

HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

JULY 2015 UPDATE

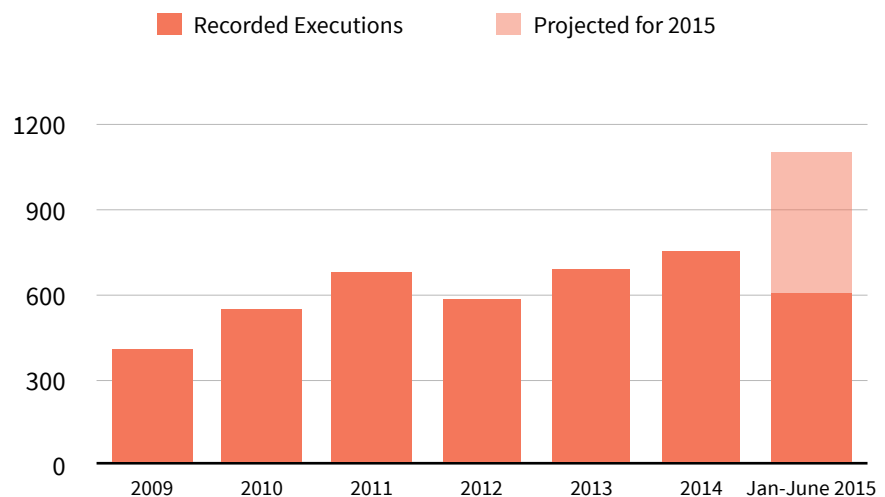
The human rights situation in Iran remains one of systemic violations that are deeply rooted in laws, policies, and practices. The chronic nature of the situation requires sustained attention by international community and United Nations system.

While the new Iranian government of Hassan Rouhani has made some positive human rights overtures and taken a few welcome steps, his government has not prioritized rights reforms and lacks needed powers to bring most of its promised reforms to fruition. Moreover, the international human rights portfolio remains, as it was under the presidency of Mahmoud Ahmadinejad, under the control Iran’s High Council for Human Rights, a body linked to the Judiciary and the office of the Supreme Leader, state institutions openly averse to universal human rights norms.

Issues of serious human rights concern outlined by United Nations treaty bodies and special procedures remain numerous and include core civil and political and economic and social rights. Many of the most pressing issues are reflected in the recommendations made by Brazil to the Islamic Republic during the most recent round of the Universal Periodic Review, or are related to other areas of priority for the Brazilian government. The following update provides a broad overview of some of these pressing issues.

DEATH PENALTY

Iran has had the highest per capita execution rate in the world for several years in a row. It retains the death penalty for a wide range of offenses which do not constitute “most serious crimes” under international law. Capital offenses include minor drug crimes, consensual same-sex relations, and broadly or ill-defined crimes such as “sowing corruption on earth,” which have been use to prosecute non-violent political acts. 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 2014.¹ So far in 2015 at least 600 persons have been executed.²

In many cases, courts have imposed death sentences after proceedings that fail to respect international fair trial standards, including by accepting as evidence “confessions” elicited under torture or other ill-treatment. Detainees on death row are frequently denied access to legal counsel during pre-trial investigations.

The revised 2013 Islamic Penal Code maintains the execution of juvenile offenders, unless a judge determines that the offender did not understand the nature of the crime or its consequences or that the offender’s mental capacity is in doubt. The rights group Iran Human Rights identified at least 14 executions in 2014 of persons who were under the age of 18 at the time of the crimes of which they were convicted.³ On 16 April 2015 authorities put to death Javad Saberi, despite the fact that the homicide he was convicted of was committed when he was under the age of 18, and that he had a history of serious mental illness.⁴

The revised Penal Code also retains the penalty of stoning to death for the offense of adultery. At least one stoning sentence was reported to have been issued in Ghaemshahr, Mazandaran province in July 2014.⁵ At least 12 people are currently in prison with stoning sentences, with no implementation reported since 2009.⁶ Many executions are also carried out in public, often in the presence of children.

