

IMPLEMENTATION OF TOP THEMATIC ISSUES

As noted above, Iran's approach to both the 2010 and 2014 UPR cycles suggests that it is much more willing to engage with recommendations related to ESC rights than with those concerning civil and political rights. But what does this mean when it comes to implementation of recommendations issued by states?

As part of its assessment of Iran's performance during the 2014 UPR cycle, Impact Iran has engaged in a reevaluation of its methodology to assess the country's implementation of recommendations submitted by states. The approach taken by Impact Iran for Iran's 2010 UPR focused primarily on whether Iran had met its international legal obligations as they related to particular recommendations submitted by states. In other words, Impact Iran's implementation assessment focused less on the specific wording of each recommendation, and more on whether Iran had met its duty to respect, protect and fulfill the rights at play. Impact Iran's new approach to the 2014 UPR evaluation, on the other hand, shifts the focus of the implementation assessment to the specific wording of each recommendation to determine what it actually calls on Iran to do.¹⁹

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" for Iran. 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. While the drafters of this report believe that this evaluation approach is more reflective of the realities and shortcomings of the UPR as a human rights mechanism, we also believe that any assessment of a country's performance at the UPR should be contextualized so that it: 1) provides a more comprehensive picture of the human rights situation vis-a-vis the country's international legal obligations; and 2) highlights the deficiencies of the UPR as a mechanism for accountability at the international level.

Assessing not accepted recommendations

A review of the **102** recommendations that were not accepted leads to the conclusion that almost none of these recommendations were implemented, apart from two.

One was a recommendation that was deemed partially implemented as a result of the release of journalist Jason Rezaian in early 2016:

— **138.225:** *End the harassment and persecution of journalists and release the detained Washington Post reporter, Jason Rezaian, to demonstrate its commitment to freedom of expression (United States; Not Accepted; Partially Implemented).*

The other was a recommendation that called on Iran to exclude drug trafficking-related crimes from the death penalty:

— **138.144:** *Amend the Penal Code to exclude drug-trafficking related crimes from those punished by the death penalty (Spain; Not Accepted; Partially Implemented).*

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 of the same year. The amendment increases the amount threshold required to impose a mandatory death sentence, but the law still retains death sentences for a wide range of drug-related offenses (contrary to international law). In January 2018, the Judiciary issued an order to implement the new law. If properly implemented, the law would severely reduce the number of drug-related executions in the country.

The table below provides statistics for the overall implementation assessment that Impact Iran conducted for recommendations that were accepted or partially accepted by Iran. For a complete review of the implementation assessment for each and every recommendation that was accepted or partially accepted by Iran, including explanations justifying the related implementation score provided by Impact Iran, please refer to <http://upriran.org>.

2014 CYCLE IMPLEMENTATION ASSESSMENT (OVERALL)

All Rights	Overall Response	Implemented	Partially Implemented	Not Implemented	Insufficient Information
	TOTAL:	56	44	76	13
Accepted	130	55	38	24	13
Partially Accepted	59	1	9	49	0
Not Accepted	102	102	102	102	102

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 credit to implementation claims from the government unless there was clear and convicting 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 regarding to socioeconomic rights developments, and because of the low level of specificity and the non-action oriented nature of many of the recommendations on ESC rights, the review ascribes a fairly good implementation score when it comes to these types of recommendations.

2014 CYCLE IMPLEMENTATION ASSESSMENT (ECONOMIC, SOCIAL & CULTURAL RIGHTS)

ESC Rights	Overall Response	Implemented	Partially Implemented	Not Implemented	Insufficient Information
88	TOTAL:	46	16	12	10
Accepted	74	46	13	5	10
Partially Accepted	10	0	3	7	0
Not Accepted	4	4	4	4	4

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.

2014 CYCLE IMPLEMENTATION ASSESSMENT (CIVIL & POLITICAL RIGHTS)

CP Rights	Overall Response	Implemented	Partially Implemented	Not Implemented	Insufficient Information
197	TOTAL:	23	24	50	2
Accepted	52	22	19	9	2
Partially Accepted	47	1	5	41	0
Not Accepted	98	98	98	98	98

In the sections below, Impact Iran has provided a comprehensive and contextualized implementation review of five thematic areas which received the highest number of recommendations by states. These areas include:

- 1) Women’s Rights;
- 2) Religious/Ethnic Minority Rights;
- 3) Right to Life (i.e. death penalty);
- 4) Due Process Rights (i.e. administration of justice);
- 5) Cooperation with UN Special Procedures.

