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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

## Situation of human rights in the Islamic Republic of Iran

### Report of the Secretary-General\*

#### *Summary*

In the present report, the Secretary-General describes the patterns and trends in the situation of human rights in the Islamic Republic of Iran, provides information on the progress made in the implementation of resolution 72/189, and makes recommendations to improve its implementation.

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\* The present report is submitted late in order to take account of information received from the Government of the Islamic Republic of Iran.



## I. Introduction

1. The present report, submitted to the Human Rights Council pursuant to General Assembly resolution 72/189, provides information on progress made in the implementation of that resolution, and focuses on the concerns identified therein. It covers the period from July to December 2017.
2. The present report draws on observations made by the treaty bodies, the special procedures of the Human Rights Council, and various United Nations entities. It also takes into account information from State media and non-governmental organizations.
3. Since the previous report of the Secretary-General submitted to the General Assembly (A/72/562), the application of the death penalty, including for juvenile offenders for the crime of murder, has continued at a high rate. In a positive development, a law amending drug-trafficking laws came into force in November 2017. In particular, the law restricts the application of the death penalty to drug offenders in certain cases. The legislation is retroactive and would concern some 5,300 individuals currently on death row. No execution for drug-related offences has been reported since the entry into force of this law.
4. Restrictions on and oppression of journalists and human rights defenders continued; individuals were arrested, detained and prosecuted for the peaceful exercise of their profession or their rights to freedoms of expression and association. No improvement was observed in the situation of religious and ethnic minorities, who remain subject to restrictions. Women and girls continued to face discrimination, including in the areas of marriage, employment and political participation.
5. The Government of the Islamic Republic of Iran continued to engage constructively with the treaty bodies and maintained its standing invitation to the Special Rapporteur on the right to food and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to visit the country. It has also continued to engage with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran by answering her official communications and engaging in a dialogue with her. It has not, however, accepted her requests for visits.

## II. Situation of human rights

### A. Death penalty

#### 1. Application

6. In 2017, 482 executions were reported (208 carried out in the last semester), compared with 530 in 2016 and 969 in 2015. According to the information available, in 2017, the largest number of executions was carried out for drug-related offences (213) and for murder (202). In the other instances, persons were executed for “sexual offences” (24), robbery and armed robbery (16) and “political offences” (2). Women were executed (six cases), as were juvenile offenders (five) and persons belonging to minorities (84). Executions continued to be carried out in public (27 cases), at the same level as in 2016, which was significantly lower than the average for the years between 2010 and 2015.<sup>1</sup>
7. The Secretary-General notes the continued reduction in the number executions, which have been almost halved since 2015, but remains alarmed at the large number of individuals executed and the significant number of death sentences handed down by the Revolutionary Courts,<sup>2</sup> which account for the majority of such sentences and are confirmed by the Supreme

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<sup>1</sup> See Human Rights & Democracy for Iran, “Mapping Iran’s right to life crisis”, available from [www.iranrights.org/projects/omidmap](http://www.iranrights.org/projects/omidmap).

<sup>2</sup> Established in 1979, Revolutionary Courts were originally designed to be temporary, to handle cases against officials of the former regime. Today, the courts are charged with prosecuting national security, drug-related and other types of crimes.

Court, in most cases.<sup>3</sup> The Revolutionary Courts are responsible for hearing cases of drug-related offences, some of which carry the death penalty. Of the 4,741 executions recorded between 2010 and 2016, 3,210 (68 per cent) were based on sentences handed down by the Revolutionary Courts.<sup>4</sup> In 2016, at least 340 of the 530 recorded executions (64 per cent) were based on Revolutionary Court decisions. Although data for 2017 were not available at the time of reporting, this trend is of particular concern, given that violations of the right to defence continue to be a major weakness of the judicial system, and of the Revolutionary Courts in particular, with a consistent failure to observe due process.

8. Reports received by the Office of the United Nations High Commissioner for Human Rights (OHCHR) continue to indicate that prisoners on death row lack access to a lawyer during the investigative phases of procedures, and that lawyers are assigned to them late in the process, sometimes on the day of the trial. They are often not given a copy of their judgment, and have difficulty in gaining access to their case file. Even when lawyers are available, they are often denied the opportunity to defend their clients in court. Courts may hand down death sentences solely on the basis of a confession. According to article 171 of the new Islamic Penal Code of the Islamic Republic of Iran, if an accused person confesses to an offence, the confession “shall be admissible and there is no need for further evidence”. In some cases, capital sentences are also handed down on the basis of sworn oaths in the absence of any convincing forensic evidence or conclusive testimony.

9. Reports that drug offenders are often deprived of basic due process and fair trial rights continue to be received. The violations reported include long periods of incommunicado and pretrial detention and lack of adequate access to a lawyer and/or to a proper defence. Reports received also indicated that drug offenders are often subjected to beatings and coerced confessions, which are later used in Revolutionary Courts to secure a death sentence.

## 2. Amendments to the drug-trafficking law

10. In October 2017, the Guardian Council of the Islamic Republic of Iran approved a bill amending the drug-trafficking law, which came into force on 14 November 2017. The bill commutes the punishment for some drug offences that previously carried the death penalty or life in prison to a prison term of up to 30 years. It also increases the quantity of drugs required to impose a death sentence, raising the threshold to possession of 50 kg of opium (from 5 kg) and two kg of heroin (from 30 g).<sup>5</sup>

11. It is important to note that the amended law retains mandatory death sentences for a wide range of drug-related offences, particularly if the accused or one of the participants in the crime used or carried weapons, and intended to use them against law enforcement agencies. Furthermore, the death penalty can still be imposed for leaders of drug trafficking cartels, anyone who has used a child in some way to traffic drugs, or anyone facing new drug-related charges who had previously been sentenced to execution or to 15 years to life imprisonment for drug-related offences.

