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

**Situation of human rights in the Islamic Republic of Iran\*****Report of the Secretary-General***Summary*

The present report is submitted in accordance with General Assembly resolution [A/RES/72/189](#), which requested the Secretary-General to submit an interim report to the Human Rights Council at its thirty-seventh session. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of resolution [A/RES/72/189](#), as well as recommendations to improve implementation. In its resolution, the General Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous reports of the Secretary-General and to respect fully its human rights obligations, in law and in practice.

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

## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [A/RES/72/189](#), which requested the Secretary-General to submit an interim report on the situation of human rights in Iran to the thirty-seventh session of the Human Rights Council. The report provides information on progress made in the implementation of the resolution, focusing on the concerns identified therein. It covers the period from July to December 2017.
2. The report draws on observations made by the United Nations human rights treaty bodies, the special procedures of the Human Rights Council, and various United Nations entities. It also takes into account information from State media and non-governmental organizations (NGOs).
3. Since the submission of the report of the Secretary-General to the seventy-second session of the General Assembly,<sup>1</sup> the application of the death penalty persisted at a very high rate, including for juvenile offenders for the crime of murder, which remains of grave concern to the United Nations. In a positive development, a law amending the drug-trafficking laws came into force in November 2017. In particular, the amendments ease the application of the death penalty to drug offenders in certain cases. The legislation has retroactive application and would concern about 5,300 individuals currently on death row. No executions for drug-related offences have been reported since the entry into force of this law.
4. The restrictions and oppression on journalists and human rights defenders continued, with individuals arrested, detained and prosecuted for the peaceful exercise of their profession or their legitimate rights to freedoms of expression and association. No improvement was observed concerning the situation of religious and ethnic minorities, who remain subject to restrictions. Women and girls continued to face discrimination, including in the areas of marriage, employment and political participation.
5. The Government of the Islamic Republic of Iran continued to engage constructively with the United Nations treaty bodies and maintained its standing invitations to the Special Rapporteurs on the right to food and on unilateral coercive measures to visit the country. It has also continued to engage with the Special Rapporteur on the situation of human rights in Iran by answering her official communications and engaging in a dialogue with her. However, it has not accepted her requests for visits.

## II. Overview of the situation of human rights in the Islamic Republic of Iran

### A. Death penalty

#### 1. Use of the death penalty

6. In 2017, 482 executions were reported (208 carried out in the last semester), compared to 530 in 2016 and 969 in 2015.<sup>2</sup> According to the information available, in 2017, the highest number of executions was carried out for drug-related offences (213) and for murder (202). In the other instances, people were executed for “sexual offences” (24), robbery and armed robbery (16), and “political offences” (2).<sup>3</sup> Women were executed (six cases), as well as juvenile offenders (five cases) and people belonging to minorities (84 instances).<sup>4</sup> Executions continued to be carried out in public (27 cases), at the same level as in 2016 - which was significantly lower than the average for the years between 2010 and 2015.<sup>5</sup>
7. The Secretary-General notes the continued reduction in the number executions, which have been almost halved compared to 2015, but remains alarmed by the high number of

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<sup>1</sup> A/HRC/42/965.

<sup>2</sup> [www.iranrights.org/projects/omidmap](http://www.iranrights.org/projects/omidmap).

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

individuals executed and the significant number of death sentences issued by the Revolutionary Courts,<sup>6</sup> which account for the majority of such sentences<sup>7</sup> and are confirmed by the Supreme Court, in most of the cases.<sup>8</sup> The Revolutionary Courts are responsible for hearing cases of drug related offences, some of which carry the death penalty. Available data<sup>9</sup> shows that of 4,741 executions recorded between 2010 and 2016, 3,210 (68 percent) were based on sentences issued by Revolutionary Courts. In 2016, at least 340 of the 530 recorded executions (64 percent) were based on Revolutionary Court decisions. Data for 2017 is not available at the time of writing but this trend is of particular concern as violations of the right to defence remain a major weakness of the judicial system, and of the Revolutionary Courts in particular, with a consistent failure to ensure due process.

8. Reports received by the Office of the United Nations High Commissioner for Human Rights (OHCHR) continue to indicate that prisoners on death row lack access to a lawyer during the investigative phases of the procedures and that lawyers are assigned to them late in the process, sometimes on the day of the trial. They are often not given a copy of their judgment and have difficulty accessing their case file. Even when available, lawyers are often denied the opportunity to defend their clients in court. Courts can<sup>10</sup> and do issue death sentences on the sole basis of confessions. Article 171 of the new Islamic Penal Code of the Islamic Republic of Iran states: “if an accused confesses to commission of an offence, his/her confession shall be admissible and there is no need for further evidence.” In some cases, capital sentences are also issued on the basis of sworn oaths in the absence of any convincing forensic evidence or conclusive testimony.