WOMEN'S RIGHTS

KEY AREAS OF CONCERN RAISED BY STATES

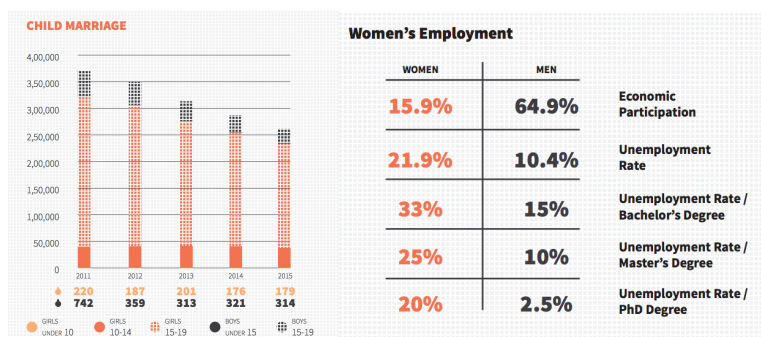
- Gender-Based Discrimination in Law
- Gender-Based Violence
- Persistent Barriers to Political and Economic Advancement of Women

TOP RECOMMENDATIONS RECEIVED BY ISSUE

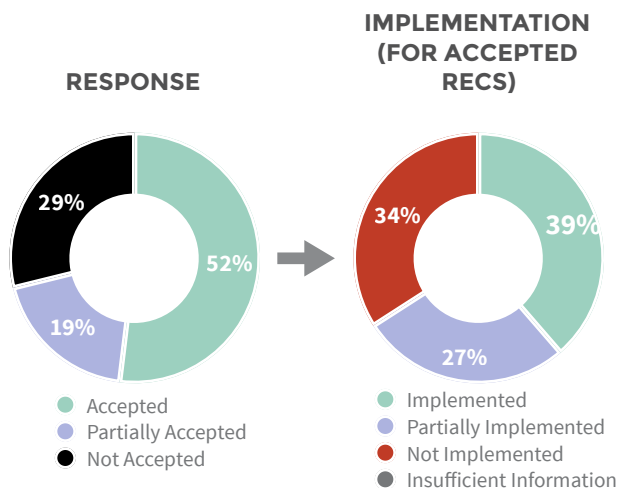


Iran received the highest number of recommendations during its 2014 UPR cycle on women's rights with a total of **59 recommendations**. The majority of recommendations (approximately **86 percent**)








pertaining to women's rights addressed issues of economic and political participation, gender-based violence and overall discrimination of women in law and practice, which Iran accepted at a high rate. Out of **44 recommendations** received that were accepted in full or in part, the government did not implement **15 (34 percent)** of these recommendations and partially implemented **12 (27 percent)** as of this writing.²⁰



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



EXAMPLES OF WOMEN'S RIGHTS RECOMMENDATIONS

RECOMMENDATION	RESP	SCORE
 138.27: Consider introducing specific provisions in the Islamic Penal Code about investigation, prosecution and punishment of perpetrators of domestic violence (Portugal)	ACC	IMPL
 138.247: Continue efforts for greater representation of women in the political process and their participation in public life (Malaysia)	ACC	IMPL
 138.198: Strengthen the means and measures to combat violence against women. (Mali)	ACC	IMPL
 138.112 Continue working so that Iranian women have the right to transmit their nationality to their children (Guatemala)	PART ACC	IMPL
 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)	PART ACC	PART IMPL
 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 ACC	NOT IMPL
 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 ACC	NOT IMPL

GENDER-BASED DISCRIMINATION 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. *diya* 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. **None of these discriminatory provisions have been eliminated or reformed since 2015.**

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,

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.

98/144
Health and Survival

94/144
Educational Attainment

140/144
Economic Participation

136/144
Political Empowerment

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 official purpose of the law is 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: 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: Policies adopted by various organs of the state that limit women’s political, economic and social participation range from fertility 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 (e.g. 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 2017 Global Gender Gap report ranks Iran among the last five countries (140 out of 144) for gender equality in terms of economic participation and opportunity. Iran has been among these bottom 5 countries for several years in a row. 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

CASES OF NOTE



ALIEH MOTLABZADEH: In November 2016, Intelligence forces 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.”