12. The Secretary-General welcomes the amendment to the drug-trafficking law, and considers it to be in line with the human rights commitments adopted by Member States through the outcome document of the special session of the General Assembly on the world drug problem.<sup>6</sup>

<sup>3</sup> See Iran Human Rights, “Revolutionary Courts Responsible for Majority of Executions”, 14 April 2017. In accordance with the Criminal Procedure Code, which came into effect on 22 June 2015, the Supreme Court reviews all death sentences, including for drug-related offences.

<sup>4</sup> See Iran Human Rights, “Revolutionary Courts”.

<sup>5</sup> The death penalty is still in place for exporting, sending, purchasing, transporting, possessing, hiding or making available for sale more than 5 kg of “industrial” drugs, such as heroin, morphine or cocaine, or the chemical derivatives of morphine and cocaine.

<sup>6</sup> General Assembly resolution S-30/1, annex. In the outcome document, Member States reiterated their commitment to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies. In particular, they also committed to promoting proportionate national sentencing policies, practices and guidelines for drug-related offences whereby the severity of penalties is proportionate to

13. The amendment provides for retroactive applicability; all persons currently on death row for drug-related offences that are no longer punishable by the death penalty should therefore have their sentence commuted. Initially the authorities gave no indication of how the review of the cases affected by the legislation would be implemented, although no executions have been carried out since its entry into force. On 9 January 2018, the Supreme Court announced that those sentenced to death for drug crimes would have their sentences commuted if they applied for it. On 9 January 2018, the Deputy Head of the Justice Committee of the Parliament stated that some 5,300 inmates were on death row for drug crimes,<sup>7</sup> 90 per cent of whom were first-time offenders aged between 20 and 30. Many of them are poor. A large number of foreign nationals are on death row, particularly Afghans and Pakistanis, and they generally face legal barriers in the exercise of their rights owing to lack of access to or absence of consular services.

14. The Secretary-General recalls that, under article 6, paragraph 2 of the International Covenant on Civil and Political Rights (which the Islamic Republic of Iran has ratified), in countries that still retain capital punishment, the death penalty may be applied only for the “most serious crimes”. While the Secretary-General acknowledges the seriousness of drug trafficking across the State’s borders, he recalls that the Human Rights Committee does not consider drug offences to be among the “most serious crimes”, and that the use of the death penalty for such crimes therefore violates international law. The Committee has also stated that mandatory death sentences that leave national courts with no discretion on whether to designate the offence a crime entailing the death penalty, or on whether to hand down a death sentence in the particular circumstances of the offender, are arbitrary in nature.<sup>8</sup>

### 3. Execution of juvenile offenders

15. The minimum age of criminal responsibility remains nine lunar years for girls and 15 lunar years for boys. The amended Islamic Penal Code retains the death penalty for boys of at least 15 lunar years of age and girls of at least nine lunar years for *qisas* (retribution in kind) or *hudud* crimes, such as homicide, adultery or sodomy (arts. 146-147). These laws are in contravention of juvenile justice standards and international human rights instruments ratified by the Islamic Republic of Iran,<sup>9</sup> which impose an absolute ban on the execution of persons who were under 18 years of age at the time of their offence, regardless of the circumstances and nature of the crime committed. Despite the establishment of and the efforts made by the task force on prevention and deprivation of life under the executive committee on the protection of the rights of children and adolescents, no progress has been observed in the implementation of the repeated recommendations of the Secretary-General, the High Commissioner, special procedure mandate holders and, most recently, the Committee on the Rights of the Child (CRC/C/IRN/CO/3-4).

16. As at January 2018, 80 individuals were on death row for crimes committed when they were minors. In 2017, five juvenile offenders were executed, including two young men who had been sentenced to death when they were children.<sup>10</sup> Kabir Dehghanzehi, a 21-year old Pakistani national, was executed on 15 July; he had been arrested, reportedly when he was 13, and sentenced to death on drug-related charges. Alireza Tajiki, 21, was hanged at Adel Abad Prison in Shiraz on 10 August 2017; he had been arrested at the age of 15 on rape and murder charges. According to information received by OHCHR, his execution was carried out despite numerous factual discrepancies in his case file and the lack of adequate

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the gravity of offences, and both mitigating and aggravating factors are taken into account; and to implementing effective criminal justice responses to drug-related crimes to bring perpetrators to justice that ensure legal guarantees and due process safeguards pertaining to criminal justice proceedings, and timely access to legal aid and the right to a fair trial

<sup>7</sup> [www.ghanoondaily.ir/fa/news/main/94206/](http://www.ghanoondaily.ir/fa/news/main/94206/) (in Farsi).

<sup>8</sup> See communication No. 2177/2012, *Johnson v. Ghana* (CCPR/C/110/D/2177/2012). See also A/HRC/27/23, para. 41.

<sup>9</sup> See general comment No. 10 (2007) of the Committee on the Rights of the Child on children’s rights in juvenile justice, para. 30.

<sup>10</sup> An execution scheduled for 19 October was postponed until the 17-year-old boy concerned reached the age of majority; he was executed on 4 January 2018. The boy was the first juvenile offender to be executed in 2018.

due process. The Iranian authorities noted that his case had been sent for re-examination by the Supreme Court and that he was aware of the gravity of the crime committed.

17. The international obligations of the Islamic Republic of Iran under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to which the State is a party, unequivocally forbid the imposition and execution of the death penalty on persons below 18 years of age, and the implementation of such judgments. The Secretary-General recalls moreover that, at its first universal periodic review, in 2010, the Islamic Republic of Iran accepted a recommendation on considering the abolition of executions for juveniles.

