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**Concluding observations on the fourth periodic report of the Islamic Republic of Iran\***

1. The Committee considered the fourth periodic report of the Islamic Republic of Iran<sup>1</sup> at its 4038 and 4039 meetings,<sup>2</sup> held on 9 and 10 October 2023. At its 4064 meeting, held on 26 October 2023, it adopted the present concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the fourth periodic report of the Islamic Republic of Iran and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation.

**B. Positive aspects**

3. The Committee welcomes the:

(a) Amendment to Law of 25 October 1988 on Combating Drugs (August 2017), reducing the punishment for non-violent drug offences;

(b) Decree (5 February 2023) granting pardons or reduced prison sentences, followed by the announcement in March 2023 of the granting of pardons to 22,000 individuals arrested during the protests of September 2022.

4. The Committee takes note of the:

(a) Bill on promotion of Security and Protection of Women Against Violence (2023), that criminalizes violence against women;

(b) Law for the Protection of Children and Adolescents (2020), that criminalizes any kind of abuses against children;

(c) Bill on Fighting Human and Human Organs Trafficking and punishment for illicit carriers that transport persons across the Borders of the Country (2019);

(d) Letter of Approval of the Supreme Administrative Council (2016), by the Office of Deputy President for Family and Women's Affairs, which stipulates that by the end of the 6th Development Plan, the share of women in management and key positions in the country should increase by 30%; and

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\* Adopted by the Committee at its 139<sup>th</sup> session (9 October – 3 November 2023).

<sup>1</sup> [CCPR/C/IRN/4](#).

<sup>2</sup> See [CCPR/C/SR.4038](#) and [CCPR/C/SR.4039](#).

<sup>3</sup> [CCPR/C/IRN/RQ/4](#).

<sup>4</sup> [CCPR/C/IRN/Q/4](#).

(e) 2015 reform of the Code of Criminal Procedure that establishes in article 48 the presence of lawyers in the initial detention and investigation stages.

## C. Principal matters of concern and recommendations

### Constitutional and legal framework within which the Covenant is implemented

5. The Committee takes note of the information provided by the State party that the Covenant is an integral part of the domestic legal system and that it is treated as domestic law. However, the Committee is concerned that in cases of disparity, the domestic law takes precedence over the Covenant. It regrets the absence of specific information regarding efforts made to ensure that its provisions are considered in domestic legal proceedings, as well as about its intention to ratify the First Optional Protocol of the Covenant (art. 2).

6. **The State party should give full effect to the Covenant in its domestic legal system and ensure that domestic laws are interpreted and applied in conformity with its obligations under the Covenant. Additionally, the State party should raise awareness within public authorities of the Covenant and its domestic applicability; and consider acceding to the First Optional Protocol to the Covenant.**

7. The Committee is concerned by the lack of substantive progress in the establishment of a National Human Rights Institution in accordance with the Paris Principles since the government agreed to establish it over two decades ago. The Committee is concerned about the lack of independence of the existing Council for Human Rights and by the fact that the Islamic Human Rights Commission remains with the “C” status under the Paris Principles since 2000. While the Committee takes note of the intention of drafting an Action plan for human rights, it regrets the lack of specific information about it (art. 2).

8. **The State party should:**

(a) **Speed up the measures necessary to establish an independent national human rights institution in accordance with the Paris Principles; or reform the existing institutions and restructure them in accordance with the Paris Principles; and**

(b) **Ensure the conformity of the proposed Action Plan on Human Rights with the Covenant.**

### Fight against impunity and past human rights violations

9. The Committee is concerned about past human rights violations and reprisals in regard to protests, such as the arbitrary arrest of family members of people killed during the 2019 and 2022 protests; and threats and attacks against individuals seeking accountability for lost family members following the downing of Ukraine Airlines flight PS752. The Committee is concerned by reports about the poisoning of around 1,200 schoolgirls between November 2022 and April 2023, allegedly as a reprisal for schoolgirls engaging in peaceful assemblies following Jina Masha Amini’s death. The Committee is concerned about credible reports about the lack of impartial and independent investigations into these incidents (arts. 2, 6–7 and 14).

10. **The State party should establish a full, impartial and independent investigation into all credible reports of killings, torture and other human rights violations during and following the 2019 November and 2022 September protests; the downing of Ukraine Airlines flight PS752 and the poisoning of schoolgirls between November 2022 and April 2023; as well as into credible reports of reprisals against victims and relatives of human rights violations. The State party should ensure an effective access to judicial remedies.**

### Anti-corruption measures

11. While noting the high number of anti-corruption institutions established and anti-corruption cases handled, the Committee is concerned at the reports about the lack of transparency, accountability and independence of oversight mechanisms of these institutions, as well as by the fact that some high-level state actors, such as the Islamic Revolutionary

Guard Corps and ‘bonyads’ (or endowed foundations) seem to be beyond scrutiny in terms of their role in corruption (art. 2).

