

HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

MARCH 2017 UPDATE

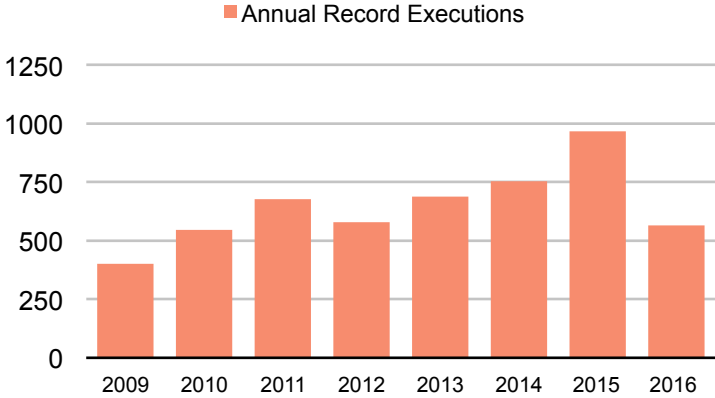
The human rights situation in Iran in early 2017 remains one of systemic violations that are deeply rooted in laws, policies, and practices. The chronic nature of the situation requires continued and sustained attention by the international community and by the United Nations system.

While the Iranian government has made some positive human rights overtures and taken a few welcomed steps, overall the government has not prioritized human rights reforms and core human rights issues remain unchallenged.

Issues of serious human rights concern outlined by treaty bodies, special procedures and the UN Secretary-General remain numerous and include violations of a wide range of civil, political, economic, social, and cultural rights. The following update provides a broad overview of some of the most pressing issues.

DEATH PENALTY

Highest executioner per capita: Iran has maintained the highest per capita execution rate in the world for several years in a row. The number of documented executions in the country has increased in recent years, from at least 580 executions in 2012, to 687 in 2013, to 753 in 2014, to between 966 and 1050 in 2015, and at least 560 persons in 2016. In January 2017, authorities have executed at least 66 people.



Majority of executions for offenses failing to meet the standard of “most serious crimes”: Iran retains the death penalty for a wide range of offenses which 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 the past five years, between 60 and 75 percent of all executions every year in Iran were drug-offense related. In October 2016, as a result of international pressure, the newly elected Iranian parliament introduced a bill that would remove the death penalty for many non-violent drug crimes. This bill has been passed by the Parliamentary Commission, but is yet to be put on the floor.

Retention of juvenile executions: Rights groups have documented at least 4 executions of juvenile offenders in 2016 (as well as one additional unconfirmed case). In January 2017 alone, two juvenile offenders have been executed. Another execution has been announced for February 2017 but has been postponed, including following a joint appeal by the Special Rapporteur on Iran, thematic procedures and the CRC.

Despite the 2013 revision to Iran’s Penal Code, which permits judges on a discretionary basis to take the mental capacity of juveniles into consideration during sentencing, authorities executed at least 28 persons who were under the age of 18 at the time of the alleged crimes since the start of 2014. In 2016, 5 juveniles were executed and 78 remain on death row.

The UN Committee on the Rights of the Child, which reviewed Iran in 2016, “expresses serious concern that [exemptions provided for by the revision of the Penal Code] are under the full discretion of judges, and that several persons have been re-sentenced to death following such retrials”, and “deplores that the State party continues to execute children and those who have committed a crime while under 18 years of age, despite its previous recommendations and numerous criticisms by human rights treaty bodies”. At least 6 juvenile offenders have been executed since Iran’s participation in the CRC review.

In January 2016, authorities hanged Khaled Kordi on narcotics charges, despite a strict prohibition on such executions under international law. Kordi was reportedly 17 years old at the time of his arrest.

Mohammad Reza Haddadi was 15-years-old when authorities arrested him for his involvement in a 2003 robbery carried out by him and three others. The robbery led to a murder. Mohammed Reza was the only participant that authorities sentenced to death. He claims that he was tortured and threatened by the police investigator to confess to the murder. In 2010, two of the other men involved in the robbery came forward to claim that Mohammad Reza was not involved in the murder.

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. Human rights groups report that trials for low-level narcotics crimes rarely include the presence of a lawyer. The Criminal Procedure law permits judicial authorities to deny a detained suspect the right to counsel for up to one week for all capital crimes.