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

## 2. Amendments to the drug-trafficking law

10. In October 2017, the Guardian Council of the Islamic Republic of Iran approved a bill that amends the drug-trafficking law, which came into force on 14 November 2017. The law amends the punishment for some drug offences that previously carried the death penalty or life in prison, to a prison term of up to 30 years. It also increases the quantity of drugs required to impose a death sentence, raising the threshold to possession of 50 kilograms of opium and two kilograms of heroin (instead of five kilograms and 30 grams respectively).<sup>11</sup>

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

12. The Secretary-General welcomes this amendment to the drug-trafficking law and considers it in line with the human rights commitments adopted by Member States through

<sup>6</sup> Revolutionary Courts, established in 1979, were initially designed to be temporary and handle cases against officials of the former regime. Today, these courts continue to operate and are charged with prosecuting national security, drug-related and other types of crimes.

<sup>7</sup> <https://iranhr.net/en/articles/2839/>.

<sup>8</sup> In line with the Criminal Procedure Code, which came into effect on 22 June 2015, the Supreme Court has to mandatorily review all death sentences, including for drug-related offences.

<sup>9</sup> <https://iranhr.net/en/articles/2839/>.

<sup>10</sup> New Islamic Penal Code of the Islamic Republic of Iran, Article 171.

<sup>11</sup> The death penalty is still in place for exportation, sending, purchase, transportation, possession, hiding, and making available for sale of over five kilograms of ‘industrial’ drugs like heroin, morphine, cocaine, and the chemical derivatives of morphine and cocaine.

the Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem.<sup>12</sup>

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

14. The Secretary-General recalls that under article 6(2) of the International Covenant on Civil and Political Rights, which Iran has ratified, in countries that still retain capital punishment, the death penalty may be applied only for the “most serious crimes.” The Secretary-General acknowledges the seriousness of drug trafficking across Iran’s borders, however, he recalls that the United Nations Human Rights Committee considers that drug offences are not among the “most serious crimes,” and that the use of the death penalty for such crimes therefore violates international law. Additionally, the Human Rights Committee has stated that mandatory death sentences that leave domestic courts with no discretion on whether or not to designate the offence as a crime entailing the death penalty, and on whether or not to issue the death sentence in the particular circumstances of the offender, are arbitrary in nature.

### 3. Execution of juvenile offenders

15. The minimum age of criminal responsibility remains nine lunar years for girls and 15 lunar years for boys. The amended Islamic Penal Code retains the death penalty for boys of at least 15 lunar years of age and girls of at least nine lunar years for “*qisas*” (retribution in kind) or “*hudud*” crimes, such as homicide, adultery or sodomy (articles 146-147). These laws are in contravention of juvenile justice standards,<sup>14</sup> and of international human rights instruments ratified by the Islamic Republic of Iran, which impose an absolute ban on the execution of persons who were under 18 years of age at the time of their offence, regardless of the circumstances and nature of the crime committed. Despite the efforts by the Reconciliation Commission and the establishment of the task force on Prevention and deprivation of life under the Executive committee on the protection of the rights of children and adolescents, no progress has been observed towards implementing the repeated recommendations of the Secretary-General, of the High Commissioner, special procedure mandate holders and, most recently, the Committee on the Rights of the Child.<sup>15</sup>

<sup>12</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/110/24/PDF/N1611024.pdf?OpenElement>. Through this document, Member States reiterated their commitment to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies. In particular, the document includes a commitment to promoting proportionate national sentencing policies, practices and guidelines for drug-related offences whereby the severity of penalties is proportionate to the gravity of offences, and both mitigating and aggravating factors are taken into account. (Chapter IV, paragraph (i)). Furthermore, Member States committed to implementing effective criminal justice responses to drug-related crimes to bring perpetrators to justice, inter alia, that ensure legal guarantees and due process safeguards pertaining to criminal justice proceedings, and timely access to legal aid and the right to a fair trial (Chapter IV, paragraph (o))

<sup>13</sup> Ibid.

<sup>14</sup> See General Comment No. 10 (2007) of the Committee on the Rights of the Child on children’s rights in juvenile justice, para.30.

<sup>15</sup> CRC/C/IRN/CO/3-4.

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

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

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

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

19. Reports about inhuman and degrading conditions of prisoners in detention are also a cause for concern, including in the light of continuing reports and information received describing imprisonment in cramped cells, inadequate provision of food and water; unhygienic conditions, and restricted access to toilet facilities.<sup>17</sup> In comments provided to this and previous reports of the Secretary-General, the Government noted that prisons are under the control of the prosecutors and their deputies, and that the Department of Justice has been conducting periodical and impromptu inspections, and has taken action against bailiffs suspected of misbehaviour. The Government has consistently denied allegations of torture and other ill treatment. The Secretary-General urges that all allegations of torture and ill-treatment be promptly and effectively investigated and that the outcomes be made public.