**12. The State party should ensure the independence, transparency and accountability of its anti-corruption institutions, and guarantee that all corruption cases are independently and impartially investigated and that perpetrators, including high level public officials, are brought to justice and given appropriate punishment, should they be found guilty.**

#### **Non-discrimination**

13. While the Constitution of the State party proclaims the enjoyment of equal rights and equal protection before the law, the Committee is concerned that the legal framework does not afford comprehensive and effective protection against discrimination on all the grounds covered by the Covenant, including gender, religion, political or other opinion, sexual orientation and gender identity. The Committee notes that the Charter of Citizenship Rights bans spread of hatred, however, it is concerned by reports of a high prevalence of hate crimes and allegations that hate crimes are not investigated and perpetrators go unpunished. It is particularly concerned by multiple reports of hate speech by public officials, instigating prejudice against LGBT persons (arts. 2, 20, 26 and 27).

**14. The State Party should ensure that its legal framework provides full and effective protection against discrimination in all spheres and contains a comprehensive list of prohibited grounds for discrimination in line with the Covenant, including, sexual orientation and gender identity, so that everyone can fully enjoy all the human rights enshrined in the Covenant, ensure that no such discrimination or violence is tolerated and that such conduct is properly addressed and remedied. It should ensure that hate speech and hate crimes are thoroughly effectively and promptly investigated, that perpetrators are prosecuted, and, if convicted, punished in accordance with human rights standards. It should also provide effective remedies for victims of discrimination, in particular on the grounds of gender, religion, sexual orientation and gender identity. It should carry out awareness-raising campaigns to address and prevent discriminatory attitudes held by the public.**

15. While the Committee observes the diversity of morality and cultures amongst peoples, it recalls that they must always be subject to the principles of universality of human rights and non-discrimination. The Committee remains concerned that consensual same-sex relations between adults are criminalized by the Islamic Penal Code, and punished with severe criminal penalties, ranging from public lashing and flogging to death sentences, which are actively enforced by the state. The Committee is also concerned by the prosecution of human rights defenders who advocate on behalf of sexual or gender minorities, including being sentenced to the death, as in the case of Sareh Sedighi Hamadani and Elham Chobdar. It is also concerned that the criminalization of consensual same-sex sexual relations between adults and gender non-conformity foster an environment for hate speech and hate crimes against LGBT individuals. It remains concerned that state actors frequently harass and detain LGBT individuals on the basis of public decency laws and subject these persons to torture and ill treatment while in detention. The Committee is also concerned about reports of gay and lesbian Iranians being pressured into undergoing gender reassignment surgery without their consent (arts. 2, 6, 7, 9 and 26).

**16. The State party should:**

**(a) Repeal or amend the provisions of its Penal Code in order to decriminalize same-sex consensual relations between adults, in particular, to ensure that the death penalty is not imposed for such relations, nor for advocating for the rights of LGBT persons.**

**(b) Ensure that all acts of violence against persons due to their actual or perceived sexual orientation or gender identity and human rights defenders who advocate on behalf of sexual or gender minorities are effectively investigated, perpetrators are brought to justice and victims provided with reparation; and**

**(c) Ensure that anyone held in prison or detention solely on account of their actual or perceived sexual orientation, or their consensual sexual activities should be released.**

#### **Gender equality**

17. The Committee notes the progress in the number of women studying at universities, but it is concerned about the lack of representation and participation of women in senior and decision-making positions in political and public life and private sector. The Committee remains concerned by legal provisions that continue to discriminate against women and girls, including the lack of sufficient measures to ensure their economic empowerment; the provisions that establish the age of marriage at 13 years for girls – and under certain circumstances as young as 9 years; and by reports about the practice of female genital mutilation (arts. 3 and 25–26).

