

WOMEN'S RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

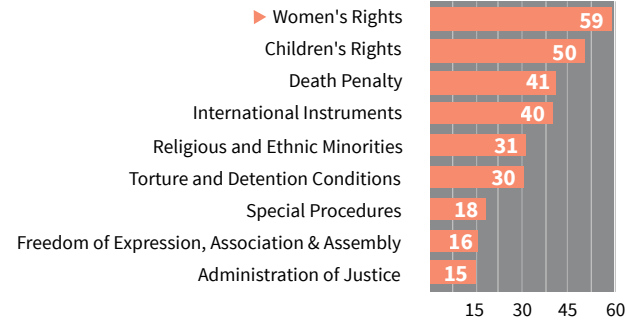


Midterm assessment of Iran's implementation of recommendations received during the 2014 Universal Periodic Review

KEY AREAS OF CONCERN RAISED BY STATES

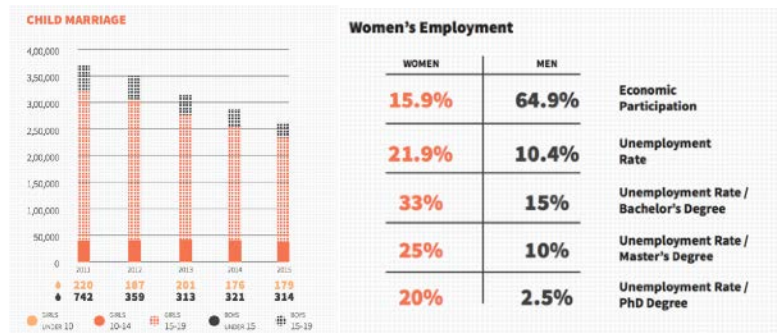
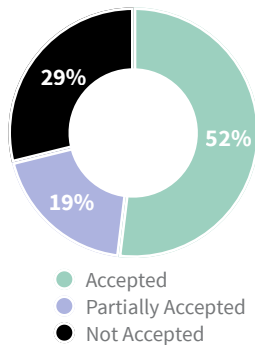
- Gender-Based Discrimination in Law
- Gender-Based Violence
- Persistent Barriers to Political and Economic Advancement of Women

TOP RECOMMENDATIONS RECEIVED BY ISSUE



WOMEN'S RIGHTS AT IRAN'S UNIVERSAL PERIODIC REVIEW IN 2014

RESPONSE



UPR BREAKDOWN

- Iran received the highest number of recommendations on issues related to women's rights (59 recommendations) and accepted the majority of them.
- Most of these recommendations addressed issues related to discrimination, barriers to economic and political participation, and gender-based violence.
- Iran has so far failed to implement the majority (15) of the 27 recommendations it accepted in full or in part, and has partially implemented 9 of them as of the mid-term period.*

EXAMPLES OF RECOMMENDATIONS

RECOMMENDATION	RESPONSE	SCORE*
138.27: Consider introducing specific provisions in the Islamic Penal Code about investigation, prosecution and punishment of perpetrators of domestic violence (Portugal)	ACCEPTED	NOT IMPLEMENTED
138.247: Continue efforts for greater representation of women in the political process and their participation in public life (Malaysia)	ACCEPTED	PARTIALLY IMPLEMENTED
138.198: Strengthen the means and measures to combat violence against women. (Mali)	ACCEPTED	PARTIALLY IMPLEMENTED
138.112 Continue working so that Iranian women have the right to transmit their nationality to their children (Guatemala)	PARTIALLY ACCEPTED	NOT IMPLEMENTED
138.91: Take measures to ensure equal access of women to higher education and professional life, including by repealing the restrictions on female students and by lifting bans on women in certain professions (Germany)	PARTIALLY ACCEPTED	PARTIALLY IMPLEMENTED
138.218 Raise the minimum age of marriage to 18 years and ensure marriage with the legal requirement of free consent of spouses through amendments to the Civil Code and the Family Protection Law (Poland)	NOT ACCEPTED	NOT IMPLEMENTED
138.189 Amend the Civil Code in order to bring to 18 years old the legal marriage age for both boys and girls, and repeal the amendment to the Law on the Protection of Children and Adolescents with No Guardian, which allows for marriage between adoptive parents and their adopted child (Italy)	NOT ACCEPTED	NOT IMPLEMENTED

*THIS SCORE IS BASED ON AN IMPLEMENTATION ASSESSMENT CONDUCTED BY IMPACT IRAN AS OF MAY 2017 BUT IS PENDING FINAL REVIEW.

