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**IMPACT IRAN**

Written contribution to the

**Human Rights Committee**

From

**All Human Rights for All in Iran**

**Association for Human Rights in Kurdistan – Geneva (KMMK-G)**

**Association for the Human Rights Of The Azerbaijani People In Iran (AHRAZ)**

**Iran Human Rights Documentation Center (IHRDC)**

**OutRight International**

**Siamak Pourzand Foundation**

**Small Media**

**Impact Iran**

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**ISLAMIC REPUBLIC OF IRAN**

***Discrimination and violence based on gender,  
religion or belief,  
ethnicity and language,  
sexual orientation and gender identity***

Human Rights Committee, 129<sup>th</sup> session (Geneva)

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**All Human Rights for All in Iran** is a non-governmental organization established in 2017, and based in Austria. All Human Rights for All in Iran is working with Iranian partners, to try to draw the international attention to the human rights situation in the Islamic Republic of Iran, at the local, regional, national, and international levels. The organization has contributed to the section on women’s rights. It is a member of Impact Iran.



**The Association for Human Rights in Kurdistan - Geneva (KMMK-G)** aims to promote democracy, respect for human rights and social development in and beyond Kurdistan of Iran. It was established in 2006 in Geneva, and it is committed to struggle against any form of discrimination towards ethnic and religious minorities within the region, defend political prisoners, fight for the abolition of death penalty, and promote women’s and children’s rights. The organization has contributed to the section on the rights of ethnic minorities. It is a member of Impact Iran.



**The Association for the Human Rights of the Azerbaijani People in Iran (AHRAZ)** is an independent non-governmental organization based in Oslo, Norway. The main purpose of AHRAZ is to conduct voluntary work in connection with the human rights situation of various minority groups in Iran, with a special focus on Azerbaijani Turks. AHRAZ has contributed to the section on ethnic minorities. It is a member of Impact Iran.



**OutRight Action International** is an international non-governmental organization working to document and expose human rights violations against LGBTIQ people across the world. It is the first U.S.-based LGBTIQ organization to achieve consultative status at the United Nations. OutRight has contributed to the section on sexual orientation and gender identity. It is a member of Impact Iran.



**Iran Human Rights Documentation Center (IHRDC)** is an independent non-profit organization that was founded in 2004 by human rights scholars and lawyers. The mission of the center is to establish a comprehensive and objective historical record of the human rights situation in Iran; make it available in an archive that is accessible to the public for research and educational purposes; and promote accountability, respect for human rights and the rule of law in Iran. IHRDC is in consultative status with the United Nations Economic and Social Council (ECOSOC) since 2018. It has contributed to the section on religious minorities. IHRDC is a member of Impact Iran.



**The Siamak Pourzand Foundation (SPF)** promotes freedom of expression for artists, journalists, women and human rights defenders in contexts where the censorship apparatus is hard at work. Further, it curates collaborative platforms and alternative media to empower marginalized communities such as religious minorities and ethnic groups struggling against censorship and repression. It has contributed to the section on women’s and girls’ rights. SPF is a member of Impact Iran.



**Small Media (IHRDC)** is a London-based action lab, providing digital research, training and advocacy solutions to support the work of civil society actors that provides assistance to at-risk communities globally. This includes: providing Media Advocacy training and support, providing Digital Security training and consultancy services, working with CSOs to visualise their data to support advocacy work, providing free secure hosting to websites and (5) developing secure technology solutions. Small Media is a member of Impact Iran.



**Impact Iran** represents a coalition of 14 non-governmental organizations that draw attention to the situation of human rights in Iran, and encourage the Iranian government to address concerns expressed by the international community and international human rights bodies. We organize public advocacy campaigns aimed at the UN member states and lead high-level human rights discussions to collectively spark action by the international community to promote and protect the rights and dignity of all in Iran.

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## I) HUMAN RIGHTS OF RELIGIOUS MINORITIES

1. The Constitution of the Islamic Republic of Iran names the Twelver Ja'fari School of Shi'a Islam as the state religion, although it calls for the Sunni schools of Islam to be treated with respect and allows their implementation in Sunni-majority areas. Article 19 of the Constitution guarantees that all people in Iran enjoy equal rights, "regardless of the tribe or ethnic group to which they belong" and that "color, race, language, and other such considerations shall not be grounds for special privileges". However, the constitution omits religious or belief identity as an impermissible ground for discrimination. Furthermore, Article 13 of the Iranian Constitution declares that Christians, Jews and Zoroastrians are the only religious minority groups recognized under Iranian law, and that they can practice their faith. This protection, however, is limited to the three recognized religious minority groups and leaves unrecognized religious minorities, including Baha'is, Sabean-Mandean and Yarsan, without protection. Additionally, it does not include the right to promote one's religious beliefs.

### A) Apostasy

2. In 2011, the Committee expressed concern at the arrestation of persons who had converted from Islam, and at the fact that article 225 of the draft Penal Code, if adopted, would have made death penalty mandatory for convicted male apostates.<sup>1</sup>
3. This draft article was withdrawn before the adoption of the revised Islamic Penal Code in 2013, and Iranian law does not expressly criminalize conversion from Islam to another religion. Nevertheless, under Article 220 of the Islamic Penal Code and Article 167 of the Iranian Constitution, a judge may refer to Islamic law to rule on crimes not explicitly defined in the law. Over the years the Iranian judiciary has invoked Article 167 of the Iranian Constitution to issue death sentences on the charge of apostasy in a number of cases. These sentences, however, are typically replaced by prison sentences on appeal.
4. More commonly, the Iranian judiciary resorts to national security charges instead of apostasy. Several Christian converts, Baha'is and Gonabadi Dervishes have been prosecuted and imprisoned on national security charges, in connection with a range of peaceful activities, including simply participating in religious or cultural activities, resulting in long prison and flogging sentences.

### Suggested Questions

- *Please clarify whether the right to change religion is fully guaranteed under Iranian law, in line with Article 18 of the Covenant*

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<sup>1</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 23

- *Please provide information on measures that the government is taking or intends to take to ensure that security crimes are not misused to criminalize peaceful practice, manifestation and teaching of one's religion or belief*

## **B) Restrictions on the free exercise of religion**

5. In 2011, the Committee recommended that Iran guarantee the freedom to manifest a religion or belief and that it can be exercised either individually or in community with others and in public or private, and expressed concern at the situation of Sunni Muslims in that respect.<sup>2</sup>
6. The Iranian government continues to infringe on religious minorities' freedom of worship. Sunnis are not allowed to build new mosques in major cities, including Tehran. In addition, a number of Sunni religious seminaries have been destroyed by the government.
7. State authorities conduct raids on home churches, which are informal congregations comprised mostly of converts who are unable to attend formally recognized churches without risk to themselves and the formal church. Organizers of home church services are arrested and often sentenced to prison. Baha'is are also prohibited from practicing their faith publicly, and they are not allowed to operate houses of worship.

