

# UNIVERSAL PERIODIC REVIEW

## THE ISLAMIC REPUBLIC OF IRAN

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**UPR**

**IRAN**

**IMPACT IRAN**

**AUGUST 2018**

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## ABOUT US

Impact Iran\* is designed to promote Iranian civil society efforts to engage with the wider UN human rights system, alongside various intergovernmental processes aimed at strengthening rights protections in Iran. Impact Iran's focus stems from the belief that the sustainability of efforts to promote respect for human rights in Iran hinges on the capacity of Iranian civil society to effectively engage with and participate in the range of UN processes that promotes accountability and encourages implementation of Iran's international human rights obligations. Impact Iran represents a coalition of 17 non-governmental organizations that draw attention to the situation of human rights in Iran, and encourage the Iranian government to address concerns expressed by the international community and international human rights bodies. We organize public advocacy campaigns aimed at the United Nations (UN) and lead high-level human rights discussions to collectively spark action by the international community to promote and protect the rights and dignity of all in Iran.

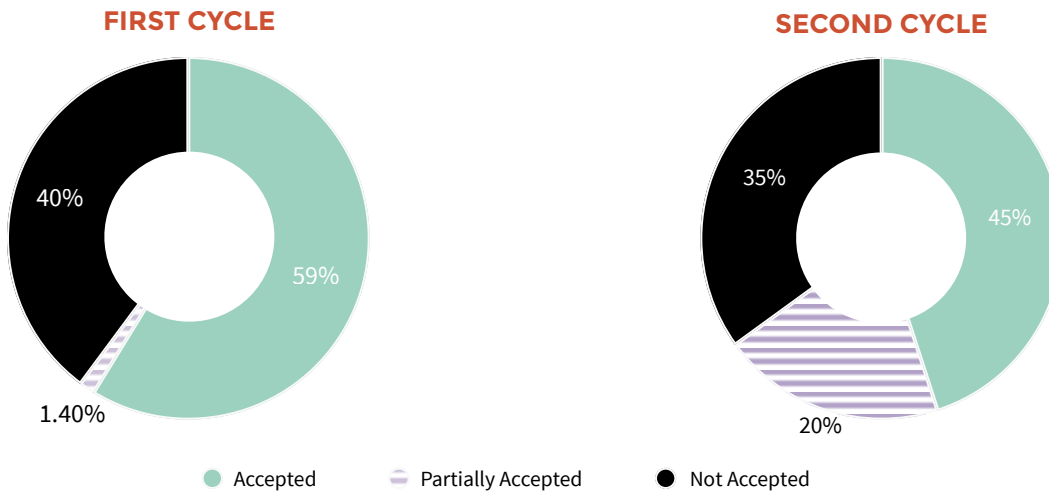
*\* This report has been produced by the Secretariat of Impact Iran and may draw from research conducted by members of the Coalition. As such, the content of the report may not necessarily reflect the views and analysis of each and every member of the Coalition.*

### EXECUTIVE SUMMARY

The **Universal Periodic Review** (UPR) is a human rights mechanism established by the United Nations (UN) to ensure a voluntary, universal, non-selective and regular peer-assessment of the human rights record of each UN member state by other states. Its focus on adhering to the principles of universality, dialogue and cooperation leads many states, including the Islamic Republic of Iran, to proclaim the UPR to be the most fair and even-handed of the UN’s human rights mechanisms. Indeed, Iranian government officials have repeatedly stated that the UPR is the “most pertinent, effective and trustful UN mechanism for the review of the human rights situation of all States.” Iran’s approach to the UPR, however, raises serious questions about its level of commitment to addressing concerns expressed during the country review process, implementing the recommendations it has voluntarily accepted, and upholding its international human rights obligations overall.

The Islamic Republic of Iran has thus far undergone two UPR rounds in 2010 and 2014 and is among the top five states that received the most recommendations. During its second cycle of review in 2014, Iran received a total of **291** recommendations from states. It accepted **130** in full and **59** “in part.” It outright rejected **102** recommendations.