17

/289

Seats held by women
in Parliament

executive branch to 30 percent, in accordance with the country's Sixth Development Plan. Women currently occupy only 5.8 percent (17 out of 290) of parliamentary seats in the new parliament elected in February 2016, the highest percentage since the 1979 revolution.

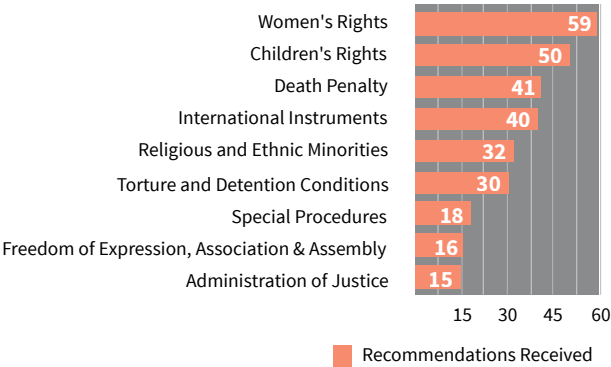
CONCLUSORY ASSESSMENT: Iran's engagement and implementation record on women's rights recommendations received during its 2014 UPR illustrates the significant gap that continues to exist between the country's engagement on these issues at the UPR and the full realization of women's rights in light of the government's international legal obligations. While Iran accepted or partially accepted the majority of recommendations it received from states, many of these recommendations were scored as "implemented" because they contained weak/vague and required minimal action by Iran. Perhaps more importantly, Iran wholly rejected recommendations (**29 percent**) that addressed fundamental issues related to the discrimination against women and girls, including comprehensive legal reform of its civil and criminal laws.

RELIGIOUS AND ETHNIC MINORITIES

KEY AREAS OF CONCERN RAISED BY STATES

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

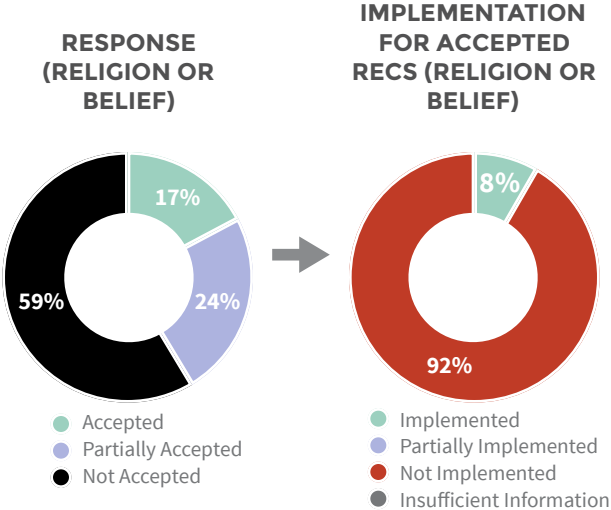
TOP RECOMMENDATIONS RECEIVED BY ISSUE











Following Myanmar, Iran received the highest number (29) of recommendations on freedom of religion or belief in the second cycle. (It received the highest number of recommendations (21) related to this issue during its first UPR cycle in 2010.) Despite accepting 5 and partially accepting 7 of these recommendations, Iran only managed to implement 1 (8 percent) of the recommendations it received as of this writing.

States issued 24 recommendations on issues related to the rights of ethnic minorities.²¹

FREEDOM OF RELIGION OR BELIEF AT IRAN'S UNIVERSAL PERIODIC REVIEW IN 2014



EXAMPLES OF RECOMMENDATIONS RELATED TO RELIGIOUS/ETHNIC MINORITIES

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)	ACC	NOT IMPL
 138.220: Ensure respect, in law and in practice, of the freedom of religion and belief (Poland)	ACC	NOT IMPL
 138.117: Take all necessary measures to protect ethnic and religious minorities from all forms of discrimination (Bahrain)	PART ACC	NOT IMPL
 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)	PART ACC	NOT IMPL
 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)	PART ACC	NOT IMPL
 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 ACC	NOT IMPL
 138.13: 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 ACC	NOT IMPL
 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 ACC	NOT IMPL

DISCRIMINATION AGAINST RELIGIOUS MINORITIES: 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— and other non-recognized religious groups 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

