazakhstan).

¹⁴ Ibid, paras 90.26 (Luxembourg), 90.27 (Czech Republic), 90.28 (Chile).

¹⁵ Since 2006, the UN Special Rapporteur on the Independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary, or arbitrary executions, the Special Rapporteur on food, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Independent Expert on minority issues, and the Special Rapporteur on the situation of human rights in Iran have requested visits to the country.

¹⁶ Iran has entered a general reservation to the CRC that it "reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect". The Committee on the Rights of the Child has expressed its concern that the "broad and imprecise nature of the State party's general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention." See Concluding Observation of the Committee on the Rights of the Child: Iran (Islamic Republic of) CRC/C/15/AAdd.124, 28 June 2000, para 7.

¹⁷ Human Rights Committee, 103rd session (17 October- 4 November 2011), *Consideration of reports submitted by States parties under article 40 of the Covenant, (CCPR/C/IRN/CO/3)*, para. 6.

¹⁸ Article 20, the Constitution of Islamic Republic of Iran.

¹⁹ Amnesty International, *Iran: 'we are ordered to crush you', Expanding repression of dissent in Iran* (Index: MDE 13/002/2012, 28 February 2012).

²⁰ Article 32, Revised Anti-Narcotics Law.

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- ²¹ Article 225, Revised Islamic Penal Code.
- ²² The Revolutionary Courts are a form of special courts in Iran which under the law have competency over crimes against national security and drug related offences.
- ²³ Article 199, Revised Islamic Penal Code.
- ²⁴ Article 560, Revised Islamic Penal Code.
- ²⁵ Article 146 and 147, Revised Islamic Penal Code.
- ²⁶ Article 1108, the Civil Code.
- ²⁷ Article 224 (3) and 230, Revised Islamic Penal Code.
- ²⁸ Iran has been the second most prolific executioner after China in these years. See: Amnesty International, *Death sentences and executions in 2012* (Index: ACT 50/001/2013, 10 April 2013); Amnesty International, *Death sentences and executions in 2011* (Index: ACT 50/001/2012, 27 March 2012); and Amnesty International, *Death sentences and Executions in 2010* (Index: ACT 50/001/2011, 28 March 2011).
- ²⁹ Amnesty International, *Iran: Urgent Action - Iranian man executed on drug charges: Saeed Sedeghi* (Index: MDE 13/068/2013, 6 November 2012; MDE 13/066/2012, 19 October 2012; MDE 13/058/2012, 10 August 2012; MDE 13/056/2012, 3 August 2012; MDE 13/035/2012, 8 June 2012).
- ³⁰ Amnesty International, *Iran: Trial by camera: TV "confessions" and the death penalty in Iran* (Feature, Index: MDE 13/017/2013, 11 April 2013), and *Iran Urgent Action: TV "confessions" breach suspect's rights* (Index: MDE 13/062/2012, 10 September 2012).
- ³¹ Amnesty International, *Iran Urgent Action: Two Ahwazi Arab men executed, three at risk* (Index: MDE 13/008/2014, 14 February 2014).
- ³² Amnesty International, *Iran Report: From Protest to Prison: Iran one year after the election* (Index: MDE 13/062/2010, 9 June 2010).
- ³³ Amnesty International, *Iran Report, Repression of dissent intensifies in run-up to presidential election* (Index: MDE 13/021/2013, 12 June 2013).
- ³⁴ Amnesty International, *Iran: Urgent Action - Iranian blogger on critical condition: Hossein Ronaghi Maleki* (Index: MDE 13/036/2013, 6 September 2013; MDE 13/035/2013, 29 August 2013).
- ³⁵ Amnesty International, *Iran Urgent Action: Jailed blogger denied adequate medical care - Mohammad Reza Pourshajari* (Index: MDE 13/041/2013, 23 October 2013).
- ³⁶ Amnesty International, *Iran: Prisoners' hunger strike puts spotlight on denial of medical care on Iranian jails* (Public Statement, Index: MDE 13/044/2012, 11 November 2012); and Amnesty International, *Iran Urgent Action: Jailed trade unionist's health at risk – Reza Shahabi* (Index: MDE 13/043/2013, 7 November 2013).
- ³⁷ Supra note 32.
- ³⁸ Amnesty International, *Iran: Joint Statement on the status of violence against women in the Islamic Republic of Iran* (Index: MDE 13/074/2012, 29 November 2012).
- ³⁹ Amnesty International, *Iran: Joint open letter to Iranian President Rouhani* (Index: MDE 113/058/2013, 20 December 2013).
- ⁴⁰ The UN Special Rapporteur on the situation of human rights in Iran reported in October 2013 that Iran had imprisoned at least 40 journalists and 29 bloggers and online activists at that time, and that Iranian authorities had arrested at least 23 journalists in 2013 alone. See: United Nations General Assembly, 68th session, *Situation of human rights in the Islamic republic of Iran, A/68/503*, 4 October 2013, para. 8. In March 2014, the UN Secretary General reported that no significant improvement in the promotion and protection of freedom of expression and opinion had been made under the new administration. See: Human Rights Council, 25th session, *Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, A/HRC/25/75*, 11 March 2014, para. 12.
- ⁴¹ United Nations General Assembly, 68th session, *Situation of human rights in the Islamic republic of Iran, A/68/503*, 4 October 2013, para 38-42.
- ⁴² Amnesty International, *Iran Urgent Action: Iranian hunger strikers in critical condition* (Index: MDE 13/018/2013, 12 April 2013).
- ⁴³ Supra note 41, para 38. In March 2014, the UN Secretary General reported that the number of Baha'is held in prisons had reached 136 by December 2013. See: Human Rights Council, 25th session, *Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, A/HRC/25/75*, 11 March 2014, para. 23.
- ⁴⁴ Supra note 33.

⁴⁵ Article 19, the Constitution of Islamic Republic of Iran.

⁴⁶ Supra note 33.

⁴⁷ Amnesty International, *Iran: End clampdown on university students and release those imprisoned for their peaceful activism* (Index: MDE 13/072/2012, 5 December 2012).

⁴⁸ Amnesty International, *Iran: A lesson in exclusion: Iran's harsh treatment of student activists* (Public Statement, Index: MDE 13/039/2013, 23 September 2013).

⁴⁹ Supra note 41, para 41.

⁵⁰ Supra note 48.

⁵¹ The Committee on Economic, Social and Cultural Rights noted in its concluding observations its concern "about the restrictions placed on access to university education, in particular affecting women (art. 2)." It recommended "that the State party take steps to lift all restrictions on access to university education, including bans on female and male enrolment, limited quotas for women in certain fields, and gender segregation in classrooms and facilities." Committee on Economic, Social and Cultural Rights, *Concluding observations on the second periodic report of the Islamic Republic of Iran, adopted by the Committee at its fiftieth session* (29 April-17 May 2013), E/C.12/IRN/CO/2, 10 June 2013, para. 9.