#### HOW IRAN IS APPROACHING THE UPR UPR?



## HOW IS IRAN APPROACHING THE UNIVERSAL PERIODIC REVIEW?

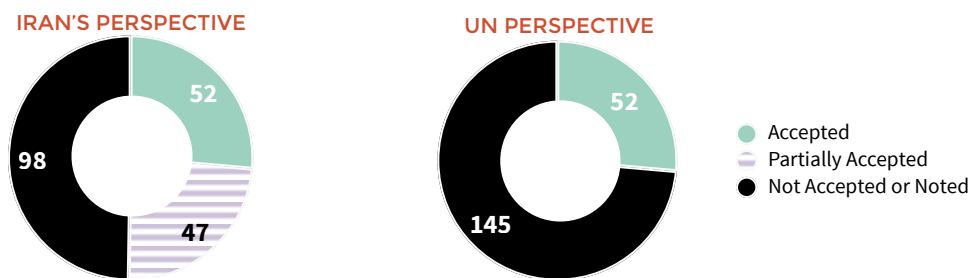
According to Impact Iran's analysis and assessment, Iran's performance during the second UPR cycle exhibits three negative trends:

**1. INCREASE IN PARTIAL ACCEPTANCES:** Rather than fully accepting recommendations, Iran chose to “accept in part” a large number of recommendations without providing a clear explanation as to which part of the recommendation it was willing to commit to. This approach effectively reduces Iran's relative support for the recommendations it received compared to the first cycle and undermines the utility of the recommendations to stakeholders. More specifically, without an explanation by Iran regarding what each “partial acceptance” actually means, it is difficult for the international community to assess whether the recommendation has been implemented (and, therefore, hold Iran to account).







Moreover, the UN does not officially recognize partial acceptance of recommendations. According to the UN's UPR guidelines, partially accepted and rejected recommendations are categorized identically as “noted.” By increasingly relying on partial acceptances, Iran can hedge its bets by simultaneously claiming it has accepted a “majority” of recommendations even though it has unconditionally accepted only 45 percent of them. (The UN will consider the remaining 55 percent of the recommendations to be not accepted or “noted.”)

**2. WEAKER SUPPORT FOR CIVIL AND POLITICAL RIGHTS:** Iran refused to fully accept the majority of recommendations (**145**) regarding civil and political rights. This trend is regrettable because Iran's systematic violations of civil and political rights—including the right to life; freedom from torture; freedom from discrimination; freedom of expression, association and peaceful assembly; and religion or belief—have been repeatedly raised as matters of serious concern by UN bodies, including the human rights mechanisms. It should be noted that it is mainly the gross and systematic violations of these rights that led the UN Human Rights Council (2011) and the UN General Assembly (2008) to adopt their own country-specific resolutions expressing overall concern regarding the situation of human rights in the country.

### CIVIL AND POLITICAL RIGHTS RECS DURING SECOND CYCLE



**3. WEAKER POSITIONS ON RECOMMENDATIONS SIMILAR TO THE FIRST CYCLE:** Iran generally adopted weaker commitments on certain human rights issues by rejecting, or only partially accepting, specific recommendations that were nearly identical to ones it had accepted during the first cycle.

FIRST CYCLE   ACCEPTED	SECOND CYCLE   NOT ACCEPTED OR PARTIALLY ACCEPTED
<p> <b>122:</b> Amend its press law to define the exceptions to article 24 of its Constitution in specific terms that do not infringe upon the internationally guaranteed rights of free speech and a free press (Canada)</p>	<p> <b>138.228:</b> Amend its press law to define the exceptions to article 24 of its Constitution in specific terms and that do not infringe upon freedom of expression (Canada)</p>
<p> <b>120:</b> Repeal all criminal provisions dealing with freedom of expression and freedom of assembly to comply with international human rights standards (Slovakia)</p>	<p> <b>138.227:</b> Repeal all legal provisions that infringe the freedoms of expression, assembly and association, as guaranteed by the International Covenant on Civil and Political Rights (Belgium)</p>
<p> <b>34:</b> Ensure the equal treatment of women and girls in law and practice (Austria)</p>	<p> <b>138.100:</b> Ensure equal rights and opportunities for women and girls (Austria)</p>

### ASSESSING IRAN’S EFFORTS TO IMPLEMENT RECOMMENDATIONS RECEIVED

Impact Iran’s assessment of the implementation of recommendations by Iran demonstrates a pattern in the level of performance when it comes to the types of rights at stake, namely civil and political versus economic, social and cultural rights. While the rate of implementation of the civil and political rights recommendations is very low, a much higher rate of economic, social and cultural rights recommendations have been scored as implemented or partially implemented. This is largely due to the framing of recommendations marked by a lack of specificity and the generality of the action required by the recommendation.



## FAIRLY GOOD IMPLEMENTATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**RECOMMENDATIONS:** In order to determine the extent to which Iran implemented, accepted or partially accepted recommendations, Impact Iran relied heavily on Iran's own midterm assessment report and gave the government the benefit of the doubt regarding its implementation claims unless there was clear and convincing evidence (mostly documented by independent human rights groups)



to suggest otherwise. Due to the lack of alternative sources of information challenging the government's claims with regard to socioeconomic rights developments, in particular, the review ascribes a fairly good implementation score when it comes to these types of recommendations.