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

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

CASES OF NOTE

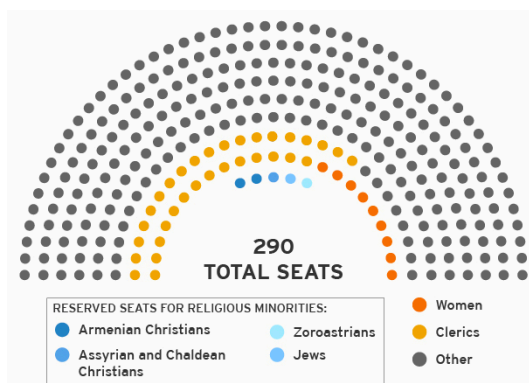
RECENT PROTESTS: The families of several members of the Gonabadi Sufi Order continue to be denied information about their detained family members who are being held without charge. The detainees include university students Kasra Nouri, Mohammad Sharifi Moghaddam, Faezeh Abdipour, Mohammad Reza Darvishi and Zafarali Moghimi.



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.

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



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

5
/290
Seats reserved for
recognized religious
minorities

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: States raised 24 recommendations on ethnic minorities.

Iran's Constitution guarantees equality and non-discrimination on the basis of color, race, language and ethnicity. 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.

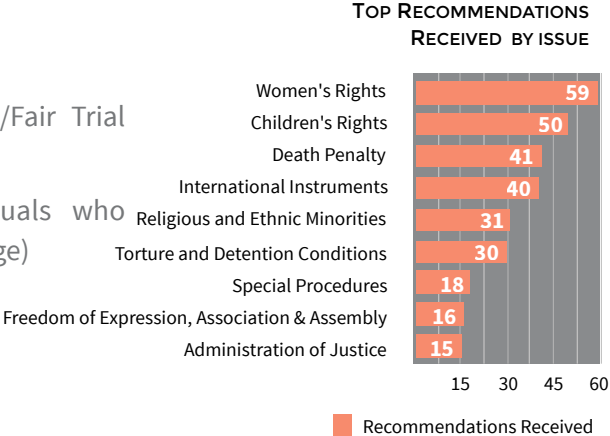
CONCLUSORY ASSESSMENT: Iran's engagement and implementation record on issues related to religious and ethnic minority rights during its 2014 cycle review illustrates Iran's unwillingness to

favorably and positively engage with substantive reforms that would address fundamental inequalities that affect a substantial portion of its population. Iran failed to implement the vast majority of the recommendations (**92 percent**) it accepted in whole (**17 percent**) or in part (**24 percent**). The small fraction of recommendations the government actually implemented were scored as such primarily because they contained weak/vague and required minimal action by Iran. Perhaps more importantly, however, Iran rejected outright a majority of recommendations it received from states (**59 percent**) which, if implemented, would have required the government to amend constitutional, civil and criminal provisions that explicitly discriminate against religious and ethnic minorities. States should encourage Iran to positively engage with the UPR process by accepting and implementing as many recommendations addressing religious and ethnic minority concerns as possible, in addition to following up on recommendations the government accepted to ensure that they are doing what needs to be done to implement them.

DEATH PENALTY (RIGHT TO LIFE)

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)



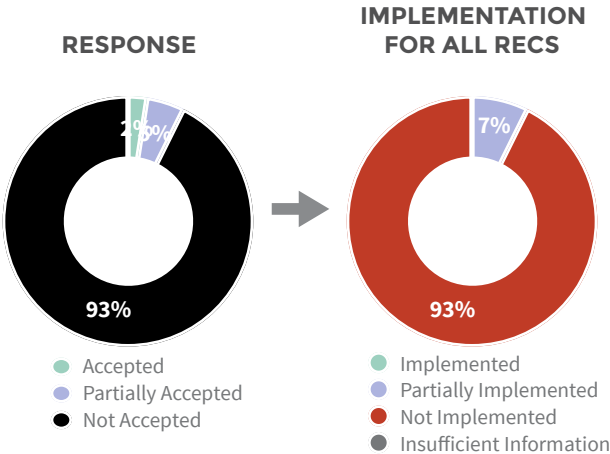
Iran received the second highest number of recommendations (41) on the death penalty, behind only the United States. The vast majority (38) of these recommendations were rejected. Iran only supported 1 recommendation (which involved improving due process protections) and partially accepted 2 others (which involved execution of juvenile offenders). Two out of three of these recommendations were partially implemented as of this writing, while the third remained unimplemented.²² In spite of continued calls from the international community to reform its death penalty laws and end juvenile executions, Iran continues to execute juvenile offenders.²³

