
Advance unedited version

Distr.: General
27 September 2018

Original: English

Seventy-third session

Item 74(c) of the provisional agenda*

**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**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, submitted in accordance with Human Rights Council resolution 37/30.

* A/73/150.

** The present report was submitted after the deadline in order to reflect the most recent information.

Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Summary

The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, submits his first report to the General Assembly pursuant to Human Rights Council resolution 37/30, following his appointment in July 2018. This initial report is based on consultations held with interlocutors in Geneva in August 2018 and sets out some consistently documented issues of concern as well as some steps envisaged towards the fulfilment of the mandate of the Special Rapporteur.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 37/30 which renewed the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. The resolution requests that the Special Rapporteur submit a report on the implementation of the mandate to the General Assembly at its seventy-third session and to the Human Rights Council at its fortieth session. The resolution also calls upon the Government of the Islamic Republic of Iran to cooperate fully with the mandate holder, to permit access to visit the country, and to provide all information necessary to enable the fulfilment of the mandate.

2. On 6 July 2018, Mr. Javaid Rehman was appointed as the third Special Rapporteur on the situation of human rights in the Islamic Republic of Iran since the mandate was re-established in 2011. He commenced his duties officially on 13 July 2018. The former mandate holder, Ms. Asma Jahangir assumed the mandate from November 2016 until her sudden passing in February 2018. Prior to Ms. Jahangir, Mr. Ahmed Shaheed assumed the mandate from June 2011 to September 2016.

3. Upon his appointment, the Special Rapporteur wrote to the Government of the Islamic Republic of Iran to seek its cooperation with the mandate and to request a visit to the country. He subsequently issued a statement on 6 August 2018,¹ in which he explained that he looked forward to constructive engagement with the authorities with a view to creating a space for an informed and open dialogue. The Special Rapporteur also added that he will seek to build on the previous engagement between his predecessor and the Iranian authorities on the full compliance of the State with its international human rights obligations.

4. The Special Rapporteur conducted his first official mission to Geneva from 21 to 25 August 2018. During his visit, he met with a number of interlocutors, including His Excellency Mr. Esmail Baghaei Hamaneh, Permanent Representative of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva; members of civil society; human rights defenders; and representatives of a number of Permanent Missions based in Geneva. During his meeting with Ambassador Hamaneh on 24 August, the Special Rapporteur welcomed the assurances provided of an enhanced focus on human rights and a willingness to engage in a spirit of cooperation with the Special Rapporteur. The Special Rapporteur further emphasised the importance of conducting a visit to Iran upon the invitation of the Government. In comments provided on the present report, the Government declared its willingness to meet with the Special Rapporteur on mutually agreed areas of technical cooperation, with the aim of providing him with the required information.

5. Since his appointment, the Special Rapporteur has reflected upon the various substantive issues and challenges facing the mandate and the proposed methodology of his work. In this initial stage of the mandate and in this present report, the Special Rapporteur will elucidate the methodology that he intends to pursue in fulfilling his mandate and present some consistently documented issues of concern regarding the human rights situation in the Islamic Republic of Iran. These issues of concern have been developed through reviewing the previous reports and observations of his predecessors, the Secretary-General, and the international human rights mechanisms; assessing initial reports received from various sources following his appointment; and undertaking preliminary discussions with various interlocutors. Accordingly, this present report does not present an exhaustive picture of the human rights situation in the country but instead seeks to highlight some of the key issues of concern which have been repeatedly raised in the aforementioned context. Such issues

¹ Office of the United Nations High Commissioner for Human Rights (OHCHR), “New UN human rights expert on Iran seeks cooperation and dialogue with Government”, 6 August 2018.

include alleged violations of the right to life, particularly the execution of the juvenile offenders; the prohibition of torture and other ill-treatment; the right to freedom of opinion, expression, and assembly; the rights of women and girls; and the rights of religious and ethnic minorities. The Special Rapporteur intends to seek further information on these issues of concern and engage with the Government and other interlocutors to this end. On the basis of his preliminary assessment, the Special Rapporteur also intends to reflect in the course of his mandate upon the relationship between violations of civil and political rights and violations of economic, social and cultural rights in the Islamic Republic of Iran. In addition, the Special Rapporteur presently intends to address, *inter alia*, the situation of human rights defenders, foreign and dual nationals, the alleged 1988 summary executions, as well as group rights, in particular those based upon disability, sexual orientation, and gender identity.

