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Human rights situations that require the Council's attention

Situation of human rights in the Islamic Republic of Iran*

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 66/175, in which the Assembly requested the Secretary-General to submit an interim report to the Human Rights Council at its nineteenth session. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of the resolution 66/175, including recommendations to improve its implementation. In the resolution, the Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous report of the Secretary-General (A/66/361) and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

* Late submission.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 66/175, in which the Assembly requested the Secretary-General to report to the Assembly at its sixty-seventh session and to submit an interim report to the Human Rights Council at its nineteenth session. It reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of the resolution. The report also draws upon observations made by treaty monitoring bodies, the special procedures of the Council and international non-governmental organizations. It refers to information from official State media, owing to the difficulty of collecting independent data on human rights in the Islamic Republic of Iran.

2. Since the previous report of the Secretary-General (A/66/361), human rights violations have continued, particularly in the case of journalists, human rights defenders, women's rights activists and Government opponents. Concerns about torture, amputations, flogging, the increasingly frequent application of the death penalty (including in public and in cases of political prisoners and juvenile offenders), arbitrary detention and unfair trials continue to be raised by United Nations human rights mechanisms. Freedom of expression and assembly remained curtailed; opposition leaders have remained confined under house arrest since February 2011. Discrimination against minority groups persisted, in some cases amounting to persecution.

3. There were some positive developments, however, including the engagement by the Islamic Republic of Iran with the Human Rights Committee, in October 2011, and the visit of a working-level mission of the Office of the United Nations High Commissioner for Human Rights (OHCHR), in December 2011, to prepare for a visit by the High Commissioner. Also, a new Islamic Penal Code, adopted by Parliament in January 2012, omits the penalty of stoning and reduces the range of offences for which the death penalty may be applied against juveniles.

II. Thematic issues

A. Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations

4. The recurrence of allegations of torture in detention facilities remains an area of grave concern to United Nations human rights mechanisms. The special procedures mandate holders of the Human Rights Council and the United Nations treaty bodies continue to express concern over reports of torture and other cruel, inhuman or degrading treatment or punishment taking place in detention facilities. During the review of the third periodic report of the Islamic Republic of Iran on the implementation of the International Covenant on Civil and Political Rights in October 2011,¹ the Human Rights Committee expressed deep concern about reports of the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities, particularly of those accused of national security-related crimes. The Committee also expressed concern about the continued imposition of corporal punishment by judicial and administrative authorities, in particular amputations and flogging for a range of crimes, including theft, *moharebeh* (enmity against God) and certain sexual acts. In response, the Iranian authorities stressed that the

¹ CCPR/C/IRN/3.

Constitution forbids torture, the Penal Code stipulates stringent punishment for offenders, and confessions extracted through torture have no legal validity.

5. As referred to the communications report submitted to the Human Rights Council in September 2011,² the Working Group on Arbitrary Detention, the Special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment, the Special Rapporteur on independence of judges and lawyers, and the Special Rapporteur on the situation of human rights defenders, in a joint communication, expressed concerns at the alleged detention and torture of Mohammad Reza Houtan Kian, a lawyer, who was arrested by security forces on 9 October 2010. After his indictment on 10 October, Mr. Kian was reportedly taken to Evin Prison, where he was allegedly kept in solitary confinement and subjected to frequent torture. On 24 January 2011, following a trial in which he had no access to a lawyer, Mr. Kian was reportedly sentenced to a year in prison and a five-year ban on practising law. Reports received also suggest that Nasser Alboshokeh Derafshan, an ethnic Arab who was reportedly arrested by security forces on 26 January 2012, died under torture during his detention. His family was informed of his death on 30 January 2012. During his detention, Mr. Alboshokeh was neither permitted contact with his family nor granted access to any legal representation. Local authorities reportedly warned the family members to keep the memorial service private as a condition for the funeral to take place.

6. Cases of amputation and corporal punishment, such as flogging, continue to be reported. On 11 December 2011, authorities in Shiraz reportedly amputated the hand and foot of two people. According to the official news agency, the Iranian Students' News Agency (ISNA), the foot amputation was carried out in Adel Abad Prison on an armed robber who had already had one hand amputated. A hand amputation was carried out simultaneously on a second person charged with robbery. The Public Prosecutor of Shiraz stressed in media reports the effectiveness of sharia law in the deterrence of crimes, and that the judiciary was determined to deal decisively with serious crimes.³ On 29 October 2011, another limb amputation was reported to have been carried out on a thief in Yazd central prison.⁴

7. Increasing cases of corporal punishment, particularly in public, also remain a cause of utmost concern. On 24 December 2011, a man accused of "forbidden acts" was reportedly publicly whipped in Masjid Soleiman province.⁵ On 20 December 2011, authorities in Shiraz carried out sentences of public lashing on three people accused of indecent conduct.⁶ Furthermore, according to media reports, three people accused of kidnapping were each publicly punished to 99 lashes on 31 October 2011 in Shahrod Province.⁷

B. The death penalty, including public executions

8. The Secretary-General welcomes the omission of the punishment of stoning and details of this method of execution in the new Islamic Penal Code adopted by Parliament in January 2012. The Secretary-General regrets, however, that the new law fails to fully

² A/HRC/18/51.

³ ISNA, 11 December 2011. Available from <http://isna.ir/ISNA/NewsView.aspx?ID=News-1907876>.

⁴ Ibid., 29 October 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1879851&lang=p.

⁵ Ibid., 24 December 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1916573&lang=p.

⁶ Ibid., 20 December 2011. Available from <http://isna.ir/ISNA/NewsView.aspx?ID=News-1914750>

⁷ Ibid., 31 October 2011. Available from <http://isna.ir/ISNA/NewsView.aspx?ID=News-1914750>.

abolish the death penalty or to restrict its imposition to only the “most serious crimes”, as stipulated in article 6 (2) of the International Covenant on Civil and Political Rights. The new Penal Code still envisages the death penalty for people charged with “acts against national security”, *moharebeh*, *Mofsid Fil Arz* (corruption on earth), drug trafficking, rape, *Qisas* (retribution in kind) and certain other *hudud* crimes.