### Suggested Questions

- *Please provide information about how many permits to build new mosques have been issued to Sunnis throughout the country*
- *Please clarify whether members of religious minorities have a right to practice their religion or belief, individually and collectively, in public or at their home under Iranian law, and comment on reports that home Churches are regularly raided by law-enforcement agents*

## **C) Unequal protection of the law and protection from discrimination**

8. In 2011, the Committee expressed concern at discrimination against persons belonging to religious minorities in law and practice and recommended that Iran ensure that members of religious minorities are protected. It expressed concern about the situation of Baha'is and Sunni Muslims in that regard.<sup>3</sup>

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<sup>2</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 25

<sup>3</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 24-25

9. Many elements of Iran's domestic legal framework discriminate between Muslims and non-Muslims. For example, Article 881 of the Civil Code bars non-Muslims from inheriting property from Muslims.
10. The Islamic Penal Code (IPC) also prescribes different penalties depending on the religion of the perpetrator and/or the victim of some crimes. For example, in cases of murder, the IPC sanctions the practice of *qisas* (retaliation in kind), which allows the family of the murder victim to opt for the execution of the murderer. However, this practice is applied discriminatorily under the IPC on the basis of religion and belief. If a Muslim or member of a recognized minority kills a follower of an unrecognized religion, the family of the victim has no resort to *qisas*.
11. In terms of **discrimination in access to employment**, while Iranian law theoretically forbids the investigation of individual beliefs, discrimination in access to employment is institutionalized through the practice of *gozinesh*, a mandatory screening process that anyone seeking employment in the public sector must undergo.
12. The *gozinesh* criteria not only bar adherents of non-recognized religions from seeking employment, but also disadvantage Sunnis and anyone who holds views contrary to the official values of the Islamic Republic.
13. Baha'is, for instance, continue to be categorically barred from public sector employment, and they also face serious restrictions in the private sector. For example, the authorities sometimes refuse to issue commercial licenses to Baha'is and have shut down scores of Baha'i-owned businesses for closing on Baha'i holy days.
14. In May 2019, Iran's Social Welfare Organization issued a directive banning employment of religious minorities in kindergartens in all capacities, except in kindergartens exclusively serving minority children. Although the policy was later modified slightly, it still applies to certain positions of instruction.
15. Iran's military law bans the employment of non-Muslims in the military despite the fact that non-Muslims are not exempt from Iran's mandatory military service.
16. In terms of **discrimination in access to education**, the Iranian government continues to bar Baha'is from Iran's state-run university system. Baha'is are either not allowed to enroll or are expelled subsequent to registration. In fact, Iran's Court of Administrative Justice has ruled that a 1991 memorandum by the Supreme Council of Cultural Revolution prohibits admission of Baha'is to Iran's universities. Several Gonabadi Dervishes were also expelled from university in 2018.

### Suggested Questions

- *Please provide information about steps the state party intends to take in order to review the legislation with a view to repeal provisions that discriminate against individuals on the basis of their religion or belief*

- *Please provide information about the practice of gozineh, and about measures taken to ensure that this practice does not lead to direct or indirect discrimination against candidates belonging to religious minorities*
- *Please clarify the state policy with regard to the enrollment of students belonging to religious minorities, including Baha'is and Gonabadi Dervishes, in public universities and provide information on steps taken to prevent and punish expulsion or unenrollment of students based on his or her religion or belief*

## **D) Participation in public life**

17. Iran's Constitution reserves five parliamentary seats for adherents of recognized religions (one seat for Zoroastrians, one for Jews, one for Chaldo-Assyrian Christians and two for Armenian Christians.) However, these seats are both a floor and ceiling, as members of recognized religious minorities are not allowed to run for other seats in parliament.
18. According to the Constitution, candidates for president, Supreme Leader, members of the Guardian Council, of the Assembly of Experts and of the Expediency Council must be adherents of the official religion of the country, which excludes Sunnis and religious minorities from holding these positions. Although there is no explicit ban on Sunnis serving as ministers or provincial governors, the Iranian government does not appoint any Sunnis to these posts.

### Suggested Question

- *Please provide information about what the state party intends to do to ensure that Iranians are not discriminated on the ground of their religion or belief, in terms of participation in public life, including in access to positions of political leadership.*

## **E) Hate speech and hate crimes**

19. Iranian state-sponsored media frequently publish unsubstantiated and defamatory content against religious minorities, often accusing them of ties with foreign governments. Hate crimes, particularly against Baha'is, have not been investigated by the Iranian authorities. Religiously motivated killings and desecration of cemeteries are among these hate crimes.
20. Members of Iran's clerical ruling establishment, with its strongly Shi'a identity, often display contempt for minority religions. For example, leading Shi'a scholars and clerics have released decrees against the adherents of the Yarsan faith and forbid Shi'a Muslims to marry them. Religious clerics and official school textbooks openly vilify the Bahá'í faith and teach distorted information about the community's history and beliefs.

## Suggested Questions

- *Please provide data about the number and types of hate crimes – including religiously motivated killings and desecration of cemeteries - targeting religious minorities registered in Iran, about the proportion of these crimes that have led to trials and about the judicial outcomes of these trials.*
- *Please provide information about the measures taken by the state party, or that the state party intends to take, in order to prevent and punish incitement to discrimination, hatred and violence against individuals on the ground of their religion or belief*

## **II) HUMAN RIGHTS OF ETHNIC AND LINGUISTIC MINORITIES**

### **A) Education in mother tongue**

21. In 2011, the Committee recommended that Iran ensure that all members of ethnic, religious and linguistic minorities are able to enjoy their own culture and use their own language in media and schools.<sup>4</sup>
22. Large segments of the Iranian population belong to ethno-linguistic minorities, including Kurds, Arabs, Azerbaijani Turks, Balochis, and Turkmen. Historically, the suppression of minority languages in favor of Persian goes back to the beginning of the 20<sup>th</sup> century and has continued from the Pahlavi dynasty to the Islamic Republic. Assimilatory policies have been imposed for almost a century, including most importantly the establishment of Persian as the only language of teaching in state schools, but also changes in geographic names, the repression of minority language publications and cultural associations, and the still ongoing practice for civil registry officials to refuse to give children belonging to ethnic minorities names in their own languages<sup>5</sup>.
23. Under Article 15 of the Iranian Constitution, Persian is the only official language in the country. However, the same article stipulates that “the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian.” The phrasing of this article effectively restricts the domains in which languages other than Persian can be used, including in schools where teaching in minority language is permitted only for literature classes. This provision does not involve guarantees that children belonging to linguistic minorities will have access to education in their mother tongue.
24. However, in practice, there has been no elementary, middle, or high schools in the public system that teach the foremost minority languages, such as Azeri-Turkish, Balochi or Kurdish. On the

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<sup>4</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 30

<sup>5</sup> Minority Rights Group International, Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights, *Rights Denied: Violations against ethnic and religious minorities in Iran*, March 2018, p.23, accessible at: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>



contrary, the Ministry of Education has reportedly circulated reminders to teachers and school administrators that the use of Kurdish and Turkish languages inside public schools is forbidden<sup>6</sup>.