GENDER-BASED DISCRIMINATION IN LAW: Member States issued at least **20** recommendations to Iran to reform its laws to address discrimination against girls and women in law. These recommendations were based on concerns that the law explicitly discriminates against women in areas such as:

THE ADMINISTRATION OF JUSTICE: Pursuant to the Islamic Penal Code, women are entitled to less compensation than men for compensatory damages (i.e. *dija* or “blood money”) resulting from criminal (or tortious) acts that cause bodily harm. Under the code, the age of criminal responsibility for girls is 9 lunar years, while for boys it is 15. A woman’s testimony is equal to half the legal weight or value of a man’s testimony.

PERSONAL STATUS AND FAMILY LAWS: Under Iran’s Civil Code, women do not have equal rights to men in marriage, divorce, child custody or inheritance. For example, husbands have an incontestable right in law to divorce their spouse. Married women cannot obtain a passport or travel without the permission of their husbands. Moreover, a husband can prevent his spouse from pursuing an occupation which he believes to be against family values or harmful to his or her reputation. The legal age of marriage for girls is 13 (while for boys it is 15) and fathers can apply for permission from courts to arrange for their daughters to be married at an even younger age. According to the Global Gender Gap Report of 2015, 21 percent of females in Iran aged 15 to 19 years old were married.

OTHER LAWS: Recently passed legislation further curtails women’s access to health and family planning services and employment, or renders women increasingly vulnerable to gender-based violence. For example, *the Plan to Reduce the Working Hours of Women with Special Conditions*, which passed into law on 29 September 2016, reduces the working hours of female employees with certain family obligations—including female-headed households, those with children under the age of seven years, and women with children or spouses with disabilities or incurable and chronic diseases—from 44 hours to 36 hours a week, without reducing their salaries. Though the law is intended to protect these women, it effectively creates barriers to women’s participation in the workforce because no comprehensive anti-discrimination protections banning gender discrimination in the workplace exist.

GENDER-BASED VIOLENCE: Member States emphasized concerns over gender-based violence, providing **11** recommendations on the topic. Despite some measures taken by authorities targeted at improving the situation for victims of domestic violence (such as establishing 31 safe houses and 22 social rehabilitation centers for victims of violence), there is no comprehensive and effective law that protects women from such violence. For example, no protections are in place to criminalize or prohibit early or forced marriage, marital rape, or domestic violence. Moreover, current Iranian law allows for punitive loopholes in cases of “honor killings.” A domestic violence draft bill has been pending review and a vote in Parliament since 2012.

PERSISTENT BARRIERS TO POLITICAL, ECONOMIC AND SOCIAL ADVANCEMENT OF WOMEN: Member States issued at least **12** recommendations aimed at improving women’s participation in the political and socio-economic life of the country. Policies adopted by various organs of the state that limit women’s political, economic and social participation range from population promotion measures intended to increase the number of children per family, to gender-based quotas in university admissions and restrictions on enrollment in certain academic fields considered to be more appropriate for men (i.e. medicine, math and engineering). Additionally, some government offices and municipalities have limited certain types of employment to men only.

While women occupy over half of all university student slots, their participation in the labor force is only 17 percent. The 2015 Global Gender Gap report ranks Iran among the last five countries (141 out of 145) for gender equality, including equality in economic participation. Women’s participation in the labor market in Iran is significantly lower than average when compared to other upper-middle income countries, and lower than the average for all women in the Middle East and North Africa (MENA) region (which has very low female participation compared to other regions).

Since President Rouhani’s election, authorities have made small efforts to remove some of these barriers, including removing some gender-based quotas connected to access to higher education. On 31 July 2016, the Rouhani administration issued an executive order freezing the civil service exam and all hires of new government employees until measures are in place to guarantee equal opportunities for women. In August 2017 Rouhani appointed three women as part of his cabinet, though no female ministers have been appointed, despite demands raised by 175 MPs. Moreover, the administration has not yet met its goal of increasing the percentage of female managers in the executive branch to 30 percent, in accordance with the country’s Sixth Development Plan. Women currently occupy only 5.8% (17 out of 290) of parliamentary seats in the new parliament elected in February 2016, the highest percentage since the 1979 revolution.

World Economic Forum Gender Gap Index in Iran 2016

The Global Gender Gap Index is an index designed to measure gender equality in 144 major and emerging economies.

94/144 Educational Attainment	140/144 Economic Participation	98/144 Health and Survival
136/144 Political Empowerment		

CASES OF NOTE



ALIEH MOTLABZADEH: In November 2016, Intelligence forces allegedly arrested women’s rights activist, Alieh Motlabzadeh, and interrogated at least 20 others, for participating in a workshop in Georgia. Motlabzadeh has been released on bail and was awaiting further court proceedings as of this writing.

