
Advance unedited version

Distr.: General
31 October 2017

Original: English

Seventy- second session**Agenda item 72 (c)**

**Promotion and protection of human rights: human rights
situations and reports of special rapporteurs and representatives**

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 71/204, which requested the Secretary-General to report to it at its seventy-second session on the progress made in the implementation of the resolution. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and includes recommendations to improve the implementation of the resolution.

* 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 to the General Assembly pursuant to General Assembly resolution 71/204, adopted on 19 December 2016, which requested the Secretary-General to report to it at its seventy-second session. The report provides information on progress made in the implementation of resolution 71/204, with a focus on the concerns identified in that resolution.
2. The report draws upon observations made by the United Nations human rights treaty monitoring bodies, the special procedures of the Human Rights Council and various United Nations entities during the period under review. It also refers to information from official State media of the Islamic Republic of Iran and non-governmental organizations.
3. The Secretary General acknowledges the engagement of the Government of the Islamic Republic of Iran with the United Nations and the detailed submission provided by the Government in response to the draft of this report. Those information, as well as consultations with the Government of Iran, have informed the preparation of this report.
4. The Government of the Islamic Republic of Iran has continued to engage constructively with the United Nations treaty bodies and presented its first periodic report on the implementation of the Convention on the Rights of Persons with Disabilities in March 2017. In May, the Government invited three Special Rapporteurs of the Human Rights Council to visit the country: The Special Rapporteur on the right to food, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights. However, there has been no improvement concerning cooperation with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, who has still not yet been permitted to visit the country. The Secretary-General appreciates that dialogue with OHCHR has continued throughout this year.
5. Since the report of the Secretary-General to the thirty-fourth session of the Human Rights Council (A/HRC/34/40), the situation of human rights has been marked by a crackdown against human rights defenders, journalists and users of social media in the lead up to the presidential elections. The application of the death penalty, including for children in conflict with the law, has continued at a high rate. The United Nations human rights mechanisms have continued to receive numerous allegations of cases of torture, cruel, inhuman and degrading treatment, arbitrary detention and unfair trials. United Nations human rights mechanisms have also continued to receive information relating to persistent discrimination against women and the continued persecution of members of religious and ethnic minority groups. Limited progress has been observed during the reporting period in the implementation of the Citizen Rights Charter¹ adopted in December 2016.

¹ The Citizen Rights Charter is a non-binding document which must be read in conjunction with other existing laws and regulations and does not limit the provisions of these existing laws and regulations. http://dublin.mfa.ir/uploads/Charter_on_Citizens_Right_96172.pdf

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

A. Death penalty

Use of the death penalty

6. Since the submission of the report of the Secretary-General to the thirty-fourth session of the Human Rights Council, the application of the death penalty persisted at a high rate. Although the Citizen Rights Charter provides that "citizens have the right to life" (Article 1), at least 247 persons, including three women and three juvenile offenders, are known to have been executed between January and June 2017.² The majority of the executions were related to drug offences.

7. The persistent issue of drug trafficking in recent years points towards the limited effectiveness of the use of the death penalty as a deterrent for drug-related offences. The Secretary-General and several Special Procedures mandate holders have continuously stressed the urgency to amend the anti-narcotic law.³

8. In July 2017, Parliament approved amendments to the Law to Combat Drugs. Although initial amendments proposed sought to replace the death penalty with imprisonment for up to 30 years for certain non-violent offences, multiple regressive amendments were introduced before the final vote. As a result, the final draft maintained the death penalty for a wide range of drug trafficking offences based on the quantity and type of drug seized.⁴

9. During the adoption process, a request from members of Parliament was presented to halt all drug-related executions until the vote of the bill.⁵ A similar request was made by families of drug offenders. However, given the refusal of judicial authorities to declare a moratorium, executions reached a peak, with at least 100 recorded executions in July.⁶ Many of those executed would have been eligible to have their sentence commuted to a prison sentence under the new law.

The Secretary General acknowledges that the enactment of the new law would constitute significant progress in restricting the use of the death penalty that could save the lives of a high number of prisoners currently on death row. However, the Secretary General recalls that international human rights bodies, including the Human Rights Committee, which oversees the implementation of the International Covenant on Civil and Political Rights, to which Iran is a state party since 1975, have repeatedly stressed that capital punishment for drug-related offences does not comply with the "most serious crimes" requirement under article 6 of the Covenant, which the Human Rights Committee has defined as murder or intentional killing.⁷

10. International law also imposes stringent requirements that must be met for death sentences not to be regarded as an arbitrary deprivation of life. However, in numerous cases involving capital punishment, Special Rapporteurs of the Human Rights Council have

² See <http://iranrights.org/newsletter>

³ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21092&LangID=E

⁴ See www.amnesty.org/en/latest/news/2017/07/iran-must-not-squander-opportunity-to-end-executions-for-drug-related-offences/

⁵ See <http://hamshahrionline.ir/details/353801/Society/socialnews>

⁶ See <https://iranhr.net/en/articles/2996/> <https://www.youtube.com/watch?v=zqO9JW7bc7g>

⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16581&LangID=E.

reported that due process guarantees were violated in proceedings that fell short of international fair trial standards. A striking example was the execution, in January, of Mr. Nusratullah Khazayi, while his family was informed that the case was still pending and his sentence had not been finalized. He was detained for more than five years for a drug-related offence and was executed in Qazvin prison without his family being informed that the death sentence was going to be implemented.⁸