25. Following a lawsuit against the Ministry of Education initiated in March 2018, the Court of Administrative Justice ruled in March 2020 that the state is required to produce and prepare textbooks for teaching ethnic language literature until the end of secondary school in the country's schools. It is not clear whether the Ministry of Education has decided to appeal the ruling or whether it will be implemented.
26. Education in some minority languages like Kurdish has been available only through private classes, reducing the accessibility and affordability of Kurdish education. Furthermore, private teachers are required to obtain a license from the state to teach Kurdish, which places an additional barrier to private practice. Kurdish language teachers have been facing harassment and persecution, as illustrated by the situation of Zara Mohammadi, a young Kurdish language teacher who was arrested and detained by the Iranian authorities between May and December 2019, when she was released on bail<sup>7</sup>. She is awaiting her trial at the time of writing.
27. At university level, while teaching in and of minority languages had been inexistent for decades, two recent positive developments must be noted:
  - Following an electoral promise of President Rouhani during his 2013 election campaign, the government announced in 2015 that a university programme on Kurdish language and literature would be introduced at the University of Kurdistan in Sanandaj. A Similar degree for Azerbaijani Turkish literature has also been created<sup>8</sup>. The government also announced in 2015 that Baluchi language courses would be introduced at the university of Sistan-Baluchistan.
  - Since August 2016, participants in the national entrance examinations for universities in Iran have been allowed to choose Kurdish and Turkish languages as their majors at the bachelor level.
28. As of today however, the lack of access to mother tongue education in primary and secondary schools remains a major challenge, highlighted as an issue of concern by the CRC during the 2016 review of Iran<sup>9</sup>. This access at a young age is critical both to preserve minorities' distinct culture and identity, and to promote equality of opportunities. Indeed, some studies have linked high dropout rates and low academic performance of children belonging to linguistic minorities to a lack of instruction in their primary language<sup>10</sup>.

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<sup>6</sup> Minority Rights Group International, Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights, *Rights Denied: Violations against ethnic and religious minorities in Iran*, March 2018, p.22, p. 32, accessible at: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>7</sup> <https://www.amnesty.org/en/documents/mde13/1390/2019/en/>; <https://www.hra-news.org/2019/hranews/a-22801/>

<sup>8</sup> <https://www.mashreghnews.ir/news/617483/آموزش-زبان-و-ادبیات-ترکی-و-کردی-در-دانشگاه-ها>

<sup>9</sup> Committee on the Rights of the Child, *Concluding observations: Islamic Republic of Iran*, 14 March 2016, CRC/C/IRN/CO/3-4, para. 77-78

<sup>10</sup> International Campaign for Human Rights in Iran, Khuzestan's Teachers: academic failure and students dropouts are the result of not speaking the native language in schools. (8 November 2013) available at: [http://persian.iranhumanrights.org/1392/07/arab\\_language/](http://persian.iranhumanrights.org/1392/07/arab_language/)

## Suggested Questions

- *Please clarify whether Iranian law prohibits or not the use of minority languages in public schools, and comment on reports that communications have been circulated by governmental bodies to remind teachers and school personnel that the use of minority language is not allowed inside schools*
- *Please provide information about governments' plans to implement the March 2020 ruling of the Court of Administrative Justice requiring the provision of textbooks for the teaching of ethnic minorities' literature.*
- *Please, provide information about the number of primary and secondary schools that offer classes in Kurdish, Azeri-Turk and Balochi, within the public system*
- *Please provide further information about the provision of literature and language courses in universities: how many programmes have been open, how many students have been able to enlist in these programmes.*

## **B) Participation in Public Affairs**

29. In 2011, the Committee recommended that Iran ensure that all members of ethnic, religious and linguistic minorities participate in public affairs.<sup>11</sup>
30. The Iranian Constitution places religious requirements on certain high-ranking positions. The President, the Supreme Leaders, members of the Guardian Council, of the Assembly of Experts and of the Expediency Council must all adhere to Shi'a Islam<sup>12</sup>. These constitutional rules exclude persons belonging to religious minorities such as Sunnis, Jews, Christians, Zoroastrians, Yarsan or Baha'is from these key positions. It also indirectly excludes most Kurds, Turkmen and Baloch who are Sunni in majority.
31. No province governor belongs to an ethnic minority. None of the provinces that are populated in majority by minority groups, like Kurdistan, Sistan-and-Balochistan, Golestan, East and West Azerbaidjan, is run by a person belonging to that minority.
32. Positive developments have been slow and limited in scope, like the appointment by the government of three Sunni county governors belonging to the Turkmen, the Baloch and the Kurd minorities in 2017 and 2018. There are 324 counties in Iran, and therefore less than 1% are currently headed by a person belonging to an ethnic minority. While President Rouhani created a new post of Special Assistant to the President for Ethnic and Religious Minorities' Affairs after his

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<sup>11</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 30

<sup>12</sup> Iranian Constitution, Articles 5, 91, 109, 111 and 115

election in 2013, the person appointed to this position does not belong to any ethnic or religious minority himself.

33. In municipal executives as well, minorities remain largely under-represented. In September 2017, protests erupted in Ahwaz after the results of municipal elections showed that only three out of 13 seats on the municipal council had been won by Arab candidates, which many suspected was the result of fraud. The Baluchi, Kurdish and Turkmen minorities are also underrepresented in high- and medium-ranking political posts according to Minority Rights Group International<sup>13</sup>.

