



Association Arc Culture -  
Revendication Démocratique  
et Droits de  
l'homme en Azerbaidjan -  
Iran

## Joint Submission to the UPR of the Islamic Republic of Iran

15 March 2014

### Introduction

We welcome the opportunity to examine the situation of Human Rights in the Islamic Republic of Iran (hereinafter, IRI) under the Universal Periodic Review (UPR). In the past decades, particularly as an aftermath of the disputed presidential elections of 2009, the human rights situation in IRI deteriorated. Continuous growth of the use of capital punishment, torture, ill-treatment and arbitrary detention, unfair trials, strict restrictions on the freedom of expression and assembly for student activists, journalists and bloggers, and persecution of LGBTs, ethnic and religious minorities, are only a few examples of recurrent practices by the state.

### Executive Summary

This report provides information on IRI's constitutional and legislative framework, institutional and human rights infrastructure and policy measures, scope of international obligations, cooperation with human rights mechanisms, and addresses our concerns of immediate and on-going human rights violations by the IRI and provides a number of recommendations for action by the government to address these areas of concern.

**Table of Contents**

**Introduction..... 1**

**Executive Summary..... 1**

**I BACKGROUND..... 3**

**A. Scope of international obligations ..... 3**

**B. Constitutional and legislative framework ..... 3**

**C. Institutional and human rights infrastructure and policy measures ..... 4**

**D. Cooperation with human rights mechanisms..... 4**

**II. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS ..... 5**

Women..... 5

Children..... 6

Right to life, liberty and security of the person..... 7

Minorities ..... 7

LGBT..... 8

People living with disabilities..... 9

Migrants, refugees and asylum-seekers..... 9

Environment ..... 10

**III. RECOMMENDATIONS ..... 11**

## I BACKGROUND

### A. Scope of international obligations

When a state ratifies international human rights treaties it takes on an obligation to give effect to them and to interpret a treaty “in good faith” and “in the light of its object and purpose”.<sup>1</sup> Nonetheless, IRI has entered a general reservation on the Convention on the Rights of the Child (CRC), reserving “the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect”, which dilutes the government’s responsibilities under the CRC and undermines the basis of international treaty law.<sup>2</sup> IRI is a member state of the 1951 Convention and 1967 Protocol relating to the Status of Refugees, but reserved its right to consider Arts. 17, 23, 24, and 26 as recommendations only. IRI has ratified without reservations the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), but has repeatedly ignored or rarely implemented its obligations. IRI is not a member of the Convention against Torture (CAT) although the prohibition of torture, cruel, inhuman or degrading treatment or punishment<sup>3</sup> is a jus-cogens and constitutes a non-derogable peremptory norm binding on all States.<sup>4</sup>

### B. Constitutional and legislative framework

Although the first Constitution of IRI and its revision were adopted after the ratification of ICCPR and ICESCR, the IRI has made no tangible efforts to align the Constitution with the state’s international obligations. The application of provisions that contain core fundamental rights and freedoms, such as the principle of non-discrimination and gender equality, are restricted to “conformity with Islamic laws”. There exists a huge discrepancy between the principles and provisions of the Constitution and national legislation, and their implementation in practice as they are often subject to vague interpretations by authorities and judges in courts.

In 2013, the government has adopted a new Islamic Penal Code, which maintains the use of capital punishment including stoning, and corporal sanctions such as amputation of hands and legs, and degrading treatment such as blinding or the use of lashes for even minor criminal acts such as alcohol consumption.

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<sup>1</sup> VCLT, Art. 31

<sup>2</sup> The concluding observations of the Committee on the Rights of the Child in 2000, expresses concern that the “*broad and imprecise* nature of the State party’s general reservation potentially negates many of the Convention’s provisions and raises concern as to its compatibility with the object and purpose of the Convention.”