18. **The State party should:**

**(a) Amend or repeal discriminatory legal provisions against women and girls; and take more robust measures to guarantee de jure and de facto equality between men and women;**

**(b) Strengthen its efforts to increase the representation of women in the public and political spheres, including at all governmental levels, particularly in decision-making positions; as well as in the judiciary and the private sector;**

**(c) Strengthen its efforts to prevent and eradicate harmful practices that discriminate against women and girls, particularly early marriages and female genital mutilation; in particular, the minimum marriage age should be raised to 18 years old for girls and boys, and the practice of female genital mutilation should be eradicated; and**

**(d) Step up its efforts to eliminate gender stereotypes regarding the roles and responsibilities of women and men in the family and society at large.**

#### **Violence against women, including domestic violence**

19. The Committee takes note of the legislation and programmes adopted to prevent and combat violence against women. However, the Committee is concerned by the failure of the “Protection, Dignity and Security of Women against Violence” bill to define domestic violence, criminalize marital rape or repeal existing discriminatory laws. The Committee is also very concerned about reports of a considerable number of so-called “honour killings” enabled, in part, by article 630 of the Islamic Penal Code that permits them. Finally, the Committee is seriously concerned by the “Support the Family by Promoting the Culture of Chastity and Hijab Bill”, which imposes severe punishments on women and girls for breaches of the dress code, including sentences of up to ten years in jail and flogging; and about the redeployment of the morality police to monitor the dress code in public (arts. 2, 3, 6, 7 and 26).

20. **The State party should:**

**(a) Adopt a comprehensive law criminalizing all forms of violence against women and girls that explicitly addresses domestic violence, marital rape and crimes committed in the name of so-called “honour” and introduce legislation that protect women and girls from any form of violence;**

**(b) Amend or repeal laws and policies that criminalize the non-compliance with compulsory veiling, in particular the “Bill to Support the Family by Promoting the Culture of Chastity and Hijab”; and disband the morality police;**

**(c) Ensure that all cases of violence against women, including domestic violence, are thoroughly investigated, that perpetrators are prosecuted, and, if convicted, punished in accordance with human rights standards, and that victims have access to remedies and means of protection; and**

**(d) Conduct awareness-raising campaigns regarding violence against women and girls, and about the criminal nature of such acts, and ensure that police officers, prosecutors and judges receive appropriate training.**

#### **Voluntary termination of pregnancy and sexual and reproductive rights**

21. The Committee regrets the adoption of retrogressive legislation that leaves women at an increased risk of unwanted pregnancies, sexually transmitted diseases, and illegal, clandestine abortions, putting their lives and health in danger. The prohibition of free distribution of contraceptives, the ban on voluntary sterilization for men and women, the restriction of access to information on family planning and abortion, and the further restriction and criminalization of abortion are concerning. The committee notes with distress that Article 61 of the Law on Youthful Population and Protection of Family imposes the death penalty on anyone who performs abortions on a “large scale” (arts. 6–8).

**22. Bearing in mind paragraph 8 of the Committee’s general comment No. 36 (2018), the State party should:**

**(a) Amend its legislation, including the Law on Youthful Population and Protection of Family, to guarantee safe, legal and effective access to abortion where the health of a pregnant woman or girl is at risk, or when carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest;**

**(b) Ensure that women and girls who seek abortions and the medical practitioners who assist them are not subject to criminal penalties, especially the death penalty, and lift barriers, such as those related to restrictions on contraception; and**

**(c) Facilitate access for women and men, and girls and boys, to evidence-based information and education about sexual and reproductive health, as well as to a wide range of affordable contraceptive methods.**

#### **Right to life**

23. The Committee is deeply concerned by ongoing violations of the right to life: the very high number of executions, including their considerable increase since 2021; the large number of offenses eligible for death sentences, that do not qualify as “most serious”, as defined in General Comment 36, including *hudud* crimes (such as offenses against the state and religion) *qisas* offenses (including unintentional killing), and *ta'zir* crimes (such as drug-related offenses); and the disproportionate application of the death penalty to members of minorities, such as the Baluch, Ahwazi Arabs and Kurdish minorities. The Committee is also seriously concerned by reports of executions for crimes such as the more than a dozen executions in 2022 on charges of *harabah* (“crime against god”) and *efsad-fil-arz* (“spreading corruption on earth”). In this regard, the Committee is concerned that, despite the 2017 Amendment to the Law for Combating Drugs, executions for drug-related offenses increased during the reporting period. The Committee notes that the State party gives “differential treatment” to minors who commit murder; however, it is concerned that juveniles continue to be executed, including 3 persons in 2022. The Committee is also concerned by the absence of fair trial guarantees in death penalty cases, including: the use of coerced confessions, closed proceedings before the Revolutionary courts, the low standards of evidence required for conviction (*Qassameh* or sworn oaths), and restrictions on attorneys meeting with clients or accessing case files. In addition, the Committee is concerned by reports that families and attorneys are not always informed of executions. Lastly, the Committee regrets the lack of public official disaggregated statistics regarding death sentences (arts. 6, 7 and 14).