On 19 November 2016, the **Iranian Wrestling Federation** barred three female athletes from participating in a world wrestling competition, for allegedly failing to uphold “Islamic values.”



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Seats held by women in Parliament

DEATH PENALTY IN THE ISLAMIC REPUBLIC OF IRAN

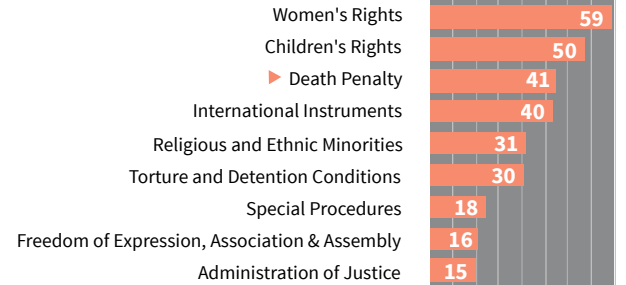


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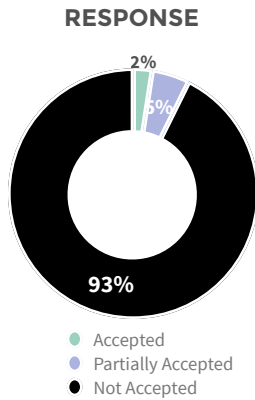
KEY AREAS OF CONCERN RAISED BY STATES

- Failing to Meet “Most Serious Crimes” Standard
- Death Sentences Following Grave Due Process/Fair Trial Violations
- Execution of Juvenile Offenders (i.e. Individuals who Allegedly Committed a Crime Before 18 Years of Age)

TOP RECOMMENDATIONS RECEIVED BY ISSUE



DEATH PENALTY AT IRAN'S UNIVERSAL PERIODIC REVIEW IN 2014



TOP 5 STATES RECEIVING DEATH PENALTY RECOMMENDATIONS IN THE 2ND CYCLE:

1. UNITED STATES (51)
2. IRAN (41)
3. THAILAND (32)
4. SINGAPORE (32)
5. JAPAN (30)

UPR BREAKDOWN

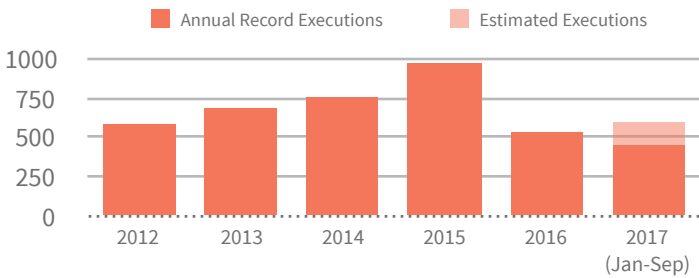
- Iran received the *second highest* number of recommendations (41) on the death penalty (behind only the United States).
- The vast majority (38) of these recommendations were rejected. Iran only supported **one** recommendation (which involved improving due process protections) and partially accepted **two** others (which involved execution of juvenile offenders).
- In spite of continued calls from the international community to reconsider its stance and issue a moratorium on the death penalty, Iran failed to implement this recommendations by the mid-term period. In October 2017 the government passed a law that, if properly implemented, will significantly reduce the number of executions because it would prohibit use of the death penalty for many non-violent drug offenders.

EXAMPLES OF RECOMMENDATIONS

RECOMMENDATION	RESPONSE	SCORE*
138.213: Take measures to ensure due process and fair trial, particularly in any process that would lead to the application of the death penalty (Mexico)	ACCEPTED	PARTIALLY IMPLEMENTED
138.156: Ban executions of juvenile offenders, while at the same time providing for alternative punishments in line with the new Iranian Penal Code (Italy)	PARTIALLY ACCEPTED	PARTIALLY IMPLEMENTED
138.144: Amend the Penal Code to exclude drug-trafficking related crimes from those punished by the death penalty (Spain)	NOT ACCEPTED	PARTIALLY IMPLEMENTED
138.159: Take immediate measures to abolish the death penalty for crimes committed by persons when they were under the age of 18, and place a moratorium on public executions (Norway)	NOT ACCEPTED	NOT IMPLEMENTED
138.2: Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty ICCPR-OP2 (Benin)	NOT ACCEPTED	NOT IMPLEMENTED
138.165: Consider establishing a formal moratorium on executions of persons condemned to death and examine the possibility of abolishing the death penalty (Argentina)	NOT ACCEPTED	NOT IMPLEMENTED
138.157: Establish a moratorium on the use of the death penalty with a view to its abolition and commute all death sentences for persons under the age of 18 (Lithuania)	NOT ACCEPTED	NOT IMPLEMENTED

*THIS SCORE IS BASED ON AN IMPLEMENTATION ASSESSMENT CONDUCTED BY IMPACT IRAN AS OF MAY 2017 BUT IS PENDING FINAL REVIEW.

