



# HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

## FEBRUARY 2018 UPDATE

As of early 2018, the human rights situation in Iran has been marked by the suppression of peaceful popular protests against corruption and the government's disregard for the social and economic rights of the poorest and the most disadvantaged segments of the Iranian population (28 December 2017 – 4 January 2018). The government's reaction involved excessive use of force against protesters leading to the deaths of more than 20 protesters (including in detention), violations of freedom of expression and peaceful assembly, and arbitrary arrests and detentions. As of early February 2018, dozens of protesters remained in prison according to Iranian officials.

The overall situation of human rights was also marked by some achievements on issues that have been prioritized by the UN Special Rapporteur on human rights in Iran, like the adoption of an amendment which, if implemented according to human rights standards, could lead to a drastic reduction in the number of drug-related executions.

But these gains were offset by the continuation of systematic violations in the areas of women's rights; minority rights; children's rights; freedoms of association, expression, and religion; freedom from torture, due process and fair trial rights; and economic and social rights. These violations continue to be deeply rooted in laws, policies, and practices, and have been largely unchallenged despite popular demand expressed during the latest election campaigns. The systemic and systematic nature of these violations, and the overall situation of human rights in the country, requires sustained attention by the international community and the United Nations human rights mechanisms.

The following update provides an overview of some of the most pressing issues:

### DEATH PENALTY

**Highest Rate of Executions Per Capita:** Iran has maintained the highest per capita execution rate in the world for several years in a row. Rights group documented over **500 executions** in 2017.

**Executions of Juvenile Offenders:** Among the people executed in 2017, **at least 6 were juvenile offenders** (individuals who were below 18 during the alleged commission of their crime). In January 2018 only, 3 juvenile offenders have been executed. **Over 80 remain on death row.**

→ Despite a 2013 revision to Iran's penal code that permits judges (on a discretionary basis) to take the mental capacity of juveniles into consideration during sentencing in order to avoid issuing a death sentence, authorities executed at least 33 persons who were under the age of 18 at the time of the alleged crimes since the start of 2014.

The UN Committee on the Rights of the Child (CRC), which reviewed Iran in 2016, “deplore[d] that the State party continues to execute children”, in violation of international human rights treaties. At least 13 juvenile offenders have been executed since Iran’s participation in the CRC review.

**Executions for non-violent drug-related offenses:** Iran retains the death penalty for a wide range of offenses that do not constitute “most serious crimes” under international law, including drug offenses, consensual sexual relations, and financial crimes. Additionally, broadly defined crimes such as “sowing corruption on earth” have been used to prosecute non-violent political acts.

→ In an important development, the parliament approved a **long-awaited amendment to the country’s drug law**, which entered into force in November 2017. Though the newly-amended law has increased the threshold for the quantity of drugs required to impose a mandatory death sentence, it still retains mandatory death sentences for a wide range of drug-related offenses (contrary to international law). The amendment provides for retroactive applicability, and a full application could substantially reduce the number of executions and affect the lives of thousands of inmates sentenced for drug-related offenses who are currently on death row. According to human rights groups, almost all executions for drug crimes have been halted since November 2017. However, there are questions about how the amendment will be implemented as the Supreme Court has indicated that the review of cases of individuals on death row will not be automatic (i.e. defendants must apply for review themselves). As of this writing, executions have been suspended but not yet commuted by the judiciary. There are concerns that the process for commutation of sentences is vague and arbitrary and may lead to differential treatment of similarly situated prisoners.

**Death Sentences Following Grave Violations of Fair Trial Standards:** In many cases, courts have imposed death sentences after proceedings that fail to respect international fair trial standards and involved torture of the accused. 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 Code of Criminal Procedure in 2015 requires those accused of certain offenses—such as those carrying the death penalty or charged with 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.

On 21 October 2017, **Ahmadreza Jalali**, an Iranian Physician and researcher, was sentenced to death on charges of “espionage and collaboration with enemies”. Jalali was arrested in April in 2016 after returning to Iran from Sweden when he was invited to speak at Tehran University. After months of interrogations he was forced to confess his alleged collaboration with the Israeli government.

## **FREEDOM OF EXPRESSION, ASSOCIATION, AND ASSEMBLY**

**Arrests of journalists, social media administrators and closure of newspapers:** Attacks on freedom of expression, association and assembly continued in 2017 and beyond, which witnessed a sharp rise in arrests for Internet-related offenses, as well as the continuing arrests of journalists/online activist and the forced closure of several social media platforms.

On 12 August 2017, authorities raided the reformist newspaper Etemad, arresting journalist **Sasan Aghaei**, without a warrant. Aghaei has been solitary confinement for over 110 days and is now awaiting trial on bail.