### Suggested Questions

- *Please provide information about the representation of ethnic minorities in the local executives of provinces, counties and municipalities where they form a majority of the population*
- *Please provide information as to whether the state party intends to undertake a census of its population that would allow for an update of the information on its ethnic composition, relying on the principle of self-identification, in line with the concluding observations from the UN Committee on the Elimination of Racial Discrimination*
- *Please provide information about what steps the state party is taking or intend to take to ensure that all segments of the Iranian population – including persons belonging to ethnic minorities – are adequately represented among political decision-makers*

## **C) Right to life: over-representation in the death row, extrajudicial killings and failure to clear landmines**

### **Over-representation of ethnic minorities in the death row**

34. Ethnic minorities, especially Kurds and Baluchis, are over-represented in death penalty statistics. Many of the offenses carrying the death penalty, in particular drug-related offenses and national security offenses, are among the charges most commonly used to target and convict minorities. Impoverished and marginalized minorities have been over-represented among those executed for drug offenses. Additionally, Kurdish political prisoners charged with national security offences represent almost half of the total number of political prisoners. Overall, half of those executed for affiliation with a political party or a banned group between 2010 and 2018 were Kurds, while a quarter were Baluchis and over one-tenth Arabs. There have also been serious concerns over the

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<sup>13</sup> Minority Rights Group International, Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights, *Rights Denied: Violations against ethnic and religious minorities in Iran*, March 2018, p.28, accessible at: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

secret executions of Ahwazi Arab prisoners in 2018, as Ahwazi Arab activists have reported that 22 men were executed in secret in 2018.<sup>14</sup>

### **Extrajudicial killings of border couriers**

35. Baluch and Kurd border couriers<sup>15</sup>, who reside in economically marginalized provinces such as Kurdistan, Kermanshah, Sistan-and-Balochistan and Western Azerbaijan face the threat of extrajudicial killings by the border authorities of the Islamic Republic of Iran. Border couriers transport goods on their back, on foot, horses or mules, under difficult conditions. Often not in possession of work permits, numerous border couriers are shot at by the Iranian border authorities along the way.
36. Reports received from Kurdistan of Iran alone indicate that between 2014 and 2019, 449 border couriers were shot at and killed by Iranian border authorities, with another 554 couriers injured primarily due to border shootings.<sup>16</sup>
37. Despite calls from within and from outside Iran to prevent and sanction this practice, the legal framework regulating the use of lethal framework and institutional framework monitoring its application have remained wholly inadequate, as studied in a report from KMMK-G published in February 2020<sup>17</sup>. As a consequence, law-enforcement officers who shot border couriers are rarely held accountable and these extrajudicial killings are most often met with impunity, as documented in a report.

### **Landmines and other remnants of war**

38. According to Iranian official statistics, during to eight years-long Iran-Iraq war (1980-1988), more than 20 million landmines have been planted in Western Azerbaijan, Ilam, Kurdistan, Kermanshah and Khuzestan that hamper seriously the daily life of civilians particularly the farmers, the nomads, the shepherds and traders.
39. According to KMMK-G's data, between 2015 and May 2020, a total of 60 civilians died and 173 others were wounded due to expositions to landmines and unexploded remnants of the Iran-Iraq war. Over 40% of victims of landmines are children. For instance, Ms. Saeedeh Chanani, a 15 years girl, from Dehlaran town, stepped on a landmine dating from Iran-Iraq war and lost her life on 2<sup>nd</sup> of

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<sup>14</sup> Amnesty International, Iran: "Fears mounting for detained Ahwazi Arabs amid reports of secret executions", 13 November 2018, accessible at:

<https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/>

<sup>15</sup> Kurdish border courier are known as *Kulbars* or *Kulbaran*. Balochi border couriers are known as *Sokhtbaran*.

<sup>16</sup> KMMK-G, Human Rights Violations in Kurdistan of Iran, April 2020, accessible at: [https://kmmk-ge.org/sd/wp-content/uploads/2020/05/KMMK-G-2019\\_Annual\\_Report-for-the-Attention-of-the-OHCHR-Desk-of-the-UN-Special-Rapporteur-on-the-Situation-of-Human-Rights-in-Iran.pdf](https://kmmk-ge.org/sd/wp-content/uploads/2020/05/KMMK-G-2019_Annual_Report-for-the-Attention-of-the-OHCHR-Desk-of-the-UN-Special-Rapporteur-on-the-Situation-of-Human-Rights-in-Iran.pdf)

<sup>17</sup> KMMK-G, The Situation of Kolbaran in Kurdistan of Iran, February 2020, accessible at: <https://kmmk-ge.org/sd/wp-content/uploads/2020/04/KMMK-G-Annual-Report-on-Extra-Judicial-Executions-of-Kurdish-Citizens-in-Iran-in-2019.pdf>

March 2019 in Naser village<sup>18</sup>. Another victim known as Mehdi was only 10 years old when he stepped on a landmine and lost a leg on November 18<sup>th</sup>, 2019 in Mehran in Kermashan<sup>19</sup>.

40. The Committee on the Rights of the Child and the UN Special Rapporteur on human rights in the Islamic Republic of Iran have both called on Iran to clear its entire territory from landmines and other remnants of war without delay<sup>20</sup>. Iran has been regularly claiming that provinces are cleared from landmines, while incidents continue to be reported. Iran is not a party to the Ottawa Mine Ban Treaty, and the government has been refusing to allow access to its territory to international non-governmental organizations working on landmines clearing.

### Suggested Questions

- *Please provide detailed statistics about persons sentenced to death and executed, desegregated by ethnicity, gender and types of crimes.*
- *Please provide information about how many law-enforcement officers have been sanctioned and/or tried and sentenced following extrajudicial killings of border couriers. What steps has the government taken to address this situation?*
- *Please provide information about the state party's efforts to clear its territory from landmines, and comment on reports that civilians continue to be victims of landmines. Please also provide information about what the state is doing in the meantime to prevent accidents and what reparation it provides to victims of landmines.*

## **III) HUMAN RIGHTS OF LESBIAN, GAY, BISEXUAL AND TRANS PERSONS**

41. In 2011, the Human Rights Committee recommended that Iran repeal or amend all legislation which provides for or could result in discrimination against, and prosecution and punishment of, people because of their sexual orientation or gender identity. It also recommended that Iran ensure that anyone held solely on account of freely and mutually agreed sexual activities or sexual orientation should be released immediately and unconditionally, that Iran take all measures to eliminate and prohibit discrimination on the basis of sexual orientation, and to ensure that individuals of different sexual orientation or gender identity are protected from violence and social exclusion.<sup>21</sup>

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<sup>19</sup> KMMK-G, Annual Report on the situation of human rights in Kurdistan of Iran, 1 May 2020, accessible at: <https://kmmk-ge.org/sd/annual-report-on-the-situations-of-human-rights-in-kurdistan-of-iran-in-2019/>