9. The death penalty reportedly continues to be widely applied, especially for drug-related cases. In 2011, Amnesty International documented alarmingly high rates of drug related executions involving both Iranian citizens and foreign nationals; of 600 recorded executions in 2011, 488 were for drug-related offences. Thousands of people, including foreign nationals (particularly Afghans), are reported currently to be on death row.⁸ On 22 September 2011, in a press statement, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment condemned the ongoing executions of people charged with drug-related offences, stressing that these do not amount to the most serious crimes for which the death penalty may be applied under international law. Concerns were also raised regarding fair trial safeguards, and access to lawyers and families for those convicted. The Iranian authorities argue that the issue of combating drug trafficking is a top priority for the country and must be deterred by severe penalties. OHCHR and special procedures mandate holders also received numerous reports on the application of *Qisas*-related executions.

10. On 26 May 2011, the Special Rapporteur on extrajudicial, summary or arbitrary executions⁹ drew the attention of the authorities to two members of the Kurdish minority at risk of imminent execution. Habib Latifi and Sherko Moarefi, accused of *moharebeh*, had their death sentences upheld by the Supreme Court for the second time in 2011 and their files were subsequently forwarded for execution of the sentence. On 17 December 2011, Iranian media reported that the death sentence of Zienab Jalaliyan, another Kurdish activist, had been commuted to life imprisonment. Ms. Jalaliyan had been sentenced to death on charges of *moharebeh* for her alleged membership in the Party of Free Life of Kurdistan, defined as a terrorist group in the Islamic Republic of Iran.¹⁰

11. Sakineh Mohammadi Ashtiani, who was sentenced to death by stoning in 2006, still faces the risk of execution by hanging. On 25 December 2011, the head of the judiciary of the Eastern Azerbaijan province reiterated that the order for Ms. Ashtiani’s execution by hanging could be issued at any time. The order is reportedly pending the final approval of the chief of the national judiciary.¹¹ Ms. Ashtiani is currently serving a 10-year prison sentence for complicity in her husband’s murder.

12. A further worrying trend is the increasing number of public executions. At least 40 public executions were reported by the authorities to have been carried out in 2011. Some of the executions were reportedly attended by a large crowd, including minors, a fact that also raises serious concerns about the devastating effect on the development of children who witness such executions. The authorities defend executions in public as effective in crime prevention. On 20 January 2012, a person accused of rape was reportedly hanged

⁸ Amnesty International, “Addicted to Death” 15 December 2011. Available from www.amnesty.org/en/library/info/MDE13/090/2011/en.

⁹ A/HRC/18/51, p. 115.

¹⁰ ISNA, 17 December 2011. Available from www.isna.ir/isna/newsView.aspx?ID=News-1912039&lang=p.

¹¹ Ibid., 25 December 2011. Available from <http://isna.ir/isna/newsView.aspx?ID=News-1917859>.

publicly in Khwajawi Square Karman.¹² On 14 December 2011, media reports that a man who had cut his wrist a few minutes before his scheduled execution and was reportedly bleeding heavily was hanged publicly in Danesh Square of Shahre Kord.¹³ On 13 December 2011, two people accused of kidnapping and rape were reportedly publicly executed in the town of Rostam, Fars Province.¹⁴

C. Execution of juvenile offenders

13. In a welcome development, the new Islamic Penal Code revokes capital punishment for persons under the age of 18 charged with certain crimes, such as smuggling narcotics. The law does not, however, increase the age of criminal liability of children, raising serious concern that children accused of murder may continue to face the death penalty. For example, in cases of attempted premeditated murder, persons under the age of 18 may remain in juvenile correction centres and be executed after reaching the legal age.¹⁵ However, during its visit to Tehran in December 2011, the OHCHR delegation was informed by the authorities that the number of juvenile executions had dropped dramatically, and that offences committed by persons under the age of 18 were tried in children's courts, where efforts were being made to apply lenient punishments. The authorities also pointed out that, even in cases of *qisas* (retribution), regarded under Iranian law as the private right of the victim's family and which cannot be overruled by the judiciary, extensive efforts were being made by the Conciliation Commission of the judiciary to encourage families of the victim and perpetrator to reach a *diyah* (blood money) settlement. They also informed the delegation that the Government's policy was to encourage the next of kin to forfeit the right to *qisas*, and that each year specific funds were earmarked by the Ministry of Justice to assist those convicted to pay the *diyah* settlement.

14. Against this backdrop, recurring cases of juvenile executions remain a serious cause for concern. On 22 September 2011, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment publicly condemned the practice of juvenile executions in the Islamic Republic of Iran, and noted that, despite the repeated calls of the international community's for a moratorium, three juveniles had been executed in public that year.¹⁶ These cases included the public execution on 21 September 2011 of 17-year-old Alireza Molla Soltani. The experts stressed that there was an absolute ban on the death penalty against persons under the age of 18 under international human rights law, and that any judgements imposing the death penalty upon juveniles below the age of 18, and their execution, were incompatible with the country's international obligations.

15. On 11 February 2011, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial and summary execution, in a

¹² Ibid., 20 January 2012. Available from www.isna.ir/isna/newsView.aspx?ID=News-1933892&lang=p.

¹³ Ibid., 14 December 2011. Available from <http://isna.ir/isNA/newsView.aspx?ID=News-1909371>.

¹⁴ Ibid., 13 December 2011. Available from <http://isna.ir/isNA/newsView.aspx?ID=News-1909382>.

¹⁵ Ibid., 20 February 2012. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1952901&Lang=P.