<sup>3</sup> UDHR, Art. 5; ICCPR, Art. 7; CAT, Arts. 1, 16

<sup>4</sup> VCLT, Art. 53

## C. Institutional and human rights infrastructure and policy measures

In the first UPR cycle, IRI accepted to establish a National Human Rights Institution (NHRI) based on the Paris Principles. However, since 2010, no action has been taken to pursue this obligation due to the existing claim that there already exists a NHRI, the Iranian Islamic Commission of Human Rights. However, this NHRI is ranked “C” by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights<sup>5</sup>, meaning that it is “*not in compliance with Paris Principles*”. This is due to the fact that the main criteria for a successful NHRI as mentioned in the respective General Assembly resolution<sup>6</sup> are not met, such as autonomy from the government, guaranteed independence and adequate resources and powers of investigation.

## D. Cooperation with human rights mechanisms

### *Cooperation with treaty bodies*

Since the last UPR, IRI has been reviewed by the committees of CERD (2010), ICCPR (2011), and ICESCR (2013). IRI’s report submission to the ICCPR was presented with a delay of 18 years and that of the ICESCR with a delay of 20 years. Unfortunately, information provided by the state party to the committees is mostly vague and insufficient.<sup>7</sup> In addition, the state continues to justify partly or non-acceptances of recommendations on the basis of Islamic law. At the time of writing, IRI has not yet provided its 20<sup>th</sup> to 23<sup>rd</sup> periodic reports to the Committee on Racial Discrimination, which was due on 4<sup>th</sup> January 2014.

### *Cooperation with special procedures*

Although numerous visit requests have been sent to IRI by different special procedure mandate holders, including the Special Rapporteur on the Situation of Human Rights in Iran, none has been authorized since 2005. This stands in contradiction to the extended general invitation sent by IRI in 2002 to all thematic special rapporteurs.

### *Cooperation with OHCHR*

For an in-depth cooperation to commence, it is crucial that the High Commissioner is able to visit the state under review at any moment. However, IRI’s cooperation with the OHCHR so far has not gone beyond organizing formal meetings during General Assembly sessions.

The first step of a fruitful dialogue would be the establishment of a High Commissioner’s country office. So far, IRI has shown no sign of such willingness.

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<sup>5</sup> Chart of the Status of National Institutions, [http://www.ohchr.org/Documents/Countries/NHRI/Chart\\_Status\\_NIs.pdf](http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf)

<sup>6</sup> A/RES/48/134

<sup>7</sup> I.a. See CERD/C/IRN/CO/18-19, para. A2: {CERD} regrets that the report contains *insufficient* information on the practical implementation of the Convention, particularly on economic and social indicators of the State Party’s population disaggregated by ethnicity.

## II. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

### Women<sup>8</sup>

The government of Iran has insistently denied the existence of discrimination against women in law and practice.<sup>9</sup> Nevertheless, the parliament and the government have presented numerous bills and regulations infringing women on their human rights. The overall strategy of the government seems to drive women into the margins of employment and the social arena, confined to their homes.

#### Employment

The Comprehensive Population Growth strategy and the Family Development Bill aims to increase the “the quality and quantity of population in the future” and among others deprives single women with no children of equal access to employment. Additionally, since 2012, women had been denied access to free birth control.<sup>10</sup> According to Article 1117 of the Civil Code any man can prevent his wife “to seek employment in jobs unsuitable for family honour or status.” No clear definition is given to “unsuitable job” and it is to the judge to decide on the matter. In the past 8 years women’s unemployment rate has doubled.<sup>11</sup>

#### Education

In 2012 women were denied access to 77 fields in 36 universities. Apart from the fields of engineering, women were also denied access to carpet-weaving, English language, or history. More and more universities also apply strict segregation rules to control female students.<sup>12</sup>

#### Violence

There exist many laws, which directly or indirectly encourage violence at home and in society in general. For example, the Islamic Penal Code includes laws relating to sexual relations outside marriage (*Zina*) where punishment ranges from lashing to execution or stoning; the appointment of man as head of family; honor killings<sup>13</sup>; blood money (*diya*)<sup>14</sup>; the permission from husband to travel abroad; polygamy and men’s right to divorce; or the men’s right to punish the child.

