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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

Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran*

Summary

The present report is submitted in accordance with General Assembly resolution 66/175, in which the General 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 present resolution, including recommendations to improve its implementation. In its resolution 66/175, the General 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 on the situation of human rights in the Islamic Republic of Iran is submitted pursuant to General Assembly resolution 66/175, in which the General Assembly requested the Secretary-General to report to the General Assembly at its sixty-seventh session and 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 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 and the Special Procedures of the Human Rights Council.

2. Since the last report of the Secretary-General to the General Assembly, human rights violations have continued, particularly in relation to journalists, human rights defenders, women's rights activists, and government opponents. Concerns about torture, amputations, flogging, the mounting 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 UN human rights mechanisms. Freedom of expression and assembly remained curtailed, with opposition leaders remaining confined under house arrest since February 2011. Discrimination against minority groups persisted, in some cases amounting to persecution.¹

3. There were some positive developments, however, including Iran's engagement with the Human Rights Committee in October 2011 and the visit of a working-level mission of the Office of the High Commissioner for Human Rights (OHCHR) in December 2011, to prepare for a future visit of the High Commissioner. Also, a new Islamic Penal Code adopted in 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 other inhuman and degrading treatment and punishment

4. The recurrence of allegations of torture in detention facilities remains an area of grave concern to the 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 its review of Iran's third periodic report on the implementation of the International Covenant on Civil and Political Rights (ICCPR) in October 2011,² 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, enmity against God (*mohareb*) and certain sexual acts. In response, the Iranian authorities stressed that the Constitution forbids torture,

¹ The report is largely based on existing information from international human rights mechanisms such as the treaty bodies, Special Procedures and INGOs. The report also refers to information from official state media due to the difficulty of independent data collection on human rights in Iran.

² CCPR/C/IRN/3.

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

5. As referred in the communications report to the Human Rights Council in September 2011, Special Procedures mandate holders³ in a joint communication expressed concerns at the alleged detention and torture of Mr 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, Mr. Kian was reportedly sentenced to one year in prison and a five-year ban on practising law, following a trial in which he had no access to a lawyer. Reports received also suggest that Mr 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 about 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 persons. According to the official news agency INSA, the foot amputation was carried out in Adel Abad Prison on an armed robber who already had his hand amputated. The 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 is determined to deal decisively with serious crimes.⁴ On 29 October 2011, another amputation of the limb of a thief was reported to have been carried out in Yazd central prison.⁵

7. Increased cases of corporal punishments, 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.⁶ On 20 December 2011, authorities in Shiraz carried out sentences of public lashing for three persons accused of indecent conduct.⁷ Furthermore, media reports suggest that three persons accused of kidnapping were each publicly punished with 99 lashes on 31 October 2011 in Shahrod Province.⁸

B. Death penalty including public executions

8. The Secretary-General welcomes the omission of punishment of stoning and details of this method of execution in the new Islamic Penal Code, passed by the Iranian parliament in January 2012. The Secretary-General regrets, however, that the new law fails to fully abolish the death penalty or restrict its imposition to only the “most serious crimes”,

³ Working Group on arbitrary detention, Special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment, Special Rapporteur on independence of judges and lawyers, Special Rapporteur on the situation of human rights defenders.

⁴ Official-news ISNA, 11 December 2011, available from <http://isna.ir/ISNA/NewsView.aspx?ID=News-1907876>

⁵ Ibid, 29 October 2011, available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1879851&lang=p

⁶ Ibid, 24 December 2011, available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1916573&lang=p

⁷ Ibid, 20 December 2011, available from <http://isna.ir/ISNA/NewsView.aspx?ID=News-1914750>

⁸ Ibid, 31 October 2011, available from <http://isna.ir/ISNA/NewsView.aspx?ID=News-1914750>