II. Methodology of work

6. In the conduct of his mandate, the Special Rapporteur will be guided by the provisions of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, as enunciated in Human Rights Council Resolution 5/2. In accordance with the Code of Conduct, the Special Rapporteur will act in an independent capacity and perform his mandate through a professional and impartial assessment of facts based on internationally recognised human rights standards and free from extraneous interference or pressure.² The Special Rapporteur is committed to exercising his mandate in a manner free from politicisation and will be guided solely by the aim of assisting the State in complying with its international human rights obligations in an incremental, constructive, yet robust manner.

7. The Special Rapporteur will seek the cooperation of the authorities in the Islamic Republic of Iran and to establish and report on the facts, based on objective and reliable information on the compliance of the State with its human rights obligations. With this in mind, the Special Rapporteur has reached out to the Iranian authorities, held an initial formal meeting, and expressed his strong interest to visit the Islamic Republic of Iran. The Special Rapporteur will also seek information from the Iranian authorities on human rights issues especially those highlighted within resolutions of the General Assembly and Human Rights Council and those which are a matter of documented concern for the United Nations human rights treaty bodies. During his proposed visit, the Special Rapporteur would aim for a meaningful access to people and places of interest with a view to establishing the facts about the human rights situation in the country.

8. Since his appointment, the Special Rapporteur has had several meetings with members of civil society including the Iranian diaspora community within the United Kingdom of Great Britain and Northern Ireland, and during his first formal mission to Geneva in August 2018. He has received information from a significant number of organisations and individuals with respect to the human rights situation in the country. The Special Rapporteur has also received a substantial body of documentation of alleged violations of human rights taking place in Iran. Individual testimonies and witness statements, including through conducting country visits, will constitute a substantial part of information gathered pursuant to the Special Rapporteur's mandate. The Special Rapporteur will request the cooperation of the Iranian authorities when following up on allegations as part of his efforts to examine individual cases. In forming an objective and impartial view, the Special Rapporteur will consider information obtained from all credible sources, including, *inter alia*, Government statements, comments, and information on existing laws, new legislation, policies and State practices. He will also assess the Government's responses to communications transmitted to Iran by special procedures of the Human Rights Council, along with comments and

² See Human Rights Council resolution 5/2.

information produced by the Government in response to his reports. In preparing this present report, the Special Rapporteur has also considered the comments of the Government of Iran on the most recent report of his predecessor.³ The Special Rapporteur will monitor national and international media reports as they relate to the situation of human rights in the country and will assess information prepared and submitted by national and international civil society organizations in line with his mandate.

9. The Special Rapporteur takes the view that the outcome of the Universal Periodic Review of Iran which took place in October 2014 provides a sound platform for collaboration between himself and the Iranian authorities. In this regard, he believes that he could contribute to the efforts of the Islamic Republic of Iran to implement recommendations of the review which Iran accepted or partially accepted for implementation, and aims to contribute to the follow-up, monitoring, and reporting on the implementation of such recommendations. With this in mind, the Special Rapporteur intends to engage fully and constructively with the Government of Iran with a view to reviewing its position as regards those recommendations that have not been accepted. In comments provided on the present report, the Government highlighted its participation in the Universal Periodic Review, its acceptance of nearly 65 per cent of the recommendations, and the preparation of a voluntary mid-cycle report.⁴

10. In addition to the commitments made during the Universal Periodic Review, the Islamic Republic of Iran has committed to a number of human rights obligations as evidenced in its ratification of international human rights treaties. The Special Rapporteur will seek to follow-up on Iran's compliance with its international human rights obligations. The Islamic Republic of Iran ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 24 June 1975. The Islamic Republic of Iran also became a party to the Convention on the Elimination of All forms of Racial Discrimination on 29 August 1968. The Islamic Republic of Iran ratified the Convention on the Rights of the Child on 13 July 1994 and on 26 September 2007 accepted the obligations under its Optional Protocol on the sale of children, child prostitution and child pornography. On 23 October 2009, the Islamic Republic of Iran acceded to the Convention on the Rights of Persons with Disabilities.