**Arbitrary Detention of Human Rights Defenders and Other Prisoners of Conscience:** Iran continues to hold **at least 700 prisoners of conscience** who were unlawfully detained for exercising their rights to freedom of expression, association, assembly, and religion or belief, or who were unlawfully prosecuted according to human rights monitors. 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. Many are being detained after

Revolutionary Courts prosecuted and convicted them in trials that failed to meet international fair trial standards. Many of these detainees have reported facing torture and ill-treatment, including severe beatings, mock executions, and prolonged solitary confinement.

Following recent protests in late 2017 and early 2018, more than **3,700 demonstrators were arrested and detained**, many without charge. As of mid-January 2018, over 400 were still detained, according to governmental sources. Some have since been released on bail and are now awaiting trial.

Iran has consistently held the number one spot in terms of receiving the highest number of urgent appeals and communications from the UN Working Group on Arbitrary Detention since 2013.

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

- **Kaboudvand** is the founder of the Kurdistan Human Rights Organization and has been serving an 11-year prison term since 2007. In 2016, authorities brought new charges against him, accusing him of issuing statements from prison to the people of Kobani—a predominantly Kurdish city in northern Syria—congratulating them on their successful defense against attacks by ISIS fighters and calling for peace between Kurds and the Turkish government. Reports note that authorities dropped these new charges after Kaboudvand went on a hunger strike.

**Draft Press Laws:** The Rouhani government is preparing to introduce two bills to Parliament that would further curtail press freedom in Iran. One bill on the formation of a "Media Affairs Commission" would bring all media outlets and reporters under the control of a government panel that would include members of Iranian intelligence agencies. This panel would have the power to revoke professional licenses on the basis of alleged breaches of religious (and, possibly) political standards. After publication of the text of the bill and criticism from the public, government officials decided to reexamine the bill's language for further consideration. The government has not yet shared the most recent version of the bill with the public.

**Trade Unionists:** Authorities prevent the formation of independent trade unions and regularly arrest labor leaders.

On 8 August, 2017, authorities arrested **Reza Shahabi**, a labor activist and board member of the Tehran Bus Workers Union, for his workers rights efforts. Mr. Shahabi had already been jailed from 2010 to 2014, in relation to his activities as trade unionist. He suffered from ill treatments and was released in May 2014 on medical furlough, before being arrested again 6 months ago.

**Extra-Judicial House Arrest of Opposition Leaders:** Iranian authorities have held three opposition figures--Mir Hossein Mousavi, Mehdi Karroubi, and Zahra Rahnava--under house arrest for 7 years without charges or trials. In 2012, the WGAD determined that their house arrest was arbitrary. In 2018, authorities reportedly relaxed some restrictions related to family visits for Mousavi and Rahnava.

## **WOMEN AND GIRLS' RIGHTS**

**Persistence of legal barriers to women's participation in public and social life:** Despite minor improvements under President Rouhani's administration, such as the lifting of some gender-based quotas in universities, women in Iran remain subject to widespread and systematic discrimination in law and practice. For example, women cannot work, attend university, or obtain a passport without the permission of a male guardian or husband. Personal status laws that accord women subordinate status to men in matters such as marriage, divorce, and inheritance remain in force. Iranian authorities have imposed a ban on female sports fans from attending public athletic events.

**Regressive Draft Laws Under Consideration:** Iran is currently debating at least 3 draft laws that, if passed, would negatively impact women's rights by a) limiting access to health and family planning services; b) limiting employment opportunities, and c) weakening protections for gender-based violence.

A set of draft-laws would roll back many women's rights in order to promote population growth. The "Bill to Increase Fertility Rates and Prevent Population Decline" curbs access to contraception and information about family planning, cuts government family planning programs, and outlaws surgical contraception. The "Comprehensive Population and Family Excellence Bill" mandates employment discrimination against women and unmarried persons and makes divorce more difficult.

There are however a number of draft bills that, if passed, could improve some aspects of women's rights. These draft laws would allow women to leave the country without their husband's permission "in cases of emergencies", and would facilitate granting citizenship to children of Iranian women married to foreign men.

On July 12, 2017 **Parvaneh Salahshouri**, the head of the parliamentary women's group, told ISNA news agency that MPs have submitted a draft bill to the Parliament to facilitate women's travel abroad under the emergency exemption which includes medical emergencies. Under article 18 of Iran's passport law, married women need their husband's permission to obtain a passport.

**Women's empowerment and participation in economic life:** While women occupy about half of all university student slots, their **economic participation is only 16.4%** according to latest governmental statistics, approximately four times lower than men. Under the current law, women are barred from several top governmental positions, such as judges. They are also prevented from working in certain positions due to arbitrary restrictions enforced by many governmental entities. On 22 August 2017, President Rouhani signed an executive order on selection criteria for professional executive level staff aimed at increasing the number of women and youth in managerial positions.

- On 22 October 2017, **Marizeh Shahed-Daie**, Executive Director of the National Petrochemical Company, was appointed Deputy Minister for the Ministry of Petroleum. She is the first woman to ever hold this position.  
- Despite promises made by President Rouhani during his election campaign, however, his 2017 cabinet does not include any female ministers.