#### Veil

Enforcing the “Veil and Chastity scheme” by the police clearly is discriminatory as there are no similar rules for men. Based on the justification of “improper Islamic dress code”, women

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<sup>8</sup> More information can be found in Sudwind’s written statements: A/HRC/22/NGO/45; A/HRC/23/NGO/56; A/HRC/24/NGO/112; A/HRC/25/NGO/166.

<sup>9</sup> I.a. See A/HRC/14/12/Add.1; A/HRC/WG.6/7/IRN/1

<sup>10</sup> See: <http://khabaronline.ir/detail/240188/society/health>

<sup>11</sup> See Sharq newspaper, <http://persian-heritage.com/?p=33527>

<sup>12</sup> E.g. since September 2011 segregation had been carried out in 647 sessions at the Open University of Varamin. Control over female students has reached to a point where the president of Borojerd Open University declared that movements of girls at their dormitories would be sent to their parents via text messages, see: <http://ebrat.ir/?part=news&inc=news&id=43529>.

<sup>13</sup> Art. 630 of the IPC allows a husband to kill his wife and her lover, if he caught them ‘in the act of committing an offense in bed’.

<sup>14</sup> In the new Islamic Penal Code (Art. 544), blood money for murdering a women is still half of that of men.

can get arrested off the streets<sup>15</sup>, denied to enter university, or not properly participate in all sport performances.

#### *Political participation*

Based on the Iranian Constitution, women cannot be appointed for higher level political or judicial posts.<sup>16</sup> Since the establishment of the IRI, among 2,860 deputies for parliamentary elections, only 54 were women. This inequality violates the ICCPR, the Vienna Declaration and Programme of Action (VDPA) and the outcome of Vienna+20.

## **Children**

IRI has ratified the Convention on the Rights of the Child (CRC) in 1994, which defines a child as a person below the age of 18 years. However, under the Islamic Penal Code the age of legal maturity, which also determines a person's criminal responsibility, is set at 9 lunar years for girls and 15 lunar years for boys. The age of marriage is set at 13 solar years for girls and at 15 solar years for boys.

#### *Juvenile executions*

IRI ranks first in the world for the juvenile execution. In recent years, minors charged with murder are held in prison and are usually executed as soon as they turn 18 years. There is no special court dealing with the crimes committed by children, which breaches the CRC (Art. 37) and leads to unjust sentences. The processing of court files of child offenders is flawed and extorting confessions through torture, punishments like flogging, rape and humiliation, long-term or life imprisonment without a chance of release, and detaining children together with adults and repeating offenders, are common practice.

Furthermore, children watch public executions alongside with adults. Incapable to assess the danger, children imitate what is shown to them. As a result, 3 children died in IRI since 2013 while "playing execution".<sup>17</sup>

#### *Early and forced marriage*

IRI has many laws, which taken together fortify early and forced marriage. The Iranian Civil Code sets the age of marriage for girls at 13 solar years<sup>18</sup> and the law on *Sigheh* or "temporary marriage"<sup>19</sup>, which can even be pronounced by the spouse himself, enables a male guardian to enter into marriage with his female ward without any legal restriction. In addition, a Bill on the adoption of children under state care became law on 23 Oct. 2013, which, under Art. 27, gives sanction to the stepfather to marry his adopted child. Too young to understand the nature of marriage with all its consequences, children are unable to give informed consent and are forced into marriage. Deprived of childhood, a secure home and school education<sup>20</sup>, married children suffer from psychological, physical and sexual damages.

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<sup>15</sup> Art. 683 of the IPC states that women who appear in public without Islamic *hijab* shall be sentenced to prison from 10 days to 2 months, or fined from 50,000-500,000 Rials.