11. The Islamic Republic of Iran is yet to submit its periodic report to the Human Rights Committee on the implementation of ICCPR which was due in November 2014 and to the Committee on Economic, Social and Cultural Rights on the implementation of ICESCR which is due in May 2018. A combined third and fourth periodic report submitted by the Islamic Republic of Iran was considered by the Committee on the Rights of the Child on 12 January 2016.⁵ The Committee adopted its concluding observations on 29 January 2016.⁶ The Committee on the Convention on the Rights of Persons with Disabilities considered the initial report submitted by the Government on 22 March 2017,⁷ and adopted its concluding observations on 12 April 2017.⁸ The Special Rapporteur notes the comments provided by the Government on the present report that it plans to submit reports to the treaty bodies in the course of its working programme. The Special Rapporteur further intends to engage

³ See A/HRC/37/68/Add. 1.

⁴ See Islamic Republic of Iran, High Council for Human Rights, UPR midterm report (2015–2016) (Center for the Judiciary). Available at <https://lib.ohchr.org/HRBodies/UPR/Documents/Session20/IR/Iran2ndCycle.pdf>.

⁵ See CRC/C/IRN/3-4.

⁶ See CRC/C/IRN/CO/3-4.

⁷ See CRPD/C/IRN/1.

⁸ See CRPD/C/IRN/CO/1.

constructively with the Government in following-up on the concluding observations of the treaty bodies.

12. The Islamic Republic of Iran has not ratified a number of international human rights treaties. These include the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All forms of Discrimination against Women and all of the individual complaints procedures and inquiry procedures, the International Convention for the Protection of All Persons from Enforced Disappearances, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The Special Rapporteur will encourage the Islamic Republic of Iran to ratify the aforementioned treaties which he believes will enhance the efficacy of human rights implementation within Iran.

13. The Special Rapporteur will work in collaboration with thematic special procedures of the Human Rights Council on urgent appeals and other communications and prepare his own appeals and communications as necessary in fulfilment of his mandate. In this context, the Special Rapporteur encourages the Government to provide substantive replies to the communications transmitted and looks forward to constructively engaging with the Government on matters raised accordingly.

14. The Special Rapporteur takes a positive view of the strong advocacy role of civil society and human rights defenders within Iran. In fulfilment of his mandate, he will engage with civil society representatives in accordance with the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council. The Special Rapporteur will seek to facilitate a space for non-politicised discussions, advocacy, and the study of the human rights situation in the country through engagement with civil society and academic expertise. The Special Rapporteur intends to engage with the media with measured and objective analysis on progress achieved and challenges concerning the human rights situation in the country. The Special Rapporteur takes the view that constructive engagement with the Iranian Government and media advocacy provides parallel yet appropriate avenues for highlighting progress, reporting on human rights violations, and advocating for the need for redress of such violations.

III. Human rights situation: consistently documented issues of concern

A. Right to life and the death penalty

1. Overview

15. The violation of the right to life and concerns related to a lack of adherence to due process have been consistent themes in previous reports of the Secretary General and the predecessors of the Special Rapporteur.⁹ The Government received 41 recommendations related to its use of capital punishment during the second cycle of Universal Periodic Review in 2014.¹⁰ Recommendations to the Government included to abolish the death penalty for juvenile offenders; to establish a moratorium on death penalty for crimes not considered 'most serious' by international standards; to establish a moratorium on the use of capital punishment; and to ban public executions. None of the recommendations were accepted. The Special Rapporteur welcomes the progress made in specific aspects of drug-trafficking laws

⁹ See for example, A/HRC/37/24, paras. 6-17 and A/HRC/37/68, paras. 13-20.