<sup>20</sup> Committee on the Rights of the Child, *Concluding observations: Islamic Republic of Iran*, 14 March 2016, CRC/C/IRN/CO/3-4, para. 39-40; UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Report to the UN General Assembly, 18 July 2019, A/74/188, para. 94

<sup>21</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 10

## A) Criminalization of same-sex consensual relations

42. Iran is one of eleven countries or entities that imposes the death penalty for consensual same-sex relations.<sup>22</sup> Articles 233 through 240 of Iran’s Islamic Penal Code criminalize same-sex consensual relations. The legal punishment is death for males who are deemed to be the “passive party” in the impugned sexual act or males who are non-Muslim and have engaged in a same-sex sexual acts with a Muslim man. The punishment for other men, and for women, who engage in same-sex sexual intercourse, is 100 lashes. The Islamic Penal Code also specifies that women punished three times for engaging in sexual activity may be sentenced to death on the fourth occasion. Men and women who engage in acts of affection, such as kissing or touching, with persons of the same sex can be punished with 31 to 74 lashes.<sup>23</sup>
43. The criminalization of same-sex consensual sexual behaviour, combined with the homophobic rhetoric of the Government, creates intense stigma and prejudice against LGBT Iranians. It legitimizes violence and discrimination by state agents and private individuals against individuals based on their real or perceived sexual orientation, gender identity and expression.<sup>24</sup> Forms of violence and discrimination experienced by Iranians based on their real or perceived sexual orientation, gender identity and expression include abuse by police and judiciary, domestic violence, sexual violence, discrimination in the workplace, and bullying and abuse in schools.<sup>25</sup> LGBT Iranians report experiencing violence and discrimination at the hands of family members in the form of beatings, sexual assault and rape, as well as verbal abuse. There have also been reports of individuals facing abuse by state actors including torture, beating and rape by police officers.<sup>26</sup> These acts remain largely underreported due to victims’ fear of persecution and further abuse by law enforcement.<sup>27</sup>
44. LGBT persons are also targeted with abuse online. In a 2018 survey of 727 LGBT Iranians conducted by Small Media, 11% of respondents reported that they had been entrapped on dating apps – either by state actors, or other individuals with malicious intent.<sup>28</sup> In light of the legislative restrictions on LGBT citizens, there is no avenue for such threats of blackmail to be reported. Online threats have also been reportedly perpetuated by the State. One gay man received a message on a dating app from a man purporting to be from the Iranian Cyber Police. Several days later, he received an SMS from the ‘Notification Office of Iranian Revolutionary Guard Corps

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<sup>22</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *Sexual Orientation Laws in the World – 2019*, accessed at: [https://ilga.org/downloads/ILGA\\_Sexual\\_Orientation\\_Laws\\_Map\\_2019.pdf](https://ilga.org/downloads/ILGA_Sexual_Orientation_Laws_Map_2019.pdf)

<sup>23</sup> Iran: Islamic Penal Code, accessed at: <https://www.refworld.org/docid/518a19404.html>

<sup>24</sup> Being Lesbian in Iran, OutRight Action International, page 3 (2016)

<sup>25</sup> Ibid.

<sup>26</sup> Being Transgender in Iran, OutRight Action International, page 31-32 (2016) accessed at: <https://www.outrightinternational.org/sites/default/files/OutRightTransReport.pdf>;

<sup>27</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia 2019*, accessible at: [https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf)

<sup>28</sup> Small Media, ‘Breaking the Silence: Digital Media and the Struggle for LGBTQ Equality in Iran’, (2018), [https://smallmedia.org.uk/media/projects/files/BreakingTheSilence\\_2018.pdf](https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf), p. 94

Intelligence’, informing him that he would be charged under Iran’s sodomy law. He fled the country several days later, fearing for his life.<sup>29</sup>

## **B) Gender identity**

45. Gender identity is pathologized in Iran. Legal recognition of gender identity is granted only when an individual is officially diagnosed with “gender identity disorder”, and after successful completion of gender-confirmation surgery. An individual can only be diagnosed as having “gender identity disorder” after a complex series of medical tests and legal procedures including obtaining a court order, psychiatric tests and physical and psychological examinations, a process which can take over a year.<sup>30</sup> It is not possible to change your gender identity on official documents without undergoing surgery. Trans people who have not gone through the surgery are sometimes forced into marriage.

## **C) Arbitrary arrests and detention**

46. State officials continue to use discriminatory laws to arbitrarily arrest and detain LGBT individuals.<sup>31</sup>
47. As mentioned above, LGBT Iranians continue to be arbitrarily arrested and detained based solely on their actual or perceived sexual orientation. The law also allows for the imposition of the death penalty for ‘Crimes against Public Morality and Chastity’.<sup>32</sup> Once individuals have been arrested based on these laws, they are then subjected to a criminal justice system that continues to violate their rights. Lesbians who have been arrested because of their sexual orientation explained that once detained, they are subject to interrogations under duress without access to their lawyers or being informed of their rights.<sup>33</sup> Trial procedures failed to respect fair trial standards, with some individuals stating that their trials lasted only 30 minutes and resulted in harsh sentences.<sup>34</sup>
48. One of the most recent examples of this behavior is found in reports of the arrest of over 30 gay men in Iran based on their perceived sexual orientation in April 2017.<sup>35</sup> Publications detailing the arrests found that state police raided a private party in Bahadoran at 8:30 PM local time on April 13, 2017, and arrested 30 men under charges of “being homosexual.”<sup>36</sup> It was confirmed that the 30 detainees were beaten, and later forced to undergo anal examinations, a scientifically

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<sup>29</sup> *Ibid*, pp. 25-27

<sup>30</sup> OutRight International, *Being Transgender in Iran*, 2016, accessible at: <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

<sup>31</sup> Human Rights Watch, *We are a Buried Generation: Discrimination and Violence Against Sexual Minorities in Iran*, 2010, accessible at [https://www.hrw.org/sites/default/files/reports/iran1210webwcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/iran1210webwcover_0.pdf).

<sup>32</sup> ARTICLE 19, *Islamic Republic of Iran: Computer Crime Law*, 2012, pp. 29-33, accessible at: <https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>

<sup>33</sup> Small Media, ‘Breaking the Silence: Digital Media and the Struggle for LGBTQ Equality in Iran’, (2018), [https://smallmedia.org.uk/media/projects/files/BreakingTheSilence\\_2018.pdf](https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf), p. 16.