11. Special procedures mandate holders have also continued to raise serious concerns about the application of the death penalty for a wide range of charges, such as *Moharebeh* (enmity against god) or ‘cursing the prophet’ or “insulting Islam”. In January, the Supreme Court upheld the death sentence of Sina Dehghan (21-year-old) for *Moharebeh* through messages he had sent when he was 19 on an instant messenger application. He was reportedly persuaded to confess to the breach of Islamic law with the false promise of release.⁹ The Iranian authorities mentioned that his lawyers have requested a retrial and that the case is still open

12. Despite a 2008 circular banning the practice, public executions have continued to be conducted, and the Government has continued to justify their use, including for the alleged purpose of deterring some offences. Between January and July 2017, at least 12 public executions were reported.¹⁰ In January, two prisoners were hung in public in the city of Sarpol-e Zahab (Kermanshah province, western Iran) on charges of *Moharebeh*. In April, a man was hung in public in the city of Arak (Markazi province). A video broadcast by the media shows a large crowd, including children, attending his execution.⁶ The Secretary-General remains resolutely opposed to the dehumanizing, cruel, inhuman and degrading practice of public executions.

Execution of juvenile offenders

13. During the period under review, no progress has been observed towards the implementation of the recommendations made by international human rights mechanisms to Iran to abolish the death penalty for children,¹¹ regardless of the circumstances and nature of the crime committed. The minimum age of criminal responsibility remains nine lunar years for girls and 15 lunar years for boys, well below international juvenile justice standards.

14. The Government of the Islamic Republic of Iran has established a National Committee on the Rights of the Child in line with the Convention on the Rights of the Child. In addition, Iran also established a Working Group under the Executive Committee on the Rights of the Children and Adolescents of the judiciary, to support reconciliation efforts and prevent executions. Nevertheless, at least three individuals who were below the age of 18 at the time of their alleged offence were executed during the reporting period. In January, Mr. Arman Bahr Asemani, who was sentenced to death for the murder of his cousin in 2012 when he was 17 years old, was executed in the prison of Kerman after an attempt to obtain the consent to commuting the sentence of the next of kin by the lawyers and civil society activists. Mr. Hasan Hasanzade, 18 years old, was executed in January in the central prison of Tabriz for a murder he committed when he was 15 years

⁸ See <https://www.en-hrana.org/prisoner-executed-qazvin-end-due-process>

⁹ See <http://www.independent.co.uk/news/world/iranian-man-sina-dehghan-death-sentence-insult-islam-muslim-line-messaging-app-arak-prison-amnesty-a7658466.html>

¹⁰ See <https://iranhr.net/en/articles/2929/>

¹¹ See

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRN%2fCO%2f3-4&Lang=en

old.¹² In April, Mr. Ashgar Mohammadi was executed in Karaj's Central Prison for a homicide he allegedly committed nearly 30 years before, when he was 15 years old.¹³

15. In April, several special procedures mandate holders expressed grave concern about the death sentences handed down to Mr. Mehdi Bohlouli and Mr. Peyman Barandah, and strongly condemned 'the unprecedented rise in capital punishment for offences committed while below the age of 18, which they described as "a conclusive proof of the failure of the 2013 amendments to the Islamic Penal Code to stop the execution of individuals sentenced to death as children."¹⁴In some cases, where juveniles were granted retrial under these amendments, the retrial did not take place allegedly without any justification. In some cases where juveniles were granted retrial, judges resentenced them to death after considering them as mature enough to understand the nature of their offence. In the case of Peyman Barandah, the execution of the death sentence has been halted as efforts towards reconciliation are ongoing.

16. The Secretary-General was also informed of the risk of execution faced by several other individuals sentenced to death while they were children. This includes Ms. Zeinab Sekaanvand Lokran, who was accused of the murder of her husband while she was 17 years old. Her appeal to be granted retrial was rejected and her sentence was sent to the Oroumieh Office for the Implementation of Sentences in March 2017. However, the death sentence is currently on hold as reconciliation efforts are ongoing.

17. At least 89 persons sentenced as children were still on death row as of July,¹⁵ some having spent more than a decade awaiting their execution. According to some non-governmental sources, this figure might be significantly higher as limited publicity is given to these cases.

18. Judgments imposing the death penalty on individuals under the age of 18 and the implementation of such judgments are incompatible with the international obligations of the Islamic Republic of Iran under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. The Secretary-General urges the Government of the Islamic Republic of Iran to halt the execution of children in conflict with the law, in line with the international human rights treaties it has ratified, and to undertake a special review of all cases of persons on death row for crimes committed while they were under the age of 18, with a view to commuting or quashing the death sentences altogether.

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

19. The persistent practice of torture and ill-treatment in the Islamic Republic of Iran remains a cause of deep concern. The judiciary continues to apply cruel, inhuman and degrading punishments, such as amputation of limbs, blinding and flogging, which are strictly prohibited by the International Covenant on Civil and Political Rights, and to justify "Islamic" punishments as being effective deterrent penalties and "more humane" in comparison with long-term imprisonment.

¹² See <https://iranhr.net/en/articles/2778/>

¹³ See www.amnesty.org/en/latest/news/2017/05/execution-of-man-arrested-at-16-exposes-irans-disregard-for-child-rights/

¹⁴ See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21547&LangID=E>

¹⁵ <https://www.amnesty.org/en/latest/news/2017/08/iran-scheduled-execution-of-man-arrested-as-teenager-is-an-all-out-assault-on-childrens-rights/>

20. According to Article 638 of the Islamic Penal Code, those who publicly act against prohibitions (haram acts) may be sentenced to between 10 days to two months of imprisonment and 74 lashes. At least 149 crimes are punishable by flogging¹⁶.