¹⁶ See "Iran: UN experts condemn public execution of juvenile and reiterate call for immediate halt on death penalty" at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11415&LangID=E.

joint communication,¹⁷ expressed their concern at the imposition of the death penalty on two children, Fatemeh Salbehi and Rangraz Tabatabaa'ie. According to information received, Ms. Salbehi was 16 years old when arrested in relation to the murder of her husband. She was reportedly interrogated without the presence of a lawyer. The Fars Criminal Court convicted her of murder and subsequently sentenced her to death. The death sentence was upheld by the Supreme Court. Mr. Tabatabaa'ie was allegedly arrested on suspicion of *lavat* (sodomy) in 2007 at the age of 17. He had no access to a lawyer and his confession was allegedly obtained under torture, which the court used as basis for the ruling. The Fars Criminal Court sentenced Mr. Tabatabaa'ie to death for offences allegedly committed when he was a child. The Supreme Court has reportedly upheld the decision.

D. Women's rights

16. With regard to the Millennium Development Goals, the Islamic Republic of Iran has made notable progress under Goal 1 (to reduce extreme poverty), Goal 2 (to achieve universal education), Goal 4 (to reduce child mortality by half) and Goal 5 (to reduce maternal mortality by two-thirds). It has also made considerable progress in literacy, health and education indices for women under its national development plans introduced in 1989. The female to male ratio for literacy was found to be 0.88, while the ratio for females to males in tertiary education increased from 1.09 to 1.15 in 2009. Access to health services, including reproductive health services, has improved; cases of infant mortality decreased to 21 to 1,000, while the maternal mortality ratio is 30 to 100,000. Births attended by skilled health staff rose from 90 per cent in 2007 to 97 per cent in 2011. Women account for 55 per cent of total staff members, and 71 per cent of staff in the nursing and midwifery sectors of the Ministry of Health and Medical Education and affiliated organizations. Gender disparities, however, differ among geographic regions.

17. Despite the progress made in higher education and health, scarce job opportunities and concomitant cultural and religious norms restrict women's employment.¹⁸ According to the Human Development Report for 2011, the Islamic Republic of Iran ranks 98 out of 187 in gender inequality.¹⁹ Only 13 per cent of the workforce in paid positions are women. In March 2010, the estimated unemployment rate was 11.9 per cent, but 16.8 per cent for women. There are reportedly more women civil servants, although the private sector is still male-dominated. It is reported that women's admission to higher education, at least in technical universities, has been recently restricted. Based on these restrictions, it is estimated that less than 32 per cent of admitted students are female (45 per cent in 2007-2008). If the decrease continues, women with higher education run the risk of having fewer opportunities for better paid jobs.

18. According to the Civil Code, the minimum age required for marriage is 13 years for girls and 15 years for boys. The Secretary-General is concerned at the low minimum age for girls, which is discriminatory and low by international standards. Iranian authorities claim, however, that, in practice, the age of marriage among boys and girls has risen and no one tends to marry under the age of 18. Nonetheless, marriages of girls under the age of 10 have been reported. On 24 December 2011, the Head of the General Documents Registration Department of Hormzgan reported that five girls under the age of 10 had been

¹⁷ A/HRC/18/51, p. 46.

¹⁸ On 9 August 2011, Prosecutor General of Alبرز Province stated that the recruitment of women employees pave the way for rape and kidnapping. See www.isna.ir/ISNA/NewsView.aspx?ID=News-1823757.

¹⁹ Human Development Report 2011, UNDP, 2011. Available from www.undp.org/content/undp/en/home/librarypage/hdr/human_developmentreport2011.html.

married in the province.²⁰ According to a report published by the official news outlet Khabaronline, 800,000 children have been married, of whom the majority are girls. The report cites a 6.5 per cent increase in the number of child mothers, and suggests that 85 per cent of married girls between the age of 10 and 18 are married to men aged older than 18.

19. Sistan and Baluchistan, provinces with low development indices, are reported to account for the highest rates.²¹ Reports of forced marriage are also emerging from some parts of the country. The head of the judiciary in Ilam reported that more than 10 per cent of marriages in the province were forced, and pointed out that forced marriages were the main reasons for the high rate of divorce and suicide among women in the province.²² Furthermore, 66 per cent of Iranian women have reportedly experienced domestic violence at least once after their marriage. The rate was even higher in the southern cities of Bandar-abbas and Zahedan.

20. Reports suggest that women's rights activists remain under pressure for their advocacy; in particular, members of the Mourning Mothers²³ and One Million Signatures Campaign continue to face harassment, intimidation and prosecution for their activities. Seven supporters of the Mourning Mothers were arrested in February 2010. Of these, Leila Seifolahi, Jila Karamzadeh Makvandi and Fatima Rastagari Nasab were all recently sentenced to four years of imprisonment for having "created an illegal organization" and "acted against national security".

E. Minorities

21. Special procedures mandate holders continue to receive reports of harassment, intimidation and persecution of minorities. Religious and ethnic minorities are reported to have been subjected systematically to a range of human rights violations and discrimination. On 22 February 2011, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on freedom of religion or belief and the independent expert on minority issues, in a joint communication,²⁴ expressed concern at the arrest and detention of 27 members of the Christian community between April 2010 and January 2011, which they feared could be linked to their religious beliefs or their peaceful activities on behalf of the Christian community. Pastor Behnam Irani, leader of a small church in Karaj, was arrested in April 2010 while conducting church services. On 16 January 2011, he was reportedly tried on charges of apostasy and "action against the order". It is alleged that, on 24 January 2011, Pastor Irani was kidnapped after leaving the tribunal. The authorities stress that religious and ethnic minorities enjoy protection under the Constitution and are free to perform their religious rites and ceremonies and, within the limits of the law, to act according to their own canon in matters of personal affairs and religious education, and that individuals were not arrested or persecuted because of their belief.