<sup>16</sup> Constitution of IRI, Arts. 115, 110, 91, 157

<sup>17</sup> See: <http://tebyan.net/newindex.aspx?pid=263116>

<sup>18</sup> However, if the child's guardian (father or grandfather) requests and the court concludes that the child is adult enough to be married, the girl-child can be married at 9 years of age or even younger; and the boy under 15 years of age.

<sup>19</sup> See: <http://tebyan.net/newindex.aspx?pid=263116>

<sup>20</sup> Art. 53 of Education Bill states conditions for married children as follows:

- 1- Participation in the final exams without participation in the classes
- 2- Attending adult evening classes
- 3- Register at school but not attend classes
- 4- Attend classes but not allowed to speak of married life

The Personal Status Registration Organization of IRI reported that in 1391 (2012-2013) 40,651 girls (187 under 10 years old) and 359 boys under the age of 15 years got married.<sup>21</sup> However, the total number of child marriages is far higher than official statistics show, as many marriages are not officially registered.<sup>22</sup>

## Right to life, liberty and security of the person

### *Prison & Health*

The state as guarantor has the duty to adopt all necessary measures under international law and standards to respect, protect and fulfil the fundamental rights of persons deprived of liberty and to ensure humane treatment.<sup>23</sup> Nevertheless, many prisoners are arbitrarily held on vague and/or political charges, in intolerable conditions and are subject to abuse and deprived of necessary medical treatment. Women as well as LGBT in prison are particularly vulnerable to humiliation and sexual violence.<sup>24</sup>

### *Death penalty*

IRI remains the second highest executioner in the world. The new Islamic Penal Code maintains death penalty, including for crimes that do not constitute “most serious crimes” under international law, such as trafficking and possessing drugs, adultery, sodomy, apostasy and vaguely worded crimes such as “corruption on earth” (*ifsad fil-arz*) and “enmity against God” (*moharebeh*).

At least 500 persons are known to have been executed in 2013, including 57 in public. Since the beginning of 2014 alone, 155 people have been executed, however only 84 of these executions have been officially confirmed. At least three of them had been sentenced to death for their offences committed prior to the age of 18. Forced confessions, occasionally televised on state TV, are often times accepted as evidence in courts, violating the right to a fair trial.

## Minorities

### *Ethnic minorities*

IRI has many ethnic minorities, including Arabs, Azaries, Balouchs, Kurds and Turkmens. Being deprived of various rights, including those mentioned in the Constitution, they are discriminated against in law and in practice.<sup>25</sup> Many economic, social and cultural rights are denied, such as equal access to employment and education or the use of their mother tongue<sup>26</sup>. For example, since 2011, 12 Azari writers and poets are either in prison or have received suspended sentences for defending their mother tongue.

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<sup>21</sup> See: Public Notary <http://www.sabteahval.ir/Upload/Modules/Contents/asset90/engbo.pdf>;  
<http://www.magiran.com/ppdf/nppdf/2387/p0238715930111.pdf>; <http://www.feministschool.com/spip.php?article7389>;  
Demographics year book 1391, printed in September 2013 by the Organisation of Public Notary Offices of the IRI.

<sup>22</sup> See: written statement by Sudwind A/HRC/24/NGO/112, available at:  
[http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=22140](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=22140).

<sup>23</sup> I.a. See: UN Standard Minimum Rules for the Treatment of Prisoner; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; ICCPR, Arts.7 & 10.

<sup>24</sup> Ahmed Shaheed, latest reports: October 2013, paras 19-21; March 2013, paras. 25-33; March 2012, para. 30. Available at: <http://shaheedoniran.org/dr-shaheeds-work/latest-reports/>.

<sup>25</sup> See: A/RES/67/182, 2. (i)-(k)

<sup>26</sup> The IRI has ignored International Conventions on the rights of minorities including Convention 97B of the UN (18/12/1992) and Arts. 15 and 19 of IRI's Constitution on the right of minorities to their mother language.