## **B. Torture and other cruel, inhuman or degrading treatment or punishment**

18. The Secretary-General remains concerned at continuing reports indicating that the practice of torture and ill-treatment in the Islamic Republic of Iran persists. Such reports point to a pattern of physical or mental pressure applied to prisoners to coerce confessions, some of which are televised and then publicly released. Furthermore, the judiciary continues to sentence persons to cruel, inhuman and degrading treatment, such as the amputation of limbs, blinding and flogging in accordance with the provisions of the Penal Code. Incidents documented and reported by civil society organizations related to, inter alia, blunt force trauma, positional torture, burns, sharp force, electric shocks, use of water, crushing, pharmacological torture, asphyxiation, amputation, sleep deprivation, threats, humiliation and prolonged solitary confinement.

19. Reports about inhuman and degrading conditions of detention are also a cause for concern, including in the light of continuing reports and information received describing the imprisonment of persons in cramped cells, an inadequate provision of food and water, unhygienic conditions and restricted access to toilet facilities.<sup>11</sup> In comments provided for the present and previous reports of the Secretary-General, the Government pointed out that prisons were under the control of the prosecutors and their deputies, and that the Department of Justice had been conducting periodic and impromptu inspections, and had in fact taken action against bailiffs suspected of misbehaviour. The Government has consistently denied allegations of torture and ill-treatment. The Secretary-General urges that all such allegations be promptly and effectively investigated and that the outcomes be made public.

### **1. Flogging and amputation**

20. The Iranian Penal Code continues to cover a wide range of acts punishable by flogging, including the consumption of alcohol and drugs, petty drug dealing, theft, adultery, the “flouting of public morals”, illegitimate relationships, and the mixing of the sexes in public. Children also may be sentenced to flogging. While no general statistics have been published of the number of persons subjected to such punishment, judicial officials at times announce through the media the number of sentences involving flogging or amputation executed. According to information gleaned from these statements, more than 100 flogging sentences were handed down in 2017, and at least 50 were reportedly implemented. In addition, 19 sentences of amputation of hands or feet were handed down, and at least five such sentences were executed. Although amputation is a punishment for theft, reports received also indicated that the practice was inconsistently applied; on occasion, individuals have had limbs amputated if they were unable to reimburse plaintiffs. In some instances, the amputations were performed without any medical supervision.

21. The Secretary-General recalls that sentences of flogging and amputation violate the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and that the Human Rights Committee has determined that these penalties are not compatible with the International Covenant on Civil and Political Rights (CCPR/C/79/Add.85, para. 9), which the Islamic Republic of Iran has ratified.

<sup>11</sup> See United for Iran, *Behind Bars in Iran: Iran Prison Atlas*, May 2017, available from <https://united4iran.org/wp-content/uploads/FinalReport.pdf> (in Farsi).

## 2. Access to adequate health care for persons in detention

22. The right to have access to health care for prisoners is enshrined in both international law and Iranian law. The Secretary-General is concerned at ongoing reports of political prisoners being denied adequate medical care, including during and after hunger strikes. The apparent aim and effective result of this deprivation is to intimidate, punish or coerce detainees, in contravention of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules). Cases brought to the attention of OHCHR include instances of individuals belonging to the Kurdish minority who were denied adequate medical attention during a hunger strike. This pattern has been documented by human rights organizations and the special procedures of the Human Rights Council.<sup>12</sup>

23. Deprivation of medical attention can endanger the life of a prisoner. Mohammad Nazari, a prisoner of conscience detained for more than 20 years for his alleged support of the Democratic Party of Iranian Kurdistan, was reportedly convicted on the basis of a confession coerced by torture, without access to a lawyer.<sup>13</sup> He initiated a hunger strike in July 2017 to draw attention to his request for a judicial review of his sentence in accordance with the amendments made in 2013 to the Islamic Penal Code.<sup>14</sup> His health deteriorated significantly, and it is understood that he is now in need of specialized medical care. In October, he was transferred to a hospital on an emergency basis, but was then returned to prison. He is currently in the Orumieh prison near his family.

24. The Secretary-General recalls that denial of health care as a form of punishment or intimidation, or to extract a forced confession is tantamount to torture.

## C. Situation of women and girls

25. The Secretary-General notes some developments relating to the rights and participation of women. In August 2017, President Rouhani signed an executive order on selection criteria for professional executive-level staff that raised the number of women and youth in managerial positions with a view to increasing the percentage of female managers in the executive branch to 30 per cent, in accordance with the State's sixth development plan.<sup>15</sup> In 2017, the Government appointed a woman as Deputy Minister of Petroleum.<sup>16</sup>

26. The Secretary-General encourages the Islamic Republic of Iran to continue to amend and repeal the laws and practices that discriminate against women and girls, and to ratify the Convention on the Elimination of All Forms of Discrimination against Women in order to address all forms of discrimination still prevailing in the job market and that women face in their daily lives, notably with regard to freedom of movement, marriage, divorce, child custody and nationality.

27. Civil law codifies discrimination, as women do not have equal rights to men in marriage, divorce, child custody or inheritance. Husbands have an incontestable right to divorce. A married woman cannot obtain a passport without the permission of her husband (the Iranian authorities have pointed out that draft legislation is under review to address this issue). Women also remain unable to pass their citizenship on to their children; a new bill is

<sup>12</sup> See Amnesty International, "Iran is putting political prisoners' lives at risk by denying them medical care", 18 July 2016, and Freedom from Torture, *Turning a blind eye: Why the international community must no longer ignore torture in Iran*, December 2017, p. 35.

<sup>13</sup> Amnesty International, "Iran: Iranian prisoner of conscience critically ill: Mohammad Nazari", 23 October 2017.

<sup>14</sup> Center for Human Rights in Iran, "Hundreds of Iranian rights activists call on political prisoner Mohammad Nazari to End Hunger Strike", 30 October 2017.

<sup>15</sup> See World Bank, *The World Bank in Islamic Republic of Iran*, at [www.worldbank.org/en/country/iran/overview](http://www.worldbank.org/en/country/iran/overview).