²⁰ ISNA, 24 December 2011. Available from <http://isna.ir/ISNA/NewsView.aspx?ID=News-1916579>.

²¹ Khabaronline, 1 January 2012. Available from <http://khabaronline.ir/detail/192019/society/family>.

²² Ibid., 1 January 2012. See www.isna.ir/ISNA/NewsView.aspx?ID=News-1887688.

²³ The Mourning Mothers are women whose children have been killed, disappeared or detained in post-election violence of 2009.

²⁴ Working Group on Arbitrary Detention, Working Group on Enforced or Involuntary Disappearances, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Special Rapporteur on freedom of religion or belief and Independent Expert on minority issues. A/HRC/18/51

22. The case of Pastor Yousuf Naderkhani, who was sentenced to death for apostasy and evangelism, received considerable international attention. Arrested in October 2009, Pastor Naderkhani was found guilty and sentenced to death in September 2010. The death sentence was reportedly upheld by the Supreme Court, which added that, unless the accused decided to renounce Christianity, he would be executed by hanging. On 11 October 2011, however, the Supreme Court reportedly announced that the case was being re-examined owing to technicalities and that no final verdict had been passed.²⁵ Earlier in October 2011, the Deputy Governor of Gilan Province laid new charges against Pastor Naderkhani, stating that he is not accused of converting people to Christianity but was rather guilty of crimes relating to security and of running a brothel.²⁶

23. Reports of discrimination and restrictions, including travel bans, against members of Sunni Muslim sects also continued to be received. In November 2011, two Sunni scholars, Mufti Muhammad Qasim Qasimi and Mawlana Ahmad Noori, were prevented from travelling to Saudi Arabia for the *Hajj*. Mr. Qasimi, the interim *khateeb* of Sunnis in Zahedan and editor-in-chief of *Neday Islam* magazine, was stopped at Zahedan International Airport, while Mr. Noori, a senior teacher of Dar-al Uloom Zahedan, was stopped at Tehran airport. Sunni scholars have long complained about restrictions on building mosques and houses of worships in Tehran and Esfahan, and also on offering Friday and Eid prayers in congregations.

24. Special procedures mandate holders continue to raise the issue of mistreatment and discrimination against members of the Baha'i community with the Iranian authorities. In a joint communication of 22 February 2011,²⁷ the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on freedom of religion or belief and the independent expert on minority issues expressed concern at the arrest and detention of 11 members of the Baha'i community in December 2010. In almost all cases, security agents reportedly searched their homes and confiscated books and other materials relating to the Baha'i faith. The mandate holders also expressed concern regarding the personal security of seven Baha'i community leaders, who were sentenced to 20 years in prison in 2011. On 23 October 2011, in a press conference, the Special Rapporteur on freedom of religion or belief stressed that States are duty-bound to protect freedom of religion or belief, which is a fundamental human rights. He pointed out that the Islamic Republic of Iran had a policy of systematic persecution of persons belonging to the Baha'i faith, excluding them from the application of freedom of religion or belief by simply denying that their faith had the status of a religion.²⁸ Iranian authorities regard Baha'ism as a political organization or cult, and stress that members of the organization have never obtained the required permit, which makes their activities illegal and against existing regulations.²⁹ On 16 January 2012, the Head of the Yazd judiciary

²⁵ ISNA, 11 October 2011. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1867144&lang=p.

²⁶ PressTV, "Iran denies death penalty for convert", 5 October 2011. Available from www.presstv.ir/detail/202870.html.

²⁷ Working Group on Arbitrary Detention, Working Group on Enforced or Involuntary Disappearances, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Special Rapporteur on freedom of religion or belief and Independent Expert on minority issues. A/HRC/18/51

²⁸ Baha'i World News Service, "UN religious freedom expert: Iran is systematically persecuting Baha'is", 23 October 2011. Available from <http://news.bahai.org/story/862>.

²⁹ Statement of Dr Mohammad Javad Larijani to the General Assembly, 21 November 2011.

reportedly warned that members of the Baha'i community who caused disruption in the country would be seriously dealt with.³⁰

F. Freedom of peaceful assembly and association, and freedom of opinion and expression

25. In its third periodic report submitted to the Human Rights Committee, the Islamic Republic of Iran stated that "all institutions of Government arise from the will and direct or indirect vote of the people".³¹ The State party stressed that the electoral system was in conformity with article 25 of the International Covenant on Civil and Political Rights, which provides for free and fair elections. The Committee, however, expressed its concern at both the registration requirements in election campaign³² and the right of the Guardian Council to reject parliamentary candidates.³³ The eligibility of candidates is defined by the Guardian Council, which screens all candidates. There are persistent concerns that the vetting power of the Guardian Council reduces the space for those who wish to participate in political life and undermines the right of Iranian citizens to elect the candidates of their choice. Furthermore, the absence of women, Sunni Muslims and recognized religious minorities in this powerful institution appears to undermine the fairness and transparency of the process.

26. A total of 5,395 people, including 428 women, had signed up for the country's ninth parliamentary elections, scheduled for 2 March 2012. When compared with the parliamentary elections of 2008, the number of registered candidates had dropped by 30 per cent, a fact that the authorities attributed to amendments made to the electoral law, such as the requirement that the candidate hold a master's degree.³⁴ The candidates registered and running for election included 260 currently sitting lawmakers. On 11 February 2012, the Guardian Council announced its approval of 3,400 candidates to run for the elections in March. Approved candidates had eight days to campaign,³⁵ which restricted their ability to present their policies and agendas to their constituents, and also limited voters' access to the information necessary to be able to make an informed choice.

