

# HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

## NOVEMBER 2016 UPDATE

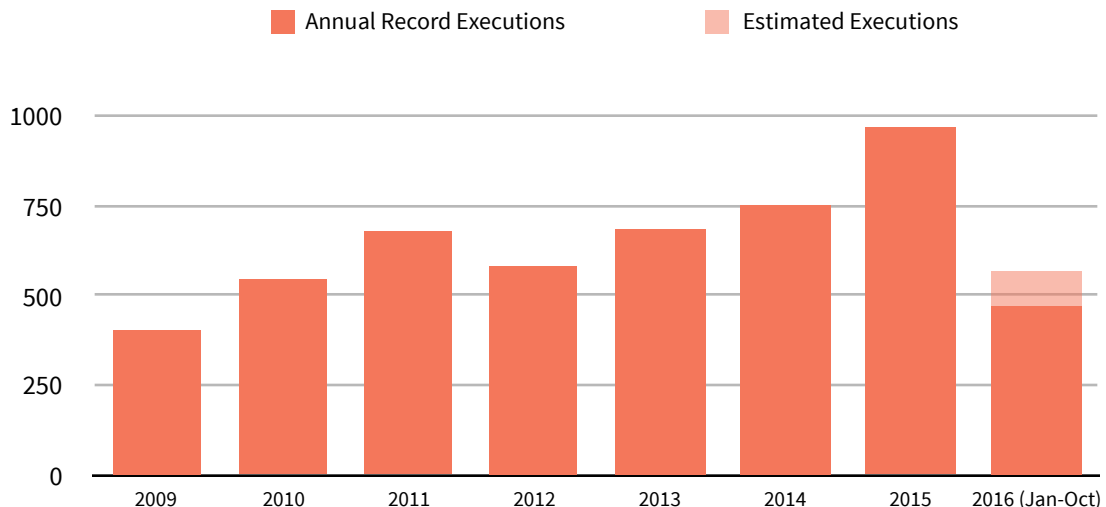
The human rights situation in Iran remains one of systemic violations that are deeply rooted in laws, policies, and practices. The chronic nature of the situation requires sustained attention by the international community and United Nations system.

While the Iranian government has recently made some positive human rights overtures and taken a few welcomed steps, the government has not prioritized human rights reforms. Moreover, the international human rights portfolio remains under the control of Iran’s High Council for Human Rights, a body linked to the Judiciary and the office of the Supreme Leader, state institutions that are 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 violations of core civil, political, economic, social, and cultural rights. The following update provides a broad overview of some of the most pressing issues.

### DEATH PENALTY

Iran has maintained 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, including drug offenses, consensual sexual relations, and financial crimes. Additionally broadly defined crimes such as “sowing corruption on earth” 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, to between 966 and 1050 in 2015. From January 1, 2016 through the end of October, authorities put to death at least 469 people. Rights groups have documented four executions of juvenile offenders this year and at least one additional unconfirmed case. In 2016, execution rates have dropped, nonetheless, Iran still averages over one execution per day. Death penalty monitoring groups note that there is no indication that the relative decrease is due to a change in the policy, but rather a traditional pause in executions during Parliamentary elections, the Nowrouz holiday, and the holy month of Ramadan.

## TOP DEATH PENALTY CONCERNS

**Narcotic Executions:** Approximately 60 percent of all executions in Iran are 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 from consideration during sentencing for many non-violent drug crimes. This bill has yet to move past the most preliminary stages in the legislative process.

**Juvenile Executions:** Despite revisions to Iran's 2013 Penal Code, which permits judges on a discretionary basis to take the mental capacity of juveniles into consideration during sentencing, authorities executed at least 26 persons who were under the age of 18 at the time of the alleged crimes since the start of 2014.

**Case of note:** 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. As of October 2016, the court has continued to ignore this new evidence.

**Case of note:** In October 2014, a criminal court sentenced Zeinab Sekaanvand Lokran to death for the alleged murder of her husband. She was 17-years-old at the time the crime and is now at risk of imminent execution. Rights groups report that her trial was unfair and that police allegedly beat Zeinab leading to a confession, which she later retracted.

**Executions of Kurdish Political Prisoners:** At the start of 2016, 37 Kurdish political prisoners, mainly active Sunni Muslims, were on Iran's death row. In August 2016, Iranian authorities executed at least 20 of these men.