<sup>34</sup> *Ibid*

<sup>35</sup> Michael K. Lavers, “Report: Iranian police arrest more than 30 men for ‘sodomy’”, *Washington Blade* (April 21, 2017), accessible at: <http://www.washingtonblade.com/2017/04/21/report-iranian-police-arrest-30-men-sodomy/>.

<sup>36</sup> *Ibid*

debunked technique amounting to torture, to allegedly prove their sexuality in court. They were also forced to write down names of their friends and acquaintances.<sup>37</sup>

## **D) Discrimination based on sexual orientation, including in access to health**

49. LGBT citizens face barriers in accessing healthcare. Dr. Arash Alaei, one of Iran’s pioneering HIV/AIDS practitioners – who was imprisoned between 2008 and 2011 under the charge of “communications with an enemy government” – commented that sexual health services remained inaccessible to many LGBT citizens as their public promotion was prohibited by legal restrictions on discussing same-sex sexual activity.<sup>38</sup> Health-care professionals have been reported to regularly tell gay and lesbian patients that their same-sex attraction and gender non-conformity are a sign of Gender Identity Disorder that must be treated with “reparative” therapies or sex reassignment surgeries, which are often carried out without prior consent.<sup>39</sup>
50. Transgender individuals also face many barriers in accessing healthcare.<sup>40</sup> Though the State provides subsidies to fund gender reassignment surgery, they do not cover the full cost and insurance companies often decline to cover elements of transition-related care<sup>41</sup>. Individuals who have undergone reassignment surgery sometimes suffer from debilitating side effects and complications including severe bleeding, severe infection, scarring, chronic pain and rectovaginal fistulas<sup>42</sup>.
51. LGBT individuals have also reported experiencing constant surveillance by the state’s intelligence service. The 2009 Computer Crimes Law radically expanded state powers for surveillance and online content censorship and has had a chilling effect upon freedom of expression online, with LGBT citizens particularly adversely affected.
52. Legal barriers to freedom of expression also impact persons of diverse sexual orientation and gender identity. Article 9 of the Iranian Press Law states that a publisher can only receive a publication license if they are deemed to be “free of moral corruption” and Article 6(2) prohibits the publication of “obscene” or “indecent” material. In practice, this prevents individuals from freely expressing their opinion or discussing issues related to gender, sexuality and bodily autonomy.

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<sup>37</sup> *Ibid*

<sup>38</sup> OutRight Action International, *Being Lesbian in Iran*, 2016, page 3

<sup>39</sup> Grang – Iranian Lesbian and Transgender Network, Justice for Iran, *Diagnosing Identities, Wounding Bodies*, 2014, pp. 13-15, available at: <http://Grang.org/english/wp-content/uploads/2016/02/Diagnosing-Identities-Paralyzing-Bodies.pdf> See also, ILGA International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia 2019*, p. 441, accessible at: [https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf)

<sup>40</sup> OutRight Action International, *Being Transgender in Iran*, 2016, page 31-32, accessed at: <https://www.outrightinternational.org/sites/default/files/OutRightTransReport.pdf>;

<sup>41</sup> *Ibid*, p. 48 ; Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, A/HRC/28/70, 28 May 2015, para 61-62

<sup>42</sup> *Ibid*, pp. 40-41



## Suggested Questions

- *With reference to the previous concluding observation paragraph 10, what steps has Iran taken to address the discrimination and violence faced by individuals based on their real or perceived sexual orientation and gender identity.*
- *With reference to the previous concluding observation paragraph 10, what steps has Iran taken to address barriers in equal access to education, employment and health care based on sexual orientation and gender identity as well as combat social exclusion within the community.*
- *Explain what steps have been taken to protect the rights of individuals to express themselves freely about issues relating to sexual orientation or gender identity.*

## **IV) WOMEN’S AND GIRLS’ RIGHTS**

53. The Iranian Constitution includes several provisions that obligate the government to guarantee equality for all, including non-discrimination on the basis of gender.<sup>43</sup> However, the constitution stipulates that equal rights are guaranteed in accordance with “Islamic standards”, a qualification which dilutes women’s equality in many areas.

### **A) Women’s participation in public and political life**

54. In 2011, the Human Rights Committee recommended that Iran take steps to increase the number of women in decision-making and judicial bodies at all levels and in all areas<sup>44</sup>

55. Women have a limited presence in decision-making bodies in the country:

- Women are completely prohibited from holding the position of Supreme Leader.
- Candidates for the presidency in Iran must be what the constitution refers to as *Rajol-E-Siasi* (“political men”).<sup>45</sup> Though many argue that the phrase as a whole could be understood as “political persons,” without a specification as to gender, the Guardian Council of the Constitution, a body of Islamic jurists responsible for vetting candidates for elections, has never approved a woman to stand in presidential elections or elections to the Assembly of Experts.<sup>46</sup>

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<sup>43</sup> Article 20 of the Constitution emphasizes that all people of the nation, both men and women, are equally protected by law, and enjoy all human, political, economic, social and cultural rights, in accordance with “Islamic standards.” Article 21 of the Constitution obliges the government to guarantee the rights of women in all respects, in accordance with “Islamic standards.”

<sup>44</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 8

<sup>45</sup> Art 115, Constitution of Iran.

<sup>46</sup> The council that should choose the Supreme Leader and its mandate is to monitor him.

- Additionally, no woman has ever served on the Guardian Council (body mandated to bring parliamentary resolutions in line with Shari'a and the Constitution and to oversee elections and vet candidates)<sup>47</sup>
- Nor on the Expediency Council (body which serves as the Supreme Leader's advisory arm, formulating "general policies for the state" and overseeing the implementation of those policies on the behalf of the Supreme Leader).<sup>48</sup>

56. There are no legal limits laws on the ability of women to vote or become a candidate for parliament or the City and Village Councils. However, the Guardian Council is known to arbitrarily disqualify women candidates from running for election. For example, in the run-up to the 2020 elections, the Guardian Council disqualified 60 percent of female candidates.
57. Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Article 90 Commission of the parliament (established based on Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of three brunch of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated. Regarding complaints related to election process or candidate vetting, election law designates the Guardian Council as the arbitrator, which itself is the body responsible for the impugned decisions.
58. There are currently no female ministers in the government's cabinet. No provincial governors are women. The government recently appointed three women as "county governor" out of 430 positions across the country.<sup>49</sup> The administration appointed women to 13 out of 1,058 district governors, mostly in small provinces across the country.

### Data of females in high positions in the country<sup>50</sup>

Position	Number of women
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<sup>47</sup> In addition, the Guardian Council is responsible for overseeing elections and vetting candidates.

<sup>48</sup> The body, whose members are all appointed by the Supreme Leader, was initially established as an arbitration body between parliament and the Guardian Council.