27. Authorities estimated the overall turnout at 64.2 per cent for the election held on 2 March, an increase in voter turnout of 10 per cent, over the previous parliamentary elections. Some 3,467 candidates reportedly competed in the election, and 48 million citizens were eligible to vote at more than 47,000 polling stations across the country. A total of 850,000 observers reportedly supervised the election process, and 13,000 local and 350 foreign reporters provided coverage. Serious concerns remain about the vetting of the candidates for the election.³⁶ Initial reports indicated that between 30 and 50 currently serving members of the parliament, including Ali Motahari, a vocal critic of the

³⁰ ISNA, 16 January 2012. Available from www.isna.ir/ISNA/newsView.aspx?ID=news-1931423&Lang=P.

³¹ CCPR/C/IRN/3, para. 6.

³² According to the current electoral law, potential candidates for Parliament must hold Iranian nationality, be between 30 and 75 years of age, uphold the values of the Islamic Republic, have no criminal records, be of sound body and mind, hold a master's degree, abide by the Constitution and show allegiance to the Constitution and *Velayat-e faqih* (Supreme Jurisprudence).

³³ CCPR/C/IRN/CO/3, para. 29.

³⁴ Nearly 7,600 people registered for the 2008 elections, of whom some 4,600 were cleared to run.

³⁵ The Minister for the Interior announced that the official campaign would start on 23 February and close on 1 March 2012. *TehranTimes*, 19 February 2012, available from www.tehrantimes.com/politics/95623-parliamentary-campaign-officially-starts-on-feb-23.

³⁶ See www.tehrantimes.com/politics/96069-majority-of-parliamentary-seats-decided.

Government, Hamidreza Katoziyan, the chairman of the Majlis Energy Committee and a conservative who supported the opposition candidate Mir Hussein Mousavi during the 2009 presidential elections, Dariush Qanbari, the spokesman of the Majlis minority faction, and Alireza Mahjoub, who is considered a representative of labourers, had been disqualified.³⁷ Some Members of Parliament challenged the legality of their disqualification, although few of the above-mentioned candidates were reportedly reinstated. At least 28 Members of Parliament, who had called for the questioning of the President, were reportedly either disqualified or their candidature rejected.³⁸ It was also reported that the Guardian Council reinstated a number of candidates only days before the election, thus depriving candidates of the possibility of conducting proper campaigns. Senior officials and the clergy have reportedly denounced reformist candidates and appealed for a high voter turnout in response to opposition moves to encourage a boycott of the polls. According to media reports, the judiciary has also announced that any statement calling for a boycott of the elections and endangering security is a crime.³⁹

28. In early November 2011, three reformist political parties (the Islamic Iran Participation Front, the Mujahidin of the Islamic Revolution of Iran and the Freedom Movement of Iran) reportedly had their licenses suspended and were banned from upcoming elections. On 4 November 2011, Solat Mortazawi, Chief of parliamentary election headquarters, announced that the three parties did not have relevant permits for political activities and were thus banned from running or presenting electoral lists for the election in March 2012.⁴⁰

29. The Secretary-General is concerned that the two main opposition leaders, Mir Hussein Mousavi and Mehdi Karoubi, remained under house arrest and had limited contacts with the outside world during the elections. Such restrictions adversely affect the holding of free, fair and participatory elections. The opposition leaders were put under house arrest after seeking permission from the authorities to stage a rally on 14 February 2011. On 16 November 2011, Mohammad Javad Larijani, Head of the High Council for Human Rights, publicly stated that the reasons for the confinement of the opposition leaders included incitement to violence and other illegal activities.⁴¹

30. Concerns continue about the continued crackdown on media professionals and the pervasive restrictions applied to freedom of opinion and expression. In its concluding observations on the report submitted by the State party, the Human Rights Committee expressed its concern at the arrest and detention of many journalists, newspaper editors, film maker and media workers since the presidential election of 2009, and that many newspapers and magazines had been closed. The Committee also expressed its concern about the monitoring of Internet use and contents, the blocking of websites carrying political news and analysis, the slowing down of Internet speeds and the jamming of foreign satellite broadcasts, in particular since the elections.⁴²

31. During the reporting period, authorities continued to apply heavy restrictions to the media, in particular various newspapers, foreign broadcasters and websites, and arrested a

³⁷ See www.tehrantimes.com/politics/94435-initial-report-on-approved-parliamentary-candidates-released.

³⁸ See ISNA, 25 February 2012. Available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1956345&Lang=P,

³⁹ ISNA, 2 January 2012. Available from <http://isna.ir/Isna/newsView.aspx?ID=News-1923440>.

⁴⁰ Aftab, 4 November 2011 See www.aftabnews.ir/vdchi6n23nxxd.tft2.txt.

⁴¹ Press conference on human rights and regional development, 16 November 2011. Available from www.unmultimedia.org/tv/webcast/2011/11/press-conference-human-rights-and-regional-development.html.

⁴² CCPR/C/IRN/CO/3, para. 27.

large number of journalists. According to various sources,⁴³ more than 40 journalists are currently imprisoned, with at least seven journalists and bloggers detained solely in January 2012. This includes the arrest of women's rights activist and blogger, Parastou Dokouhaki, on 15 January 2012; and the arrest of the journalists Marzieh Rasouli, on 17 January on charges of "acting against national security"; Sahamoddin Bourghani, on 18 January; and Saeed Madadi, on 7 January. Furthermore, on 15 January, the Director of the official Iranian news agency IRNA and the press adviser to President Mahmoud Ahmadinejad, Ali Akbar Javanfekr, was given a one-year suspended jail sentence and a five-year ban on membership of parties, groups and associations, as well as on journalistic and media activities concerning topics deemed contrary to Islamic norms and public morals.⁴⁴