FAILING TO MEET “MOST SERIOUS CRIMES” STANDARD: Member States raised **3** recommendations over concerns about the application of the death penalty for crimes that are not considered “most serious” according to international standards. Iran remains the world leader in executions per capita, putting to death over **1000** people in 2015 and at least **530** in 2016. At least **435** executions have taken place so far in 2017 (as of September), **219** of which were for drug-related offenses.



The vast majority of these executions were for non-violent drug trafficking offenses which do not constitute “most serious crimes” under international law. Other non-serious crimes which are punishable by death include “insulting the Prophet” and engaging in consensual sex acts such as adultery and sodomy.

In August 2017 the parliament approved a long-awaited amendment to the country’s drug law and the Guardian Council subsequently approved it in October. Though the newly amended law has increased the amount threshold required to impose a mandatory death sentence, it still retains death sentences for a wide range of drug-related offenses, contrary to international law.

DEATH SENTENCES FOLLOWING GRAVE DUE PROCESS/FAIR TRIAL VIOLATIONS:

Member States raised **2** due process recommendations regarding the application of the death penalty in Iran. Rights groups continue to document many cases, including drug trials, where courts have imposed death sentences after proceedings that failed to respect international fair trial standards and/or involved torture or ill-treatment of the accused. Courts continue to allow confessions obtained under allegations of torture as evidence and such allegations are rarely investigated. Detainees accused of certain capital crimes may be denied legal counsel of their own choosing in both law and practice, and authorities often deny lawyers adequate and timely access to critical information (i.e. case files) about their defendants, including the nature of the charges and evidence used against them.

EXECUTION OF JUVENILE OFFENDERS: Member States emphasized serious concerns over the execution of juvenile offenders, issuing **17** recommendations aimed at prohibiting the application of the death penalty against this population. Despite this, Iran has failed to abolish the death penalty for juvenile offenders convicted of certain crimes such as murder. The age of maturity for criminal prosecutions is still fixed at 9 lunar years for girls and 15 years for boys. Authorities continue to execute juvenile offenders despite 2013 revisions to Iran’s Penal Code which allow courts to assess whether juvenile offenders understood the consequences of their actions during the commission of a crime and abolishes the death penalty for juvenile offenders convicted of drug possession and trafficking charges.

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Executions of juvenile offenders since Iran has been reviewed by the CRC in January 2016.

Since Iran participated in its review by the UN Committee on the Rights of the Child in January 2016 which called on the country to abolish the death penalty for juvenile offenders, the Special Rapporteur on human rights in Iran has reported that at least nine juvenile offenders have been executed. According to rights groups, Iran hanged at least **5** juvenile offenders in 2017 (as of September).

OTHER CONCERNS: The government also continues to execute juvenile offenders, carries out public executions, and hangs prisoners based on politically-motivated charges. Additionally, vague and broadly defined crimes such as “sowing corruption on earth” have been used to prosecute non-violent political acts.

MORATORIUM ON THE DEATH PENALTY: Iran rejected all **21** recommendations by Member States calling on it to institute a moratorium on the death penalty.

CASES OF NOTE

ALIREZA TAJIKI: On 10 August 2017, authorities executed Alireza Tajiki for a homicide and rape he reportedly committed when he was 15 years old. His trial was grossly unfair, relying on confessions allegedly coerced through severe beatings and suspension torture.



SINA DEGHAN: In January 2017, Iran’s Supreme Court sentenced Sina Deghan to death on the charge of “insulting the Prophet”. Sina was also accused of “insulting the Supreme Leader” on social media, resulting in an additional 16 month prison term.