In many regions traditionally inhabited by ethnic minorities prevails extreme poverty and inadequate living standards with limited access to safe drinking water, sanitation, electricity, transportation facilities, schools and health-care centres.<sup>27</sup> Activists campaigning for the rights of minorities face official threats, arrest and imprisonment. 35 volunteers, who, in the absence of professional rescuers, went to the disaster areas of the 2012 earthquake in eastern Azerbaijan to help the survivors, got detained by revolutionary guards. 21 were sentenced to prison from 3 months to 2 years.<sup>28</sup>

#### *Religious minorities*

During the last UPR, the government accepted recommendations to ensure the extension of rights guaranteed by international law to members of all religious groups.<sup>29</sup> However, members of recognized and unrecognized religions alike, Baha'is, such as Christians, Sunnis, Ahle Haq, Derwishes and other religious communities, are increasingly subjected to legal discrimination. Freedom of expression, assembly and association as well as equal access to employment and education remains limited. Many members of religious minorities face arbitrary detention, torture and ill-treatment.

For example, Gonabadi Dervishes worship places were destroyed and peaceful gatherings attacked.<sup>30</sup> The treatment and health condition of many Dervishes in Iranian prisons is alarming.

At least 300 Christians over the last 4 years were arrested and many sentenced to imprisonment on charges including forming house churches or having relationship with overseas Christian ministries. Targeted Christians are not allowed to register their marriages unless ceremonies are run in accordance with Sharia law and some women have lost custody of their children on the basis of their belief.

Baha'is, Iran's largest non-Muslim religious minority, face systematic and intensifying threats of raids, arrests, detention or imprisonment, torture and ill-treatment. Since 2005, more than 710 Baha'is have been arrested, and 136 are currently in prison. Attacks on Baha'i-owned properties, including cemeteries, go unprosecuted and unpunished, creating a sense of impunity for attackers.

#### **LGBT**

The existence of Lesbian Gay Bi-Sexual and Transgender (LGBT) people in IRI has been denied in public and the "Sodomy Law" in the Islamic Penal Code treats homosexuality as a criminal act punishable by death.<sup>31</sup> Seen as sexually unhealthy or perverts, LGBT people have no legal rights and hide their identity out of fear of persecution. Although transgender people, who perceived sex surgery, are legally recognized, they often are harassed by *basij*<sup>32</sup>, barred from universities, and lack proper health care and psychological support.

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<sup>27</sup> See: E/C.12/IRN/CO/2

<sup>28</sup> See: [http://www.bbc.co.uk/persian/iran/2012/08/120823\\_I03\\_earthquake\\_volunteers\\_arrest.shtml](http://www.bbc.co.uk/persian/iran/2012/08/120823_I03_earthquake_volunteers_arrest.shtml)

<sup>29</sup> See: A/HRC/14/12 and Add.1 and Add.1/Corr.1

<sup>30</sup> On the 8<sup>th</sup> anniversary of the destruction of Gonabadi Dervishes worship-place (Hosseinyeh) in Quom, around 1,200 followers of the order, were attacked and arrested during a peaceful gathering.

<sup>31</sup> IPC, Arts. 233 & 234233

<sup>32</sup> A paramilitary volunteer militia subordinated to the Revolutionary Guard.



A number of LGBT people have left the country and while waiting to be granted refugee status, they face inhumane treatment in low paid illegal jobs, violence and rape. Unable to provide the costs for urgent medication, some have already lost their lives.<sup>33</sup>

### People living with disabilities<sup>34</sup>

IRI has ratified both national and international protection treaties concerning the rights of persons living with disabilities<sup>35</sup>, however, obligations are not implemented and infringements of these rights are increasingly on the rise. Due to unequal access to employment and poor accessibility of public buildings, persons living with disabilities, especially the most vulnerable such as the mentally ill, women, children and those in wheelchairs, are confined to their homes and live in appalling conditions.

Statistics on the actual number of people living with disabilities in IRI are inaccurate, mainly due to bad governance but also because of cultural taboos that make families hide people with disabilities. According to the Statistical Centre of Iran's census in 2007, there are 2,700,000 people living with disabilities, about 4% of the population.