as stipulated in article 6 (2) of the ICCPR. The new Penal Code still provides the death penalty for people charged with “action against national security”, *Moharebeh* (enmity against God), *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. Amnesty International has documented in 2011 alarmingly high rates of drug related executions involving both Iranian citizens as well as foreign nationals. Amnesty International’s findings attributed 488 executions, out of 600 recorded in 2011, to drug related offences. Thousands of persons, including foreign nationals (particularly Afghans) are reported currently to be on death row.⁹ In a press statement on 22 September 2011, a number of Special Rapporteurs¹⁰ condemned the ongoing executions of persons 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 with severe penalties. The Office of the High Commissioner for Human Rights and Special Procedure 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 executions¹¹ drew the attention of the authorities to two members of the Kurdish minority at risk of imminent execution. Mr Habib Latifi and Mr Sherko Moarefi, accused of *Moharebeh* (enmity against God), had their death sentences upheld by the Supreme Court for the second time in 2011 and their files were subsequently sent for implementation of the sentence. On 17 December 2011, Iranian media reported the commutation of the death sentence of Ms Zienab Jalaliyan, another Kurdish activist, to lifetime imprisonment. Ms Jalaliyan had been sentenced to death on charges of *Moharebeh* for her alleged membership in the PJAK (The Party of Free Life of Kurdistan), defined as a terrorist group in Iran.¹²

11. Ms 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 Ms Ashtiani’s execution order by hanging could be issued at anytime. The execution order is reportedly pending final approval of the Chief of Iran’s judiciary.¹³ Ms Ashtiani is currently serving a 10 years prison sentence for complicity in her husband’s murder.

12. A further worrying trend is the increased number of public executions. At least 40 public executions were publicly reported by the authorities to have been carried out in 2011. Some of the executions were reportedly attended by a large crowd, including minors, also raising serious concerns about the devastating effect on the development of children who witness such executions. The Iranian authorities defend executions in public as effective in crime prevention. On 20 January 2012, a person accused of rape was reportedly hanged publicly in Khwajawi Square Karman.¹⁴ On 14 December 2011, media reports that

⁹ Amnesty International, “Addicted to Death” 15 December 2011, www.amnesty.org/en/library/info/MDE13/090/2011/en

¹⁰ Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on the situation of human rights in Iran, Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

¹¹ A/HRC/18/51, p. 115.

¹² Official-news ISNA, 17 December 2011, available from www.isna.ir/isna/newsView.aspx?ID=News-1912039&lang=p

¹³ Ibid, 25 December 2011, available from <http://isna.ir/isna/newsView.aspx?ID=News-1917859>

¹⁴ Ibid, 20 January 2012, available from www.isna.ir/isna/newsView.aspx?ID=News-1933892&lang=p

a person who had cut his wrist a few minutes before his scheduled execution and reportedly bled heavily was hanged publicly in Danesh Square of Shahre Kord.¹⁵ On 13 December 2011, two persons accused of kidnapping and rapes were reportedly publicly executed in the town of Rostam, Fars province.¹⁶

C. Executions 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 pre-meditated murder, persons under the age of 18 may remain in juvenile correction centers and be executed after reaching the legal age.¹⁷ However, during its visit to Tehran in December 2011, the delegation of OHCHR was informed by the Iranian authorities that the number of juvenile executions has dropped dramatically and offences committed by persons under the age of 18 are tried in children's courts where efforts are being made towards lenient punishments. The authorities further noted that even in cases of retribution (*qisas*), considered under Iranian law as the private right of the victim's family and which cannot be overruled by judiciary, extensive efforts are 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 OHCHR delegation that the Governments' policy is to encourage the next of kin to forfeit the right to *qisas* and each year specific funds are earmarked in 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, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment publicly condemned the practice of juvenile executions in Iran and noted that despite the international community's repeated calls for a moratorium, three juveniles had been executed in public that year.¹⁸ These cases included the public execution on 21 September 2011 of 17-year-old Alireza Molla Soltani. The experts stressed that there is an absolute ban on the death penalty against persons below the age of 18 under international human rights law and "any judgments imposing the death penalty upon juveniles below the age of 18, and their execution, are incompatible with Iran's international obligations."

15. On 11 February 2011, a number of Special Procedure mandate holders¹⁹ in a joint communication expressed concern at the imposition of the death penalty on two children, Ms Fatemeh Salbehi and Mr Rangraz Tabatabaie. 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

¹⁵ Ibid, 14 December 2011, available from <http://isna.ir/isNA/newsView.aspx?ID=News-1909371>

¹⁶ Ibid, 13 December 2011, available from <http://isna.ir/isNA/newsView.aspx?ID=News-1909382>

¹⁷ Ibid, 20 February 2012, available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1952901&Lang=P

¹⁸ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11415&LangID=E>.

¹⁹ Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on extrajudicial and summary execution. A/HRC/18/51, p. 46.

upheld by the Supreme Court. Mr Tabatabaie was allegedly arrested on suspicion of *lavat*, or 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 Criminal Court in Fars sentenced Mr. Tabatabaie to death for offences allegedly committed when he was a child. The Supreme Court has reportedly upheld the decision.