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

20. The Iranian Penal Code continues to include a wide range of acts that can be punished by flogging, including the consumption of alcohol and drugs, petty drug dealing, theft, adultery, "flouting" of public morals, illegitimate relationships, and mixing of the sexes in public. These sentences can also be imposed on children. While there are no general statistics published of the number people affected by such punishments, judicial officials do at times state through the media the number of flogging or amputations issued. In accordance with these statements, over 100 flogging sentences were issued, and at least 50 reportedly implemented in 2017. In addition, 19 sentences of amputation of hands or feet were issued

<sup>16</sup> One execution scheduled for 19 October was postponed while waiting for the 17-year-old boy to reach the age of majority. The boy was executed on 4 January 2018. He was the first juvenile offender to be executed in 2018.

<sup>17</sup> See *Behind Bars in Iran*, Iran Prison Atlas, May 2017 <https://united4iran.org/wp-content/uploads/FinalReport.pdf>.

and at least five such sentences were carried out.<sup>18</sup> The sentence of amputation is employed as a punishment for theft for instance, and reports received also indicate that the practice is inconsistently applied; on occasion, individuals have had limbs amputated if they were unable to reimburse plaintiffs. In some instances, the amputations did not take place under medical supervision.<sup>19</sup>

21. The Secretary-General recalls that sentences of flogging and amputation violate the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and that the Human Rights Committee has determined that these penalties are not compatible with the International Covenant on Civil and Political Rights,<sup>20</sup> which the Islamic Republic of Iran has ratified.

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

22. The right to access to health care for prisoners is enshrined in both international and Iranian law. The Secretary-General is concerned about ongoing reports of political prisoners being denied adequate medical care, including during and after hunger strikes. The apparent aim and effective result of this deprivation is to intimidate, punish or coerce detainees, in contravention of the minimum standard for the treatment of prisoners.<sup>21</sup> Cases brought to the attention of OHCHR include instances of individuals belonging to the Kurdish minority who were denied adequate medical attention during their hunger-strike. This pattern has been documented by human rights organizations and human rights special procedures.<sup>22</sup>

23. The deprivation of medical attention endangers the lives of prisoners. One specific example is the case of Mohammad Nazari, a critically ill prisoner of conscience who has been detained for over 20 years on account of alleged support of the Democratic Party of Iranian Kurdistan. Reportedly, he was convicted on the basis of forced confession following torture, without access to a lawyer.<sup>23</sup> He initiated a hunger strike in July 2017 to draw attention to his call for a judicial review of his sentence in accordance with the 2013 amendments to the Islamic Penal Code.<sup>24</sup> His health deteriorated significantly, and it is understood that he is in need of specialized medical care.<sup>25</sup> In October, he was transferred to a hospital on an emergency basis but then returned to prison. He is currently in the Orumieh prison near his family.

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

## C. Situation of women and girls

25. The Secretary-General notes some developments related to the rights and participation of women. In August 2017, President Rouhani signed an executive order on selection criteria for professional executive level staff that increased the number of women and youth in managerial positions, with a view to increasing the percentage of female managers in the

<sup>18</sup> Flogging sentences can be issued under the Islamic Penal Code for offences related to, inter alia, criticizing Government officials, publishing “false news”, consumption of alcohol, theft, adultery, flouting of public morals, and eating in public during the month of Ramadan.

<sup>19</sup> [www.iranrights.org/library/document/2741](http://www.iranrights.org/library/document/2741).

<sup>20</sup> CCPR/C/79/Add.85, para.9.

<sup>21</sup> [www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Treatment\\_of\\_Prisoners.pdf](http://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf) para.22(2).

<sup>22</sup> See [www.amnesty.org/en/latest/news/2016/07/iran-is-putting-political-prisoners-lives-at-risk-by-denying-them-medical-care/](http://www.amnesty.org/en/latest/news/2016/07/iran-is-putting-political-prisoners-lives-at-risk-by-denying-them-medical-care/) and [www.freedomfromtorture.org/sites/default/files/documents/iran\\_report\\_2017\\_a4\\_final\\_final\\_web\\_optimised\\_1.pdf](http://www.freedomfromtorture.org/sites/default/files/documents/iran_report_2017_a4_final_final_web_optimised_1.pdf), p.35.

<sup>23</sup> [www.amnesty.org/en/documents/mde13/7327/2017/en/](http://www.amnesty.org/en/documents/mde13/7327/2017/en/).