**24. Taking into account the Committee’s general comment No. 36 (2018), the State party should take all measures necessary to ensure that the death penalty is imposed only for the most serious crimes, involving intentional killing. The State party should also:**

**(a) Ensure that the death penalty is never imposed in violation of the Covenant, including in violation of fair trial procedures and of the principle of legal certainty in the definition of criminal offences; that legal assistance is always made**

**available, and that evidence obtained under duress and torture is inadmissible in court; and that the family and attorney of the convicted person are kept informed;**

**(b) Ensure that no person who was below the age of 18 years at the time of the commission of an offence is subjected to death penalty under any circumstance;**

**(c) Give due consideration to establishing a moratorium on the death penalty with a view to abolishing it and consider acceding to the Second Optional Protocol to the Covenant; and**

**(d) Collect and make publicly available disaggregated data on the number of death sentences imposed, gender and age of the defendants, the number of executions carried out, pardons and commutations requested and granted and the type of offences for which death sentences are imposed.**

25. The Committee is concerned by several reports about the continued pattern of excessive use of force carried out by security forces in the context of peaceful assemblies. The Committee is concerned by credible reports that during the protests that followed the death of Jina Mahsa Amini in September 2022, security forces intentionally used disproportionate and lethal force against protestors in largely peaceful protests, which reportedly resulted in the deaths of more than 550 protestors, including at least 68 children. The Committee is concerned by the apparent lack of independent, impartial and transparent investigations into deaths and injuries following incidents of excessive and lethal use of force and firearms, by law enforcement officers, as well as for the lack of prosecutions and sanctions handed down to perpetrators and lack of remedies for victims; creating a de facto climate of impunity. The Committee is also concerned by the death of Jina Mahsa Amini, who according to credible reports, was beaten while in the custody of the morality police (arts. 6, 7 and 21).

26. **The State party should:**

**(a) Ensure that provisions governing the use of force are in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, and the Committee's general comment No. 36 (2018), which requires that the use of lethal force by law enforcement be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat; and provide training based on these principles and guidelines; and**

**(b) Investigate thoroughly, independently and impartially all allegations of excessive use of force and ensure that the perpetrators are brought to justice, those responsible punished in accordance with human rights standards, and the victims receive reparation; and**

**(c) Ensure an impartial, independent, prompt and transparent investigation into the death of Jina Mahsa Amini.**

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

27. While the Committee takes note of the State party's legislative framework prohibiting torture, it reiterates its concern about the continuing credible reports of widespread and systemic practice of torture and ill-treatment of persons deprived of liberty by law enforcement officials and the Revolutionary Guard, in formal and informal detention centres. The Committee is concerned by reports of torture and ill-treatment to extract confessions during investigations, that are later presented as evidence in court, including in cases of the death penalty. The Committee is concerned by reports indicating that torture and ill-treatment is practiced particularly on human rights defenders, journalists, dissidents, and those charged with drug-related offences; and that some of them are denied medical treatment. The Committee regrets the lack of information regarding any independent and impartial investigation -including forensic investigation- that may have been conducted into deaths in custody as a result of torture or ill-treatment, as well as on the outcomes thereof, remedies provided to the victims and perpetrators that may have been brought to justice (art. 7).

28. **The State party should take immediate measures to eradicate torture and ill-treatment, including:**

(a) Conduct thorough, independent and impartial investigations into all allegations of torture and ill-treatment and deaths in custody in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death; and into all acts of violence committed by law enforcement officials, the Revolutionary guards and prison officials, ensuring that perpetrators are prosecuted and, if convicted, punished in accordance with human rights standards and that victims receive reparation;

(b) Take all measures necessary to prevent torture and inhuman or degrading treatment or punishment, including by strengthening the training on human rights of judges, prosecutors, law enforcement officials and the Revolutionary guard, including on the Principals on Effective Interviewing for Investigation and Information Gathering (the “Méndez Principles”);

(c) Effectively implement existing legislation that prohibits torture and that gives no validity to confessions obtained under torture and ill-treatment; and

(d) Ensure that all persons deprived of their liberty have access to medical treatment and an independent and effective complaints mechanism for the investigation of allegations of torture and ill-treatment.

29. The Committee takes note of the limitations on corporal punishment of children introduced at the new Islamic Penal Code (2013), as well as the proposal to eliminate flogging on the Punishment Bill. However, the Committee is concerned by credible reports about the continued practice of flogging and other corporal punishments; as well as about the sexual harassment of children detained for crimes under the *hudud* and *quisas* categories, particularly in the context of the protests of 2022 (arts. 7 and 24).