21. Between January and July, 98 flogging sentences were reportedly pronounced and 40 implemented.¹⁷ According to non-governmental organisations, this figure represents a small fraction of the total number of cases. In June, an official from the Justice Ministry in Mazandaran Province was quoted in State-run media as stating that "verdicts of hundreds of thousands of lashes" had been issued in 2016.¹⁸

22. In January, a reporter in Najaf Abad, Esfahan Province, received 40 lashes as punishment for "spreading lies", allegedly, after publishing an erroneous figure for the number of motorcycles confiscated by local authorities.¹⁹

23. In June, 90 people were arrested in Qazvin for having eaten during the month of Ramadan; 20 of them were flogged.²⁰ Similar arrests also took place in the southern province of Fars and in Urmia. In several instances, members of the Basij militia were reported to help conducting the arrests.

24. In July, State run media reported that, in the city of Malayer, a 30-year-old man charged with harassing a woman received 74 lashes in public and was condemned to two years of prison and two years of exile to a town in the east of the county. The video of the punishment shows that at least one child attended the public flogging of this man.²¹

25. Nine cases of amputation and one case of blinding were also reported. In February, the head of the judiciary system Majid Karami confirmed the decision taken by the Supreme Court to sentence a woman to blindness in one eye and seven years of imprisonment as punishment for an acid attack she committed against another woman, which left her victim sightless two years before.²² In May, Branch 11 of Tehran's Criminal Court sentenced two prisoners accused of robbery to *hadd* punishment (amputation of four fingers of the left hand). In an interview reported by a State-run media, one of the offenders confessed to committing the crime reportedly in a desperate attempt to pay for his wife's medical treatment.²³

26. In July, State-run media reported that the Pakdasht State Security forces paraded eight convicts on the streets.²⁴ Similar degrading treatment was also applied in April to three individuals who were paraded in the town of Dehloran in Ilam Province, pursuant to an order by Dehloran's Prosecutor.²⁵

27. Cases of torture and ill-treatment of prisoners, especially political prisoners, remains a cause of serious concern. Instances of torture reportedly can take place during lengthy interrogations, with the person under arrest not being provided with any kind of legal assistance. The main purpose of such practice is to extract confessions which are then used as admissible evidence in court. Long periods of solitary confinement, degrading detention

¹⁶ <https://www.state.gov/documents/organization/265708.pdf>

¹⁷ See www.iranrights.org/projects/flogging

¹⁸ See www.irna.ir/fa/News/82581253

¹⁹ See <http://www.isna.ir/news/95101911558>

²⁰ See www.ibtimes.co.uk/iranian-town-has-flogged-20-people-caught-eating-public-since-start-ramadan-1626084

²¹ See www.isna.ir/news/96041306966

²² See www.reuters.com/article/iran-judiciary-retribution-idUSKBN15H2JC

²³ See <http://www.rokna.ir/> 1 June 2017

²⁴ See Mehr State run news Agency- 1 July

²⁵ See <http://www.mehrnews.com/news/3951403>

conditions in many prisons, as well as the denial of medical treatment, also continued to be well documented.

28. The state of prisons in the Islamic Republic of Iran remains a major concern. Despite a persistent call from the United Nation human rights mechanisms, in particular Special Procedures mandate holders, the authorities have yet to embark on a more comprehensive prison reform in order to prevent prison administrators from acting beyond the scope of their functions and to hold those responsible of torture and other cruel, inhuman or degrading treatment or punishment responsible.

29. The Secretary-General recalls that sentences of flogging, blinding or amputation as well as intentional deprivation of medical care violate the absolute prohibition of torture or other cruel, inhuman or degrading treatment or punishment, contained notably in the International Covenant on Civil and Political Rights²⁶. He also recalls that access to health care for prisoners is a universally acknowledged minimum standard for the treatment of prisoners and a right enshrined in Iranian law.²⁷

30. The Secretary-General urges the Government of the Islamic Republic of Iran to review its position of ‘partial support’ concerning the recommendations it received during the second cycle of the universal periodic review in relation to torture and ill treatment and to outlaw them as a matter of priority. He also calls on the authorities to investigate all cases of denial of medical care, to take firm action against the perpetrators and to provide redress and rehabilitation to the victims.

C. Situation of women

31. The Secretary-General welcomes the strong stances taken by President Rouhani in favour of women’s empowerment during his election campaign²⁸ as well as the recognition by Article 11 of the Citizen Rights Charter of the right of women to active and effective participation in policy-making, legislation, management, implementation and supervision and to equal social opportunities. He strongly hopes that these commitments and principles will be translated into tangible progress for Iranian women.

32. None of the 137 women who put their name forward to run for President passed the vetting by the Guardian Council with the effect that there were no women candidates in the Presidential elections, and, in July, no women had been appointed as Ministers in Mr. Rouhani’s new cabinet. According to ‘the women in politics 2017 map’ of the United Nations Entity for Gender Equality and the Empowerment of Women and Inter-Parliamentary Union, Iran ranks 177 out of 193 countries.²⁹ The Government of Iran noted that the number of women members of parliament has doubled in recent elections and that in 2013, over 6,000 women were elected in city and village councils, compared to 1,375 in

²⁶ ICCPR, Article 7 see <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

²⁷ United Nations Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 and as revised and adopted unanimously by the UN General Assembly (UN-Doc A/Res/70/175) on 17 December 2015; see https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf/

²⁸ In May, President Rouhani announced a comprehensive plan to deal with “women’s uneven progress in various areas such as education and health as well as their participation in the economy and politics.”