D. Women's Rights

16. In regard to the achievement of the Millennium Development Goals (MDGs), Iran has made notable progress under MDG1 (reduce extreme poverty), MDG2 (achieve universal education) and MDG4 (reduce child mortality by half) and MDG5 (reduce maternal mortality by two-thirds). Further, Iran has achieved many accomplishments in literacy, health and education indices for women under its National Development Plans since 1989. Female to male ratio for literacy was recorded at 0.88 and the ratio for females to males in tertiary education increased from 1.09 to 1.15 in 2009. Access to health including reproductive health has improved with infant mortality decreasing to 21 out of 1,000 and the maternal mortality ratio to 30 out of 100,000. Births attended by skilled health staff are up from 90% in 2007 to 97% in 2011. Women account for 55% of the total number of staff and 71% of the staff in the nursing and midwifery sectors of the Ministry of Health and Medical Education and affiliated organisations. Gender disparities however differ among geographic regions.

17. Despite gains in higher education and health, scarce job opportunities and concomitant cultural and religious norms restrict women's employment.²⁰ According to the Human Development Report of 2011, Iran ranks 98 out of 187 in gender inequality.²¹ Only 13% of the workforce in paid positions are women. In March 2010, the estimated unemployment rate was 11.9%, but 16.8 % for women. There are reportedly more women civil servants, but the private sector is still male dominated. It is reported that women's admission to higher education, at least in technical universities, has recently been restricted. Based on these restrictions, it is estimated that less than 32% of admitted students are female. The ratio was 45% in 2007-2008. If the decreasing rate continues, women with higher education run the risk of having less opportunities for better paid jobs.

18. According to the Civil Code of Iran, the minimum age of marriage stands at 13 years for girls and 15 years for boys. The Secretary-General is concerned at this low age of minimum age of marriage for girls, which is discriminatory and low by international standards. Iranian authorities however claim 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, the occurrence of marriages of girls under the age of 10 has 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 were married in the province.²² According to a report published by the official news outlet Khabaronline, 800,000 children have been married, with girls being the most affected. The report cites an increase of 6.5% in child mothers and suggest that 85 % of married girls between the age of 10-18 are married to men aged over 18. Sistan and Baluchistan, provinces with low development indices, are reported to

²⁰ On 9 August 2011, Prosecutor General of Alبرز Province stated that the recruitment of women employees pave ground for rape and kidnapping. www.isna.ir/ISNA/NewsView.aspx?ID=News-1823757

²¹ Human Development Report 2011, Sustainability and Equity: A Better Future for All, 2011, p. 142.

²² Official-news ISNA, 24 December 2011, available from <http://isna.ir/ISNA/NewsView.aspx?ID=News-1916579>

account for the highest rates.²³ Reports of forced marriages are also emerging from some parts of the country. The head of Ilam judiciary reported that more than 10% of marriages in the province are forced and noted that forced marriages are the main reasons for the high rate of divorce as well as suicides amongst women in Ilam province.²⁴ Furthermore, 66% of Iranian women have reportedly experienced domestic violence at least once after their marriage. The rate was higher in Bandar-abbas and Zahedan, two cities in the south of Iran.

19. Reports suggest that women rights activists remain under pressure for their advocacy. In particular, members of the Mourning Mothers and One Million Signature Campaign continue to face harassment, intimidation and prosecution for their activities. Seven supporters of the Mourning Mothers²⁵ were arrested in February 2010. Of these, Leila Seifolahi, Jila Karamzadeh Makvandi and Fatima Rastagari Nasab were all recently sentenced to four years in prison for the creation of an “illegal organization”, and “acting against national security”.

E. Minorities

20. Special Procedures mandate holders continue to receive reports of harassment, intimidation and persecution of minorities. Religious and ethnic minorities are reported to have systematically been subjected to a range of human rights violations and discrimination. On 22 February 2011, Special Procedures mandate holders²⁶ in a joint communication expressed concern at the arrests 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. Iranian authorities stress that religious and ethnic minorities enjoy protection under the Constitution and are free to perform their religious rites and ceremonies, within the limits of the law, to act according to their own canon in matters of personal affairs and religious education and that individuals are not arrested or persecuted because of their belief.