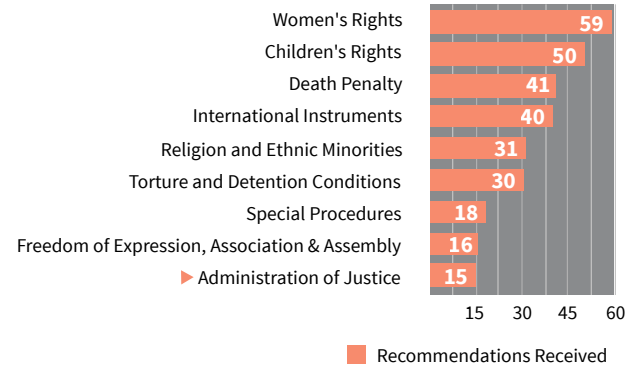
ADMINISTRATION OF JUSTICE IN THE ISLAMIC REPUBLIC OF IRAN

Midterm assessment of Iran's implementation of recommendations received during the 2014 Universal Periodic Review

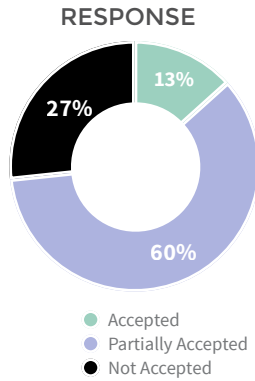
KEY AREAS OF CONCERN RAISED BY STATES

- Due Process (Arbitrary Arrests/Detention)
- Due Process (Fair Trial)
 - Access to Counsel and Preparing a Defense
 - Death Sentences Following Due Process Violations
- Independence of the Judiciary

TOP RECOMMENDATIONS RECEIVED BY ISSUE



ADMINISTRATION OF JUSTICE AT IRAN'S UNIVERSAL PERIODIC REVIEW IN 2014



AMENDMENT TO ARTICLE 48 OF THE CODE OF CRIMINAL PROCEDURE (2015)

Draft Text	When a suspect is arrested, he or she can request the presence of an attorney. The attorney, observing the secret nature of the investigation and the negotiations between the parties, should meet with the suspect. At the end of the meeting, which should not last more than one hour, the attorney may submit his or her written notes to be included in the case file.
Final Text	When a suspect is arrested, he or she can request the presence of an attorney. The attorney, observing the secret nature of the investigation and the negotiations between the parties, should meet with the suspect. At the end of the meeting, which should not last more than one hour, the attorney may submit his or her written notes to be included in the case file. Note to Article 48: In cases of crimes against internal or external security, and in cases involving organized crime, where Article 302 of this code is applicable, during the investigation phase, the parties to the dispute are to select their attorneys from a list approved by the head of the judiciary. The names of the approved attorneys will be announced by the head of the judiciary.
Explanation of Change	The note to this article states that in serious criminal cases and those involving charges commonly used against political prisoners and prisoners of conscience, during the pre-trial investigation phase defendants may only select attorneys from a list approved by the head of the judiciary.
Practical Effect	The amendment to Article 48 effectively bars defendants in political cases from having their desired attorneys during pre-trial stages of their prosecution, when the authorities often employ physical and psychological torture in order to extract confessions from the accused.

SOURCE: IRAN HUMAN RIGHTS DOCUMENTATION CENTER

UPR BREAKDOWN

- Iran accepted, in full or in part, 15 recommendations on administration of justice issues.
- It rejected a number of fundamental due process recommendations to ensure fair trial and end mistreatment of minorities and journalists.
- Despite improvements, Iran has failed to fully implement systematic due process reforms, including ensuring an independent judiciary.

EXAMPLES OF RECOMMENDATIONS

RECOMMENDATION	RESPONSE	SCORE*
138.206: Continue to improve the national legislation and practice in the field of the independence of the judiciary (Russian Federation)	ACCEPTED	NOT IMPLEMENTED
138.213: Take measures to ensure due process and fair trial, particularly in any process that would lead to the application of the death penalty (Mexico)	ACCEPTED	PARTIALLY IMPLEMENTED
138.212: Ensure all the procedural guarantees and the right to a fair trial for all persons indicted of committing a crime, including the right to defense and access to a lawyer (Romania)	PARTIALLY ACCEPTED	NOT IMPLEMENTED
138.209: Provide by law unobstructed access to legal counsel throughout all phases of criminal investigation, trial and appeal; ensure the accused is informed of this right immediately upon arrest; and give defendants and their lawyers unrestricted access to the full case file and all evidence against the accused (Denmark)	PARTIALLY ACCEPTED	PARTIALLY IMPLEMENTED
138.205: Ensure the independence of the judicial system and ensure the rules of fair trial and the rights of the defense (France)	PARTIALLY ACCEPTED	PARTIALLY IMPLEMENTED
138.204: Increase the legal measures aimed at guaranteeing due process and the impartiality in the administration of justice, including the independence of judges and the Bar Association, paying special attention to the recommendations concerning the death penalty formulated by the Human Rights Committee, especially in relation to juvenile offenders (Chile);	PARTIALLY ACCEPTED	PARTIALLY IMPLEMENTED
138.214: Take the necessary measures to enhance international legal cooperation in cases of serious violations of human rights and ensure the right to truth and justice (Argentina)	NOT ACCEPTED	NOT IMPLEMENTED