30. The State party should take all necessary steps to put an end to all forms of corporal punishment, including flogging, in all settings. It should also:

(a) Ensure that all cases of corporal punishment and sexual harassment of children as well as any other acts of violence, against them are effectively investigated, that perpetrators are prosecuted and, if convicted, punished in accordance with human rights standards, and victims have access to remedies; and

(b) Conduct public information campaigns to raise awareness about the harmful effects of corporal punishment.

#### **Liberty and security of person**

31. The Committee remains concerned by lengthy detention periods without trial, incommunicado detention in unacknowledged detention centres, and the lack of access to lawyers and communication with families, in particular with regard to journalists, human rights defenders, lawyers, members of minority groups, dissidents and protestors. The Committee is concerned by credible reports about foreign and dual nationals arbitrarily detained on the basis of national security charges, some at risk of imminent execution, such as Jamshid Sharmahd; as well as for the arrest on national security charges of three foreign citizens in 2022 for allegedly unrelated facts. The Committee is concerned by the legal provisions that allow the imprisonment of individuals unable to fulfil a contractual obligation, including those related to dowry. The Committee takes note of the work of the State Party on improving the capacity of juvenile justice stakeholders on restorative justice; however, it is concerned by their inadequate access to justice and insufficient compliance with their rights in criminal procedures; including the low minimum age of criminal responsibility (9 years for girls and 15 for boys), lack of a time-limit for pretrial detention and detention with adults, especially in small towns (arts. 9 and 11).

32. Taking into account the Committee’s general comment No. 35 (2014) on liberty and security of person, the State party should:

(a) Ensure that persons deprived of their liberty are afforded all legal and procedural safeguards from the outset of their detention, in particular the rights to contact a family member access to a lawyer of their choosing (in line with the Basic

Principles on the Role of Lawyers), as well as access to a medical examination by an independent doctor and to be brought before a competent, independent and impartial court within a maximum period of 48 hours;

(b) Ensure that pretrial detention is only used as an exceptional measure and for a limited period of time, that detainees are held only at official detention facilities and encourage the use of non-custodial alternative measures, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules); in this regard, ensure that pre-trial detention is reasonably necessary, based on individual circumstances and judicially reviewed on a regular basis;

(c) Ensure that anyone detained arbitrarily is released without conditions and compensated;

(d) Impartially investigate all allegations of arbitrary arrest and detention, and ensure that perpetrators are prosecuted and, if convicted, punished in accordance with human rights standards;

(e) Review the legislation and practices to ensure that individuals are not imprisoned due to their inability to repay a debt and implement alternative measures of recovery; and

(f) Continue its efforts to reform its juvenile justice system in accordance with international standards, including by raising the age of criminal responsibility, including by establishing the same age of criminal responsibility for both, boys and girls; and ensure that juveniles are separated from adults in all places of detention.

#### **Treatment of persons deprived of their liberty**

33. The Committee notes that the authorities conduct a large number of inspections of prisons and detention centres. However, the Committee is concerned about the deterioration of the situation of persons deprived of their liberty in prisons and formal and informal places of detention, including unsanitary conditions, overcrowding, bad quality of food and water, denial of medical care, as well as by torture and ill-treatment, including prolonged solitary confinement and corporal punishment. The Committee is concerned by the limited child-care facilities in prisons (arts. 7 and 10).

#### **34. The State party should:**

(a) Ensure that conditions of detention are compatible with the Covenant and such international standards as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules); including with regard to the provision of medical attention when needed and childcare facilities;

(b) Bearing in mind paragraph 35 of the Committee's general comment No. 35 (2014), ensure that those in incommunicado detention are promptly presented before the judge;

(c) Guarantee that no one is held in a place not officially recognized as a place of detention;

(d) Reduce prison overcrowding, particularly through the wider application of non-custodial measures, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules); as an alternative to imprisonment; and

(e) Ensure independent, regular and unhindered access to all places of deprivation of liberty, including those under the control of the Islamic Revolutionary Corps and the Ministry of Intelligence, by independent monitoring and oversight mechanisms, without prior notice and on an unsupervised basis.

### **Elimination of slavery, servitude, and trafficking in persons**

35. The Committee is concerned by reports about the continued prevalence of human trafficking, child labour and sexual exploitation in the State party; as well as about women and young girls being subjected to temporary marriages (“*Sigheh*”), which reportedly pushes women and girls living in poverty to become sex workers. While the Committee notes that the law on the Protection of Children and Adolescents (2020) prohibits and criminalizes certain forms of child labour and exploitation, it is concerned by reports about the high prevalence of child labour, including the considerable number of child garbage-collectors in Tehran (arts. 2, 7, 8, 24 and 26).