32. On 29 January 2012, the Supreme Court reportedly upheld the death sentence for blogger Saeed Malekpour on charges of "corruption on earth" for having developed a website considered obscene in Persian.⁴⁵ IT professionals Vahid Asghari and Ahmad Reza Hashempour were also sentenced to death by a lower court on similar charges. In a recent report, the Special Rapporteur on the promotion of the rights to freedom of opinion and expression stressed that the imprisonment of bloggers was a clear example of the criminalization of legitimate expression, pointing out that 13 bloggers had been imprisoned in the Islamic Republic on charges relating to the content of their online expression.⁴⁶

33. Journalists and other media professionals working with foreign-based media outlets have also faced arrest on suspicion of espionage. The arrests on 17 September 2011 of independent documentary film-makers Hadi Afarideh, Shahnaz Bazdar, Mojtaba Mitahmasb, Naser Saffarian, Katayoun Shahabi and Mohsen Shahrnazar in connection with a BBC documentary about the Supreme Leader Ayatollah Ali Khamenei, sparked widespread protests and criticism. On 20 September, the authorities stated that the people arrested had carried out anti-Iranian missions by providing the BBC with information.⁴⁷ The BBC rejected the allegations and stressed that none of the six Iranian film makers had been involved in the production of the documentary. In December 2011, the official news agency ISNA reported that all six film-makers were released after each posted the equivalent of \$200,000 bail.⁴⁸ On 13 November, the Iranian authorities reported the arrest of Hassan Fathi for working secretly for the Persian language service of the BBC. Mr. Fathi was charged with "spreading lies" about the Islamic Republic and attempting to manipulate public opinion.⁴⁹ On 6 February 2012, State media again reported the arrest of people secretly working for the Persian language services of BBC.⁵⁰ Reports also suggest that the authorities routinely harass, intimidate, question and detain relatives of Iranian journalists working with foreign-based media.⁵¹

⁴³ "Imprisonments jump worldwide, and Iran is worst", Committee to Protect Journalist, 28 December 2011. (available from www.cpj.org/reports/2011/12/journalist-imprisonments-jump-worldwide-and-iran-i.php); and "IFJ condemns the latest arrest of journalists in Iran", International Federation of Journalists, 20 January 2012 (available from www.ifj.org/en/articles/ifj-condemns-latest-arrests-of-journalists-in-iran).

⁴⁴ ISNA, 15 January 2012. Available from www.isna.ir/ISNA/newsView.aspx?ID=news-1930881.

⁴⁵ Ibid., 29 January 2012. See www.isna.ir/ISNA/newsView.aspx?ID=news-1938826&lang=p.

⁴⁶ A/HRC/17/27, para. 35.

⁴⁷ PressTV, 21 October 2011. See www.presstv.com/detail/205889.html.

⁴⁸ ISNA, 9 November 2011. See www.isna.ir/ISNA/NewsView.aspx?ID=News-1888068.

⁴⁹ Mehrnews, 13 November 2011. See www.mehrnews.com/en/NewsDetail.aspx?NewsID=1459580.

⁵⁰ Ibid., 6 February 2012. See www.mehrnews.com/fa/newsdetail.aspx?NewsID=1527384.

⁵¹ The BBC reported that it had seen "disturbing new tactics", including the targeting of family members of those working outside the Islamic Republic of Iran. It reported, for example, that the sister of a BBC Persian staff member had been detained and held in solitary confinement at a Tehran jail. See "Iran accused of intimidating BBC Persian staff", BBC news, 3 February 2012, Available

34. The decision of the Ministry of Culture and Islamic Guidance to close the Iranian House of Cinema, which was founded 20 years ago and registered as a non-governmental institute, received considerable attention both locally and internationally. The institute was the parent group for motion picture guilds and a forum of visual artistic expression with more than 5,000 members. The Ministry of Culture and Islamic Guidance claimed that the guild had been established without following required legal procedures, and that amendments had been made to its charter without the Iran Public Culture Council having been informed. Marzieh Vafamehr, a prominent actress who was arrested in June 2011, was released in October 2011 after having spent nearly five months in Varamin prison, south-east of Tehran. Ms. Vafamehr was charged with having participated in “the production of a vulgar film” and “anti-sharia conduct”, for pretending to drink alcohol, shaving her head and appearing without *hijab* (Islamic dress) in a film. She was initially sentenced to one year in prison and 90 lashes, which was, however, commuted to a suspended sentence of three months of imprisonment.

35. On 28 December 2011, authorities reportedly blocked access to the website run by the Chairman of the Expediency Council, Akbar Hashemi Rafsanjani. On 2 January 2012, the Prosecutor-General, Gholam Mohsen Eijei, confirmed that the website had been blocked because it had criminal content.⁵² Authorities also reportedly introduced a new set of regulations that require all Internet cafés to install surveillance cameras and collect personal information about their customers.⁵³ According to media reports, police closed down a number of Internet cafés and arrested their owners for using proxies and not implementing proper security measures.⁵⁴ Access to foreign webmail services, such as Gmail, Yahoo and Hotmail, reportedly also continues to be disrupted. On 11 February 2012, the semi-official Mehr news outlet reported that, since 9 February 2012, more than 30 million people in the Islamic Republic of Iran had no access to their foreign e-mail accounts.⁵⁵ Declaring Internet access a human right, the Special Rapporteur on the promotion of the rights to freedom of opinion and expression has stressed that everyone has the right to express himself or herself through any media or new communication technologies such as the Internet; for that reason, restricting access completely was in breach of article 19 of the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.⁵⁶

36. During the period under review, a number of newspapers were banned and several others had their licenses revoked. On 5 November 2011, Iranian authorities reportedly banned *Rozgar* for two months for propaganda against the system and for having published classified information.⁵⁷ Another daily newspaper, *Etemad*, was reportedly closed down for alleged propaganda against the system, acts against national security, publication of unfounded issues and insult. On 20 November 2011, the Tehran Prosecutor confirmed the suspension of activities of *Etemad*.⁵⁸ In 2011, authorities also reportedly issued a blacklist of publishers and writers and suspended the licenses of numerous publishers. Several publishers were allegedly prevented from exhibiting at the Tehran International Book Fair. Writers have also reportedly been subjected to harassment by tax authorities or censorship

from www.bbc.co.uk/news/world-middle-east-16874177. See also Human Rights Watch, “Iran: Stop Holding Reporters’ Relatives Hostage”, 3 February 2012. Available from www.hrw.org/news/2012/02/02/iran-stop-holding-reporters-relatives-hostage.