WOMEN’S RIGHTS

Despite minor improvements under President Rouhani’s administration, such as the lifting of many gender-based quotas in universities, women in Iran remain subject to widespread and systematic discrimination in law and practice. Recent legislative attempts aimed at restricting female employment and encouraging women to stay at home and pursue “traditional” roles as wives and mothers have continued.⁷ While women occupy about half of all university student slots, their economic participation in Iran is only 12.8%, five times lower than men, according to government figures.⁸ Personal status laws that accord women subordinate status to men in matters such as marriage, divorce, and inheritance remained in force.⁹

Two population-related draft bills—the Family Excellence Plan and Plan to Increase Birth Rate and Prevent Population Decline—that are under parliamentary consideration threaten to reduce women’s access to sexual and reproductive health services.¹⁰ The Family Excellence bill seeks to shift divorces and family disputes from the courts in favor of mediation while imposing an employment hierarchy that discriminates against single women. The population bill recently passed by the Parliament proposes to prevent permanent sterilization methods, including surgical contraception methods such as vasectomies, by imposing criminal punishments on health professionals who perform such procedures.¹¹

A peaceful gathering in front of the Iranian Parliament in Tehran on 22 October 2014, during which demonstrators demanded a government response to a spate of acid attacks against girls and women across Iran,



Arrested women's rights activist Mahdieh Golroo

ended with the beating and arrest of some of the protesters by security agents. Authorities forcibly dispersed another gathering outside the Iranian Judiciary building in Isfahan, with plainclothes agents using batons and tear gas against the demonstrators. Authorities held women's rights activist Mahdieh Golroo, one of the individuals arrested after attending the peaceful protest outside the parliament building, for three months, releasing her on bail only in January 2015.¹² Golroo awaits trial.

Iranian authorities have imposed a ban on female sports fans from attending public athletic events. Contrary to promises recently made by officials, Iranian women were not allowed into stadiums during a Volleyball World League tournament held in Tehran in June 2015.¹³

RIGHTS OF MINORITIES

Religious and ethnic minorities continue to face violations of their rights, both in law and policy. Members of the Bahá'í Faith are systematically deprived of the rights to university education, state employment and business licenses, and are prevented from holding religious gatherings. In January 2015, at least 100 Bahá'ís were imprisoned for their religious and community activities.¹⁴ Christians, including those involved in informal house churches, face arrest and imprisonment. Five members of the Sufi Muslim Gonabadi Dervish community remain behind bars for the peaceful exercise of their basic rights.¹⁵

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. Despite some minor openings, the Iranian authorities continue to deny ethnic minority communities the right to learn their mother languages, particularly during the early, formative stages of education. Members of minority groups, particularly those who seek greater recognition of their cultural and linguistic rights, face persecution, including arrest and imprisonment.

FREEDOM OF JOURNALISTS AND THE MEDIA

Attacks on freedom of expression and the media have increased in the past year, which has seen a sharp rise in arrests for internet-related offenses, as well as continuing arrests of journalists and bloggers and the enforced closure of newspapers. With at least 45 journalists and bloggers in prison at by mid-2015, Iran regained the status of the world's leading jailer of journalists.¹⁶ The Tehran correspondent for the *Washington Post*, Jason Rezaian, had—as of this briefing—been imprisoned for over seven months without access to a lawyer or publicly disclosed charges.¹⁷ The *Washington Post* reported on April 20, 2015 that authorities had charged Rezaian with espionage and three other serious crimes, including "cooperation with hostile governments" and "propaganda against the system."¹⁸

Since October 2013, at least eight domestic publications—*Bahar*, *Aseman*, *Ghanoon*, *Roozan*, *Ebtekar*, *9 of Dey*, *Ya Al Sarat Al Hossein*, and *Zanan-e Emrooz*—have been temporarily or permanently shut down by authorities.