<sup>16</sup> Islamic Republic News Agency, "Iranian woman appointed first ever no. 2 at Oil Ministry", 29 October 2017. Beforehand, Massoumeh Ebtekar had been appointed vice-president for women and family affairs, Laya Joneidi named vice-president for legal affairs and Shahindokht Molaverdi appointed as the President's assistant for civil rights (see Reuters, "Iranian president names three women to government posts after criticism", 9 August 2017). Vice-presidents do not have ministerial responsibility, and their appointment does not require parliamentary approval.

pending before Parliament to address this long-standing concern after a number of past attempts in this regard.

28. Civil law also bars women from working in certain professions, except those deemed “mentally and physically suitable for women” – a formulation that may be interpreted as applying to a broad range of jobs. In addition, it allows a husband to prevent his spouse from working in particular occupations under certain circumstances. In comments submitted for previous reports of the Secretary-General, the Government pointed out that a woman’s right to have a job could be added to the terms of a marriage contract, thus legally guaranteeing the right. It also noted that a woman could prevent her husband from having a job that is contrary to their family’s prestige, adding that this was among the conditions based on which a wife could apply for divorce.

29. The ongoing prevalence of child marriage is problematic. This issue has been raised by international human rights mechanisms, including the Committee on the Rights of the Child in 2016 (see CRC/C/15/Add.254). The legal age for marriage in the Islamic Republic of Iran is 13 years for girls and 15 years for boys, and girls may be married as young as 9 years with the permission of the court. The United Nations Children’s Fund (UNICEF) estimates that approximately 40,000 girls and boys under the age of 15 years are married annually, and that about 17 per cent of girls are married before the age of 18.<sup>17</sup> The number is likely to be higher, as thousands of underage marriages are not registered.

30. The treatment of adultery or alleged adultery also remains a matter of concern as the act, known as *zina*,<sup>18</sup> constitutes a crime, with punishments ranging from lashing to stoning to death. In 2015, special procedure mandate holders expressed their concern at sanctions handed down against individuals for *zina*, which included a sentence of 99 lashes for shaking hands with unrelated members of the opposite sex.<sup>19</sup> In 2016, the mandate holders expressed their concern about an imminent execution by stoning or hanging of a woman convicted of adultery. The law can also penalize a victim of rape if the court so decides and the perpetrator insists that the act was a consensual one.

31. Repressive and discriminatory rules concerning the dress code for women and girls continue to be enforced. Women who do not wear a *hijab* that conforms to the interpretation of modesty can be sentenced to up to two months imprisonment or be fined. Women who have publicly supported an online campaign against compulsory veiling “My Stealthy Freedom” or gave support for the White Wednesdays campaign (which uses the social media hashtag #whitewednesdays to protest against the mandatory dress code imposed on women) continued to be harassed by the authorities, including taken in for questioning, and made to sign a declaration that they would not go out without a proper *hijab*.

#### **D. Restrictions to the rights of freedom of expression and of peaceful assembly**

32. On 29 December 2017, demonstrations over falling living standards, widespread unemployment and rising food prices began in the city of Mashhad. By the following day, the demonstrations, both pro-Government and anti-Government, had spread to several major cities. The demonstrations were reported as having been the largest since 2009. According to multiple sources of information, on 30 December, the Government blocked Internet access on mobile networks, including social media services, and in some regions, Internet access had been shut down altogether. On 5 January, large numbers of Iranians reportedly took to the streets in major cities across the country for a third consecutive day of pro-regime rallies.

<sup>17</sup> See UNICEF, *The State of the World’s Children 2016: A fair chance for every child*, June 2016, p. 151; and Girls not Brides, *Child marriage around the world: Iran*, available at [www.girlsnotbrides.org/child-marriage/iran/](http://www.girlsnotbrides.org/child-marriage/iran/).

<sup>18</sup> An Islamic legal term referring to unlawful sexual intercourse. According to traditional jurisprudence, it can include adultery, extramarital relations, prostitution and rape.

<sup>19</sup> See joint communication IRN 20/2015 of 29 October 2015 (available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>).

33. Official news channels confirmed that at least 22 people, including children and two security officers, were reported killed in clashes during the first five days of the protests. As at 9 January, police had confirmed the arrest of about 3,700 individuals across the country. On 3 January, the Secretary-General publicly noted that he was following with concern these developments, and deplored the loss of life in the protests, urging respect for the rights to freedoms of peaceful assembly and expression.<sup>20</sup> On 3 January, the High Commissioner urged the authorities to handle the protests with great care so as not to further inflame violence and unrest, and to investigate all deaths and serious injuries that had occurred.<sup>21</sup> Several special procedure mandate holders, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, called for the full respect of the human rights of the protesters.<sup>22</sup> The Secretary-General is concerned about the fate of the individuals who have been arrested in conjunction with the protests. He noted the statement of President Rouhani on the right to protest,<sup>23</sup> and urges the Government to ensure that persons involved in the protests are guaranteed protection and afforded their rights, and that full information is given on their whereabouts.

34. Over the past three years, the Government of the Islamic Republic of Iran has reportedly closed 7 million social media websites, including Facebook, Twitter, Instagram, British Broadcasting Corporation (BBC) Persian, and the websites of human rights and political opposition groups.<sup>24</sup> In August 2017, the Supreme Council of Cyberspace introduced further regulations to increase the Government's surveillance capabilities, and that require social media and messaging platforms to either move their servers to the Islamic Republic of Iran or face blocking orders.<sup>25</sup> In October 2017, the country's oldest social network, Cloob, was shut down, and the social media location-sharing platforms Foursquare and Swarm were blocked (the Government is currently considering whether to revise this decision). In November 2017, the Council secretary suggested that users would have to reveal their identity when logging on to the Internet.<sup>26</sup> The Association of Iranian Journalists, established in 1997 during the presidency of Mohammad Khatami to protect journalists' rights and had over 6,000 members, was shut down in August 2010 and has not been re-opened.