⁵² Mehrnews, 2 January 2012. See www.mehrnews.com/en/NewsDetail.aspx?NewsID=1499708.

⁵³ ISNA, 3 January 2012. See <http://isna.ir/ISNA/newsView.aspx?ID=news-1923707>.

⁵⁴ Ibid., 1 January 2012. See www.isna.ir/ISNA/NewsView.aspx?ID=News-1922195.

⁵⁵ Mehrnews, 11 February 2012. See www.mehrnews.com/fa/newsdetail.aspx?NewsID=1531304.

⁵⁶ A/HRC/17/27.

⁵⁷ ISNA, 5 September 2011. See www.isna.ir/ISNA/NewsView.aspx?ID=News-1840700.

⁵⁸ Ibid., 20 November 2011. See www.isna.ir/ISNA/NewsView.aspx?ID=News-1894235&lang=p

practices of the Ministry of Culture and Islamic Guidance, which have had an adverse impact on the publishing industry and resulted in number of writers postponing the publication of their books.

37. The Secretary-General notes with concern that human rights defenders continue to face a precarious situation in the Islamic Republic of Iran. On 10 September 2011, authorities arrested Abdolfattah Soltani, a prominent lawyer and human rights activist in Tehran, on charges of collusion, propaganda against the system and acquisition of property through illegitimate means. He was reportedly taken to Evin Prison and placed in solitary confinement. His house and law office were searched and his computer and personal documents were confiscated. Mr. Soltani has represented many high-profile political and human rights activists; his arrest is believed to be linked to his profession as a human rights activist and lawyer. A court hearing scheduled for 31 December 2011 was postponed at the request of Mr. Soltani, and owing also to the absence of the prosecutor.⁵⁹ In February 2012, Mr. Soltani was allegedly sentenced to 18 years of imprisonment and banned from practicing law for 20 years. On 16 November 2011, during a press conference in New York, the Head of the High Council for Human Rights in Iran, Dr. Mohammad Javad Larijani, stated that no lawyer was in prison for his/her profession, but accused Mr. Soltani of having had ties with terrorist groups.

38. The Secretary-General regrets the fact that, despite persistent calls from the High Commissioner and from special procedures mandate holders, Nasrin Sotoudeh, another prominent human rights lawyer, remains in prison. Ms. Sotoudeh was arrested on 4 September 2010 and charged with having “acted against national security”, “not wearing *hijab* during a videotaped message”, “propaganda against the system” and for being a member of the Centre for Human Rights Defenders. She was sentenced to 11 years of imprisonment, as well as a 20-year ban on practicing law and leaving the country. In September 2011, the Court of Appeal reduced her sentence to six years and the ban on working to 10 years. On 6 May 2011, the Working Group on Arbitrary Detention, in its opinion 21/2011, found that depriving Ms. Sotoudeh of her liberty was arbitrary and in violation of various provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and requested the Government to release her immediately and provide her with adequate reparation. Furthermore, in September 2011, Nargis Mohammadi, a human rights activist and vice-president of the Centre for Human Rights Defenders, founded by Nobel laureate Shirin Ebadi, was sentenced to 11 years of imprisonment on charges of “assembly and collusion against national security”, membership of the Centre and propaganda against the regime. Ms. Mohammadi had been arrested at her home in Tehran on 10 June 2010 and taken to Evin Prison, where she was held incommunicado for 20 days before her release on bail on 1 July 2010. Although Ms. Mohammadi is currently on bail, she remains at risk of arrest.

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the United Nations human rights treaty system

39. The Islamic Republic of Iran has ratified five core international human rights treaties – the Convention on the Rights of the Child, the International Convention on the

⁵⁹ Ibid., 1 January 2012. See www.isna.ir/isna/newsview.aspx?id=news-1922654&lang=p.

Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities – and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It is also a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

40. The Human Rights Committee considered the third periodic report of the Islamic Republic of Iran⁶⁰ at its 103rd session, on 17 and 18 October 2011, the State party's first report submitted to the Committee in 18 years. In its concluding observations,⁶¹ the Committee welcomed the opportunity to renew its constructive dialogue with the Islamic Republic of Iran and noted various positive developments, such as the signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, its accession to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the ratification of the Convention on the Rights of the Child. The Committee, however, expressed concern at the inequality of women with regard to marriage, family and inheritance; the cases of harassment, persecution and cruel punishment, including the death penalty, faced by members of the lesbian, gay, bisexual and transgender community; the extremely high and increasing number of death sentences; the execution of minors; the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities; the frequent violations of fair trial guarantees; and the discrimination faced by minority groups. The Committee encouraged the Islamic Republic of Iran to ensure that all obligations of the Covenant are fully respected and Iranian legislation and practices are brought into line with its provisions.

B. Cooperation with special procedures

41. There have been no visits by special procedures mandate holders since 2005, despite a standing invitation issued to all thematic mandate holders in 2002. The Government of the Islamic Republic of Iran has agreed in principle to a number of visits of special procedures, including that of the Working Group on Enforced or Involuntary Disappearances,⁶² the Special Rapporteur on extrajudicial, summary or arbitrary executions⁶³ and the Special Rapporteur on freedom of religion or belief.⁶⁴ To date, however, the said visits have not been scheduled. Requests for country visits by other mandate holders, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, remain outstanding. Iranian authorities reconfirmed to OHCHR their plan to invite two mandate holders to visit in 2012, although the mandates have not yet been specified.