¹⁰ See A/HRC/28/12, para. 138.

which were highlighted by his predecessor,¹¹ whilst also noting concerns expressed by his predecessor relating to ensuring due process and a fair trial for those accused of capital offences.¹² In comments provided on the present report, the Government stated that capital offences are treated with the presence of the prosecutor's representative, the accused and his/her lawyer, and that the final verdict is issued followed convening hearings during fair trials and upon completion of the required proceedings. It further stated that meetings without a lawyer had no legal effect, and the decision made and the ruling issued in such cases could be disaffirmed by the Supreme Court.

2. Execution of juvenile offenders

16. The Special Rapporteur reiterates the grave concerns previously expressed by the Secretary-General, High Commissioner for Human Rights, and his predecessor with respect to the continuing execution of juvenile offenders in Iran, noting that at least four juvenile offenders were executed in first-half of 2018, with several others facing imminent execution. Amir Hussein Pourjafar was convicted of committing murder and rape when he was 16 years old and executed in January.¹³ Other juvenile offenders also executed in the same month include Ali Kazemi, convicted of committing murder aged 15 years old, and Mahboubeh Mofidi convicted of committing murder aged 16 years old.¹⁴ Abolfazl Chezani Sharahi, convicted of murder aged 15 years old was executed in June.¹⁵ In comments provided on the present report, the Government stated that the aforementioned individuals were executed in accordance with the punishment of *qisas* (retaliation in kind) for the crime of murder upon the request of the next of kin of the victim. The Government further stated that it expends extensive effort to satisfy the requirements of the next of kin and convert *qisas* to *diyeh* (cash fine). In this regard, while acknowledging such efforts, the Special Rapporteur believes that the Government should not delegate its responsibility to protect the right to life to the next of kin. The Special Rapporteur further reiterates the concerns expressed by the High Commissioner for Human Rights in February 2018 with respect to the retention of the death penalty for boys aged at least 15 lunar years of age and girls aged at least nine years by the amended Islamic Penal Code for *qisas* or *hudud* crimes such as homicide, adultery, rape, theft, armed robbery or sodomy, in contravention of ICCPR and CRC.¹⁶

17. The Special Rapporteur intends to closely follow the situation of juvenile offenders on death row in the course of his mandate and the legislation concerning the application of the death penalty to such individuals. In this context, the Special Rapporteur intends to also seek information on the application of the amendment to the Islamic Penal Code (Article 91) in 2013 which allows judges to pronounce alternative sentences in circumstances where there is doubt as to the mental development of the juvenile at the time of the offence or if they had not realized the nature of the crime committed, in light of concerns expressed by the Committee on the Rights of the Child on its effective application.¹⁷ Building upon the amendment, the Special Rapporteur calls upon the Government to introduce a further amendment, which affirming the lack of mental development of a juvenile, absolutely prohibits the execution of persons who were under the age of 18 year of age at the time of their offence. In comments provided on the present report, the Government stated that it had established a new task force on "Prevention of Deprivation of Life" made up of a

¹¹ See A/HRC/37/68, paras. 15-17.

¹² Ibid., paras. 8-9.

¹³ OHCHR, "Zeid urges Iran to stop violating international law by executing juvenile offenders", 16 February 2018.

¹⁴ Ibid.

¹⁵ OHCHR, "Zeid appalled by execution of juvenile offenders in Iran", 28 June 2018.

¹⁶ OHCHR, "Zeid urges Iran to stop violating international law by executing juvenile offenders", 16 February 2018.

¹⁷ See CRC/C/IRN/CO/3-4, para. 35.

subcommittee of the Executive Committee on the Protection of the Rights of Children and Adolescents in the General Justice Department of the Province of Tehran, which has now been extended to all provinces of the country. The Special Rapporteur stands ready to build on the Government's declared intent to address the situation of juvenile offenders on death row, and engage further with the Government and the task force on this issue.