### Migrants, refugees and asylum-seekers<sup>36</sup>

Currently, IRI hosts one of the largest and most protracted refugee populations in the world. According to the Iranian Bureau for Aliens and Foreign Immigrants' Affairs, the number of Afghan refugees registered with the authorities stood at over 882,000 (over 840,000 Afghans and some 42,000 Iraqis).<sup>37</sup>

#### *Freedom of movement*

Afghans are only allowed to be hired for specific, mostly dangerous hard manual labour and to live in three Iranian provinces only. Before travelling to other provinces, refugees have to inform the authorities and to obtain a Laissez-Passer (travel permit). Breach of this requirement can lead to arrest, detention and even deportation at the discretion of the authorities.<sup>38</sup> In 2007 the Supreme National Security Council of IRI declared some provinces or cities across the country as absolute No-Go Areas for foreign nationals, including refugees.<sup>39</sup>

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<sup>33</sup> Marjan Ahoorai, 29 years old, died on 3rd April 2013 due to lack of treatment, see: <http://www.radiozamaneh.com/61164#.Usxq8PRDs75>.

<sup>34</sup> More information can be found in Sudwind's written statement: A/HRC/22/NGO/62

<sup>35</sup> The "Comprehensive Law on Protection of the Rights of Persons with Disabilities" legislated on May 5<sup>th</sup> 2004; The "Convention on the Rights of Persons with Disabilities" enacted by the Islamic Consultative Assembly (Parliament) of IRI on December 3<sup>rd</sup> 2008; The "Convention on the Rights of the Child" and the commitment of the "General Comment No. 9 of the CRC committee".

<sup>36</sup> More information can be found in Sudwind's written statement: A/HRC/23/NGO/48

<sup>37</sup> Figures as of October 2011, See: <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486f96>

<sup>38</sup> See: <http://www.fmreview.org/en/detention/farzin-jadali.pdf>

<sup>39</sup> The legal basis for this is Art. 13 of the Law on the Entry and Residence of Foreign Nationals in Iran, which states that the government can announce No-Go Areas on grounds of "national security", "public interest" and "health".

### *Border security & Deportation*

In recent years hundreds of Afghans have been shot, wounded and detained while attempting to cross the border to IRI, due to strong measures of the government to prevent drug smuggling and irregular migration.<sup>40</sup>

Furthermore, the Iranian government has started in 1992 the process of forced expulsion of Afghans back to Afghanistan. Afghan children are being separated from their parents when either they or their parents are arrested and deported.

The government keeps approximately 25.000 Afghan migrants in appalling and inhuman conditions in refugee camps.<sup>41</sup>

### *Status & Education*

Intermarriages between Afghans and Iranians are discouraged by the state and children of such marriages are not recognized as Iranian citizens.<sup>42</sup> Many Afghan children are unable to receive basic education, due to high school fees and the fear of being deported as illegal migrants. Furthermore, hundreds of thousands of Afghan children live in the streets and are subject to labour exploitation.<sup>43</sup>

## **Environment<sup>44</sup>**

Over the past three decades, the inefficiency of the government in regards to sustainable development along with the recent economical sanctions imposed on IRI by Europe and the US, have deprived the people of healthy breathing air<sup>45</sup> and clean drinking water.<sup>46</sup> Not only have the warnings of environmental experts and civil protests left no impact on the ongoing destruction, but they have also led to environmental activists being threatened, arrested<sup>47</sup> or even killed in wildlife reserves.<sup>48</sup> Also, the Persian leopard (*Panthera pardus saxicolor*), one of the largest subspecies of the leopard, native to Western Asia as well as the Persian fallow deer (*Dama mesopotamica*) are rapidly becoming extinct.<sup>49</sup> Animal protection activists criticize that the minimum fine for people hunting game without license is not enough.<sup>50</sup>

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<sup>40</sup> I.a. See: <http://www.rawa.org/temp/runews/2010/07/28/afghan-asylum-seekers-shot-dead-in-iran.html>;  
<http://www.reuters.com/article/2013/05/11/us-afghanistan-iran-migrants-idUSBRE94A09H20130511>

<sup>41</sup> See: <http://www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-wrs-country-updates/iran.html>

<sup>42</sup> The Act on determination of nationality of children born into registered marriages (according to Art. 1060 of the Civil Code) of Iranian women with men of foreign nationality determines that these children shall be accorded Iranian nationality at the age of 18 years. In relation to the status of the Afghan spouse, the Act states that residence permits shall be issued to fathers of such children.