35. The above developments are at odds with other positive developments reported in the past six months and with statements made by the President. In August 2017, the restrictions placed on 8,000 Telegram channels were lifted. In October, the music websites Spotify and Soundcloud were made accessible. In November, the Minister for Information and Communications Technology noted that the possibility of lifting the ban on Twitter was being examined.<sup>27</sup> In December 2017, President Rouhani had stated, "we need a secure communication atmosphere for people, not a suppressive one in which people's rights are violated."<sup>28</sup>

36. Cases of the arbitrary arrest, detention and harassment of journalists, media workers and members of their families continued to be reported. The non-governmental organization Reporters without Borders has estimated that, as at August 2017, 27 journalists were imprisoned in the Islamic Republic of Iran,<sup>29</sup> and reported that 94 Internet users, mostly

<sup>20</sup> See [www.un.org/press/en/2018/db180103.doc.htm](http://www.un.org/press/en/2018/db180103.doc.htm).

<sup>21</sup> OHCHR, "UN human rights chief urges Iranian authorities to defuse tensions, investigate protest deaths", 3 January 2018.

<sup>22</sup> OHCHR, "Iran: UN experts urge respect for protesters' rights", 5 January 2018.

<sup>23</sup> See <http://president.ir/en/102083>.

<sup>24</sup> See <https://persian.iranhumanrights.org/1396/03/seven-million-websites-blocked/> (in Farsi).

<sup>25</sup> "Policies and measures for organizing social messaging applications pursuant to the regulation of the Supreme Council of Cyberspace" published on 7 August 2017, available at <http://bit.ly/2wCsbct> (in Farsi).

<sup>26</sup> Center for Human Rights in Iran, "Iran's requirement for Internet users to verify their identity would further erode privacy rights", 15 November 2018.

<sup>27</sup> Center for Human Rights in Iran, "Iran's Telecommunications Minister says he's looking into lifting the State ban on Twitter", 12 November 2017.

<sup>28</sup> See <http://president.ir/en/102083>.

<sup>29</sup> See [www.rsf-persan.org/article17644.html](http://www.rsf-persan.org/article17644.html) (in Farsi).



Telegram users, had been arrested since the beginning of 2017.<sup>30</sup> It also documented direct and indirect threats, including death threats, by the national intelligence services or the judicial system, made to at least 50 Iranian journalists based abroad.<sup>31</sup>

37. Information reported to OHCHR indicate that individuals working for BBC Persian and their families in the Islamic Republic of Iran have been harassed and intimidated by the authorities, and threatened if they continued to work for the BBC. Some family members were also arbitrarily arrested, detained and subjected to travel bans. In August 2017, a court in Tehran issued an injunction banning 152 members of staff, former employees, and contributors to BBC Persian from carrying out financial transactions in the country on account of a “conspiracy against national security”. The injunction also applies to any financial transaction, even on the sale of inherited properties, which, in the Islamic Republic of Iran, are often jointly inherited by other family members. It has been reported that some staff members were photographed while in London to impress upon their families that their relative was being watched. In October 2017, two special procedure mandate holders issued a statement calling upon the Islamic Republic of Iran to cease all legal action against the BBC staff and their families, and to end the use of repressive legislation against independent journalism, whether or not affiliated to the BBC.<sup>32</sup>

## **E. Situation of human rights defenders and activists**

38. The Secretary-General remains concerned about the situation of persons who have been facing harassment, intimidation, arrest and prosecution for defending human rights and speaking up against violations and abuses.

39. The Secretary-General is concerned about the situation of human rights defender Narges Mohammadi, who was reportedly in arbitrary detention for a number of years and is now serving a 16-year prison sentence for campaigning against the death penalty. Despite calls by members of Parliament to free her,<sup>33</sup> Ms. Mohammadi remains imprisoned. Her situation has been raised consistently by special procedure mandate holders.<sup>34</sup> In April, the Supreme Court rejected her request for judicial review. In August, the Working Group on Arbitrary Detention called for her release, including in the light of her health situation, stating it was convinced that her arrest was directed against her as a human rights defender and a leader of a human rights organization (A/HRC/WGAD/2017/48).

40. Student activist Arash Sadeghi is in a critical condition because of his prolonged hunger strike and denial of medical assistance. He was convicted in 2016 and sentenced to 15 years of imprisonment following previous arrests for charges including “spreading propaganda against the system”, “gathering and colluding against national security” and “insulting the founder of the Islamic Republic”. He was transferred from Evin prison in Tehran to Rajaei Shahr prison (located 20 km outside Tehran) in October 2017. The Iranian authorities have pointed out that M. Sadeghi has regular medical checks and family visits.

41. Soheil Arabi also remains imprisoned following his conviction in 2013 for “insulting the Holy Prophet” in several Facebook posts.<sup>35</sup> There are concerns for his health following a hunger strike and reportedly after he was beaten during an interrogation, amidst reports of inadequate access to medical care, medicine and warm clothes. The Iranian authorities has pointed out that M. Arabi has regular medical checks.

42. Atena Daemi, an imprisoned child rights defender, was subject to new charges in October 2017 relating to statements that she had allegedly made in support of her detained

<sup>30</sup> Reporters without Borders, “Citizen-journalists increasingly spied on, hounded in Iran”, 22 June 2017.

<sup>31</sup> Reporters without Borders, “How Iran tries to control news coverage by foreign-based journalists”, 6 September 2017.

<sup>32</sup> OHCHR, “UN experts call on Iran to stop intimidation of BBC staff”, 27 October 2017.

<sup>33</sup> See [www.isna.ir/news/95072514536/](http://www.isna.ir/news/95072514536/) (in Farsi).