It should be noted, however, that to the extent that a large number of recommendations submitted by states (and accepted by Iran) tend to be weak, vague, or general in nature (e.g. "continue efforts..."), this approach will naturally lead to a higher "implementation score." This is because Iran can argue, in good faith, that it has met the objective criteria of the recommendation's call to action to improve the situation of human rights with minimal effort.

### ACTION CATEGORY - IRAN'S RESPONSE IN THE SECOND CYCLE-1

ACTION CATEGORY RANK	TOTAL # OF RECS.	ACCEPTED	PARTIALLY ACCEPTED	NOT ACCEPTED
1 - Minimal action	0	0%	0%	0%
2 - Continuing action	64	95%	5%	0%
3 - Considering action	16	13%	31%	56%
4 - General action	170	66%	21%	13%
5 - Specific action	100	11%	18%	71%

**LITTLE TO NO IMPLEMENTATION OF CIVIL AND POLITICAL RIGHTS RECOMMENDATIONS:** As noted above, Iran refused to fully accept the majority of recommendations (145) regarding civil and political rights. With the exception of one or two recommendations that were rejected by Iran but for which some level of implementation was documented by independent human rights organizations (including passage of a drug law that would significantly reduce the number of drug-related executions if properly implemented), Impact Iran's analysis indicates that the vast majority of recommendations it rejected have not been implemented.





Iran has repeatedly emphasized its cooperation with the UPR yet these trends, in addition to concerns regarding Iran’s failure to properly implement a good portion of the recommendations it accepted during the first and second UPR cycles, raise serious questions about its commitment to utilizing the mechanism to address its most significant human rights challenges.

**These findings demonstrate that Iran’s seeming embrace of the UPR process stands in stark contrast to the absence of concrete or meaningful efforts by its government to implement many recommendations it accepted during the first and second cycles.**

## RECOMMENDATIONS:

### TO THE IRANIAN GOVERNMENT

- ▶ Take the necessary legislative, administrative, and other measures to implement recommendations accepted in full, or “in part,” during UPR cycles.
- ▶ Reduce, or wholly abandon, the practice of accepting recommendations “in part.” In the alternative, publish detailed explanations specifically indicating which parts of a recommendation have been accepted “in part” in line with the promise made by the Secretary-General of the High Council for Human Rights.
- ▶ Make a good faith effort to accept most recommendations issued, including those that concern civil and political rights issues, and refrain from rejecting recommendations substantively similar to ones accepted during previous UPR cycles.
- ▶ Demonstrate an openness to transparency, access and independent monitoring by cooperating fully with the UN Office of the High Commissioner for Human Rights, the UN Special Procedures (including by allowing the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to visit the country), and civil society/human rights organizations based both inside and outside the country.

- ▶ Translate into Persian (Farsi), and widely disseminate, including online, the final UPR report adopted by the UN Human Rights Council for each relevant UPR cycle.
- ▶ Hold a transparent process of consultation and open debates involving governmental and civil society actors as well as the press and the population at large, to prepare its third universal periodic review.

### **TO RECOMMENDING STATES**

- ▶ Submit recommendations to Iran that avoid weak, vague or general language such as “continue efforts” and instead use specific action-oriented language that provides clear benchmarks for measuring and assessing implementation efforts.
- ▶ Follow up directly with the Iranian authorities on recommendations that have been accepted or partially accepted, including on their own recommendations to Iran, and encourage Iran to implement accepted or partially accepted recommendations prior to its third cycle review in 2019.
- ▶ For States who have issued recommendations that have received partial acceptances by Iran, seek further clarification in line with the promise made by Iran’s Secretary-General of the High Council for Human Rights that officials will publish detailed explanations specifically indicating which parts of a recommendation have been accepted “in part,” and invite Iran to share publicly and make available these explanations.
- ▶ Support the regular renewal of the mandate of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran whose regular and authoritative updates on the human rights situation in the country informs the UPR process, encourages follow-up, and can encourage Iran to adopt key human rights reforms.
- ▶ Actively participate in the third cycle review (2019) of Iran and provide specific action-oriented recommendations that provide clear benchmarks for measuring and assessing implementation efforts by Iran.
- ▶ Use the third cycle review as an opportunity to take stock of Iran’s overall performance during its UPR reviews by raising serious concerns about accepted recommendations from the two previous cycles that have not yet been implemented, and about key issues of concern that have been insufficiently addressed due to rejected recommendations.