**36. The State party should further strengthen its efforts to prevent and combat human trafficking, child labour, sexual exploitation, and temporary marriages. It should ensure that cases of human trafficking, child labour and sexual exploitation are thoroughly investigated, that perpetrators are brought to justice and adequately sanctioned, and that victims receive reparation.**

### **Right to freedom of movement**

37. The Committee is concerned by numerous reports on the use of arbitrary travel bans on lawyers, journalists, human right defenders and dissidents, and on their relatives. The Committee is concerned by discriminatory restrictions on the freedom of movement of women and girls, who are banned from certain public spaces such as football stadiums, airports, university campuses, and government offices. There are also reports that refugees and those in a refugee like situation have their movements restricted within the area where their documentation was issued and that unauthorized movements are subject to punishment, including deportation (arts. 9, 12, 17 and 19).

**38. The State party should guarantee freedom of movement and avoid restrictions incompatible with the Covenant, including article 12 and the Committee’s general comment No. 27 (1999) on freedom of movement. The State Party should protect the rights guaranteed in article 12, including unjustified interferences by private interference. The State party should ensure that the relevant authorities do not restrict freedom of movement on unjustified or discriminatory grounds and that an appeal process is available in such circumstances.**

### **Access to justice, independence of the judiciary and right to a fair trial**

39. The Committee is concerned that under the Constitution, the Supreme Leader, the highest political authority of the country, directly appoints the Head of the Judiciary for a period of five years. The Head of the Judiciary in turn directly appoints, among others, the Head of the Supreme Court, the General Prosecutor, the Attorney General, and the Head of the General Inspection Organization. The Committee is also concerned that according to credible reports, the vetting process for recruitment of judges allows the judiciary to exclude any individual who fails to adhere to state-sanctioned political and religious ideologies and that women are precluded from certain positions in the judiciary (art. 14).

**40. The State party should take all measures necessary to safeguard the independence and impartiality of the judiciary, including by ensuring that the procedures for the selection, appointment, promotion and removal of judges are transparent and impartial and comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary. The State party should ensure the full and equal participation of women in the judiciary at all levels, as well as of citizens of diverse political or religious ideologies and minorities. The State party should also ensure that the appointment of prosecutors and the exercise of their functions follows the Guidelines on the Role of Prosecutors adopted on September 1990 by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders.**

41. The Committee is concerned by the lack of effective legal representation in trials related to crimes punishable by death (despite provisions of the Code of Criminal Procedures); especially during the investigative phase, where evidence on which the court will rely, is gathered without the presence of a lawyer. The Committee expresses its concern

about the lack of fair trial guarantees at Revolutionary Courts, where a high number of death sentences on activists, journalists, lawyers, human rights defenders and others are imposed. According to credible reports, while these sentences are imposed on charges for crimes against national security, drug offences, war against God and others, they are sentenced because of their political opinion, profession of a non-admitted religion or human rights activity, among other reasons. In this regard, the Nobel Peace Prize laureate, Narges Mohammadi suffered one of these trials and was convicted to a ten-year prison sentence (art. 14).

**42. The State party should also ensure that all judicial proceedings are conducted in accordance with the fair trial guarantees enshrined in article 14 of the Covenant, including by ensuring that detained persons have an effective access to a legal counsel of their choice from the time they become subject to custody of law enforcement officials. It should also ensure that any restrictions or limitations on fair trial guarantees are fully compliant with its obligations under the Covenant.**

#### **Treatment of aliens, including migrants, refugees and asylum-seekers**

43. The Committee welcomes the efforts deployed by the State party to host around 4.5 million forcibly displaced people, many of them Afghan nationals. However, the Committee is concerned by reports of the forcible deportation of a large number of Afghans without an individual assessment of protection needs, since August 2021, as well as by pushbacks operations with excessive use of force. The Committee is concerned by reports about the detention in round up operations of undocumented foreign nationals, that can lead to deportations without a screening process, including of children (arts. 6, 7, 9, 12, 13 and 24)

**44. The State party should:**

**(a) Facilitate access to fair asylum procedures for all persons in need of international protection and strictly uphold the principle of non-refoulement, particularly regarding those from Afghanistan; and**

**(b) Ensure that the detention of migrants and asylum-seekers is reasonable, necessary and proportionate, in accordance with the Committee’s general comment No. 35 (2014) on liberty and security of person; that alternatives to detention are used and ensure that children are not detained for immigration-related purposes.**