²⁹ See http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/femmesenpolitique_2017_english_web.pdf?la=en&vs=1123

1998. At the end of July, Fahimeh Farahmandpour, Deputy Minister of Internal Affairs in charge of Women and Family Affairs, was quoted in State-run media as stating that “the unemployment rate of women had increased by 10 per cent in the previous year, that the rate of unemployment for women with higher education was twice as much as among men, and that 45 per cent of women did not earn a salary.”³⁰

33. In his latest report to the Human Rights Council on the situation of human rights in the Islamic Republic of Iran³¹, the Secretary-General expressed concern over the crackdown on women’s rights activists. Since then, a number of new instances of alleged intimidation and harassment have been reported.

34. The minimum age of marriage for girls remains 13 and 15 for boys, but girls less than 10 years may be married with the consent of their father or permission from a court. The Secretary-General is concerned that recommendations by international human rights mechanisms, most recently by the Committee on the Rights of the Child in January 2016, have not led to the repeal of legal provisions authorizing child marriage. He is alarmed that the Iranian authorities continue to claim that it might be in their best interests for girls as young as nine years old to get married. Child marriage constitutes a threat to the physical and mental integrity of children and runs counter to fundamental human rights guaranteed in the Convention on the Rights of the Child.

35. In July, State-run media reported that 41,000 children under 15 years of age were married every year in Iran. The article also revealed that the largest number of girls getting married under 10 years of age were from the south-eastern provinces of Sistan and Baluchistan.³²

36. Discriminatory rules concerning the dress code for women and girls continued to be enforced in 2017. These rules have led to the suspension and banning of Iranian female athletes from national and international competitions and those opposing forced veiling have been threatened. In February 2017, a chess player was banned from competing in domestic tournaments because she had reportedly appeared at a competition without a headscarf.³³ In April, the Iranian Futsal Federation expelled Shiva Amini from the national team after finding a picture of her playing in a pair of shorts and without a headscarf on social media.³⁴ Contrary to Article 36 of the Citizen Rights Charter³⁵, an increasing number of women continued to be arrested while driving their car for “bad hijab”.

37. In May, Masih Alinejad, the founder of an online movement, “My Stealthy Freedom”, received death threats by clerics in social media reportedly belonging to Revolutionary Guards for having launched a campaign against compulsory veiling.³⁶ At the time of writing this report, the call of two members of the Parliament for an inquiry into the defamatory remarks made against her by a cleric during a Friday sermon had still not led to any investigation.

³⁰ See ISNA Aug. 1, 2017

³¹ See A/HRC/34/40 para. 37

³² See IRNA news agency, July 30, 2017

³³ See <https://nytlive.nytimes.com/womenintheworld/2017/02/21/iranian-chess-player-banned-from-tournaments-because-she-did-not-wear-hijab/>

³⁴ See <http://www.independent.co.uk/news/world/middle-east/iran-womens-rights-hijab-veil-shiva-amini-instagram-photos-shorts-abroad-my-stealthy-freedom-futsal-a7706496.html>

³⁵ Article 36 of the Citizen Rights Charter enshrines the right of every citizen to have their privacy respected, residences, personal space, belongings and vehicles being immune from search and inspection,

³⁶ See <https://nytlive.nytimes.com/womenintheworld/2017/06/29/exiled-my-stealthy-freedom-founder-receives-death-threats-for-campaign-against-compulsory-hijab/>

38. Women's right to freedom of movement has remained highly restricted. In January, State-run media reported that two women were arrested for riding motorbikes in Dezful city, which the Local police commander considered to be "against revolutionary norms and values". The Iranian authorities noted that the two women have been freed. The Secretary-General notes that in July, the Parliament started debating the possibility to amend Article 18 of the Passport Law, which obliges women to obtain the authorization of their husband or "male guardian" before travelling abroad. No progress has however been observed in relation to this law and all other laws discriminating against women and girls which remain in force.

D. Restrictions on freedoms of opinion and expression and peaceful assembly

Freedom of opinion and expression

39. The Secretary-General notes the numerous statements of President Rouhani in favour of freedom of opinion and expression and freedom of the press.³⁷ However, the crackdown on journalists, writers, social media activists and human rights defenders increased ahead of the May elections, with a high number of such people being interrogated and arrested by intelligence services and the Iranian Revolutionary Guards Corps. Heavy prison sentences on individuals that peacefully exercise their right to freedom of expression continued to be imposed by the judiciary for the vaguely defined offences of "propaganda against the State", "insulting" political or religious figures, and harming "national security". Closure of newspapers and magazines, and an increased monitoring, filtering and blocking of websites carrying political news and analysis were also observed. As highlighted in previous reports, the continued trend of arrests of political activists, human rights defenders and media professionals adversely affected free, fair and participatory elections.³⁸

40. According to Reporters without borders, as of June, at least 12 journalists and 14 bloggers and social media activists were reportedly either in detention or sentenced for their peaceful activities before the Presidential elections while others were under surveillance and other forms of harassment and intimidation by States authorities.