21. The case of Pastor Yousuf Naderkhani, who was sentenced to death for apostasy and evangelism, received considerable international attention. Arrested in October 2009, Mr Naderkhani was found guilty and sentenced to death in September 2010. The death sentence was reportedly upheld by the Supreme Court, with an element of repentance stating that unless the accused decides to renounce Christianity, he would be executed by hanging. On 11 October 2011, the Supreme Court however reportedly announced that the case is being re-examined for shortcomings and technicalities and that there has been no final verdict.²⁷ Earlier in October 2011, the Deputy Governor of Gilan Province introduced

²³ Official-news Khabaronline, 1 January 2012, available from <http://khabaronline.ir/detail/192019/society/family>

²⁴ Ibid, 1 January 2012, available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1887688

²⁵ The 'Mourning Mothers' are women whose children have been killed, disappeared or detained in post-election violence of 2009.

²⁶ 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

²⁷ Official-news ISNA, 11 October 2011, available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1867144&lang=p

new charges against Mr Naderkhani and stated that he is not accused of converting people to Christianity but guilty of crimes of security natures and running a brothel.²⁸

22. 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 performance of *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.²⁹ 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.

23. 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, a number of Special Procedures mandate holders³⁰ expressed concern at the arrest and detention of 11 members of the Baha'i community during the month of December 2010. In almost all cases, security agents reportedly searched their homes and confiscated books and other materials related 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 noted that Iran has a policy of systematic persecution and excommunication of persons belonging to the Baha'i faith from the application of freedom of religion or belief by simply denying their faith to have the status of a religion.³¹ Authorities in Iran regard Baha'ism as a political or cult organisation and stress that members of the organisation have never obtained the required permit, which makes their activities illegal and against the existing regulations.³² On 16 January 2012, the Head of the Yazd judiciary reportedly warned that members of the Baha'i community who cause any disruption in the country will be seriously dealt with.³³

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

24. In its third periodic report to the Human Rights Committee, Iran states that "all institutions of government arise from the will and direct or indirect vote of the people."³⁴ The report stresses that the electoral system in Iran is in conformity with article 25 of the ICCPR which provides for free and fair elections. However, the Human Rights Committee

²⁸ Ibid, PressTV, 5 October 2011, available from www.presstv.ir/detail/202870.html

²⁹ Official-site of Sunni Muslim, 3 November 2011, available from http://english.sunnionline.us/cgi-sys/suspendedpage.cgi?option=com_content&view=article&id=3068:iran-stops-two-prominent-sunni-scholars-from-hajj&catid=58:ah-al-sunna-in-iran&itemid=198

³⁰ 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

³¹ Baha'i world-news service, 23 October 2011, available from <http://news.bahai.org/story/862>

³² Statement of Dr Mohammad Javad Larijani to General Assembly, 21 November 2011.

³³ Official-news ISNA, 16 January 2012, available from www.isna.ir/ISNA/newsView.aspx?ID=news-1931423&Lang=P

³⁴ CCPR/C/IRN/3, 31 May 2010, para. 6.

expressed concern about both the registration requirements in election campaign³⁵, and the right of the Guardian Council to reject parliamentary candidates.³⁶ The eligibility of candidates is defined by the Guardian Council, which screens candidates for their demonstration of “practical allegiance to the Constitution and the progressive principle of the absolute rule of the Supreme Jurisprudence (*Velayate Faqih*)”. Concerns remain 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 the Iranian citizenry 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.

25. 5,395 individuals, including 428 women, had signed-up for Iran’s ninth parliamentary elections scheduled for 2 March 2012. Compared to the parliamentary elections of 2008, the number of registered candidates had declined by 30 percent, which the authorities attributed to amendments made to the electoral law, such as the criterion of holding a master’s degree.³⁷ The registered candidates that ran for the election included 260 currently sitting lawmakers. On 11 February 2012, the Guardian Council announced the approval of 3,400 candidates to run for the March elections. The approved candidates had eight days to campaign,³⁸ which restricted their ability to present their policies and agendas to their constituents and also limited voters’ access to information necessary for making an informed electoral decision.