<sup>49</sup> Executive rankings at the provincial level: 1) Governor, 2) County Governor, 3) District Governor, 4) Village President.

<sup>50</sup> Report of the President's Office (Women & Family Affairs Deputy), 2018

Deputies to the president <sup>51</sup>	2
Special assistant to the president <sup>52</sup>	0
Deputy Ministers and position at the this level	12
Senior managers, general managers and heads of departments	202
County executive	3
Deputy of county	5
Precinct executive	24
Deputy Governor	1
Municipality	7
Heads of institutions and organizations	5
Member of the City Council	560
Member of the village council	2428
General Managers and Governor's Advisors	31
Member of the Supreme Council of Provinces	2
Members of Parliament	17
Member of the Women's Socio-Cultural Council	25
Member of the Supreme Council of the Cultural Revolution	2
Adviser to the Minister and executive organizations	53

59. Women currently occupy only 5.8 percent (16 out of 290) of parliamentary seats in the new parliament elected in February 2020.

60. The percentage of female candidates who registered to run in the February 2020 election increased. In 2017's city and village council elections, women constituted 6.3 percent of candidates who were registered in the race. The number of women elected in city and village councils increased.

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<sup>51</sup> Women have been appointed to the positions of Vice President for Women and Family Affairs and Vice President for Legal Affairs.

<sup>52</sup> The position of Special Assistant to the President for Civil Rights Charter was held by a woman but she retired in 2018 and was not replaced.

## Women in the village and city councils

The council term	Period of the term	Total members	Male	Female	Percentage of men	Rate of women
1	1999-2003	163980	162605	1375	99.1	0.83
2	2003-2007	155319	152983	2336	98.4	1.5
3	2007-2013	109136	107645	1491	98.6	1.36
4	2013-2017	179315	173219	6096	96.6	3.39

## B) Women in the judiciary

61. Under Iranian law, women cannot be appointed as judges. This rule is based on an interpretation of Shari'a according to which judging is done only by men, and women cannot issue rulings.<sup>53</sup> While women can hold the position of 'legal advisers,' a role which allows them to oversee case proceedings or sit on three-person Appeals Court panels, they cannot render final verdicts, which must be signed by a judge, on their own.<sup>54</sup> According to statements issued by Alireza Amini, Deputy of Human Resources of the Judiciary, there are about 1,000 female judges in the Iranian judiciary, who hold positions in family courts, appeals courts and the Supreme Court. Again, these positions are advisory and have no decision-making power.<sup>55</sup> In September 2015, Hojjatoleslam Alireza Amini, the judiciary's human resources director, told Iranian media in a press conference that about 700 women are currently employed as assistant judges and clerks by the judiciary. According to Amini, the total number of judges in Iran is about 10,000. In 2016, Tehran's general prosecutor appointed for the first time two women as investigators (investigating magistrates) in the juvenile court of Tehran.

Statistics of women in judiciary <sup>56</sup>		Note: Women in the judiciary, despite reaching the rank of judge, work only in positions such as "clerk", "administration" and "legal advisors". No woman is a judge in the courts.			
	Clerk	Advisor	Deputy prosecutor	Legal deputy	Total
Country	422	86	7	13	528

## C) Special training programmes for women

<sup>53</sup>The law of conditions for the election of judges of the judiciary: <https://rc.majlis.ir/fa/law/show/90547>

<sup>54</sup>The law of conditions for the election of judges of the judiciary: <https://rc.majlis.ir/fa/law/show/90547>

<sup>55</sup> See, < <http://www.iribnews.ir/009NnJ> > and < <https://www.yjc.ir/00QghG> >

<sup>56</sup> Women and the Family in the Statistics Mirror - President's Office

62. In 2011, the Human Rights Committee recommended that Iran organize special training programmes for women and regular awareness campaigns to encourage women's participation in public and political life<sup>57</sup>
63. Despite the fact that "women's empowerment" was included in the country's Citizenship Charter, there is no evidence that awareness campaigns or special training programmes to improve the number of women in decision-making and judicial bodies have been designed or implemented.

#### Suggested Question

- *Please explain what steps have been taken to increase the number of women in decision-making and judicial bodies at all levels and in all areas*

### **D) Gender-based discrimination in the Civil Code**

64. In 2011, the Committee recommended that Iran amend the Civil Code and the draft Family Protection Law to:

- (a) abolish the requirement for a father's or paternal grandfather's approval to legalize a marriage;
- (b) grant women equal rights to divorce;
- (c) award equal custody rights to the mother, including after a child reaches the age of seven or if she remarries;
- (d) award guardianship of a child to the mother in the case of the father's death;
- (e) grant women the same inheritance rights as men;
- (f) remove the legal obligation for a woman to be obedient to her husband;
- (g) remove the requirement for a husband's approval when a woman intends to leave the country;
- (h) prohibit polygamy;
- (i) remove the power of a man to prohibit his wife from entering employment.
- (f) give Iranian women the right to transmit their nationality to their children.<sup>58</sup>

65. As of today, the only reform to the Civil Code and the Family law that has occurred since the Human Rights Committee made this recommendation is that the Civil Code has been amended in

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<sup>57</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 8

<sup>58</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 9

2019 to give Iranian women who are married to a non-Iranian man the right to transmit their nationality to their children. While children born to Iranian women and non-Iranian men are now allowed to acquire Iranian nationality, Iranian women and men are still not on equal footing with respect to their ability to confer nationality, as nationality is granted upon application and not automatically, and as it is conditional to a security check from the Ministry of Intelligence.

66. None of the other discriminatory provisions have been repealed or revised.

### Suggested Question

- *With reference to the previous concluding observation paragraph 9, please provide information about steps taken to amend the Civil Code and amend the draft Family Protection Law to ensure gender equality?*

## **E) Criminalization of domestic violence**

67. In 2011, the Committee recommended that Iran adopt a legislation criminalizing domestic violence and take steps to effectively combat domestic violence. It also recommended that acts of domestic violence be effectively investigated and that perpetrators be prosecuted and sanctioned<sup>59</sup>.

68. Iran does not have any laws which specifically criminalize domestic violence. Rape is not designated as an offence distinct from *zina* (sexual relations outside of marriage). The state does not recognize the category of "marital rape" and according to civil law in Iran, a man has absolute authority over sexual relations with his wife.