<sup>24</sup> [www.iranhumanrights.org/2017/10/hundreds-of-iranian-rights-activists-call-on-political-prisoner-mohammad-nazari-to-end-hunger-strike/](http://www.iranhumanrights.org/2017/10/hundreds-of-iranian-rights-activists-call-on-political-prisoner-mohammad-nazari-to-end-hunger-strike/).

<sup>25</sup> Ibid.

executive branch to 30 per cent, in accordance with the country's sixth development plan.<sup>26</sup> In 2017, the Government appointed a woman as Deputy Minister of Petroleum.<sup>27</sup>

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

27. Civil law codifies discrimination, as women do not have equal rights to men in marriage, divorce, child custody, or inheritance. Husbands have an incontestable right to divorce. Married women cannot obtain a passport without permission from their husband. The Iranian authorities noted that draft legislation is under review to address this issue. Women also remain unable to pass on their citizenship to their children. A new draft bill is pending before Parliament to address this longstanding concern after various past attempts in this regard.

28. Civil law also bars women from working in certain professions except those deemed "mentally and physically suitable for women," – a broad formulation that may be interpreted as applying to a large number of jobs. It further allows husbands to prevent their spouses from working in particular occupations under certain circumstances. In comments to previous reports of the Secretary-General, the Government indicated that a woman's right to have a job can be added to the terms of a marriage contract, thus legally guaranteeing the right. It also noted that women can prevent their husbands from having a job which is contrary to their family's prestige, adding that this was among the conditions based on which a wife can apply for divorce.

29. The ongoing prevalence of child marriage remains problematic. This issue has been raised by international human rights mechanisms, including the Committee on the Rights of the Child, in 2016. The legal age for marriage in Iran is 13 for girls and 15 for boys, and girls can be married as young as nine with the permission of the court. The United Nations Children Fund estimates that approximately 40,000 girls and boys under the age of 15 years are married annually, and that about 17 per cent of girls are married before the age of 18.<sup>28</sup> The number is likely to be higher, as thousands of underage marriages are not registered.

30. The treatment of adultery or alleged adultery also remains of concern as the act, known as "*zina*,"<sup>29</sup> constitutes a crime, with punishments ranging from lashing to stoning to death. In 2015, special procedures mandate holders expressed concern at sanctions issued against individuals for "*zina*", which included a sentence of 99 lashes for shaking hands with unrelated members of the opposite sex. In 2016, mandate holders expressed concern about an imminent execution by stoning or hanging of a woman convicted of adultery. The law can also penalize a victim of rape if the court decides so, and the perpetrator insists that the act was a consensual one.

31. Repressive and discriminatory rules concerning the dress code for women and girls continue to be enforced. Women who do not wear a hijab that conforms to the interpretation of modesty can be sentenced to up to two months in prison or be fined. Women who have publicly supported an online campaign against compulsory veiling "My Stealthy Freedom" or gave support for the White Wednesdays Campaign (which uses the social media hashtag #whitewednesdays to protest against the mandatory dress code imposed on women)

<sup>26</sup> <http://www.worldbank.org/en/country/iran/overview>.

<sup>27</sup> [www.irna.ir/en/News/82712122](http://www.irna.ir/en/News/82712122). Prior to this Ms. Massoumeh Ebtekar was appointed vice-president for women and family affairs, Ms. Laya Joneidi was named vice-president for legal affairs and Ms. Shahindokht Molaverdi was appointed as the President's assistant for civil rights.

[www.reuters.com/article/us-iran-politics/iranian-president-names-three-women-to-government-posts-after-criticism-idUSKBN1APIPB](http://www.reuters.com/article/us-iran-politics/iranian-president-names-three-women-to-government-posts-after-criticism-idUSKBN1APIPB). Vice-presidents do not have ministerial responsibility and their nomination does not require parliamentary approval.

<sup>28</sup> [www.unicef.org/publications/files/UNICEF\\_SOWC\\_2016.pdf](http://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf) p.151; [www.girlsnotbrides.org/child-marriage/iran/](http://www.girlsnotbrides.org/child-marriage/iran/).

<sup>29</sup> "*Zina*" is an Islamic legal term referring to unlawful sexual intercourse. According to traditional jurisprudence, it can include adultery, extramarital relations, prostitution, and rape.

continued to be harassed by the authorities, including taken in for questioning, and requested to sign attestations that they will not go out without a “proper” hijab.