26. Authorities put the overall turnout at 64.2% in the March 2 elections, an increase of 10% in voter turnout, as compare to the previous parliamentary elections. 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. 850,000 observers reportedly supervised the election process, and 13,00 local and 350 foreign reporters provided coverage. serious concerns remain about the vetting of the candidates for this election.³⁹ Initial reports indicated that between 30-50 currently serving members of the parliament, including Mr Ali Motahari, a vocal critic of the Government; Mr 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; Mr Dariush Qanbari, the spokesman of the Majlis minority faction; and Mr Alireza Mahjoub, who is considered a representative of labourers, have been disqualified.⁴⁰ Some members of the Parliament challenged the legality of their disqualification and few of the aforementioned were reportedly reinstated. At least 28 members of the parliament, who have called for the questioning of the President, were reportedly either disqualified or their candidature rejected.⁴¹ It was further reported that the Guardian Council reinstated a number of

³⁵ Iran’s electoral law stipulates that potential candidates for parliament must hold “Iranian nationality, between 30 to 75 years old, uphold the value of the Islamic Republic, have no criminal records, be of sound body and mind, hold a master’s degree, abide by the Iranian Constitution and showing practical allegiance to the Constitution and Supreme Jurisprudence (*velayate- faqih*).

³⁶ Human Rights Committee, CCPR/C/IRN/CO/3, para 29

³⁷ Nearly 7,600 persons registered for the 2008 elections, out of which around 4,600 were cleared to run.

³⁸ Iranian Minister of Interior announced that the official campaign would start on 23 February and closes on 1 March 2012. Official-news TehranTimes, 19 February 2012, available from <http://www.tehrantimes.com/politics/95623-parliamentary-campaign-officially-starts-on-feb-23>

³⁹ Ibid, TehranTimes, 4 March 2012, available from <http://www.tehrantimes.com/politics/96069-majority-of-parliamentary-seats-decided>

⁴⁰ Ibid TehranTimes, 10 January 2012, available from www.tehrantimes.com/politics/94435-initial-report-on-approved-parliamentary-candidates-released

⁴¹ Official-news ISNA, 25 February 2012, available from <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1956345&Lang=P>

candidates some days before election day, depriving candidates from conducting proper campaigns to lobby for support. 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.⁴²

27. 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, Mr Solat Mortazawi, Chief of parliamentary election headquarters, announced that these three parties were not in possession of relevant permits for political activities and were thus banned from running or producing electoral list for the 2012 March elections.⁴³

28. The Secretary-General is concerned that the two main opposition leaders Mir Hossein Mossavi and Mehdi Karoubi remained under house arrest with limited contacts with the outside world during the elections. Such restrictions adversely affect 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, Dr Mohammad Javad Larijani, Head of the High Council for Human Rights in Iran, publicly stated that the reasons for the confinement of the opposition leaders include incitement to violence and other illegal activities.⁴⁴

29. Concerns continue about the continued crackdown on media professionals and pervasive restrictions on freedom of opinion and expression. In its concluding observations, the Human Rights Committee expressed concern at the arrest and detention of many journalists, newspaper editors, film-maker and media workers since the 2009 presidential elections and that many newspapers and magazines have been closed. The Committee further expressed concern about the “monitoring of Internet use and contents, blocking of websites that carry political news and analysis, slowing down of internet speeds and jamming of foreign satellite broadcasts, in particular since the 2009 presidential elections.”⁴⁵

30. During the reporting period, authorities continued to exercise strict control over the media and came down heavily on various newspapers, foreign broadcasters, and websites and arrested a large number of journalists. According to various sources,⁴⁶ over 40 journalists are currently imprisoned, with at least seven journalists and bloggers detained solely during the month of January 2012. This includes the arrest of women’s rights activist and blogger, Ms Parastou Dokouhaki on 15 January 2012; the arrest of journalist Ms Marzieh Rasouli on 17 January 2012 on charges of “acting against national security”; the arrest of journalist Mr Sahamoddin Bourghani on 18 January 2012; and the arrest of

⁴² Official-news ISNA, 2 January 2012, available from <http://isna.ir/Isna/newsView.aspx?ID=News-1923440>

⁴³ Official-news Aftab, 4 November 2011, available from www.aftabnews.ir/vdchi6nzx23nxxd.tft2.txt

⁴⁴ Press Conference, Human Rights and Regional Development, 16 November 2011, <http://www.unmultimedia.org/tv/webcast/2011/11/press-conference-human-rights-and-regional-development.html>