Despite rejecting recommendations calling for the abolition of the death penalty for nonviolent drug-related offenses, in October 2017 the government passed a law that, if properly implemented, will significantly reduce the number of executions by prohibiting the use of the death penalty for many - although not all - non-violent drug offenses. On 8 January 2018, the Judiciary issued an order to implement the newly passed amendment.²⁴

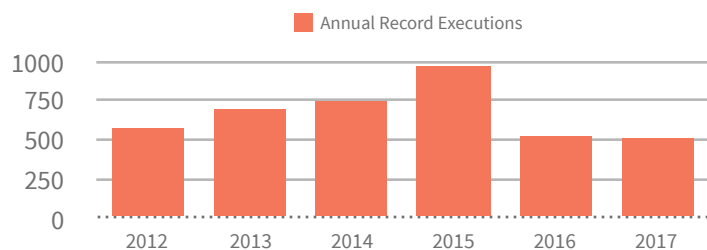
DEATH PENALTY AT IRAN'S UNIVERSAL PERIODIC REVIEW IN

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

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



FAILING TO MEET “MOST SERIOUS CRIMES” STANDARD: 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 **507** executions took place in 2017, **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. The amendment increases the amount threshold required to impose a mandatory death sentence, however, the law still retains death sentences for a wide range of drug-related offenses, contrary to international law.

EXAMPLES OF DEATH PENALTY 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)	ACC	PART IMPL
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)	PART ACC	PART IMPL
138.144: Amend the Penal Code to exclude drug-trafficking related crimes from those punished by the death penalty (Spain)	NOT ACC	PART IML
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 ACC	NOT IMPL
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 ACC	NOT IMPL
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 ACC	NOT IMPL
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 ACC	NOT IMPL

DEATH SENTENCES FOLLOWING GRAVE DUE PROCESS/FAIR TRIAL VIOLATIONS: 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 allegedly obtained under 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 (e.g. case files) about their defendants, including the nature of the charges and evidence used against them.

EXECUTION OF JUVENILE OFFENDERS: 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.

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 **10** juvenile offenders have been executed. According to rights groups, Iran hanged at least **6** juvenile offenders in 2017, and 4 juvenile offenders had been executed as of end of June 2018.

CONCLUSORY ASSESSMENT: Iran’s extremely low acceptance rate for recommendations related to the death penalty engagement (**3; 7 percent**), which continues to be a major concern for the international community at large (and a major reason for the establishment of the Iran Special Rapporteur mandate) is further proof of its unwillingness to substantially engage in reform on key issues through the UPR. Two of the most pressing concerns are Iran’s continued use of capital punishment for juvenile offenders and the extremely high rate of executions for crimes not considered “most serious” under international law. Despite some reforms in the Islamic Penal Code, the latest unconfirmed figures reported by Iranian rights groups suggest that the Judiciary has executed several dozen prisoners as of June 2018, including at least **4** juvenile offenders. The one positive development has been the stay on executions for non-violent drug offenses—rights groups have documented only **1** such case as of June 2018. States should encourage Iran to positively engage with the UPR process by accepting and implementing as many recommendations addressing the abolition of the death penalty for juvenile offenders and non-serious crimes as possible, in addition to monitoring developments to ensure that the stay on executions of non-violent drug offenses becomes permanent.

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.

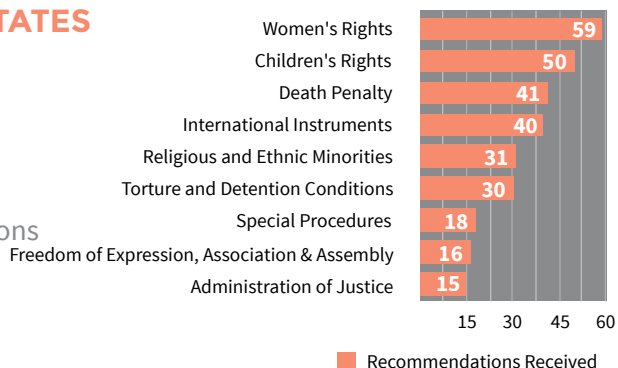
SINA DEGHAN: In January 2017, Iran’s Supreme Court upheld Sina Dehghan’s sentence on the charge of “insulting the Prophet”. Sina was also accused of “insulting the Supreme Leader” on social media, resulting in an additional 16 month prison term.