41. In March, Ms. Hengameh Shahidi a political activist and journalist was arrested and sentenced to six years of imprisonment for "gathering and colluding with intent to harm state security" and "propaganda against the system". In July 2017, Ms. Shahidi was reported to be in a critical condition in Tehran's Evin prison where she was reportedly held in solitary confinement and had gone on hunger strike for 29 days in protest against her arrest. She was previously arrested in 2009 under very similar conditions and the same charges, also ahead of presidential elections of that year. The Iranian authorities noted that she has been released. In March, less than a month after being released, a former newspaper editor, Mr. Ehsan Mazandarani, was re-arrested by Revolutionary Guards. Immediately after, he went on hunger strike in protest against his arrest which he considered as "illegal, political and arbitrary". Mr. Mazandarani was part of a group of at least 18 journalists who were arrested before the election of 2013. At the time of writing this report, his health condition had reportedly seriously deteriorated.³⁹

42. In June, formerly imprisoned photojournalist Ms. Asal Esmailzadeh was arrested without charge while accompanying her husband to the Culture and Media Court in Tehran.

³⁷ See <http://www.asriran.com/fa/news/538090>

³⁸ A/HRC/31/26 para.30

³⁹ <https://rsf.org/en/news/two-journalists-jailed-run-iranian-new-year>

Several other reformist journalists and media advisers who worked for President Hassan Rouhani's election campaign were also reportedly summoned for questioning the same month.⁴⁰

43. Hundreds of websites were blocked during the presidential campaign between December 2016 and May 2017. In March, 12 administrators of some channels on the most popular messaging application *Telegram* were arrested by the Islamic Revolutionary Guards and their channels content deleted. In July, six of them started a hunger strike to protest against their detention and the impossibility to access their lawyer and information on the charges against them.⁴¹ In April, the Intelligence Minister, Mr. Mahmoud Alavi, publicly condemned the increased detention of journalists and online activists although many of such arrests reportedly took place at the initiative of his Ministry. Mr. Alavi was also quoted in State-run media as acknowledging that his ministry had "filtered" seven millions websites during President Rouhani's first term. The restrictions imposed on the freedom of information run contrary to Article 26 of the Citizen's Rights Charter, which enshrines the right to freely seek, receive and publish views and information. The Government of the Islamic Republic of Iran noted that active social and messenger networks have been required to register with the Supreme Council of Cyberspace.

44. At the time of drafting this report, former presidential candidates, Mir Hossein Mousavi, Mehdi Karroubi, and Zahra Rahnavard, were still under house arrest in the absence of charges or a trial. Taking into account the assurances given by President Rouhani on several occasions that they would be soon freed, the Secretary General urges the Iranian authorities to proceed with their immediate release.

45. Some artists and families of victims of human rights violations publicly expressing themselves have also been subjected to threats, harassment, arrest and detention. In July, the police and security forces supported by plainclothes agents reportedly dispersed a gathering marking the seventeenth anniversary of the death of Ahmad Shamlu, a popular poet, and arrested several participants, including a senior member of the Iranian Writers Association.

46. Political prisoners have continued to risk their life by going on hunger strike as a form of protest against their arbitrary arrest, prisons conditions and ill-treatment. In January, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran raised alarm over the critical health situation of several prisoners of conscience on a life-threatening hunger strike to contest the legality of their detention.⁴² Among them were Saeed Shirzad, Ali Shariati, Mohammad Reza Nekounam, Hassan Rastegari Majd, Mehdi Koukhian, Nezar Zaka, Mohammed Ali Taheri and Arash Sadeghi. All of them were still in prison as of July 2017.

47. The Secretary-General recalls that freedom of opinion and expression is of paramount importance in every society. He is particularly concerned with the persistent pattern of arbitrary arrest, detention and prosecution of journalists and social media activists. . The Secretary-General reiterates his call to the Iranian authorities to release political prisoners, including journalists and lawyers who were detained solely for legitimately and peacefully exercising their rights to freedom of expression.

⁴⁰ <https://www.iranhumanrights.org/2017/06/photojournalist-who-worked-for-rouhanis-presidential-campaign-arrested-without-charge/>

⁴¹ See <https://www.iranhumanrights.org/2017/07/detained-pro-rouhani-telegram-channel-admins-repeatedly-denied-legal-counsel-three-months-after-arrests/>

⁴² See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21071&LangID=E>.

Situation of human rights defenders, including trade unionists

48. Human rights defenders, lawyers, students, women's rights activists, and trade unionists, have continued to face heavy restrictions and to be sentenced to heavy prison terms by Revolutionary Courts for breaching national security laws. Judicial procedures before these courts continued to be marred by systematic due process and fair trial violations. Lawyers defending political prisoners and other victims of human rights violations continued to be subjected to similar treatment. Mr. Abdolfattah Soltani, a prominent human rights lawyer, was still serving a 13-year prison sentence on national security-related charges at the time of drafting this report. Other human rights lawyers continued to face harassment and interrogations by intelligence and security officials.

49. As of July, Narges Mohammadi, Arash Sadeghi, Atena Daemi, Golrokh Ebrahimi Iraee, Saeed Shirzad and Ali Shariat, as well as a number of environmental defenders and Azeri Turkish and Kurdish civil rights activists, were still in jail for their activities in defence of human rights in Iran. The Secretary-General is seriously concerned over the health status of some of these prisoners, the detention conditions imposed on them, and the systematic denial of medical treatment they remain subjected to. In June, Arash Sadeghi remained in critical condition due to his prolonged hunger strike and the denial of appropriate medical treatment in detention. Mr. Sadeghi was reportedly told by revolutionary guards that he would not be allowed to leave the prison alive.⁴³ The Iranian authorities note that the above mentioned persons have had regular access to medical care.

50. Independent labour unions are still not allowed to function, strikers are often fired and risk arrest, and labour leaders are consistently prosecuted under catchall national security charges and sentenced to long prison terms. As of July, eleven trade unionists were still in prison after having faced trials where essential/basic fair trial guarantees do not appear to have been in place.⁴² were awaiting the outcome of their trials or appeals.