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

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

33. Official news channels confirmed that at least 22 people, including children and two security officers, were reported killed in clashes in the first five days of the protests. As at 9 January, police had confirmed the arrest of about 3,700 individuals across the country. On 3 January, the Secretary-General publicly noted that he was following with concern these developments and deplored the loss of life in the protests, urging respect for the rights to freedoms of peaceful assembly and expression.<sup>30</sup> On 3 January, the High Commissioner for Human Rights<sup>31</sup> urged the authorities “to handle the wave of protests [...] with great care so as not to further inflame violence and unrest, and to investigate all deaths and serious injuries that [had] occurred.” Several special procedures mandate-holders, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, called for the full respect of the human rights of the protesters.<sup>32</sup> The Secretary-General is concerned about the fate of the individuals who have been arrested in conjunction with the protests. The Secretary-General noted the statement of President Rouhani<sup>33</sup> on the right to protest and urges the Government to ensure that people who were involved in the protests are guaranteed protection, afforded their rights, and that full information be given on their whereabouts.

34. Over the past three years, the Government reportedly closed seven million web addresses,<sup>34</sup> including Facebook, Twitter, Instagram, British Broadcasting Corporation (BBC) Persian, and the websites of human rights and political opposition groups. In August 2017, the Supreme Cyberspace Council introduced further regulations<sup>35</sup> which would increase the Government’s surveillance capabilities, and require social media and messaging platforms to either move their servers to Iran or face blocking orders. In October 2017, Iran’s oldest social network, Cloob, was shut down, and the social media location sharing platforms Foursquare and Swarm were blocked, although a re-evaluation of the decision is being considered by the Government. In November 2017, the secretary of the Supreme Cyberspace Council suggested that users would have to reveal their identity when logging onto the internet.<sup>36</sup> The Association of Iranian Journalists, which was closed in August 2010, has not been re-opened. It was established in 1997, during former President Khatami’s presidency, to protect journalists’ rights and had over 6,000 members.

35. These developments stand at odds with some positive developments that occurred during the past six months and with statements by the President. In August 2017, the restrictions placed on 8,000 Telegram channels were lifted. In October, the music websites Spotify and Soundcloud were made accessible. In November 2017, the Minister of

<sup>30</sup> [www.un.org/press/en/2018/db180103.doc.htm](http://www.un.org/press/en/2018/db180103.doc.htm).

<sup>31</sup> [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22571&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22571&LangID=E).

<sup>32</sup> [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22574&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22574&LangID=E).

<sup>33</sup> See <http://president.ir/en/102083>.

<sup>34</sup> See <https://persian.iranhumanrights.org/1396/03/seven-million-websites-blocked/>.

<sup>35</sup> The Policies and Actions Regarding Organizing Social Media Messaging Applications pursuant to Supreme Cyberspace Council regulation published on 7 August 2017, available at <http://bit.ly/2wCsbcT>.

<sup>36</sup> See [www.iranhumanrights.org/2017/11/irans-requirement-for-internet-users-to-verify-their-identity-would-further-erode-privacy-rights/](http://www.iranhumanrights.org/2017/11/irans-requirement-for-internet-users-to-verify-their-identity-would-further-erode-privacy-rights/).



Information and Communications Technology noted that the possibility to lift the ban on accessing Twitter was being examined.<sup>37</sup> In December 2017, President Rouhani had stated: “we need a secure communication atmosphere for people, not a suppressive one in which people's rights are violated.”<sup>38</sup>

36. Reports of the arbitrary arrest, detention, and harassment of journalists, media workers, and their families continued to be received. The organization Reporters without Borders estimated that as of August 2017, 27 journalists were imprisoned in Iran,<sup>39</sup> and reported that 94 internet users, mostly Telegram users, had been arrested since the beginning of 2017.<sup>40</sup> They further documented direct and indirect threats, including death threats, by the national intelligence services or the judicial system to at least 50 Iranian journalists based abroad<sup>41</sup>

37. Reports received by OHCHR indicate that individuals working for the Persian Service of the BBC and their families in Iran had been harassed and intimidated by the authorities, and threatened if they continued to work for the Service. Some family members were also arbitrarily arrested, detained, and subjected to travel bans. In August 2017, a court in Tehran issued an injunction banning 152 members of staff, former employees, and contributors of the BBC Persian Service from carrying out financial transactions in the country on account of “conspiracy against national security.” The ruling imposes an injunction on any financial transaction, even on the sale of their inherited properties, which, in Iran, are often jointly inherited by other family members. It has been reported that some staff members have been photographed while in London to impress upon their families that their relative was being watched. In October 2017, special procedure mandate holders issued a statement<sup>42</sup> calling upon the Islamic Republic of Iran to cease all legal action against the BBC staff and their families, and to end the use of repressive legislation against independent journalism, whether affiliated to the BBC or not.