<sup>34</sup> OHCHR, “Iran: ‘A travesty of justice’ – UN experts condemn latest conviction of prominent rights defender”, 20 May 2017.

<sup>35</sup> Human Rights Watch, “Iran: death sentence for Facebook posts”, 2 December 2014.

sisters and against the authorities. She is reportedly in need of medical attention. In comments submitted for previous reports of the Secretary-General (A/72/562 and A/HRC/34/40), the Government indicated that in January 2017 her sentence had been reduced by five years on compassionate grounds.

43. The situation of Mohammad Ali Taheri, the founder of a spiritual movement, writer and practitioner of alternative medicine theories used in the Islamic Republic of Iran and abroad, who was sentenced to death on the charge of “corruption on earth”, is also a matter of continued concern. On 27 February 2017, his trial was held amidst serious concerns over due process; some of his followers were arrested and reportedly coerced into giving self-incriminating statements. Ali Taheri’s appeal was heard before the Supreme Court, which overturned the death sentence,<sup>36</sup> and reportedly remanded the case back to the trial court. No written or formal decision was, however, available; according to Mr. Taheri’s lawyer, the verdict would only be made available to a lawyer approved by the head of the judiciary; Mr. Taheri was therefore requested to appoint an approved lawyer. The High Commissioner for Human Rights called for the withdrawal of charges against Mr. Taheri and for his release.<sup>37</sup>

44. OHCHR continued to receive letters (15 in the second half of 2017) from families of victims who were summarily executed or forcibly disappeared during the events of 1988, requesting the intervention of OHCHR to end the harassment, intimidation and prosecution of human rights defenders seeking truth and justice on behalf of victims and of their families. The Secretary-General remains concerned at the difficulty the families faced in obtaining information about the events of 1988 and the harassment of those continuing to advocate for further information relating to them.

45. The Secretary-General is also concerned at the repression that people face for the legitimate exercise of their rights to freedoms of opinion, expression and peaceful assembly. Charges relating to national security against individuals for merely expressing their opinion or participating in a peaceful assembly create an environment in which rights can neither be respected, assured or promoted.

46. OHCHR continued to receive reports of reprisals, mainly by the judiciary, against individuals or their families. Ongoing surveillance of the activities of human rights activists, both online and by affiliates of the Islamic Revolutionary Guard Corps, creates a climate of fear and is inconsistent with the State’s human rights obligations. Cases reported include dismissals, the confiscation of passports, arrests without charges, and constant pressure by means of recurrent interrogation.

47. The case of Raheleh Rahemipor – the sister of Hossein Rahemipor, whose case was reviewed by the Working Group on Enforced and Involuntary Disappearances in 2017 – has been raised as a case of alleged reprisal for cooperation with the United Nations (see A/HRC/36/31). In 2016, Ms. Rahemipor was questioned several times by the authorities about the complaint sent to the Working Group concerning her brother (see A/HRC/34/75, IRN 23/2016 and IRN 29/2016; and A/HRC/35/44, IRN 3/2017). After the case was transmitted to the Government, she was arrested and charged with a range of security offences, including “propaganda against the regime”, “participation in unlawful assemblies” and “membership in Rah-e Kargar”.<sup>38</sup> In February 2017, she was sentenced by the Revolutionary Court in Tehran to a year in prison “for spreading propaganda against the system”.<sup>39</sup> In September 2017, she was arrested and released on bail after being held in detention for a month.

<sup>36</sup> See Center for Human Rights in Iran, “Judge demands political prisoner Mohammad Ali Taheri pick lawyer from judiciary’s list”, 14 December 2017.

<sup>37</sup> OHCHR, “Death sentence on alternative health practitioner highlights alarming use of capital punishment in Iran – Zeid”, 5 August 2015.

<sup>38</sup> Rah-e Kargar (Organization of Revolutionary Workers of Iran) is an Iranian Marxist-Leninist political organization based in Germany.

<sup>39</sup> Amnesty International, “Iran: Arrest of human rights defender seeking truth about disappeared family members”, 11 September 2011.

## F. Treatment of minorities

48. The Secretary-General remains concerned by reports of persistent human rights violations of and discrimination against ethnic and religious minorities.

### 1. Ethnic and religious minorities

49. Participation by members of ethnic nationalities or religious minorities such as Kurds, Sunni Baloch, Yarasan or Baha'is in public affairs, at the working level and in senior governmental posts, is severely restricted. The Kurdish community remains one of the most suppressed groups in the country, with individuals persecuted, arrested and sentenced to death for their political affiliation or belief. According to data available to OHCHR, as at 31 October 2017, 1,828 Kurds were being detained by the authorities on charges related to various activities, such as environmental activism, eating in public during the month of Ramadan, working as *kulbars* (border couriers) engaged in smuggling illicit goods, or cheering for the results of the referendum held in neighbouring Iraqi Kurdistan in September 2017, among others. Of the 1,828 detainees, 114 had been charged with political or security-related crimes, often for engaging in civic activism or because of their membership in Kurdish political parties. Once convicted, they often face long prison sentences, lashings and/or heavy financial penalties. These detainees include workers, teachers, *kulbars*, artists and human rights activists. According to data received by OHCHR, in 2017, the Kurdish people in the Islamic Republic of Iran endured the largest number of executions (64) of all ethnic minority groups. At least 16 Kurdish political prisoners underwent torture or ill-treatment, while 31 went on a hunger strike to protest against the circumstances surrounding their arrest and detention. At least 15 others were deprived of adequate medical care, and 15 were denied basic rights, such as visits by their family members.<sup>40</sup>

50. The Sistan and Balochistan province is predominantly inhabited by ethnic and religious minority populations. More than 80 per cent of its citizens are of Baloch ethnic background and adhere to the Sunni faith. There are no official statistics on the number of Balochi citizens without proof of citizenship; the official data available, however, suggest that the figure is well over 20,000. Without proof of citizenship, they have trouble gaining access to social assistance benefits, such as welfare payments, health care and education, and to utilities, such as water, electricity and phone service.<sup>41</sup> They are also at a high risk of statelessness.<sup>42</sup> The Government has made some attempts to mitigate the problem; for example, in 2013, the governor of the state of Sistan and Balochistan ordered an expedited process for cases in which birth certificate applicants were believed to be Iranian, resulting in the issuance of 24,000 birth certificates by November 2017.<sup>43</sup> Nonetheless, a large number of cases remain unaddressed, mostly for Baluchi families that do not hold or have ready access to the documentation necessary to obtain birth certificates. The Iranian authorities pointed out that temporary identification cards had been issued to refugees living in the region to guarantee their access to services.