69. Moreover, numerous articles in the country's Civil Code effectively undermine protections for women against domestic violence:

- Article 1105 of Iran's Civil Code states that "in relations between husband and wife, the position of the head of the family is the exclusive right of the husband."
- Iran's Civil Code forbids a woman from leaving the matrimonial home without the husband's permission<sup>60</sup> unless she is able and willing to go to court to prove she is endangered. This leaves Iranian women deeply vulnerable to violence especially given the requirement of witnesses and the fact that a female witness's testimony is worth half that of a man's.
- Furthermore, Article 1108 states that, "if the wife refuses to fulfil the duties of a wife without a legitimate excuse, she will not be entitled to the cost of maintenance" i.e. if a woman leaves the marital home, she is not entitled to maintenance.

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<sup>59</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 11

<sup>60</sup> Article 1114 outlines that, "the wife must stay in the dwelling that the husband allots for her unless such a right is reserved to the wife."

70. There is a dearth of recent, official data on the prevalence of domestic violence in Iran.

## **F) Protection and redress for victims of domestic violence**

71. In 2011, the Committee recommended that Iran ensure that victims of domestic violence have access to means of redress and protection, including a sufficient number of safe houses for victims.<sup>61</sup>

72. There are only 25 women's shelters in Iran<sup>62</sup>, a country with a population of 40 million women. 19 of these shelters have been established by NGOs. Existing domestic violence shelters lack the means to provide effective long-term support to victims. Some are designed for sex workers and drug addicts rather than domestic violence victims. Additionally, these shelters exist only in major cities, lack resources and are poorly advertised, with many such establishments focusing on reconciling and reuniting victims with their abusive spouses.

73. The public shelters governed by the government only receive the women for one month and children are taken from mothers upon their arrival. Women who are victims of violence are not provided with defense lawyers automatically and must themselves prove the violence or engage a lawyer at their own expense. There are also insufficient support services for children and LGBT persons who seek to flee violent home situations.

## **G) Impunity for killing in cases of adultery**

74. In relation to so-called "honor killings", the Committee recommended that Iran ensure that a husband is not exempted from punishment for voluntary manslaughter, in the event that he murders his wife on suspicion of adultery.<sup>63</sup>

75. The Islamic Penal Code provides various exemptions for husbands, fathers and grandfathers who kill or assault their female relatives. According to Article 630 of the Islamic Penal Code, if a man catches his wife committing adultery and kills her, he will be excluded from the punishment of *Qisas*. Moreover, adultery is generally punishable by death by stoning in Iran.<sup>64</sup> The punishment for someone who has heterosexual sex with another person (i.e. fornication) outside marriage is 100 lashes<sup>65</sup>.

### Suggested Question

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<sup>61</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 11

<sup>62</sup> <https://www.isna.ir/news/97012709343/>

<sup>63</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 11

<sup>64</sup> Islamic Penal Code, arts. 221-32.

<sup>65</sup> Islamic Penal Code, art. 230

- *Please provide information about steps the state party has taken to adopt legislation criminalizing domestic violence and take steps to effectively combat domestic violence*

## H) Trafficking of women and children and modern slavery

76. In 2011, the Committee recommended that Iran take steps to combat and prevent the trafficking and sale of persons under 18 years of age and requested that Iran provide statistics on the number of arrests and convictions under the 2004 law to combat trafficking.<sup>66</sup>
77. Since 2004, the trafficking of persons under the age of 18 has been criminalized in Iran with a maximum penalty of up to 10 years.<sup>67</sup> The judiciary has drafted a bill to amend the law that is currently in parliament for review and adoption that includes provisions to increase the penalty if human trafficking occurs against children, adolescents, women, persons with disabilities, or other victims of flooded and earthquake-stricken areas, or if the trafficker is the child's legal guardian.<sup>68</sup> The current draft of the amendment importantly exempts women, children, and adolescents who, as a result of their husbands or legal guardians, have committed illegal border crossings (inside or outside the country) from criminal penalties.<sup>69</sup>
78. The State does not publish official figures relating to the number of arrests and convictions for human trafficking or prosecutions for forced labor. According to the Global Slavery Index, Iran is among of top 10 country in the world with the highest prevalence of modern slavery.<sup>70</sup>

### Suggested Questions

- *With reference to the previous concluding observations (para. 20), please provide statistics about the number of arrests and convictions under the 2004 law to combat trafficking*
- *Please provide information about steps the state party has taken to eliminate to combat and prevent the trafficking and sale of persons under 18 years of age*
- *Please provide information about steps the state party has taken to gather, and make publicly available, the number of arrests and convictions for human trafficking*

## I) Forced, early and temporary marriage of girls

79. In 2011, the Human Rights Committee recommended that Iran eliminate discrimination on the basis of sex with regard to the minimum age for marriage, ensure that the minimum age complies

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<sup>66</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 20

<sup>67</sup> <https://rc.majlis.ir/fa/law/show/94178>

<sup>68</sup> <http://cabinetoffice.ir/fa/print/4997>

<sup>69</sup> <http://cabinetoffice.ir/fa/print/4997>

<sup>70</sup> In their 2018 report, Iran seat on number 10 rank, out of 167 countries: <https://www.globalslaveryindex.org/2018/findings/global-findings/>



with international standards and adopt measures to prevent forced, early and temporary marriage of girls.<sup>71</sup>

80. Child marriage remains legal in Iran with a minimum age of 13 for girls and 15 for boys. However, it is possible for younger children to get married with permission of the court.<sup>72</sup>

81. An additional challenge is that shari'a marriages (*Aghd* in Persian) are permitted for girls from the age of 9 lunar years in Iran, though the marriage cannot be officially registered. Young girls are also subjected to temporary religious marriages in Iran, which do not need to be registered, known as *sigheh*. To skirt the restriction on marriage for girls under 13, some impoverished families arrange temporary marriages for girls in order to receive *shir-baha* (a payment). There are no penalties for those who facilitate child marriages.

82. Reports released by the National Institution of Registry show that in Persian year 1396 (from March 21, 2017 till March 21, 2018), the marriage of 1,463 girls under the age of 15 was registered in Iran.

Data for the subsequent year:

<b>Year (March to March)</b>	<b>Number of girls married with 13 or younger</b>	<b>Number of girls aged 14-18</b>	<b>Number of boys married with 15 or younger</b>	<b>Number of boys aged 16-20</b>	<b>Total number of marriages</b>
2018-2019	13054	133087	324	37586	550565

### Suggested question

- *Please provide information about steps the state party has taken or intend to take to eliminate forced, early and temporary marriage of girls?*

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<sup>71</sup> Human Rights Committee, *Concluding observations: Islamic Republic of Iran*, 29 November 2011, CCPR/C/IRN/CO/3, para. 28

<sup>72</sup> The marriage may not be consummated until the girls reach puberty.