**Crackdown on Women's Rights Defenders:** Women's rights defenders that advocate reforms to gender-biased laws are often subject to arbitrary arrests, detentions, and harassment. During the last 12 months, women's rights defenders have reported an uptick in summons, interrogations and short detentions because of their peaceful exercise of fundamental rights.

On 14 August 2017, **Aliye Motalebzadeh** was sentenced to three years in prison for attending a seminar in Tbilisi, Georgia. Aliyeh was arrested on November 26, 2016 along with 20 other Iranian women activists.

**Compulsory Hijab and Civil Disobedience Movement:** In late December 2017, an Iranian woman named Vida Movahedi took off her hijab in public in a symbolic act to protest compulsory veiling laws in Iran. She reportedly disappeared for several weeks after her protest but has since been released following her protest, tens of other women engaged in similar symbolic protests in different cities throughout the country. In February 2018, the government acknowledged that **at least 29 women had been arrested** for engaging in such protests in Tehran Province.

## RIGHTS OF ETHNIC, LINGUISTIC AND RELIGIOUS MINORITIES

**Persecution of Religious Minorities:** Members of the **Bahá'í** Faith are systematically deprived of their right to a university education, state employment, and the ability to secure business licenses. Authorities also violate their right to freedom of religion or belief (i.e. holding religious gatherings). As of the end of 2017, **over 90 Bahá'ís were imprisoned** for their religious and community-related activities. Iran's university admissions regulations mandate that only members of legally recognized religions (Islam, Judaism, Christianity, and Zoroastrianism) may enroll.

Other religious groups such as **Sufi Muslims** and **Christians**, including converts and those involved in informal house

churches, also face arrest, imprisonment, and other forms of targeting and harassment. Christian converts in Iran cannot attend officially registered churches and instead gather in informal groups known as “house churches.” Between May and July 2017, 11 Christian converts were given long-term prison sentences for their peaceful activities in Iran. Rights groups have documented the cases of **at least 60 Christians who were subject to arbitrary arrests,** interrogations, and detentions by the authorities as of November 2017. Additionally, in early 2018, a Tehran revolutionary court handed down provisional jail sentences of 10 years to 3 Christian converts.

**Discrimination Against Ethnic Minorities:** Despite constitutional guarantees of equality, members of ethnic minorities, including **Ahwazi Arabs, Baluch, Kurds, Turkmen,** and **Turks** of Iranian Azerbaijan, continue to face a range of discriminatory laws and practices affecting their access to basic services such as housing, clean water and sanitation, employment, and education. The regions populated by minorities suffer from long-standing economic neglect and lack of investment. Substantially higher rates of unemployment and poverty are registered, and access to public services, including healthcare and education is lower than in other provinces.

## CHARTER OF CITIZENS’ RIGHTS

The Charter of Citizens’ Rights, signed by the President in December 2016, is a 120-article document that was adopted pursuant to an electoral promise from Hassan Rouhani during his 2013 presidential campaign. The Charter is mainly comprised of a series of human rights commitments, almost all of which were already provided by the Constitution of the Islamic Republic of Iran and other laws.

The Charter remains a non-legally binding text. While a Special Assistant was appointed to promote the implementation of the charter and to raise awareness about its importance among other governmental bodies, the Charter still lacks an implementation mechanism, and cannot be used in courts or opposed to the administration.

Notwithstanding the status of the charter as a legally viable document, it is clear that government authorities have, and continue to, repeatedly violate the rights contained in it since its signature, as illustrated above.

## IRAN’S COOPERATION WITH THE UN HUMAN RIGHTS MECHANISMS

**Cooperation with Special Procedures:** Despite a standing invitation issued to all Special Procedures in 2002, no mandate has visited the country since 2005, and Iran has failed to provide access to 8 thematic mandate holders who have requested a visit to the country, as well as to the Special Rapporteur on the situation of human rights in Iran.

**Replies to Urgent Appeals and Communications:** The latest Special Procedures communications reports show that Iran received over 160 communications from Special Procedures since the country mandate was reestablished in 2011, the highest number among all countries on the HRC agenda. Iran has replied to approximately half of these communications.

**Engagement with the UPR Process and Treaty Bodies:** While Iran regularly participates in UN reviews by Treaty Bodies and in the Universal Periodic Review, its participation is usually not followed up by concrete actions aimed at achieving meaningful progress, as shown by the lack of progress on core human rights challenges described above.

**Reprisals for Cooperation with UN Human Rights Mechanisms:** In their latest reports, both the UN Secretary-General and the Special Rapporteur on human rights defenders expressed concerns regarding acts of intimidation and reprisals from the Iranian authorities against individuals who have engaged with the Special Rapporteur on Human Rights in Iran and other UN human rights mechanisms.