42. Since his appointment in August 2011, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has appealed to the Government to extend full cooperation to his mandate and also officially requested a country visit, without obtaining a positive response. The Special Rapporteur stressed that engagement with the country

⁶⁰ CCPR/C/IRN/3.

⁶¹ CCPR/C/IRN/CO/3.

⁶² A visit scheduled for July 2004 was postponed. Follow-up reminders for reschedule a visit were sent in 2008, 2009 and 2010.

⁶³ An initial request was sent in November 2004. Follow-up requests were sent in February 2005, October 2005, November 2006, December 2008 and September 2010.

⁶⁴ Visits were agreed to in principle in November 2003. Several follow-up requests and reminders were sent thereafter, most recently in November 2010.

mandate holder can only lessen the potential for politicization, about which the Islamic Republic of Iran has repeatedly expressed concern. In a positive move, the Permanent Missions of the Islamic Republic of Iran in New York and Geneva received the Special Rapporteur for a meeting and assured him of their cooperation. The Special Rapporteur presented his first report to the Human Rights Council at its nineteenth session (A/HRC/19/66), on 12 March 2012. Presenting the report, the Special Rapporteur regretted the unwillingness of Iranian authorities to cooperate substantively with human rights mechanisms, in particular with the country mandate holder. He also expressed his deep concern at the deteriorating situation of human rights in the country, in particular at the restrictions imposed on the freedoms of expression, association and assembly, the dramatic increase in the frequency of executions, the lack of due process and the discrimination against minorities. The Iranian authorities, however, stressed that the Special Rapporteur had repeated baseless allegations without paying any attention to the positive aspects of human rights in the country. The Special Rapporteur subsequently met with Khosro Hakimi, the Deputy Head of the High Council for Human Rights in Iran, and with Government officials visiting Geneva from Tehran.

43. Special Procedures mandate holders sent a total of 17 communications to the Islamic Republic of Iran in 2011, of which the Iranian authorities responded to only one.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

44. In February 2010, the Islamic Republic of Iran officially invited the High Commissioner to visit the country, which the High Commissioner accepted, but requested that a working-level mission be allowed to visit the country in advance to prepare for her visit. The Iranian authorities invited a working-level preparatory delegation to visit from 19 to 22 December 2011.

45. While in Tehran, the working-level delegation held meetings with senior Government officials, members of the judiciary, Members of Parliament, the NAM Centre on Human Rights and Cultural Diversity, the United Nations country team and diplomatic missions. Requests made before and during the visit for meetings with opposition figures under house arrest, access to other prisoners of concern, and a meeting with a range of independent civil society representatives, were declined. The delegation sought to raise individual cases of concern to the High Commissioner, and also offered technical assistance in relation to key legislation, such as the revised Islamic Penal Code, the Criminal Procedure Code, juvenile justice laws and a proposed new law on the establishment and supervision of non-governmental organizations. Following the discussions, it was agreed that a visit by the High Commissioner would require more in-depth preparation and outreach to different actors in the Islamic Republic of Iran. This could involve follow-up missions during which OHCHR staff members could interact with a broader range of officials, civil society and media, and further discuss priorities for a future programme of technical cooperation and the issues and cases that have been raised by the High Commissioner.

VI. Conclusions and recommendation

46. **In the present report, the Secretary-General highlights many areas of continuing concern in relation to the situation of human rights in the Islamic Republic of Iran. He is deeply troubled by reports of the increasing number of executions, including in public, executions of juvenile offenders, amputations, flogging, arbitrary arrest and detention, unfair trials, torture and ill-treatment, and the severe**

restrictions placed on media professionals, film-makers, human rights defenders, lawyers and opposition activists.

47. The Secretary-General notes that the authorities have taken some positive steps, for instance, the decision to revoke stoning as a method of execution and to limit the application of the death penalty for juvenile offenders. The Secretary-General expresses, however, his concern that the new Islamic Penal Code fails to abolish execution of juvenile offenders and has not raised the age of criminal liability of children. He strongly encourages the Government to revise the Islamic Penal Code and juvenile justice laws to ensure compliance with international human rights standards and to end punishments that are prohibited under international law. In the meantime, the Secretary-General calls upon the Islamic Republic of Iran to institute a moratorium on such executions.

48. The Secretary-General welcomes the recent efforts made by the Islamic Republic of Iran to report to human rights treaty bodies. He encourages the country to implement the concluding observations made in October 2011 by the Human Rights Committee with regard to the civil and political rights of the people of the Islamic Republic of Iran, and ensure that all obligations of the Covenant are fully respected in law and in practice. The Secretary-General calls upon the Government to ratify the remaining core international human rights treaties, in particular, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

49. The Secretary-General welcomes the expressed intention of the Islamic Republic of Iran to invite two special procedures mandate holders for a visit in 2012. He regrets, however, that despite requests for a country visit, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has not yet been admitted to the country. The Secretary-General encourages the Government to fully cooperate in the fulfilment of the Special Rapporteur's mandate by inviting him to the country.

50. The Secretary-General remains concerned about the low rate of replies to the large number of communications sent by other special procedures alleging very serious human rights violations, and calls upon the Government to strengthen its collaboration with the Human Rights Council in this particular area. The Secretary-General underscores the valuable contribution that special procedures mandates can make to monitoring and reporting on the human rights situation in the Islamic Republic of Iran, as well as in facilitating technical assistance in relevant areas.

51. The Secretary-General welcomes the cooperation extended by the Government of the Islamic Republic of Iran to OHCHR, including through the invitation of a working-level preparatory delegation, which visited the country from 19 to 22 December 2011. The Secretary-General encourages the Government to continue and strengthen such cooperation with a view to enhance further respect and protection of human rights in the country.