Twenty Sunni Kurdish political prisoners detained in Rajai Shahr prison were executed on August 2, 2016. According to Human Rights Watch, these men were part of larger group of 33 Kurdish and Sunni prisoners subjected to a pattern of severe human rights abuses. Courts convicted the men for vaguely defined political crimes and on the basis of confessions allegedly extracted under torture. Many were held for months—some for more than 2 years—in solitary confinement and convicted in hasty unfair trials in which they had been denied the right to a lawyer and other judicial safeguards.

FREEDOM OF EXPRESSION, ASSOCIATION, AND ASSEMBLY

Arrests of journalists, bloggers and closure of newspapers: Attacks on freedom of expression, association, and assembly continued throughout the past 12 months, which saw a sharp rise in arrests for Internet-related offenses, as well as the continuing arrests of journalists and bloggers and the forced closure of newspapers.

On 20 June 2016 the *Ghanoon* newspaper announced its closure reportedly pursuant to an order by the Tehran Chief Prosecutor on grounds that the paper was “publishing falsehoods with the intent to cause public anxiety.”

Arbitrary detention of human rights defenders and other prisoners of conscience: Iran continues to hold at least 500 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 detainees have reported facing torture and ill-treatment, including severe beatings, mock executions, and prolonged solitary confinement.

Throughout 2016, the UN Working Group on Arbitrary Detention (WGAD) rendered 5 opinions finding specific detention cases to be arbitrary in Iran, making Iran the number one addressee of WGAD opinions, equally ranked with China and Egypt. Iran has also consistently been the country receiving the highest number of urgent appeals from the WGAD since 2013, on cases of arbitrary detentions where the health or life of detainees were at stake.

October 3, 2016, officials reportedly sentenced Atena Deami and Omid Alishenasto seven years in prison each for their human rights activism, including engaging in campaigns against the death penalty, and social media activities.

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 deemed breaches of religious and possibly, political standards.

Rights of trade unionists: Authorities prevent the formation of independent trade unions and repeatedly arrest labor leaders.

On February 14, 2016 a Revolutionary Court sentenced Esmail Abdi, of Iran’s teachers union to six years in prison for “propaganda against the state” and “collusion against national security.”

On October 15, 2016, an Iranian court reportedly sentenced worker’s rights activists Jafar Azimzadeh and Shapour Ehsani Rad to 11 years in prison each for the participation in labour unions.

Extra-judicial house arrest of opposition leaders: Iranian authorities have held three opposition leaders, Mir Hossein Mousavi, Mehdi Karroubi, and Zahra Rahnavard, under house arrest for over six years without charges or trials. The three were detained in their homes on February 14, 2011, after they called for a peaceful demonstration in support of Arab Spring events taking place in Egypt and Tunisia. In 2012, the UN Working Group on Arbitrary Detention determined that their house arrest was arbitrary because it had no legal basis and resulted from the exercise of rights guaranteed by international human rights law.

WOMEN’S AND GIRL’S 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. While women occupy about half of all university student slots, their economic participation in Iran is only 15.9% according to latest governmental statistics, approximately four times lower than men. 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. Contrary to recent official promises, Iranian women were not allowed into stadiums during a Volleyball World League tournament held in Tehran in June 2015.

Regressive draft laws under consideration: Iran is currently debating at least 3 draft laws that, if passed, would cause harm to women's rights by limiting access to health and family planning services, employment, or putting at risk 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, makes divorce more difficult, and discourages police and judicial intervention in family conflicts.

Gender-based discrimination in employment: Iran maintains one of the world's lowest percentages of women in the workforce. Under the current law, women are barred from several top state positions, such as judges. Some government municipalities have already instituted policies to impede the hiring of women. On July 31, 2016, the Rouhani administration issued an executive order freezing the civil service exam and all hires of new government employees until such time that the hiring exam guarantees equal opportunities for women and men in employment. In September 2016, the Rouhani administration stated that positives steps have been taken to address the issues of discrimination against women that was in the exam, and thus the exam has unfrozen in November 2016. However, it only applies to government positions and women continue to face discrimination in employment in other sectors.

Crackdown on women's rights defenders: Women's rights defenders that advocate reforms to gender-biased laws are often subject to harassment and prison. In the last 12 months, women's rights defenders have reported an uptick in summons, interrogations and short detentions.