#### **Right to privacy**

45. The Committee is concerned about reports of targeted surveillance and monitoring of individuals, in particular human rights defenders, journalists and activists and regrets the lack of information on the legal safeguards applied in the surveillance regime. The Committee is concerned by provisions of the Computer Crimes Law of 2010, including those criminalizing data encryption, and by the “User Protection Bill”, which grants the Government and army extensive control over the State party’s internet infrastructure and restricts foreign internet services and websites, facilitating surveillance and censorship. The Committee is also concerned by the foreseen use of surveillance technology for the enforcement of the “Support the Family by Promoting the Culture of Chastity and Hijab Bill” (art. 17).

**46. The State party should amend the Computer Crimes Law of 2010, the User Protection Bill, and the “Support the Family by Promoting the Culture of Chastity and Hijab Bill” to ensure that any surveillance activity complies with the principles of legality, proportionality and necessity, in full conformity with the Covenant, in particular with articles 17 and 19. It should establish independent oversight mechanisms, including independent and impartial judicial review of surveillance activity and ensure access to effective remedies.**

#### **Right to freedom of conscience and religious belief**

47. The Committee remains concerned by numerous reports indicating that religious minorities are victims of state-sanctioned human rights violations, including discrimination, arbitrary detention, torture, harassment and confiscation of property solely for practicing their faith, and reports about the execution of two men in May 2023 for apostasy. The Committee

is concerned by the criminalization of blasphemy; by the amendments to the Penal Code in 2021 (articles 499bis and 500bis) that allow further suppression of religious freedom and freedom of expression, and by the fact that apostasy continues to be punishable with death penalty. The Committee remains concerned by the continued and systematic violations of rights and discrimination against the Baha'i religious minority. The Baha'i are not allowed to practice their faith in public, and they face, among others, arbitrary arrests, imprisonment, closure of businesses, expropriation of property, and bans on higher education (art. 18).

48. **Recalling the previous concluding observations<sup>5</sup>, the State party should ensure respect for the right to freedom of religion or belief, including ensuring that legislation and practices conform to article 18 of the Covenant, taking into account general comment No. 22 (1993) on the right to freedom of thought, conscience and religion and general comment No. 34 (2011) on freedoms of opinion and expression. The State party should:**

(a) **Guarantee the right of everyone to have or to adopt a religion or belief of his or her choice and to change his or her religion;**

(b) **Ensure the freedom to either individually or in community with others and in public or private, to manifest this religion or belief without being penalised;**

(c) **Ensure that members of non-recognized religious minorities, including the Baha'i community, are protected against harassment, discrimination and any other human rights violation, as well as against any arbitrary decision on account of their religion; in this regard, immediately release those imprisoned for exercising their right to freedom of religion or belief and provide them with adequate compensation;**

(d) **Decriminalize blasphemy and apostasy and repeal or amend the relevant provisions of the Islamic Penal Code, including articles 499bis and 500bis.**

#### **Freedom of expression**

49. The Committee is concerned by credible reports about harassment, arbitrary arrest and prosecution of journalists for their reporting, in particular following the protests of September 2022, which lead to the imprisonment of approximately 100 journalists, including Niloofar Hamedi and Elahe Mohammadi. The Committee is concerned by vague and overbroad legal provisions that may limit freedom of expression and lead to arbitrary punishment, such as article 6 of the Press Law and the proposed new article 512bis of the Penal Code. The Committee is also concerned by internet disruptions during protests, including the 5-day nationwide internet shutdown during the November 2019 protest, the blockage of social media platforms during the September 2022 protests, and the longstanding blockage of social media platforms such as Facebook and X/Twitter. Lastly, the Committee is concerned by the execution of journalist and activist Ruhollah Zam in 2019 (arts. 19 and 20).

50. **The State party should take measures to guarantee that everyone can exercise the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34, and article 21 of the Covenant, according with General Comment 37 (2020) on the right of peaceful assembly. In particular, the State party should:**

(a) **Cease and prevent acts of harassment, intimidation and violence against journalists, media workers, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions;**

(b) **Review the detention of journalists, media workers and human rights defenders and immediately release all those detained contrary to the provisions of the Covenant;**

(c) **Ensure that all allegations of harassment and intimidation and violence against journalists are investigated, that perpetrators are brought to justice and appropriately punished and that victims receive appropriate reparation; and**

<sup>5</sup> CCPR/C/IRN/CO/3, para. 24

**(c) Revise and amend legislation unduly restricting freedom of expression to ensure that criminal laws are not used to silence dissenting voices -- including by blocking websites and online resources and internet shutdowns -- and ensure that any restriction on the exercise of freedom of expression complies with the requirements of the Covenant.**

#### **Right of peaceful assembly**

51. The Committee is concerned by credible reports about the imposition of death sentences under national security and other criminal charges, in judgements without judicial guarantees, to individuals who participated or were involved in the September 2022 protests; and by the execution of seven of them. The Committee is also concerned by the harassment and arbitrary detention of relatives of deceased protestors when holding demonstrations or memorials of their deceased relatives; and of attorneys representing protesters (art. 21).