51. In May on the occasion of Labour Day, the Iranian authorities allowed only State-sponsored labour councils ceremonies to take place in Tehran, while independent unionists were prevented from publicly commemorating Labour Day, including the Free Union of Iranian Workers, which organized a gathering outside the Parliament building. Reportedly, the police confiscated their banners and placards. In July, more than one thousand Iranian teachers issued a statement calling for the release of Mr. Mohsen Omrani, a teacher imprisoned for peacefully advocating for teachers' rights in the southern port city of Bushehr.

52. In July, the former secretary-general of the Iranian Teachers' Trade Association, Mr. Ismail Abdi, was returned to Evin Prison to continue serving a six-year prison sentence for his peaceful activism despite being promised extended furlough by a judicial official. Mr. Abdi was arrested in June 2015 by the Islamic Revolutionary Guard Corps' Intelligence Organization after being barred from leaving Iran to attend an international teachers' conference in Canada. In February 2016, Judge Abolqasem Salavati of Branch 15 of the Revolutionary Court sentenced him to six years in prison on charges of "propaganda against the State" and "collusion against national security" for his peaceful activism in support of teachers' rights.

53. In July, Mr. Reza Shahabi, a prominent labour activist, was returned to Rajaei Shahr Prison in Karaj, two years after being released. The prosecutor reportedly decided that he should be spending three more months in prison to cover the time he was freed on medical leave. Mr. Shahabi was later informed that the authorities had decided to enforce a previous one-year conviction. At the time of drafting this report, Mr. Shahabi was still on hunger

⁴³ <https://www.en-hrana.org/report-latest-status-arash-sadeghi>

strike. The Iranian authorities have in their submission noted that Mr. Shahabi has since been released.

54. During the reporting period, the Office of the United Nations High Commissioner for Human Rights (OHCHR) continued to receive a large number of complaints from families of the victims of executions which took place in 1988. In a joint statement issued in March, 20 human rights organizations called on the authorities to stop the harassment, intimidation and prosecution of human rights defenders seeking truth and justice on behalf of individuals who were summarily executed or forcibly disappeared during the 1980s and of their families.⁴⁴ Among them are Mansoureh Behkish, Maryam Akbari-Monfared and Raheleh Rahemipour. In February, Mr. Ahmad Montazeri, the son of the late Ayatollah Hossein Ali Montazeri, who released an audio recording of his father denouncing the executions and was sentenced to 21 years of imprisonment in November 2016 was taken to Evin prison to serve his sentence but was released a couple of hours later

55. Invoking charges related to national security against individuals for expressing their opinion or participating in peaceful assemblies not only endangers their physical integrity but also undermines their work as human rights defenders and trade unionists, and instils fear in society. The Secretary-General recalls that the ongoing harassment of, and the professional ban on human rights activists and lawyers, who are instrumental in representing their clients and safeguarding the rule of law, is a setback for the Islamic Republic of Iran as a whole.

E. Arbitrary arrests and detention of dual nationals

56. An emerging pattern of arbitrary deprivation of liberty of some dual nationals was identified by the United Nations Working Group on Arbitrary Detention in 2016.⁴⁵ This pattern was confirmed during the first half of 2017 with the continuous detention of several dual nationals, namely Roya Saberi Nobakht, Kamran Ghaderi, Karan Vafadari and his wife, Abdolrasoul Dorri Esfahani and Sabri Hassanpour. Of deep concern is the situation of Baquer Namazi, Nazanin Zaghari-Ratcliffe and Dr. Ahmadreza Djalali.

57. Mr. Baquer Namazi, an 80-year-old former official with the United Nations Children's Fund, was arrested in February 2016 upon his arrival in Iran. He had traveled to Iran with the view to securing the release of his son. In October 2016, both were sentenced to 10 years in prison on charges of "collusion with an enemy State". In March, an Appeal Court considered the cases of Mr. Namazi and his son. The decision of the court remained unknown at the time of writing this report. Following his contacts with the Iranian authorities, the Secretary-General was informed that Mr. Namazi had been granted access to medical treatment. However, the Secretary-General remains deeply concerned over Mr Baquer Namazi's continued detention, noting his advanced age and critical medical condition. He wishes to reiterate his call for the urgent release of Mr. Namazi on humanitarian grounds.

58. Dr. Ahmadreza Djalali, a medical doctor, lecturer and researcher in disaster medicine and resident of Sweden, was arrested in April 2016 by officials from the Ministry of Intelligence. In January 2017, he was taken before Branch 15 of the Revolutionary Court in Tehran, without his lawyer, and was informed that he was accused of "espionage" and could face the death penalty. He remains in pre-trial detention and the prosecution

⁴⁴ <https://www.hrw.org/news/2017/03/08/joint-statement-iran-repression-those-seeking-truth-and-justice-1980s-killings-needs>

⁴⁵ See Working Group on Arbitrary Detention, Opinion No. 28/2016 concerning Nazanin Zaghari-Ratcliffe (Islamic Republic of Iran), UN Doc. A/HRC/WGAD/2016/28, 7 September 2016, para 48.

authorities reportedly told his lawyer that he could take up his case, but refused to share the court files with him.