INTERNET FREEDOM AND PRIVACY

In April 2014, Iran's Revolutionary Court sentenced eight young Iranians active on Facebook to a total of 127 years in prison, which an appeals court later reduced to 114 years.¹⁹ The courts found them guilty of "acting against national security," "propaganda against the state" and "insulting Islam and state officials." One Facebook user, Soheil Arabi, is currently facing a potential death sentence while on trial for "insulting the Prophet" and "corruption on earth" for posts he made on Facebook.²⁰

In June 2015, a lower court sentenced Atena Farghadani, an Iranian artist and activist, to over 12 years behind bars for postings she made on social media, including a cartoon mocking a draft law which would restrict access to birth control.²¹



Cartoon mocking members of Parliament that resulted in Atena Farghadani arrest and prison sentence

According to a new report by the International Campaign for Human Rights in Iran, the authorities' ability to monitor private online communications has considerably increased.²² This new surveillance profoundly violates Iranians' rights to access information, freedom of speech, and the right to privacy. The government is currently constructing a National Internet containing a series of national SSL certificates, operating systems, browsers, and related services, as an alternative to the open web. As there is no a legal framework to protect online privacy, the National Internet has increasingly facilitated the ability of Iranian authorities to access the private data and communications of its citizens. This monitoring system is coupled with extensive digital censorship, as well as arrests and prosecution of Internet professionals and activists by FATA Cyber Police, the Cyber Army, the Revolutionary Guards, and the Judiciary.

JAILED HUMAN RIGHTS DEFENDERS AND POLITICAL PRISONERS

Iran continues to hold hundreds of political prisoners and prisoners of conscience who were unlawfully detained for exercising their rights to freedom of expression, association, assembly, and religion, according to the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. 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 others are

being held after being prosecuted and convicted by Revolutionary Courts in trials that failed to meet international fair trial standards, raising serious questions as to whether they, too, were also targeted for exercising basic rights. Many detainees have reported facing torture and ill-treatment, including severe beatings, mock executions, and prolonged solitary confinement.

The UN Working Group on Arbitrary Detention had found the detentions of two human rights defenders currently held in Iranian prisons to be arbitrary: lawyer Abdolfattah Soltani, and journalist Mohamad Saddigh Kaboudvand, who is also a member of Iran's Kurdish minority.²³



Imprisoned human rights defender Nargess Mohammadi

Abdolfattah Soltani was sentenced to 13 years in prison in June 2012 by an appeals court. He was prosecuted on charges stemming from being awarded the 2009 Nuremberg International Human Rights Award, “providing interviews to the media about his clients’ cases,” and co-founding the Defenders of Human Rights Center.²⁴ Soltani spent months inside solitary cells of the Intelligence Ministry’s Ward 209 at Evin Prison, where he developed severe anemia.²⁵

Authorities re-arrested Human rights defender and Deputy Director of the Defenders of Human Rights Center Nargess Mohammadi in May 2015.²⁶ She currently awaits trial. According to her family, Mohammadi’s charges include “propaganda against the regime,” “assembly and collusion against national security,” and establishing a campaign to end death penalty. She also reportedly also faces an accusation of being connected to ISIS because of her support for the due process rights of Sunni prisoners in Iran.²⁷

¹ United Nations Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran (March 2015), <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/march-2015-report-of-the-special-rapporteur-on-human-rights-in-iran/>.

² Iran Human Rights Documentation Center, Executions Charts (accessed 10 July 2015) <http://www.iranhrdc.org/english/publications/human-rights-data/chart-of-executions/1000000564-ihrc-chart-of-executions-by-the-islamic-republic-of-iran-2015.html>.

³ Iran Human Rights and Ensemble Contre la Peine de Mort (ECPM), Seventh annual report on the death penalty in Iran (March 2015) <http://iranhr.net/2015/03/annual-report-on-the-death-penalty-in-iran-2014/>.

⁴ Iran Human Rights, Javad Saberi: Juvenile Offender Executed in April in Iran (May 2015) <http://iranhr.net/2015/05/javad-saberi-juvenile-offender-executed-in-april-in-iran/>

⁵ International Campaign for Human Rights in Iran, Man Sentenced to Stoning in Iran’s Northern City (July 2014) <http://www.iranhumanrights.org/2014/07/stoning-ghaemshahr/>.