## E. Situation of human rights defenders and activists

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

39. The Secretary-General is concerned about the situation of human rights defender Narges Mohammadi, who was reportedly in arbitrary detention over a number of years and is now serving a 16-year prison sentence for campaigning against the death penalty. Despite calls by members of Parliament to free her,<sup>43</sup> she remains imprisoned. Her situation has been raised consistently by Special Procedures mandate holders.<sup>44</sup> In April, the Supreme Court rejected her request for judicial review. In August, the United Nations Working Group on Arbitrary Detention called for her release, including in view of her health situation, stating it was convinced that her arrest was directed against her as a human rights defender and a leader of a human rights organization.

40. Student activist Arash Sadeghi is in a critical condition because of his prolonged hunger strike and denial of medical assistance. He was convicted in 2016 and sentenced to 15 years of imprisonment following previous arrests for charges including “spreading propaganda against the system”, “gathering and colluding against national security” and “insulting the founder of the Islamic Republic”. He was transferred from Evin prison in

<sup>37</sup> See [www.iranhumanrights.org/2017/11/iran-telecommunications-minister-says-hes-looking-into-lifting-the-state-ban-on-twitter/](http://www.iranhumanrights.org/2017/11/iran-telecommunications-minister-says-hes-looking-into-lifting-the-state-ban-on-twitter/).

<sup>38</sup> See <http://president.ir/en/102083>

<sup>39</sup> See [www.rsf-persan.org/article17644.html](http://www.rsf-persan.org/article17644.html).

<sup>40</sup> See <https://rsf.org/en/news/citizen-journalists-increasingly-spied-hounded-iran>.

<sup>41</sup> See <https://rsf.org/en/news/how-iran-tries-control-news-coverage-foreign-based-journalists>.

<sup>42</sup> [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22314&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22314&LangID=E).

<sup>43</sup> See [www.isna.ir/news/95072514536/](http://www.isna.ir/news/95072514536/).

<sup>44</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19998&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19998&LangID=E).

Tehran to Rajae Shahr Prison (located 20 kilometres outside Tehran) in October 2017. The Iranian authorities noted that he has regular medical checks and family visits.

41. Soheil Arabi also remains imprisoned following his conviction in 2013 for “insulting the Holy Prophet” in several Facebook posts.<sup>45</sup> There are concerns for his health following a hunger strike and reportedly after being beaten during an interrogation, amidst reports of inadequate access to medical care, medicine, and warm clothes. The Iranian authorities noted that he has regular medical checks.

42. Atena Daemi, an imprisoned child rights defender was subject to new charges in October 2017 relating to statements that she had allegedly made in support of her detained sisters and against the authorities. She is reportedly in need of medical attention. In comments to previous reports of the Secretary-General, the Government indicated that in January 2017 her sentence had been reduced by five years on compassionate grounds.

43. The situation of Mohammad Ali Taheri, the founder of a spiritual movement, writer and practitioner of alternative medicine theories used in Iran and abroad, who was sentenced to death on the charge of “corruption on earth” is also of continued concern. On 27 February 2017, his trial took place amidst serious due process concerns, and some of his followers were arrested and reportedly coerced into giving self-incriminating statements. Ali Taheri’s appeal was heard before the Supreme Court, which overturned the death penalty sentence<sup>46</sup> and reportedly remanded the case back to the trial court; however, there was no written or formal decision available. According to Mr. Taheri’s lawyer, the verdict would only be made available to a lawyer approved by the head of the judiciary, and Mr. Taheri was requested to appoint an approved lawyer. The High Commissioner for Human Rights called for the withdrawal of charges against him and for his release.<sup>47</sup>

44. OHCHR continued to receive letters<sup>48</sup> from families of the victims who were summarily executed or forcibly disappeared during the events of 1988. They ask for the intervention of OHCHR to stop the harassment, intimidation and prosecution of human rights defenders seeking truth and justice on behalf of the victims and of their families. The Secretary-General remains concerned by the difficulty the families faced in obtaining information about the 1988 events and the harassment of those continuing to advocate for further information related to these events.

45. The Secretary-General remains concerned about repression faced by people for the legitimate exercise of their rights to freedoms of opinion, expression, and peaceful assembly. Charges related to national security against individuals for merely expressing their opinion or participating in peaceful assemblies create an environment in which rights can neither be respected, assured or promoted.

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

47. The case of Ms. Raheleh Rahemipor - the sister of Mr. Hossein Rahemipor, whose case was reviewed by the Working Group on Enforced and Involuntary Disappearances in 2017 - has been raised as a case of alleged reprisal for cooperation with the United Nations.<sup>49</sup> In 2016, Ms. Rahemipor was questioned several times by the authorities about the complaint sent to the Working Group concerning her brother.<sup>50</sup> After transmission of the case to the Government, she was arrested and charged with a range of security offences, including

<sup>45</sup> /www.hrw.org/news/2014/12/02/iran-death-sentence-facebook-posts.