⁴⁵ Concluding observations, Human Rights Committee, CCPR/C/IRN/CO/3, para. 27

⁴⁶ Imprisonments jump worldwide, and Iran is worst, Committee to Protect Journalist CPJ, 28 December 2011, available from <http://cpj.org/reports/2011/12/journalist-imprisonments-jump-worldwide-and-iran-i.php>, and the International Federation of Journalists (IFJ) condemns the latest arrest of journalists in Iran, 20 January 2012, available from <http://www.ifj.org/en/articles/ifj-condemns-latest-arrests-of-journalists-in-iran>

journalist Mr Saeed Madadi, on 7 January 2012. Furthermore, on 15 January 2012, Mr Ali Akbar Javanfekr, Director of the official Iranian news agency (IRNA) and press advisor to President Mahmoud Ahmadinejad, was sentenced to one year suspended jail and five years ban on membership in parties, groups, and associations and journalistic and media activities for publishing subjects deemed contrary to Islamic norms and public morals.⁴⁷

31. On 29 January 2012, the Supreme Court reportedly upheld the death sentence for blogger Mr Saeed Malekpour on charges of “corruption on earth” for developing a website considered as obscene in Persian.⁴⁸ Furthermore, IT professionals Mr Vahid Asghari and Mr Ahmad Reza Hashempour have also been sentenced to death by a lower court on similar charges. In his report to the Human Rights Council, the Special Rapporteur on the promotion of the rights to freedom of opinion and expression stressed that imprisonment of bloggers is a clear example of criminalising legitimate expression and noted that 13 bloggers are imprisoned in Iran on charges related to the content of their online expression.⁴⁹

32. 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 Mr Hadi Afarideh, Mr Shahnam Bazdar, Mr Mojtaba Mitahmasb, Mr Naser Saffarian, Mr Katayoun Shahabi and Mr Mohsen Shahrnazdar, in connection with a BBC documentary about the Supreme Leader Ayatollah Ali Khamenei, has sparked widespread protests and criticism. On 20 September 2011, the authorities stated that the people arrested had carried out anti-Iran missions by providing BBC with propaganda subjects.⁵⁰ The BBC rejected Iran’s allegations and stressed that none of the six Iranian filmmakers had been involved in the production of the documentary. In December 2011, the official news agency ISNA reported that all six filmmakers were released after each posted the equivalent of 200,000 USD bail.⁵¹ On 13 November 2011, the Iranian authorities reported the arrest of Hassan Fathi for working secretly for the Persian language service of the BBC. Fathi has been charged with spreading lies about the Islamic Republic and attempting to manipulate public opinion.⁵² On 6 February 2012, Iranian state media again reported the arrests of people secretly working for the Persian language services of BBC.⁵³ Reports also suggest that Iranian authorities routinely harass, intimidate, question and detain relatives of Iranian journalists working with foreign based media.⁵⁴

33. The Ministry of Culture and Islamic Guidance’s decision to disband the Iranian House of Cinema (IHC), which was founded 20 years ago and registered as a non-

⁴⁷ Official-news ISNA, 15 January 2012, available from www.isna.ir/ISNA/newsView.aspx?ID=news-1930881

⁴⁸ Ibid, 29 January 2012, available from www.isna.ir/ISNA/newsView.aspx?ID=news-1938826&lang=p

⁴⁹ A/HRC/17/27, para. 35.

⁵⁰ Ibid, PressTV, 21 October 2011, available from www.presstv.com/detail/205889.html

⁵¹ Ibid, ISNA, 9 November 2011, available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1888068

⁵² Ibid, Mehrnews, 13 November 2011, available from www.mehrnews.com/en/NewsDetail.aspx?NewsID=1459580

⁵³ Ibid, Mehrnews, 6 February 2012, available from www.mehrnews.com/fa/newsdetail.aspx?NewsID=1527384

⁵⁴ BBC reported that “it had seen “disturbing new tactics”, including the targeting of family members of those working outside Iran.” It reported that last week, “the sister of a BBC Persian staff member was detained and held in solitary confinement at a Tehran jail.” BBC news, 3 February 2012, www.bbc.co.uk/news/world-middle-east-16874177. Human Rights Watch, Stop Holding Reporters’ Relatives Hostage, 3 February 2012, available from www.hrw.org/news/2012/02/02/iran-stop-holding-reporters-relatives-hostage

governmental institute, received considerable attention both locally and internationally. The institute was the parent group for a range of motion picture guilds and a forum of visual artistic expression with more than 5,000 members. The Ministry of Culture and Islamic Guidance accused the IHC official of establishing the guild without legal formalities and also making amendments to its charter without informing the Iran Public Culture Council (IPCC). Prominent actress Ms Marzieh Vafamehr, who was arrested in June 2011, was released in October 2011, after spending nearly five months in Varamin prison, south-east of Tehran. Ms Vafamehr was allegedly charged with “participation in production of a vulgar film,” and “anti-Sharia conduct,” such as pretending to drink alcohol, shaving her head and appearing without a hijab in a film. She was initially sentenced to one year in prison and 90 lashes, which was lessened to a three months jail term on appeal.