**52. In accordance with article 21 of the Covenant and in the light of the Committee's general comment No. 37, the State party should:**

**(a) Guarantee and protect the right of peaceful assembly and avoid restrictions that are incompatible with article 21 of the Covenant;**

**(b) Ensure that individuals who exercise their right of peaceful assembly are not prosecuted and punished with arbitrary charges for exercising their rights, and that they are immediately released and provided with adequate compensation; and**

**(c) Ensure that relatives of protestors can exercise their right of peaceful assembly, and that lawyers can exercise their profession without reprisals.**

#### **Freedom of association**

53. The Committee remains concerned about restrictions on the freedom of association, including by preventing meetings taking place and arbitrarily arresting members of civic associations and trade unions, including members from the Iran Teachers' Trade Association and the Iran Free Workers' Union. The Committee remains concerned by the involuntary closing of the Iman Ali Popular Student Relief Society, the Imam Ali Charitable Society and Khaneh of the Sun. The Committee is also concerned by the denials of registration of civil society organizations and the requirement to comply with "principles of Islam" for the establishment of associations (art. 22).

**54. The State party should adopt and implement measures to facilitate and protect civil society organizations, trade unions and civic associations, enabling them to register and operate free from undue State interference, and without fear of harassment or reprisals. It should also bring its legislation and practice governing the establishment, registration and operation of associations into full compliance with the Covenant and ensure that any restriction imposed is in conformity with article 22 of the Covenant.**

#### **Participation in public affairs**

55. The Committee is concerned about violations of the right of religious and ethnic minorities, women and political dissidents to participate in public affairs. It is also concerned by restrictions for presidential candidates during the last Presidential elections of 2021, when the Guardian Council only approved 7 candidates while disqualifying 585. The Committee is also concerned by the constraints on freedom of expression and the ability to seek, receive and impart information during the Presidential elections, including threats addressed to journalists that expressed criticism towards now-president (then-candidate) Ebrahim Raisi, would not be tolerated (arts. 25 and 26).

**56. The State party should ensure the enjoyment of the right to participate in public affairs and should bring its electoral regulations and practices into compliance with the Covenant, including article 25, and the Committee's general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service. It should also ensure:**

(a) **Transparent and free elections and promote genuine political pluralism and debate; as well as the freedom to engage in political activity individually or through political parties and other organizations;**

(b) **That no person eligible for election is excluded by unreasonable or discriminatory requirements; and**

(c) **A free press and other media that is able to comment freely on public issues without censorship or restraint and inform public opinion.**

#### **Rights of minorities**

57. The Committee remains concerned about reports on restrictions and discrimination against ethnic, religious and linguistic minorities, such as the Baluch, Ahwazi Arabs, Kurdish and Baha'is minorities, including on their enjoyment of cultural rights and access to public services. The Committee takes note of the possibility for minorities to learn their own language at university as a second language after Farsi, however it is concerned about the ban on teaching minority languages in elementary and secondary schools. The Committee is also concerned by restrictions on political and social participation, and by the reduced number of members of minority groups in senior and decision-making positions in governmental bodies and public administration. (art. 27)

58. **The State party should develop measures to promote and protect the rights of persons belonging to ethnic, religious and linguistic minorities, including by taking into consideration their specific rights and adopting effective measures to prevent and fight against discrimination. It should also ensure that ethnic, religious and linguistic minorities are adequately represented in government bodies and public administration -- including in senior and decision-making positions, increase efforts to provide education in minority languages and improve access to public services.**

#### **D. Dissemination and follow-up**

59. **The State party should widely disseminate the Covenant, its two Optional Protocols, its fourth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

60. **In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 3 November 2026, information on the implementation of the recommendations made by the Committee in paragraphs 20 (violence against women), 24 (death penalty) and 26 (excessive use of force) above.**

61. **The Committee requests the State party to submit its next periodic report by 5 November 2029 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.**