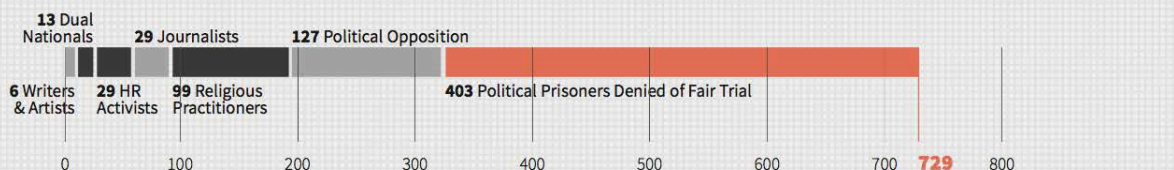
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ARBITRARY ARRESTS/DETENTION: Member states raised **3** recommendations specifically on arbitrary detention.

ARBITRARY ARRESTS: Despite positive changes to the Criminal Procedure Code (CPC), law enforcement authorities regularly violate defendants' right to be informed of the reasons for arrest (i.e. via a valid arrest warrant) and to be promptly brought before a judge and charged (i.e. within a 48 hour period), according to prominent human rights groups.

PRETRIAL DETENTION: According to prominent human rights groups, authorities continue to violate fundamental principles of pretrial procedures by denying detainees the right to challenge their pretrial detention or be released pending trial.

PRISONERS OF CONSCIENCE: Iran continues to arbitrarily arrest and detain individuals simply for their exercise of fundamental rights. According one a prominent human rights group, Iran was holding at least **700** political prisoners and prisoners of conscience (as of October 2017). Most have been detained for exercising their rights to freedom of expression, association, assembly, and religion. These prisoners include journalists, lawyers, human rights defenders, artists, bloggers, aid workers, members of the political opposition, student activists, and ethnic and religious minority activists.



700
Prisoners of Conscience

SOURCE: IRAN PRISON ATLAS

DUE PROCESS (FAIR TRIAL): Member States raised **5** recommendations related to fair trial and due process.

ACCESS TO COUNSEL AND PREPARING A DEFENSE: Member States raised **3** recommendations on access to legal counsel, a fundamental due process right under international law. The right to counsel applies during all stages of the criminal process. Despite provisions in both the Iranian Constitution and the Criminal Procedure Code (CPC) that provide for immediate access to legal counsel upon arrest, it is still common practice for law enforcement officials to systematically deprive suspects of these rights. Detainees accused of certain crimes (i.e. capital, national security and drug crimes) are denied legal counsel of their own choosing, and authorities often deny lawyers' access to critical information about charges, case files, and evidence. For example, a late amendment to Article 48 of the CPC in 2015 requires those accused of certain offenses—such as those carrying the death penalty or charged vaguely-worded national security crimes—to select their counsel from a pool of attorneys pre-approved by the head of the judiciary, who is directly appointed by the Supreme Leader.

COERCED CONFESSIONS: Despite prohibitions against torture or ill-treatment in Iran's Constitution and other laws, courts continue to allow confessions obtained under allegations of torture or ill-treatment to be used as evidence. Coerced confessions also violate the defendant's right to remain silent and be protected from self-incrimination. Allegations of torture by the security forces are rarely investigated.

DEATH SENTENCES FOLLOWING GRAVE DUE PROCESS (FAIR TRIAL) VIOLATIONS: Rights groups continue to document many cases, including during drug trials, where courts have imposed death sentences after proceedings that failed to respect international fair trial standards and/or involved torture or ill-treatment of the accused.

INDEPENDENCE OF THE JUDICIARY: Member States raised **3** recommendations calling on Iran to ensure the independence of the judiciary. Article 156 of the Constitution defines the judiciary as an independent branch of government. In practice, however, the judiciary falls under the authority of the Supreme Leader who appoints the head of the judiciary and the Prosecutor General. According to human rights groups, legal proceedings—especially those before revolutionary courts—are subject to political pressure, interference or collusion and collaboration by members of the security and intelligence apparatus. The government continues to severely weaken the independence of lawyers by interfering in the internal affairs of the Iranian Bar Association, establishing parallel bar associations operating under its control and influence, and targeting and arresting prominent human rights lawyers.