ADMINISTRATION OF JUSTICE

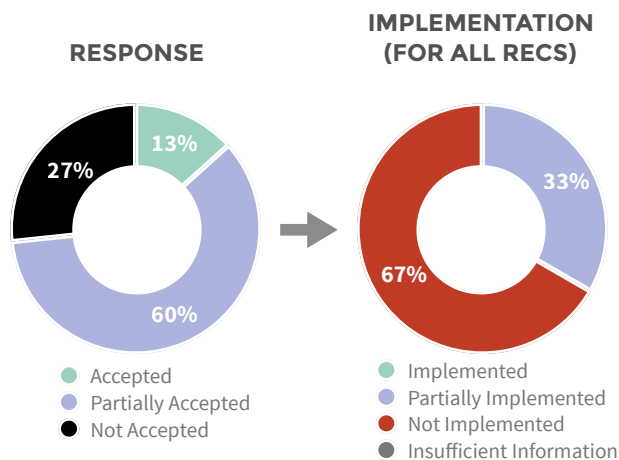
KEY AREAS OF CONCERN RAISED BY STATES

- 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



Out of 15 recommendation on administration of justice issues, Iran accepted **11** (2 in full and **9** in part). It rejected a number of fundamental due process recommendations to ensure fair trial and end mistreatment of minorities and journalists. Despite a few legislative improvements, however, Iran has failed to fully implement systematic due process reforms, including ensuring an independent judiciary. Iran partially implemented **5** and did not implement **10**.








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.
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 [appointed by Supreme Leader].
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.

EXAMPLES OF ADMINISTRATION OF JUSTICE 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)	ACC	PART IMPL
 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)	ACC	PART IMPL
 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)	PART ACC	NOT IMPL
 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)	PART ACC	NOT IMPL
 138.205: Ensure the independence of the judicial system and ensure the rules of fair trial and the rights of the defense (France)	PART ACC	NOT IMPL
 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)	PART ACC	NOT IMPL
 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 ACC	NOT IMPL

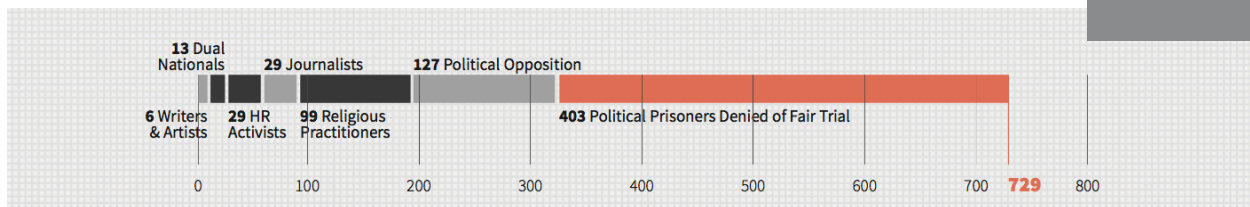
Arbitrary Arrests/Detention: States raised 3 recommendations specifically on arbitrary detention.

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, including presenting a valid arrest warrant, and to be promptly brought before a judge and charged within a 48 hour period.

Pretrial Detention: Authorities continue to violate fundamental principles of pretrial procedures by denying detainees the right to challenge their pretrial detention or to be released pending trial.

Prisoners of Conscience: Iran continues to arbitrarily arrest and detain individuals simply for their exercise of fundamental rights. According to a prominent human rights group, Iran was holding at least 850 political prisoners and prisoners of conscience (as of early July 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.

At least
850
Prisoners of
Conscience



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

ACCESS TO COUNSEL AND PREPARING A DEFENSE: 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 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 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.

COERCED CONFESSIONS: Despite prohibitions against torture or ill-treatment in Iran's Constitution and other laws, courts continue to allow confessions allegedly obtained 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: 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. 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



RECENT PROTESTS: On December 28, 2017, protests broke out in Mashhad and other cities. Since then, more than 3700 were arrested, many without charge. At least 90 of these arrests included students.