<sup>46</sup> www.iranhumanrights.org/2017/12/judge-demands-political-prisoner-mohammad-ali-taheri-pick-lawyer-from-judiciarys-list/.

<sup>47</sup> www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16292&LangID=E.

<sup>48</sup> Fifteen letters were received during the last six months of 2017.

<sup>49</sup> A/HRC/36/31.

<sup>50</sup> See A/HRC/34/75, IRN 23/2016 and IRN 29/2016; A/HRC/35/44, IRN 3/2017.

“propaganda against the regime,” “participation in unlawful assemblies,” and “membership in Rah-e Kargar”<sup>51</sup>. In February 2017, she was sentenced by the Revolutionary Court in Tehran to a year in prison “for spreading propaganda against the system”.<sup>52</sup> In September 2017, she was arrested and released on bail after being held in detention for one month.

## F. Treatment of minorities

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

### 1. Ethnic and religious minorities

49. Participation by members of ethnic nationalities or religious minorities such as Kurds, Sunni Baloch people, Yarasan or Baha’is in public affairs, at working level and in senior governmental posts, is severely restricted. The Kurdish community remains one of the most suppressed groups in the country, with individuals persecuted, arrested, and sentenced to death for their political affiliation or belief. According to data available to OHCHR, as of 31 October 2017, 1,828 Kurds were detained by the authorities on charges related to various activities such as environmental activism, eating in public during the month of Ramadan, working as border couriers engaged in smuggling illicit goods, or cheering for the results of the referendum held in neighbouring Iraqi Kurdistan in September 2017, among others. Out of the 1,828 detainees, 114 were charged with political or security-related crimes, often for engaging in civic activism or because of their membership in Kurdish political parties. Once convicted, they often face long prison sentences, lashes and/or heavy financial penalties. These prisoners include workers, teachers, kulbars (border couriers), artists, and human rights activists. According to data received by OHCHR, in 2017, the Kurdish people in Iran endured the highest number of executions compared to other ethnic minority groups, with at least 64 Kurdish prisoners executed by the authorities. At least 16 Kurdish political prisoners have undergone torture or ill-treatment, and 31 went on hunger strikes to protest against the circumstances surrounding their arrest and detention. At least 15 others were deprived of adequate medical care, and 15 were denied basic rights such as visits by their family members.<sup>53</sup>

50. The Sistan and Balouchistan province is predominantly inhabited by ethnic and religious minority populations. More than 80 per cent of its citizens are of Balouch ethnic background and adhere to the Sunni faith. There are no official statistics on the number of Balouchi citizens without proof of citizenship but based on official available data, the figure is well over 20,000.<sup>54</sup> Balouchi citizens without proof of citizenship cannot easily access social assistance including welfare payments, health care and education,<sup>55</sup> and they face challenges in obtaining access to utilities such as water, electricity and phone service.<sup>56</sup> They are also at high risk of statelessness.<sup>57</sup> The Government has made some attempts to mitigate the problem. In 2013, the governor of the state of Sistan and Baluchestan ordered an expedited process for cases in which birth certificate applicants were believed to likely be Iranian, resulting in the issuance of 24,000 birth certificates by November 2017.<sup>58</sup> Still, a large number of cases remain unaddressed, mostly for Baluchi families that do not possess

<sup>51</sup> The Rah-e Kargar is the 1978 Organization of Revolutionary Workers of Iran is an Iranian Marxist-Leninist political organization currently exiled in Germany.

<sup>52</sup> [www.amnesty.org/en/latest/news/2017/09/iran-arrest-of-human-rights-defender-seeking-truth-about-disappeared-family-members/](http://www.amnesty.org/en/latest/news/2017/09/iran-arrest-of-human-rights-defender-seeking-truth-about-disappeared-family-members/).

<sup>53</sup> [www.iranhumanrights.org/2017/11/thousands-of-iranian-death-row-inmates-to-receive-sentence-reviews-under-amended-drug-law/](http://www.iranhumanrights.org/2017/11/thousands-of-iranian-death-row-inmates-to-receive-sentence-reviews-under-amended-drug-law/).

<sup>54</sup> Officials report at least 20,000 children in the Sistan and Balouchistan province registered for schools using a special card for children without proof of citizenship. This figure likely includes non-Balouchis, but does not include adults and children without these cards or Balouchis in other provinces. Salamat news agency [www.salamatnews.com/news/228675/23](http://www.salamatnews.com/news/228675/23).

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> See [www.irna.ir/fa/News/82431374](http://www.irna.ir/fa/News/82431374).

<sup>58</sup> Ibid.

or cannot easily access the needed documentation to get birth certificates. The Iranian authorities noted that temporary identification cards were issued to the refugees living in this region to guarantee their access to services.