CASES OF NOTE

NARGES MOHAMMADI: In

September 2016 Tehran's Revolutionary Court upheld a 16-year prison sentence against Narges Mohammadi, the Deputy Head of the Center for Defenders of Human Rights, for her advocacy work. Her offenses included establishing the Campaign for the "Step by Step End to the Death Penalty".



17 AUGUST 2017: Iranian authorities have held three opposition leaders, including Mir-Hossein Mousavi, Mehdi Karroubi, and Zahra Rahnava, under house arrest for six years without formal charges or trial. On 29 August 2012, the UN Working

Group on Arbitrary Detention concluded that their house arrest was arbitrary and resulted from the exercise of rights guaranteed by the International Covenant on Civil and Political Rights.



RELIGIOUS AND ETHNIC MINORITIES IN THE ISLAMIC REPUBLIC OF IRAN

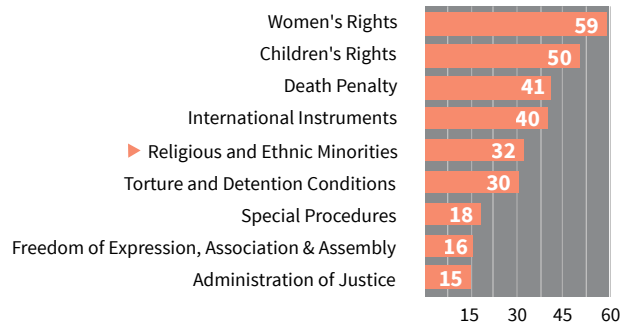


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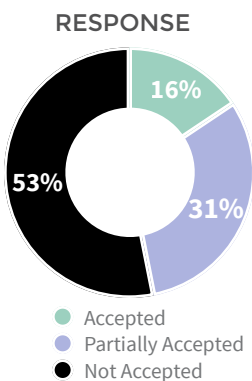
KEY AREAS OF CONCERN RAISED BY STATES

- **RELIGIOUS MINORITIES**
 - Discrimination in Law
 - Discrimination in Practice
- **ETHNIC MINORITIES**
 - Discrimination in Practice

TOP RECOMMENDATIONS RECEIVED BY ISSUE



MINORITIES AT IRAN'S UNIVERSAL PERIODIC REVIEW IN 2014



TOP 5 STATES RECEIVING FREEDOM OF RELIGION AND BELIEF RECOMMENDATIONS IN THE 2ND CYCLE:

1. MYANMAR (62)
2. IRAN (29)
3. SWEDEN (27)
4. AUSTRIA (26)
5. ISRAEL (25)

UPR BREAKDOWN

- Following Myanmar, Iran received the highest number (29) of recommendations addressing the freedom of religion and belief in the second cycle, and received the highest number during the first cycle (21).
- Despite accepting 5 and partially accepting 7 recommendations on freedom of religion or belief, Iran failed to implement its recommendations by the midterm period.

EXAMPLES OF RECOMMENDATIONS

RECOMMENDATION	RESPONSE	SCORE*
138.114: Strengthen measures aimed at the protection of religious minorities, in accordance with articles 13 and 14 of its Constitution (South Africa)	ACCEPTED	NOT IMPLEMENTED
138.220: Ensure respect, in law and in practice, of the freedom of religion and belief (Poland)	ACCEPTED	NOT IMPLEMENTED
138.117: Take all necessary measures to protect ethnic and religious minorities from all forms of discrimination (Bahrain)	PARTIALLY ACCEPTED	NOT IMPLEMENTED
138.119: Adopt policies and mechanisms to avoid that members of any religious minority suffer from any kind of discrimination or human rights violation for exerting their right to worship according to their faith (Brazil)	PARTIALLY ACCEPTED	NOT IMPLEMENTED
138.131: Review its legislation and policy so as to ensure freedom of religion of persons belonging to religious minorities, including Baha'is, as well as protection of their other human rights without any discrimination (Czech Republic)	PARTIALLY ACCEPTED	NOT IMPLEMENTED
138.128: Take measures to ensure non-discrimination in law and in practice against ethnic and religious minorities, including arbitrary detention and exclusion from higher education and government employment, as well as governmental interference in private employment against persons belonging to the Baha'i community (Sweden)	NOT ACCEPTED	NOT IMPLEMENTED
138.113: End discrimination in law and in practice against all religious and ethnic minorities, such as Baha'is, Sufis, Kurds and Sunni Arabs, and ensure full protection of their rights (Austria)	NOT ACCEPTED	NOT IMPLEMENTED
138.283: Recognize all existing religious minorities in the territory of the Islamic Republic of Iran and respect the human rights of their members (Peru)	NOT ACCEPTED	NOT IMPLEMENTED

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DISCRIMINATION AGAINST RELIGIOUS MINORITIES: Member states raised **29** recommendations on persecution of religious minorities and freedom of religion or belief.