7 JANUARY 2018: A student protestor, Sina Ghanbari, 23, was reportedly found dead in Evin Prison. At least three other detained demonstrators are believed to have also died in custody.

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

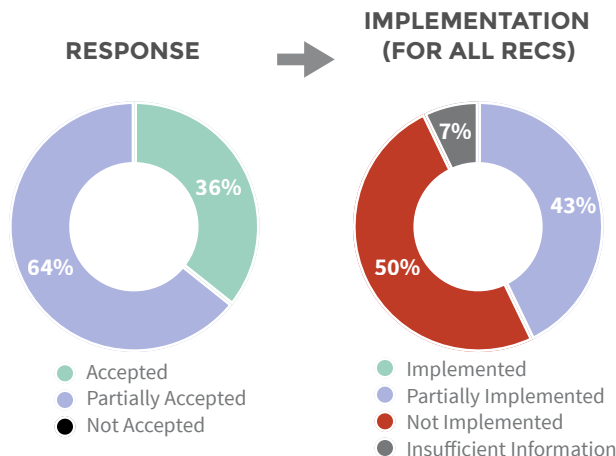
arbitrary and resulted from the exercise of rights guaranteed by the International Covenant on Civil and Political Rights.



CONCLUSORY ASSESSMENT: Iran’s engagement with recommendations related to the administration of justice (and due process) reflects its increasing reliance on “partial acceptances”, which accounted for **60 percent** of the **11** recommendations it accepted in whole or in part. Despite this, and notwithstanding recent positive amendments to the Islamic Penal Code and the CPC, the government has failed to fully implement any of its wholly or partially accepted recommendations at the time of this writing. In light of the lack of independence, transparency, and of the corruption which plagues Iran’s judiciary, states should focus first on submitting recommendations that call on Iran to undertake significant and comprehensive legal reform of its civil and criminal laws. Without such fundamental reforms, Iran’s Judiciary will continue to be plagued with serious and systematic due process and fair trial abuses. States should also push Iran to decrease its reliance on partial acceptances. Last but not least, recommending states should increase the number of recommendations they submit in this area and push Iran to accept and implement as many of them as possible.

COOPERATION WITH UN SPECIAL PROCEDURES

COOPERATION WITH UN SPECIAL PROCEDURES AT IRAN’S UNIVERSAL PERIODIC REVIEW IN 2014



According to repeated statements made at the UN by the Islamic Republic of Iran, the UPR is the legitimate human rights mechanism charged with monitoring the human rights situation of all states, *in lieu* of country-specific special procedures. Iran has presented the UPR as an alternative to the mandate of the Special Rapporteur on Iran, which it has consistently rejected as “illegitimate” and the government has regularly stated that it would not cooperate with the Special Rapporteur.

Despite repeated requests from the country Special Rapporteur as well as the Rapporteurs for seven thematic mandates, and despite extending a standing invitation to all Special Procedures in 2002, Iran has not facilitated a visit by a Special Procedure since 2005.²⁵ However, between 2015 and 2017, Iran has invited three thematic Special Rapporteurs: the Special Rapporteur on the right to food, the

Special Rapporteur on the right to health, and the Special Rapporteur on the impact of unilateral coercive measures on the enjoyment of human rights. This latter invitation was aimed at monitoring a limited set of human rights issues caused by internationally imposed sanctions and not violations for which the Iranian authorities were responsible.²⁶

Iran has also demonstrated a readiness to engage to a certain extent with the Special Rapporteur on Iran, by meeting the mandate holders, answering to a number of communications and replying to his or her annual reports to the Human Rights Council and to the UN General Assembly.

Iran received **14** recommendations from states specifically calling on it to facilitate cooperation with UN Special Procedures. It accepted **5** of these recommendations and partially accepted **9**. Given its continued refusal to allow Special Rapporteurs who have made visit requests to visit the country but in light of its partial engagement with the Special Procedures system, Iran can be considered to have partially implemented **9** of these recommendations and to have failed to implement **4** (there was insufficient information for one of the recommendations).²⁷

CONCLUSORY ASSESSMENT: In light of the high rate of “partial acceptances” for recommendations related to cooperation with UN Special Procedures and the fact that not one UN Special Rapporteur or Independent Expert has visited the country since 2005, recommending states should call on Iran to allow country visits by specific UN Special Rapporteurs.