### 2. Rights of lesbian, gay, bisexual, transgender and intersex persons

51. OHCHR received reports of continued discrimination against, harassment, arbitrary arrest and detention, and punishment of, and denial of rights to lesbian, gay, bisexual, transgender and intersex individuals. Such concerns have been noted by human rights

<sup>40</sup> Center for Human Rights in Iran, "Thousands of Iranian death row inmates to receive sentence reviews under amended drug law", 3 November 2017.

<sup>41</sup> Officials reported that at least 20,000 children without proof of citizenship in the Sistan and Balochistan province registered for schools using a special card for children. The figure probably includes non-Balochis, but not adults or children without these cards, or Balochis in other provinces. See [www.salamatnews.com/news/228675/23](http://www.salamatnews.com/news/228675/23) (in Farsi).

<sup>42</sup> See [www.irna.ir/fa/News/82431374](http://www.irna.ir/fa/News/82431374) (in Farsi).

<sup>43</sup> *Ibid.*

mechanisms (see CRC/C/IRN/CO/3-4), and non-governmental organizations continue to document instances of human rights violations.<sup>44</sup>

52. The Islamic Penal Code criminalizes same-sex relations between consenting adults, which are punishable by the death penalty. Members of the same sex who engage in acts of affection with each other can be punished with 31 to 74 lashes. Various other forms of punishment have also been reported against lesbian, gay, bisexual, transgender and intersex persons. In March 2016, the Committee on the Rights of the Child expressed concern that children identifying as lesbian, gay, bisexual, transgender or intersex had been subjected to aversion therapy, such as electroshock therapy, the forced administration of hormones and forced medication (CRC/C/IRN/CO/3-4, para. 53). According to the Iranian authorities, allegations of persecution and forced treatments are unfounded.

53. The Secretary-General recalls that international law is clear in affording the protection of human rights for all persons. The reported treatment of lesbian, gay, bisexual, transgender and intersex individuals violates their dignity and their rights to non-discrimination, integrity, privacy, liberty, equality before the law, and the absolute prohibition of torture and other cruel, inhuman and degrading treatment and punishment, as enshrined in international law.

## G. Situation of disabled persons

54. The Secretary-General recognizes the positive steps taken by the Islamic Republic of Iran to advance the rights of persons with disabilities, including its ratification of the Convention on the Rights of Persons with Disabilities, in 2009, and engagement in an interactive dialogue with the Committee on the Rights of Persons with Disabilities, in March 2017. The Government has also initiated a draft law on protecting the rights of persons with disabilities, with the active participation of some groups of persons with disabilities in the drafting process. It fully accepted all 11 recommendations on the rights of persons with disabilities made during the universal periodic review in 2014, including on ensuring the inclusion of persons with disabilities in health, education and social empowerment programmes, improving social security policies to better address the needs of persons with disabilities, undertaking awareness-raising campaigns about the rights of persons with disabilities, and maintaining cooperation with the Office of the United Nations High Commissioner for Refugees with regard to refugees with disabilities (see A/HRC/28/12).

55. The Secretary-General is nonetheless concerned about the absence of a legislative provision that explicitly prohibits discrimination on the basis of disability. A draft law on the treatment of persons with disability has been pending before the Islamic Consultative Assembly since 2015, but does not appear to include a non-discrimination clause.<sup>45</sup> A number of laws currently in force are also incompatible with the State's obligations under the Convention on the Rights of Persons with Disabilities, given the fact that they deny the legal capacity of persons with disabilities, and afford limited access to justice and political rights. The civil and penal codes also use derogatory language to refer to persons with disabilities: specifically, the Civil Code uses terms such as "insane" and "immature" to describe persons with intellectual or psychosocial disabilities, which are of an offensive nature and inconsistent with the State's obligations under international law.

## H. Arbitrary arrests and detention of dual and foreign nationals

56. In an opinion rendered in August 2017, the Working Group on Arbitrary Detention noted a pattern in the way that those affiliated with different "pro-democracy institutions of the West" – especially those with dual nationality – are treated in the Islamic Republic of Iran (A/HRC/WGAD/2017/49, para. 43).

<sup>44</sup> See for example OutRight Action International, *Human Rights Report: Being Lesbian In Iran*, 2016; and *Human Rights Report: Being Transgender in Iran*, 2016; and Human Rights Watch, *We are a Buried Generation: Discrimination and Violence Against Sexual Minorities in Iran*, 2010.

<sup>45</sup> See [http://rc.majlis.ir/fa/legal\\_draft/show/938405](http://rc.majlis.ir/fa/legal_draft/show/938405) (in Farsi).

57. A number of cases have been brought to the attention of the Secretary-General and to the High Commissioner, concerning Dr. Ahmadreza Djalali, an Iranian national and resident of Sweden; Siamak and Baquer Namazi, who hold dual Iranian-American citizenship; Nazanin Zaghari-Ratcliffe, an Iranian-British dual national; Nizar Ahmed Zakka, a Lebanese-American; and Xiye Wang, a naturalized United States citizen. The Secretary-General is concerned at the reports received indicating that procedures against these dual or foreign nationals have been marred by due process and fair trial violations, including incommunicado detention, and denial of access to a lawyer.