⁶ Unpublished report Abdorrahman Boroumand Foundation (on file with Impact Iran).

⁷ United Nations Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran (April 2014), <http://shaheedoniran.org/wp-content/uploads/2014/09/A-69-356-SR-Report-Iran.pdf>

⁸ Ibid.

⁹ Ibid.

¹⁰ Amnesty International, You Shall Procreate: Attacks on Women’s Sexual and Reproductive Rights in Iran (March 2015) <http://www.amnestyusa.org/research/reports/you-shall-procreate-attacks-on-women-s-sexual-and-reproductive-rights-in-iran>.

¹¹ The Guardian, Iran aims to ban vasectomies and cut access to contraceptives to boost births (March 2015) <http://www.theguardian.com/world/2015/mar/11/iran-ban-voluntary-sterilisation-contraceptive-access-block-boost-population>

¹² International Campaign for Human Rights in Iran, Mahdieh Golroo Remains in Solitary Confinement Two Months After Arrest, Charges Unclear (December 2014) <http://www.iranhumanrights.org/2014/12/mahdieh-golroo/>.

¹³ The Guardian, Volleyball ban for female fans reignites debate in Iran (June 2015) <http://www.theguardian.com/world/2015/jun/19/volleyball-ban-women-reignites-debate-iran>.

¹⁴ United Nations Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran (March 2015), <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/march-2015-report-of-the-special-rapporteur-on-human-rights-in-iran/>.

¹⁵ Ibid.

¹⁶ United for Iran, Political Prisoner Database (accessed 10 June 2015) <http://united4iran.org/political-prisoners-database/>.

¹⁷ Radio Farda, Jason Rezaian has a closed court hearing on charges of espionage (July 2015) <http://www.radiofarda.com/content/f9-trial-iranian-us-journalist-rezaian/27036964.html>.

¹⁸ The Washington Post, Post reporter jailed in Iran faces 4 charges including espionage (April 2015) https://www.washingtonpost.com/world/national-security/post-reporter-jailed-in-iran-faces-4-charges-including-espionage/2015/04/20/3ea79ac8-e757-11e4-aae1-d642717d8afa_story.html

¹⁹ International Campaign for Human Rights in Iran, Eight Iranians Active on Facebook Sentenced to Combined 127 Years in Prison (July 2014) <http://www.iranhumanrights.org/2014/07/facebook-activists/>.

²⁰ Iran Human Rights, Iran's Supreme Court overturns death sentences for cyber activity (June 2015) <http://iranhr.net/2015/06/irans-supreme-court-overturns-death-sentence-for-cyber-activist/>.

²¹ International Campaign for Human Rights in Iran, Young Activist Sentenced to 12.5 Years in Prison for Facebook Posts (June 2015) <http://www.iranhumanrights.org/2015/06/atenafaraghdani-2/>.

²² International Campaign for Human Rights in Iran, Internet in Chains (November 2014) <http://www.iranhumanrights.org/2014/11/internet-in-chains/>.

²³ United Nations Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran (March 2015), <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/march-2015-report-of-the-special-rapporteur-on-human-rights-in-iran/>; United Nations Human Rights Committee, Opinions adopted by the Working Group on Arbitrary Detention (November 2012) <http://www.iranhrdc.org/english/english/human-rights-documents/aadel-collection/100000247-opinions-adopted-by-the-working-group-on-arbitrary-detention-at-its-sixty-fifth-session-14-23-november-2012-no-48-2012.html>.

²⁴ International Campaign for Human Rights in Iran, Authorities Prevent Hospitalization of Imprisoned Rights Lawyer Abdolfattah Soltani (April 2014) <http://www.iranhumanrights.org/2014/04/hospitalization-refused-soltani/>.

²⁵ Ibid.

²⁶ International Campaign for Human Rights in Iran, Intelligence Ministry Seeking "Maximum Punishment" for Prominent Human Rights Activist (July 2015) <http://www.iranhumanrights.org/2015/07/intelligence-ministry-maximum-punishment-for-prominent/>,

²⁷ Ibid.