## 2. Lesbian, gay, bisexual, and transgender and intersex persons' rights

51. OHCHR has received reports of continued discrimination, harassment, arbitrary arrest and detention, punishment, and denial of rights of lesbian, gay, bisexual, transgender, and intersex individuals. Such concerns have been noted by human rights mechanisms,<sup>59</sup> and NGOs continue to document instances of human rights violations.<sup>60</sup>

52. The Islamic Penal Code criminalizes same sex relations between consenting adults, which is punishable by the death penalty. Those who engage in acts of affection between members of the same sex can be punished with 31 to 74 lashes. Various forms of other punishment have also been reported to have been carried out against lesbian, gay, bisexual, transgender, and intersex individuals. In March 2016, the Committee on the Rights of the Child expressed concern that children identifying as lesbian, gay, bisexual, transgender, and intersex individuals had been subjected to certain "aversion treatments", such as electroshock therapy, forced provision of hormones, and forced medication.<sup>61</sup> The Iranian authorities noted that allegations of persecution and forced treatments are unfounded.

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

## G. Situation of disabled persons

54. The Secretary-General recognizes the positive steps taken by the Islamic Republic of Iran to advance the rights of persons with disabilities, including the ratification of the Convention on the Rights of Persons with Disabilities, in 2009, and engagement in an interactive dialogue with the Committee on the Rights of Persons with Disabilities, in March 2017.<sup>62</sup> The Government has also initiated a draft law on protecting the rights of persons with disabilities, with active participation of some groups of persons with disabilities in the drafting process. The Government fully accepted all 11 recommendations regarding the rights of persons with disabilities made during the 2014 Universal Periodic Review, including on ensuring the inclusion of persons with disabilities in health, education and social empowerment programmes, improving social security policies to better address the needs of persons with disabilities, undertaking awareness-raising campaigns about the rights of persons with disabilities, and maintaining cooperation with the Office of the United Nations High Commissioner for Refugees with regard to refugees with disabilities.<sup>63</sup>

55. However, the Secretary-General remains concerned by the absence of a legislative provision explicitly prohibiting discrimination on the basis of disability. A draft law on the treatment of persons with disability has been pending before the Islamic Consultative Assembly since 2015,<sup>64</sup> but does not appear to include a non-discrimination clause.<sup>65</sup> A

<sup>59</sup> CRC/C/IRN/CO/3-4.

<sup>60</sup> See for example *Being Lesbian In Iran*, OutRight Action International, 2016 [www.outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf](http://www.outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf) and *Being Transgender in Iran* - OutRight Action International, 2016 [www.outrightinternational.org/sites/default/files/OutRightTransReport.pdf](http://www.outrightinternational.org/sites/default/files/OutRightTransReport.pdf) and *We are a Buried Generation: Discrimination and Violence Against Sexual Minorities in Iran*, Human Rights Watch (2010) [www.hrw.org/sites/default/files/reports/iran1210webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/iran1210webwcover_0.pdf).

<sup>61</sup> CRC/C/IRN/CO/3-4.

<sup>62</sup> CRPD/C/IRN/CO/1.

<sup>63</sup> A/HRC/28/12 Paras.

138.93, 138.108, 138.252, 138.253, 138.275, 138.276, 138.277, 138.278, 138.279, 138.280, 138.281.

<sup>64</sup> See [http://rc.majlis.ir/fa/legal\\_draft/show/938405](http://rc.majlis.ir/fa/legal_draft/show/938405).

<sup>65</sup> *Ibid.*

number of laws currently in force are also incompatible with Iran's obligations under the Convention on the Rights of Persons with Disabilities, particularly as they deny the legal capacity of persons with disabilities, their limited access to justice and political rights. The civil and penal codes also use derogatory language to refer to persons with disabilities. Specifically, the civil code uses terms such as "insane" and "immature" to describe persons with intellectual or psychosocial disabilities, which are of an offensive nature and inconsistent with Iran's obligations under international law.

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

56. In an opinion rendered in August 2017, the Working Group on Arbitrary Detention noted a pattern in the way that those affiliated with different "pro-democracy institutions of the West" – especially those with dual nationality – are treated in the Islamic Republic of Iran.<sup>66</sup>

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

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

### **A. Cooperation with the human rights treaty bodies**

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

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

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

60. The Secretary-General welcomes the increasing contacts and dialogue between the Government and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. He is encouraged with the expert level dialogue, which took place in September 2017, on issues related to the functioning of the judiciary, between the Special Rapporteur and the Permanent Representative of Iran to the United Nations in Geneva and a delegation consisting of members of the Judiciary, the High Council for Human Rights in Iran, and the Ministry of Foreign Affairs. The Government has also provided substantive

<sup>66</sup> A/HRC/WGAD/2017/49.