<sup>43</sup> See: Journal of Educational and Social Research: The Reasons of Establishment as Well as Consequences of Afghan Immigrants Self-Run1 Schools In Isfahan (Iran), 2013; <http://neobservatory.org/reports/child-labor-in-iran/>;  
<http://www.pajhwok.com/en/2011/10/27/afghan-children-iran-deprived-education>

<sup>44</sup> *More information can be found in Sudwind's written statement: A/HRC/25/NGO/169*

<sup>45</sup> According to Rahmatollah Hafezi, head of the health commission of the city of Tehran, speaking in October 2013, at least 277 air-pollution related deaths are reported each month.

<sup>46</sup> See Sudwind statements submitted to the OHCHR: A/HRC/25/NGO/169 and A/HRC/24/NGO/14.

<sup>47</sup> Protesting against the desiccation of Urumiyeh Lake, the second largest salt lake in the world, many citizens were arrested and sent to Tabriz prison.

<sup>48</sup> Since 1979, 113 gamekeepers have been killed in wildlife reserves,  
<http://khabaronline.ir/detail/334224/society/environment>.

<sup>49</sup> See: <http://www.irna.ir/fa/News/80982350/>

<sup>50</sup> Illegal poaching cases are punished either with cash fine or a prison sentence from one to six months.

### III. RECOMMENDATIONS

**We urgently recommend the Islamic Republic of Iran to:**

#### *International law*

- Fully implements its international commitments regarding the respect and promotion of Human Rights and adhere to the obligations of the ratified conventions;
- Establish an independent NHRI in line with the Paris Principles, with a broad human rights mandate, and to provide it with adequate human and financial resources; and to
- Ratify the following Conventions and accede to their respective Optional Protocols (OP):
  - . CEDAW
  - . ICRMW
  - . CAT and CAT-OP
  - . Second and Third OP to the CRC
  - . CRPD-OP
  - . CED
  - . Palermo Protocol
  - . ILO Convention No. 87 (freedom of association and the right to organize), No. 98 (the right to organize and collective bargaining), No. 138 (minimum age of work).

#### *Cooperation with human rights mechanisms*

- Establish a calendar of visits for different mandate holders who have issued requests for a visit;
- Provide immediate access for and full cooperation with the SR on the Situation of Human Rights in Iran;
- Take committees' recommendations seriously and stop accusing special mandate holders<sup>51</sup>;
- Reconsider its *policy of silence and negligence* towards communications it receives by special mandate holders<sup>52</sup>;
- Help to establish an OHCHR country office in Iran.

#### *Women*

- Stop gender segregation, negative gender ratio and single sex education directives at universities;
- Cancel the 'veil and chastity' regulations, family bills and stop the 'comprehensive population growth strategy bill' from ratifying;
- Eradicate all discrimination and limitations in law and practice and pave way to women's full participation in the affairs of the country, at all levels;

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<sup>51</sup> See: A/HRC/19/66, introduction, para. 5.

<sup>52</sup> See: A/68/503, introduction, para.3.

"The Government {has} responded to {only} 8 of the 28 joint communications transmitted by the special procedures mechanisms in 2012 and remains reticent on a number of their requests to visit the country. The Government has failed to respond to 12 communications issued by the Special Rapporteur since January 2013, including 3 allegation letters, 9 urgent appeals and a number of questionnaires transmitted to several ministries to further ascertain the impact of sanctions."