59. In April, the Supreme Court rejected the second appeal of Ms. Nazanin Zaghari-Ratcliffe, an Iranian-British project manager for the Thomson-Reuters Foundation who was arrested by security agents in April 2016 as she was returning to the United Kingdom. The lawyer of Ms. Zaghari Ratcliffe was not given appropriate time to defend his client and she was prohibited from speaking at her trial. Her detention was considered as arbitrary by the Working Group on Arbitrary Detention in August 2016.⁴⁶ She was sentenced in September 2016 to five years of imprisonment on “secret charges” At the time of writing this report, the passport of her 22-month old daughter was still kept by the authorities. The child was under the care of her grandparents in Iran without the possibility to see her father. The Iranian authorities have noted that there is no travel ban for the child.

60. Reports have showned that procedures against these dual nationals have been marred by due process and fair trial violations, including incommunicado detention, denial of access to a lawyer and, in the case of Dr. Djalali, emotional and psychological pressure to sign statements. In May, the Working Group on Arbitrary Detention stated that the detention of another dual national, Khmal Foroughi, detained since 2011, was arbitrary and called for his immediate release.⁴⁷

F. Treatment of minorities

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

62. In March, an Appeal Court in Tehran confirmed the decision taken in 2015 by Branch 28 of the Revolutionary Court to convict Christian convert Ebrahim Firouzi, for five years, under ‘national security’ charges. According to the information available, Mr. Firouzi has been prosecuted three times since 2010 solely for converting from Islam to Christianity and allegedly organizing Christian religious meetings. Between June and July, at least 11 Christian converts and the former leader of the Assyrian Pentecostal Church in Iran were reportedly convicted of “acting against national security and received heavy prison sentences from Branch 26 of the Revolutionary Court in Tehran”. Information also continues to be received on the discriminatory treatment of Sunni Muslims, members of the Yarsan community, and Gonabadi dervishes.

63. The persecution of members of the Bahá’ community remained unabated. At the time of drafting this report, over 90 Bahá’is, including the seven Bahá’i community leaders known as the Yaran, remained in prison for their religious beliefs. The seven leaders were arrested in May 2008 and have been serving a 10-year prison sentence on charges of espionage, ‘propaganda against the regime,’ ‘collusion and collaboration for the purpose of endangering national security,’ and ‘spreading corruption on earth’. The ninth year of their prison sentence was just completed, and they remain deprived of a number of rights to which all other prisoners are entitled to under the Penal Code, including furlough and conditional release. In April, the United Nations Working Group on Arbitrary Detention stated that the detention of 24 members of the Baha’i community was arbitrary and

⁴⁶ See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/208/94/PDF/G1620894.pdf?OpenElement>

⁴⁷ See http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_7.pdf

concluded that they were arrested and detained in violation of their right to freedom of religion.⁴⁸

64. The Secretary General is encouraged by the commitment made by President Rouhani during his campaign to promoting equal rights for all Iranians and to ensuring peaceful co-existence among all ethnicities.⁴⁹ Practical measures are urgently required to translate these commitments into practice.

65. The Secretary-General urges the Government to respect the freedom to practice the religion of one's choice, individually and in community with others, without fear of persecution or discrimination, as provided for in article 18 of the International Covenant on Civil and Political Rights. The Secretary-General renews his predecessor's call on the Government to respect the right to freedom of religion and belief, to address all forms of discrimination in all spheres of life, to uphold and implement legislation that protects minority groups and individuals, and to ensure the release of all individuals imprisoned on the basis of their religion or belief.

66. Security forces have continued to target ethnic activists that promote the recognition of their culture and language. In March, Abbas Lesani, a Kurdish-Azeri ethnic rights activist, was held in the Revolutionary Court in Meshkinshahr, on charges of "acting against national security" and "propaganda against the State" for advocating State recognition of his mother tongue.⁵⁰ In February, on International Mother Language Day, activists Alireza Farshi, Akbar Azad, Behnam Sheikhi and Hamid Manafi were reportedly issued long prison sentences for peacefully defending Kurdish Azeri rights.⁵¹ The Iranian authorities noted that these cases are still under investigation. In June, Morteza Moradpour, a Turk (Azeri) activist, who was released in December 2016 from Tabriz Central Prison after 65 days of hunger strike, was re-arrested to serve the rest of his imprisonment sentence.⁵² In July, Sohaila Kargar, another Turk Azeri activist, was sentenced to five years in prison on charges of membership in a group with the intention of distorting public order. Ms. Kargar had created a forum in 2014, called "Rainbow of Nations in Iran" and invited people to discuss about the subjects related to challenges faced by different minority groups.⁵³ The Iranian authorities noted that her sentence was converted to the payment of a fine of twenty million Rials.

67. From January to May 2017, Iranian border security forces allegedly killed 30 Kurdish Kulbars (Border Couriers) and injured 60 others. Iranian Kurds are reported to be overrepresented among people sentenced to death in Iran and Kurdish political prisoners are said to represent almost half of the total number of political prisoners in the country.⁵⁴

68. Repression of members of ethnic minorities also continued to be reported in Sistan and Balochistan, a region that holds some of the most underdeveloped and poorly resourced provinces in the country. Reports were also received of continuous discrimination against persons belonging to the Ahwazi Arab community.