34. On 28 December 2011, authorities reportedly blocked access to the website of Mr Akbar Hashemi Rafsanjani, the Chairman of the Expediency Council. On 2 January 2012, the Prosecutor General, Mr Gholam Mohsen Ejei confirmed that the website was blocked because it contained criminal content.⁵⁵ Authorities also reportedly introduced a new set of regulations that require all internet cafes to install surveillance cameras and collect personal details about the customers.⁵⁶ According to media reports, police closed down a number of internet cafes and arrested their owners for using proxies and not implementing proper security measures.⁵⁷ Access to foreign email 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, over 30 million people in Iran have lost access to foreign email.⁵⁸ 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 him or herself through any media or new communication technologies such as the internet, and thus, restricting access completely is in breach of article 19 of the ICCPR and the UDHR.⁵⁹

35. 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” newspaper for two months for propaganda against the system and for publishing classified information.⁶⁰ 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 “Etemad”.⁶¹ Authorities also reportedly issued a blacklist of publishers and writers last year and suspended 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 practices of the Ministry of Culture and Islamic Guidance, which have adversely affected the environment for the publishing industry and resulted in number of writers postponing publication of books.

⁵⁵ Official Mehrnews, 2 January 2012, available from www.mehrnews.com/en/NewsDetail.aspx?NewsID=1499708

⁵⁶ Official-news ISNA, 3 January 2012, available from <http://isna.ir/ISNA/newsView.aspx?ID=news-1923707>

⁵⁷ Ibid, 1 January 2012, available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1922195

⁵⁸ Official-news Mehr, 11 February 2012, available from <http://www.mehrnews.com/fa/newsdetail.aspx?NewsID=1531304>

⁵⁹ A/HRC/17/27

⁶⁰ Official-news ISNA, 5 September 2011, available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1840700

⁶¹ Ibid, 20 November 2011, available from www.isna.ir/ISNA/NewsView.aspx?ID=News-1894235&lang=p

36. The Secretary-General notes with concern that human rights defenders continue to face a precarious situation in Iran. On 10 September 2011, authorities arrested Mr 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 and 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 due to the absence of the prosecutor.⁶² In February 2012, Mr. Soltani was allegedly sentenced to 18 years in prison and banned from practicing law for 20 years. On 16 November 2011, during a press conference in New York, Dr Mohammad Javad Larijani, Head of the High Council for Human Rights in Iran, noted that no lawyer is in prison for his/her profession, but accused Mr Soltani of having relations with terrorist groups.

37. The Secretary-General regrets that despite persistent calls from the High Commissioner for Human Rights and the Special Procedures of the Human Rights Council, Ms Nasrin Sotoudeh, another prominent human rights lawyer, remains in prison. Ms Sotoudeh was arrested on 4 September 2010 and sentenced to 11 years imprisonment and a 20 year ban from practicing law and leaving the country on charges of “acting against national security,” “not wearing *hejab* (Islamic dress) during a videotaped message,” “propaganda against the system,” and for membership in the “Center for Human Rights Defenders”. In September 2011, the Appeal Court reduced her jail sentence to six years and the ban on working to 10 years. On 6 May 2011, the United Nations Working Group on Arbitrary Detention in its opinion 21/2011 found that depriving Ms Sotoudeh of her liberty is arbitrary and in violation of various provisions of the UDHR and ICCPR, and requested the Government to release her immediately and provide her with adequate reparation. Further, Ms Nargis Mohammadi, human rights activist and vice-president of the Centre for Human Rights Defenders (CHRD), established by Nobel Laureate Shirin Ebadi, was sentenced to eleven years in prison in September 2011, on charges of “assembly and collusion against the national security, membership in CHRD and propaganda against the regime”. Ms Mohammadi was 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 Mohammad is currently on bail, she remains at risk of arrest.

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

A. Cooperation with the United Nations Human Rights Treaty System

38. The Islamic Republic of Iran has ratified five core international human rights treaties⁶³ and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Iran 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.

39. The Human Rights Committee considered the third period report of Iran under the ICCPR on 17 and 18 October 2011. This was Iran’s first report to the Human Rights

⁶² Ibid, 1 January 2012, available from www.isna.ir/isna/newsview.aspx?id=news-1922654&lang=p

⁶³ CRC, ICERD, ICCPR, ICESCR and CRPD.