- Stop discrimination and violence against women by individuals or institutions especially the intelligence apparatus.

#### *Children*

- Prohibit child, early and forced marriage by cancellation of Article 1041 of the Civil Law and bring the age of marriage to the international standards and conventions to which Iran is a signatory;
- Cancel Article 27 from the Bill on adoption and set up strong punishment for parents who marry their children or sell them at an early age; Seek ways to help families out of poverty to prevent them selling their children;
- Make regular surveys, assessments and studies at national and sub-national level on the prevalence of child, early and forced marriage and its impact on the human rights of women and girls;
- Raise broad awareness on the severe impact of child marriage and promote the elimination of child, early and forced marriage specifically, through
  - . Establishing courses and workshops on international conventions on the rights of child to all involved including judges, social workers, teachers, and authorities in respective ministries;
  - . Taking action to address child marriage in concerned communities addressing or mitigating its impact, making specific references to the outcomes of such policies for the health of the nation especially children and women;
  - . Including sex education and family planning into the school curriculum.

#### *Right to life, liberty and security of the person*

- Fully abolish the death penalty for juveniles, in accordance with ICCPR Art. 6 and CRC Art. 37, and commute all capital sentences against them;
- Comply with its obligations under International law, specifically the Standard Minimum Rules for Treatment of Prisoners and ICCPR Arts. 7 and 10;
- Provide immediate and unconditional medical attention to prisoners and release those who are seriously ill or injured for proper treatment in hospitals.

#### *Minorities*

- Ensure the full and unrestricted enjoyment by ethnic and religious (recognized or not) minorities of all human rights without any discrimination.
- Protect and promote ethnic and religious diversity and heritage and provide favorable conditions for members of those minorities to preserve, develop, express and disseminate their identity, history, culture, language, traditions, beliefs and customs.
- Ensure that ethnic minorities have the opportunity to receive education in their mother tongue, in addition to Farsi.
- Take all necessary steps to reduce (extreme) poverty and improve infrastructure, in particular in provinces populated by ethnic minorities, such as Sistan-Baluchestan, Khuzestan and Kordestan.

#### *LGBT*

- Amend all legislation that results or could result in discrimination, prosecution and punishment of people because of their sexual orientation or gender identity;
- Take serious steps to combat and prevent discrimination and societal stigma against members of LGBT, and ensure their equal enjoyment of all civil and human rights.

#### *People living with disabilities*

- Protect and empower people living with disabilities by implementing CRPD and endowing them with their equal civil and human rights;
- Provide a detailed statistic of people living with physical, motor and mental disabilities;
- Provide free health services for people living with any kind of disability;
- Change public construction norms to ensure disability friendly buildings and cities.

#### *Migrants, refugees and asylum-seekers*

- Respect International Refugee Law and protect Afghan refugees who cannot safely return;
- Lift the reservations to the 1951 Convention and 1967 Protocol relating to the Status of Refugees;
- Ensure that measures against irregular migration takes fully into account the respect for the human rights of all migrants, regardless of their status;
- Ensure fair and transparent asylum processes and jurisdiction;
- Guarantee Afghan children in Iran equal access, regardless of legal status, to the same rights as those of Iranian children;
- Abolishing No-Go Areas and residence limitation, allowing asylum seekers to choose their residence and move freely within the country;
- Ensure adequate access to all places where migrants and refugees are held to UNHCR and other international organizations;
- Ensure that all detained migrants and refugees have access to proper medical care, food, safe water and hygienic conditions.

#### *Environment*

- Allow environmental NGOs and activists to discuss and supervise the implementation of governmental and private construction plans without being threatened to be arrested;
- Elaborate strategies to deal with air and water pollution, in collaborating with research centres and international institutions;
- Allocate adequate resources to
  - . implement the findings of scientific studies on fine particles and dust storms;
  - . raise people's environmental awareness on air pollution through education and mass media campaigns;
  - . provide the population with adequate safety measures and medical facilities.