⁴⁸ http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_9.pdf

⁴⁹ See <https://twitter.com/IranNewspaper/status/861499681481912320>

⁵⁰ <https://www.iranhumanrights.org/2017/04/iranian-azeri-rights-activist-on-trial-for-advocating-mother-language/>

⁵¹ <http://www.ahrz.org/report-on-the-situation-of-iranian-azerbaijanis-regarding-human-rights-juni-2016/>

⁵² <https://www.en-hrana.org/tag/morteza-moradpour>

⁵³ <https://www.en-hrana.org/sohaila-kargar-sentenced-5-years-prison>

⁵⁴ <http://www.kmmk-ge.org/2017/06/07/bi-annual-summary-report-for-the-attention-of-the-un-special-rapporteur-on-the-situation-of-human-rights-for-iran/>

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

69. The Islamic Republic of Iran has ratified six core international human rights treaties and is a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

70. The Secretary-General welcomes the cooperation of the Islamic Republic of Iran with the treaty bodies, which has improved in recent years. Iran's first report to the Committee on the Rights of Persons with Disabilities (CRPD/C/IRN/CO/1) was considered in March 2017. The Secretary-General notes, however, that the authorities have yet to submit their periodic report under the International Covenant on Civil and Political Rights and the Convention on the Elimination of Racial Discrimination, and calls on the Government to ensure accurate, regular and timely reporting to all treaty bodies as well as effective follow up of their recommendations.

71. The Secretary-General encourages the Government to comply fully with the follow-up mechanisms of the treaty bodies and to provide the information sought by the treaty bodies on the implementation of recommendations made in their concluding observations.

B. Cooperation with special procedures

72. The Secretary-General welcomes the ongoing engagement and dialogue of the Government of Iran with Special Procedures mandate holders and the responses provided to the significant number of communications which were sent by Special Procedures mandate holders to the Islamic Republic of Iran. The majority of the communications referred to cases of torture and ill-treatment, including the denial of medical treatment for prisoners, executions, arbitrary arrest and the detention of journalists and human rights activists, the persecution of religious minorities, unfair trials, and reprisals against individuals for their contact with United Nations human rights mechanisms.

73. The Secretary-General expresses great concern about attacks in State-run media aimed at discrediting the work of the Special rapporteur on the situation of human rights in the Islamic Republic of Iran by contesting her credibility and independence. In his opening statement, to the thirty-fifth session of the Human Rights Council, the United Nations High Commissioner for Human Rights expressed the same concern about incidents of personal threats and insults directed against Special Procedures mandate-holders.⁵⁵ While the Secretary-General encourages the Government to demonstrate full cooperation with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, he regrets she was not allowed to visit the country.

74. The Secretary-General welcomes the invitations extended to the Special Rapporteur on the right to food, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights for a country visit. They would be the first country visits by mandate holders to the Islamic republic of Iran since 2005 and would represent a step forward in the implementation of the standing invitation issued by the Government in 2002 to all thematic special procedures. It should be recalled that the Government had previously agreed in principle to visits by the

⁵⁵ See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21687>

Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of religion or belief. The Secretary-General also encourages the Government to respond positively to the requests for visits it received from the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on freedom of opinion and expression, and the Special Rapporteur on minority issues.

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

75. The High Commissioner has continued to raise human rights concerns with Iranian officials. He specifically intervened on behalf of juvenile offenders at risk of executions. The Secretary-General welcomes these exchanges and encourages the Government to pursue a dialogue on the implementation of recommendations received during the second cycle of the universal periodic review and to take advantage of the technical cooperation programmes of OHCHR with a view to abolishing and, in the meantime, to restricting the use of the death penalty in law and practice.

IV. Recommendations

76. **The Secretary-General wishes to acknowledge the engagement of the Government of the Islamic Republic of Iran with the United Nations human rights treaty bodies, which has improved in recent years.. Furthermore, the Secretary-General wishes to encourage the Government of Iran to swiftly move forward on the commitments made in the Citizen Rights Charter and translate them into policy and practices. Based on the observations made in this report, the Secretary-General makes the following specific recommendations:**

77. **The Secretary-General reiterates his urgent call on the Government to introduce a moratorium on the use of the death penalty, to halt the sentencing of children to the death penalty, to unconditionally stop all executions of persons sentenced to death for crimes committed when they were children., The practice of public executions should be ended.**

78. **The Secretary-General urges the Government of Iran to repeal all laws that authorize the use of torture and ill treatment as a form of punishment.**

79. **The Secretary-General urges the Government to ensure that human rights defenders, lawyers and journalists can perform their duties safely and without undue interference, including through creating fear of arrest, detention and prosecution, and to release political prisoners, including journalists, human rights defenders and lawyers, detained solely for legitimately and peacefully exercising their rights to freedom of expression.**

80. **The Secretary-General urges the Government of Iran to ensure that international standards and guarantees of due process and fair trial are met in all cases. Practices such as preventing defence lawyers from consulting their clients or detaining political prisoners without formally charging them are among the issues that need to be rectified.**

81. **The Secretary-General urges the Government to remove all discriminatory provisions affecting women in all laws, in accordance with international standards, and to develop national strategies to address harmful and violent practices against**

women and girls, including child marriage. He also urges the Government to ensure that women's rights defenders are protected from violence, intimidation and reprisals.

82. The Secretary-General urges the Government to take immediate steps to protect the rights of all persons belonging to religious and ethnic minorities, and to address all forms of discrimination against them. The Secretary-General renews his call on the authorities to release the seven Baha'i leaders.

83. The Secretary-General urges the Government to follow up on the concluding observations of all treaty bodies; to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. He also urges the Government to ensure a prompt submission of its reports to the Human Rights Committee and the Committee on the Elimination of Racial Discrimination overdue since 2014 and 2013 respectively.

84. The Secretary General encourages the Islamic Republic of Iran to continue its constructive engagement with OHCHR on the follow-up to all recommendations in the present and previous reports, as well as those of all the human rights mechanisms, including the universal periodic review.