Committee in 18 years. The last report submitted for review was in 1993. The Committee welcomed this opportunity to renew its constructive dialogue with 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, the accession to the Convention on the Rights of Persons with Disabilities as well to the Optional Protocol to the Convention of 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; harassment, persecution and cruel punishment, including the death penalty to members of the lesbian, gay, bisexuals 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 discrimination against minority groups. The Committee encouraged Iran to ensure that all obligations of the Covenant are fully respected and Iranian legislation and practices are brought in line with the provisions of the Covenant.

B. Cooperation with the United Nations Special Procedures

40. There have been no visits by Special Procedures since 2005, despite a standing invitation issued to all thematic Special Procedures mandate holders in 2002. The Government of Iran has agreed in principle to a number of visits of the Special Procedures including the Working Group on Enforced or Involuntary Disappearances,⁶⁴ the Special Rapporteur on extrajudicial, summary or arbitrary executions⁶⁵ and the Special Rapporteur on freedom of religion or belief.⁶⁶ To date, however, these visits have not been scheduled. Requests for country visits by other Special Procedures 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 Special Rapporteurs to visit in 2012, however the mandates have not to date been specified.

41. 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 but without obtaining a positive response. The Special Rapporteur stressed that engagement with the country mandate-holder can only lessen the potential for politicization over which Iran has repeatedly expressed concern. In a positive move, the Permanent Missions of Iran in New York as well as 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 on 12 March⁶⁷. 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 deep concern over the deteriorating human rights situation in particular over the restrictions imposed on freedom of expression, association and assembly, the dramatic increase in the frequency of executions, the lack of due process and discrimination against minorities. The Iranian

⁶⁴ A visit was agreed to for July 2004 but was postponed. Follow-up reminders for setting dates were sent in 2008, 2009 and August 2010.

⁶⁵ Initial request sent in Nov 2004. 2006. Follow-up requests sent in February 2005, October 2005, November 2006, and December 2008 and latest in September 2010.

⁶⁶ Visits were agreed to in principle in November 2003. Several follow-up requests and reminders were sent, the latest in November 2010.

⁶⁷ A/HRC/19/66, 6 March 2012.

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 was subsequently able to meet in Geneva with Mr Khosro Hakimi, Deputy Head of the High Council for Human Rights in Iran and Government officials visiting from Tehran.

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

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

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

44. 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 UN 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 preparatory delegation sought to raise individual cases that are 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 NGOs. 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 Iran. This could involve follow up missions during which OHCHR staff 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

45. **The present report highlights many areas of continuing concern in relation to human rights in the Islamic Republic of Iran. The Secretary-General is deeply troubled by reports of increased numbers of executions including in public, executions of juvenile offenders, amputations, flogging, arbitrary arrest and detention, unfair trials, torture and ill-treatment and, the crackdown on media professionals, film makers, human rights defenders, lawyers and opposition activists.**

46. **The Secretary-General notes that the authorities have taken some positive steps, for instance to revoke stoning as a method of execution and to limit the application of the death penalty for juvenile offenders. However, the Secretary-General expresses concern that the new Islamic Penal Code fails to abolish execution of juvenile offenders and does not increase 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 end punishments which are prohibited under international law. In the meantime, the Secretary-General calls upon Iran to institute a moratorium on such executions.**

47. The Secretary-General welcomes Iran's recent efforts to report to the human rights treaty bodies. He encourages Iran to implement the concluding observations made in October 2011 by the Human Rights Committee with respect to civil and political rights of the people of Iran and ensure that all obligations of the Covenant are fully respected in law and practices. 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.

48. The Secretary-General welcomes Iran's intention to invite two Special Procedures mandates 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 Iran has not yet been admitted to the country. The Secretary-General encourages the Government to fully cooperate in the fulfillment of the Special Rapporteur's mandate by inviting him to the country.

49. 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 contributions Special Procedures mandates can make to monitoring and reporting on the human rights situation in Iran, as well as facilitating technical assistance in relevant areas.

50. The Secretary-General welcomes the cooperation extended by the Government of Iran to the Office of the High Commissioner for Human Rights, including through the invitation of a working level preparatory mission that visited Iran from 19-22 December 2011. The Secretary-General encourages the Government to continue and strengthen such cooperation with a view to further enhance the respect and protection of human rights in the country.