DISCRIMINATION IN LAW: Article 12 of Iran’s Constitution identifies Twelver Shi’ism as the country’s official religion, but allows adherents of other Islamic schools, including Sunnis, to act in accordance with their own jurisprudence in performing their religious rites. Article 13 recognizes Zoroastrians, Jews and Christians as the country’s only religious minorities, depriving the country’s largest non-Muslim minority—the Baha’is—of legal recognition and, ultimately, protection.

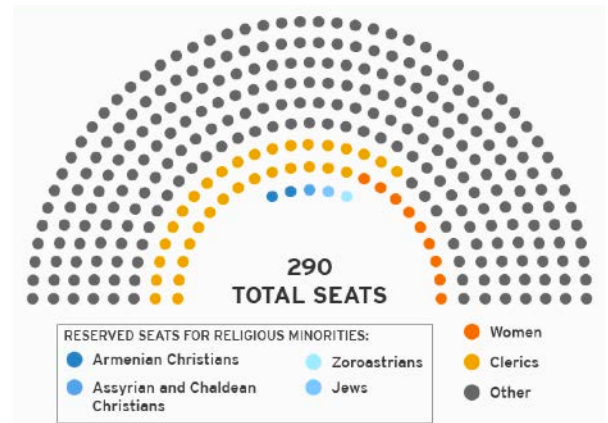
This discriminatory legal framework also permeates the political structure and public office. Article 115 of the Constitution, for example, requires that the president be a Shi’a Muslim. While there is a degree of representation in the parliament, which designates **5** seats to religious minorities, members of these groups face legal challenges in representation in other political bodies such as the powerful Guardian Council. Unrecognized religious minority groups, such as Baha’is, remain wholly unrepresented in government. Discrimination on the basis of religious belief or identity also exists pursuant to a number of provisions in Iran’s penal code. For example, the law requires that if a Muslim murders another Muslim, the perpetrator is liable to legal retribution (*qesas*) and the death penalty. However, if a Muslim murders a non-Muslim, the law does not require *qesas* and does not specify a punishment.

DISCRIMINATION IN PRACTICE: Members of certain religious minorities are systematically targeted and prosecuted for practicing their faith, often despite the existence of some legal protections. In particular, members of unrecognized faiths, such as the Baha’i faith, Sufi groups, and Christian converts are systematically targeted and discriminated against. They are also often prevented from holding religious gatherings and face arrest, imprisonment and other forms of harassment. The discrimination and targeting is particularly acute for Baha’is whose religious institutions have been dismantled, their leaders imprisoned, and their adherents denied the most basic rights including access to a university education, state employment, and business licenses. Sunnis, who number in the millions, have been prevented from establishing a mosque in the capital Tehran and are excluded from high-level governmental positions, including cabinet ministers or governors of provinces.

DISCRIMINATION AGAINST ETHNIC MINORITIES: Member states raised **24** recommendations on ethnic minorities.

Iran’s Constitution guarantees equality and non-discrimination on the basis of color, race, language and ethnicity. Other articles, namely Article 15, allows “the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools.” Despite these constitutional guarantees, members of ethnic minorities—including Ahwazi Arabs, Azerbaijani Turks, Baloch, Kurds and Turkmen—face a range of discriminatory laws and practices in matters of employment, adequate housing, political office, and their exercise of cultural, civil and political rights. Rights groups continue to document arbitrary restrictions involving the use of ethnic languages in schools and the media, for example. In August 2016, participants in the national entrance examinations for universities in Iran were allowed to choose Kurdish and Turkish languages as their majors at the bachelor level.

Rights groups continue to document routine and systematic targeting by the authorities of ethnic rights activists, human rights defenders, and journalists.



SOURCE: BROOKINGS INSTITUTE (IRAN'S 9TH MAJLIS, 2016)

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Seats reserved for recognized religious minorities

CASES OF NOTE



2 AUGUST 2016: Authorities reportedly executed 20 Sunni and Kurdish political prisoners, most of whom were allegedly convicted on the basis of torture-induced confessions under unfair trials.

15 JUNE 2016: Members of the Baha’i faith remain the most severely persecuted religious minority in Iran. During the first half of June, authorities reportedly shut down at least 25 businesses owned by Baha’is in Urmia. Some of the businesses had reportedly been closed in observance of Baha’i holidays, likely causing the authorities to shutter them.