**Case of note:** One prisoner, Mohammad Abdollahi, is believed to have been executed on August 9, 2016. Rights groups, however, have not been able to confirm this fact. Abdollahi was charged with the capital offense of *moharebeh*, or "enmity against God," for his alleged membership in a Kurdish opposition group. Abdollahi insisted that he simply obtained a membership card in the group.

**Torture and Fair Trials:** 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.

**Cases of note:** 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

Attacks on freedom of expression, association, and assembly continued in the past year, 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. A Revolutionary Court sentenced prominent reformist journalists Issa Saharkhiz to nearly two years in prison on charges of “acting against national security” and “propaganda against the state.”

Iran continues to hold at least 900 political prisoners and prisoners of conscience who were unlawfully detained for exercising their rights to freedom of expression, association, assembly, and religion, or 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. The lack of fair trial safeguards raises serious questions as to whether they too, were targeted for exercising basic rights. Many detainees have reported facing torture and ill-treatment, including severe beatings, mock executions, and prolonged solitary confinement.

### TOP FREEDOM OF EXPRESSION, ASSOCIATION, AND ASSEMBLY CONCERNS

**Arbitrary Detention of Human Rights Defenders:** Iranian authorities continue to subject human rights defenders and lawyers to a series of limitations, including arbitrary detention.

**Case of note:** 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.

**Cases of note:** The UN Working Group on Arbitrary Detention found the detentions of two human rights defenders currently held in Iranian prisons to be arbitrary: lawyer Abdolfattah Soltani and journalist Mohamad Saddigh Kaboudvand, the latter of whom is also a member of Iran's Kurdish minority. A leading human rights lawyer, Soltani was arrested on September 10, 2011. In 2012, an appeals court sentenced him to 13 years in addition to a 20-year ban on practicing law.

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.

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

**Extra-judicial house arrest of opposition leaders:** Iranian authorities have held three opposition leaders, Mir Hossein Mousavi, Mehdi Karroubi, and Zahra Rahnava, under house arrest for over five 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. On August 29, 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 RIGHTS

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 12.8%, five times lower than men, according to government figures. 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.

### TOP WOMEN'S RIGHTS CONCERNS

**Draft Laws:** Iran is currently debating at least 6 draft laws that, if passed, would cause future harm to women's rights by limiting access to health and family planning services, employment, or putting at risk protections for gender-based violence.

**Cases of note:** 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.

**Discrimination in public and private sector 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 country's laws and procedures guarantee equal opportunities for women and men in employment.

**Threats to women's rights defenders:** Women's rights defenders that advocate reforms to gender-biased laws are often subject to harassment and prison. Throughout 2016 women's rights defenders have reported an uptick in summons, interrogations and short detentions.

## 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 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. In November 2015, the Ministry of Intelligence arrested 15 Bahá'í community members in simultaneous raids in Tehran, Isfahan, and Mashhad. 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.

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 school in heavily Kurdish populated provinces and a Kurdish literature major at one University.

### TOP MINORITY RIGHTS CONCERNS

**Right of Bahá'ís to higher education:** Bahá'ís are denied access to higher education in law and practice. 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.

**Case of note:** 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.

**Detention of Bahá'í leaders:** In 2008, the UN Working Group on Arbitrary Detention found the detentions of seven Bahá'í leaders, called the Yaran, who had been sentenced to 20 years in prison, illegal under international law. The seven include two women, Fariba Kamalabadi and Mahvash Sabet, and five men, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaei, Behrouz Tavakkoli, and Vahid Tizfahm. Authorities arrested them in 2008 and convicted them in 2010 for organizing and representing the affairs of their religious community.

**Christian arrests:** 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.

**Executions of Kurdish Political Prisoners:** (see above)

### COOPERATION WITH THE UN HUMAN RIGHTS MECHANISMS

Despite its standing invitation to all Special Procedures, for over ten years, Iran has not granted access to its territory to any of the 6 thematic mandates who have requested a visit, nor to the Special Rapporteur on human rights in Iran. In the first half of 2016, as reported by the UN Secretary General, only 4 out of the 20 communications transmitted to Iran received a response from the authorities.

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. 2017 will mark the mid-term of Iran's second UPR and will be an opportunity to assess the state of implementation of the human rights commitments taken by Iran before the international community. 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 2014-2015.

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"

Moreover, 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.