### **III. Cooperation with international human rights mechanisms and the Office of the High Commissioner**

#### **A. Treaty bodies**

58. The Secretary-General welcomes the cooperation of the Islamic Republic of Iran with the treaty bodies, which has improved in recent years. The first report submitted by the State to the Committee on the Rights of Persons with Disabilities (CRPD/C/IRN/1) was reviewed; in May 2017, the Committee issued its concluding observations (CRPD/C/IRN/CO/1), which the Secretary-General urges the Government to implement promptly. He also encourages the Government to submit its fourth report under the International Covenant on Civil and Political Rights, which has been overdue since November 2014.

59. The Secretary-General urges the Government of the Islamic Republic of Iran to follow up on the concluding observations of the treaty bodies and to provide the information sought by the committees on the implementation of recommendations made in their concluding observations. The Secretary-General renews his call upon the Government to seize this opportunity to examine the progress made in the application of human rights treaties by way of regular, timely and accurate reporting.

#### **B. Cooperation with special procedures**

60. The Secretary-General welcomes the increasing contacts and dialogue between the Government and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. He is encouraged by the expert-level dialogue, held in September 2017, on issues related to the functioning of the judiciary, between the Special Rapporteur, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva and a delegation consisting of members of the judiciary, the High Council for Human Rights and the Ministry of Foreign Affairs. The Government also provided substantive comments to the reports of the Special Rapporteur. The Government has yet, however, to invite the mandate holder to visit the Islamic Republic of Iran.

#### **C. Cooperation with the Office of the High Commissioner**

61. OHCHR has continued to raise human rights concerns with Iranian officials, including in meetings with the Minister for Foreign Affairs, the head of the High Council for Human Rights, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, and visiting delegations. The High Commissioner has also intervened with the Iranian authorities on individual cases.

62. The Secretary-General welcomes these exchanges and encourages the Government to pursue a dialogue on the implementation of the recommendations received during the second cycle of the universal periodic review and to engage further with OHCHR, including on possible technical cooperation programmes.

## D. United Nations Development Assistance Framework

63. The Islamic Republic of Iran has been actively engaged in shaping the post-2015 development agenda. Although scheduled to present its voluntary national review during the high-level political forum on 18 July 2017, the Government announced on the eve of the review that it would not participate. On 13 July 2017, Vice-President Eshagh Jahangiri announced that the Government had officially reversed its decision to implement the 2030 Agenda for Sustainable Development.

64. While recognizing that the Sustainable Development Goals are aspirational global targets, the Secretary-General notes the decision of the Government of the Islamic Republic of Iran, announced on 13 June 2017, to halt implementation of the education component of the 2030 Agenda. The Supreme Council of the Cultural Revolution is considering instead the implementation and adoption of the Fundamental Reform Document of Education,<sup>46</sup> which it considers superior to the model of education included in the Sustainable Development Goals.

## IV. Recommendations

65. **The Secretary-General remains deeply troubled by the continuing large number of executions, including of juvenile offenders, and reiterates his call upon the Government of the Islamic Republic of Iran to introduce a moratorium on the use of the death penalty and to prohibit and refrain from the execution of juvenile offenders in all circumstances.**

66. **The Secretary-General urges the Government to implement fully the new amendments to the 1998 drug law; it should establish a clear procedure for reviewing the cases of all individuals sentenced to death under the previous drug trafficking law. Such a process should be transparent, accessible and follow due process and fair trial guarantees. The Secretary-General specifically urges the Government to ensure that individuals sentenced to death under the amended drug-trafficking law are effectively represented.**

67. **The Secretary-General urges the Government to ensure that all those sentenced to death may exercise their right to equal access to justice through adequate legal representation, including the appeal and review process. Adequate and qualified legal representation at the review stage should be ensured through effective legal aid programmes. The authorities should inform foreign individuals sentenced to death of their right to contact their consular post and, if requested by them, notify the consular services, in accordance with the Vienna Convention on Consular Relations.**

68. **The Secretary-General urges the Government to undertake a special review of the cases of persons on death row for crimes committed when they were under the age of 18, with a view to commuting or quashing their death sentences altogether.**

69. **The Secretary-General remains concerned about the individuals who were arrested in relation to the protests that broke out at the end of 2017. He urges the Government to ensure that those arrested are afforded their rights, and that information on their whereabouts is made available to their families.**

70. **The Secretary-General urges the Government to ensure human rights defenders, lawyers and journalists are able to exercise their peaceful, legitimate activities safely and freely, and to release political prisoners, including human rights defenders and lawyers, detained for exercising their right to freedoms of expression, association and peaceful assembly.**

71. **The Secretary-General encourages the Government to take practical steps to eliminate all forms of discrimination against women and girls in all spheres of life.**

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<sup>46</sup> See [www.dres.ir/safeschool/Downloads/FRDE.pdf](http://www.dres.ir/safeschool/Downloads/FRDE.pdf).

72. The Secretary-General calls upon the Government to respect the right to freedom of religion and belief and to ensure the release of all individuals imprisoned on the basis of their religion or belief.

73. The Secretary-General urges the Government to ensure the protection of minority groups and individuals, and to uphold and implement legislation that protects them.

74. While the Secretary-General welcomes the engagement of the Islamic Republic of Iran with the treaty bodies, he urges the Government to follow up on the concluding observations of all treaty bodies. He also calls upon the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

75. The Secretary-General welcomes the invitation that the Government has extended to the United Nations High Commissioner for Human Rights to visit the Islamic Republic of Iran, and encourages it to cooperate fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran by giving her access to the country. He also encourages the Government to engage constructively with OHCHR, including on follow-up to all recommendations contained in the present and previous reports of the Secretary-General, as well as those of the human rights mechanisms, including the universal periodic review.

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