In November 26, 2016, Intelligence forces allegedly arrested women's rights activist Alieh Motlabzadeh for attending a workshop in Georgia. As of February 2017, she has been release on bail and is awaiting further court proceedings. Motlabzadeh is one of at least 20 women's rights activists interrogated by authorities for participation in a workshop abroad.

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 business licenses, and are prevented from holding religious gatherings. In January 2016, at least 80 Bahá'ís were imprisoned for their religious and community activities. Iran's university admissions regulations mandate that only members of legally recognized religions (Islam, Judaism, Christianity, and Zoroastrianism) may enroll. In 2016, at least 129 Bahá'í students who passed the university entrance exam were reportedly denied admission.

Other religious groups such as Christians, including those involved in informal house churches, and Sufi Muslims, also face arrest and imprisonment and other forms of harassment. Rights groups have documented the cases of at least 79 Christians who were arrested, interrogated, and detained by authorities between May and August 2016. It is believed that the true number of Christians apprehended by the authorities could be higher, as many arrests were likely not reported. Christian converts in Iran cannot attend

official churches and instead gather in informal groups known as “house churches.” In August 2016 alone, security agents raided at least four house churches.

In June 2016, the Ghiyaseddin Jamshid Kashani Institute for Higher Education expelled Faraz Karin-Kani Sisan, a 19 year-old Bahá'í student. A few days before the end of his second term, Sisan was reportedly summoned to the campus intelligence unit and told he had been expelled because the Ministry of Science had sent a directive to all universities ordering them to expel all Bahá'í students.

In December 2016, Jama'at-e Rabbani (Assemblies of God), the largest Persian-speaking Protestant community in Iran, announced that it has been stripped of its ownership of Sharon Gardens—a large and valuable piece of real estate in the city of Karaj—by an organization operating under the supervision of the Supreme Leader.

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. In a positive step, authorities have instituted Kurdish Language curriculums in primary and secondary schools in heavily Kurdish populated provinces and a Kurdish literature major at one University.

IRAN'S COOPERATION WITH THE UN HUMAN RIGHTS MECHANISMS

Cooperation with Special Procedures: Despite its standing invitation to all Special Procedures, for over ten years, Iran has not granted access to its territory to any of the 7 thematic mandates that have requested a visit¹, nor to the Special Rapporteur on human rights in Iran.

Replies to urgent appeals and communications: The latest Special Procedures communications reports show that Iran is the first addressee of urgent appeals from a number of thematic mandates, including the Special Rapporteur on Human Rights Defenders and the WGAD. Overall, Iran has received 137 communications from or joined by the country mandate since its creation in 2011, to which only half received a reply.

Engagement in the UPR process and in treaty bodies' review: While Iran regularly participates in UN Committee reviews and in its Universal Periodic Reviews, this participation is not followed by concrete actions to achieve meaningful progress. According to Impact Iran's research, around two thirds of the 126 recommendations received from states and accepted by Iran during its first UPR cycle had not been implemented at the time of its second review in 2014-2015². Since Iran's participation in its CRC review in January 2016, and despite the Committee's expressions of concern and recommendations it has received, Iran has executed at least six juveniles offenders (see above).

Engagement with the OHCHR: The High Commissioner for Human Rights, Zeid Al Hussein, declared in September 2016 before the Human Rights Council: “[the OHCHR's] offers to begin a technical dialogue on the death penalty have been systematically overlooked, as have all other proposals of engagement”

UN-Iran Development Assistance Framework: The new United Nations Development Assistance Framework for the period 2017-2021 “lacks reference to human rights and gender equality”, as stressed with regret by the UN Secretary-General in his latest report on human rights in Iran.

¹ By order of initial request: Special Rapporteur on freedom of religion and belief (2003), Special Rapporteur on extrajudicial, summary and arbitrary executions (2004), Special Rapporteur on the independence of judges and lawyers (2006), Special Rapporteur on minority issues (2008), Working Group on Enforced and Involuntary Disappearances (2008), Special Rapporteur on freedom of opinion and expression (2010), Special Rapporteur on Torture Dec (2010), Working Group on discrimination against women in law and practice

² <http://upriran.org>