3. Amendment to the drug-trafficking law

18. The Special Rapporteur welcomes the new amendment to the drug-trafficking law which entered into force on 14 November 2017. According to the amended law, punishments for certain drug offences that previously carried the death penalty or life in prison are now subject to a prison term of a maximum 30 years. In addition, the quantity of drugs required to impose a death sentence was increased. The Special Rapporteur further notes encouraging reports of a significant reduction in executions related to drug offences: only two such cases of the death penalty having been reportedly implemented thus far during 2018,¹⁸ compared to 213 during 2017.¹⁹

19. The Special Rapporteur notes however that the amended drug-trafficking law retains mandatory death sentences for a wide range of drug-related offences. The Special Rapporteur further notes that the application of the death penalty in such circumstances take place within the context of concerns raised by his predecessor and by the Secretary-General on the lack of adherence to due process and the right to a fair trial.²⁰ In light of the irreversible nature of capital punishment and such concerns, the Special Rapporteur calls upon the Government to ensure full compliance with the safeguards guaranteeing protection of the rights of those facing the death penalty.²¹

20. More broadly, the Special Rapporteur acknowledges the seriousness of drug trafficking and dependence and their consequences. However, the Special Rapporteur calls upon the Government to review its policy of retention of the death penalty for certain drug offences. In this regard, he points to the aforementioned amendment to the drug-trafficking law which appears to represent a recognition on the part of law-makers and policy-makers in the country of the ineffectiveness of death penalty as an appropriate deterrent. The Special Rapporteur further welcomes the recent initiative by the Government for drug treatment and enhanced programmes for prevention of drugs as more effective mechanisms for addressing drug dependence.²²

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

21. The Special Rapporteur is concerned by reports received by his predecessor relating to the commission of torture or other cruel, inhuman or degrading treatment or punishment, including floggings and amputations.²³ The Special Rapporteur contends that such conduct is in violation of Article 7 and 10 of ICCPR,²⁴ and disagrees with the Government's contention that 'the physical punishments which are anticipated in the laws of the Islamic Republic of Iran are legislated and legalized, and therefore they are not in contradiction with

¹⁸ Iran Human Rights, "Iran: Execution of a Prisoner on Drug-Related Charges", 13 August 2018.

¹⁹ See A/HRC/37/24, para. 6.

²⁰ See A/HRC/37/68, paras. 8-9 and A/HRC/37/24, paras. 7-8.

²¹ Economic and Social Council resolution 1996/15 (1996).

²² See A/HRC/37/68/Add. 1, page. 6.

²³ See A/HRC/37/68, paras. 23-29.

²⁴ See CCPR/C/79/Add.85, para.9.

Iran's obligation under paragraph 7' of the ICCPR.²⁵ The Special Rapporteur reminds the Government that violating *jus cogens* norms such as the prohibition of torture or other cruel, inhuman or degrading treatment or punishment cannot be justified on the basis of inconsistent domestic laws. The Special Rapporteur further recalls that Article 39 of the constitution prohibits 'all forms of violation against the honor and dignity of any person who is legally arrested, detained, imprisoned, or sent into exile',²⁶ whilst noting that the Government did not accept any of the 20 recommendations regarding torture and other ill-treatment considered during the Universal Periodic Review in 2014.²⁷ In comments provided on this present report, the Government stated that according to Articles 570, 578, 579, and 587 of the Penal Code, perpetrators of torture or other ill-treatment will be subject to severe penalties, and that any confession or information obtained from the accused by torture and ill-treatment is not credible. In the course of his mandate, the Special Rapporteur intends to engage with the relevant Government bodies to seek further information to assess the incidence of such practices in the country.

C. Impact of economic sanctions

22. The Special Rapporteur intends to monitor and report on the potential negative impact of sanctions on the enjoyment of rights, in particular in light of the decision by the United States of America on 8 May 2018 to withdraw from the Joint Comprehensive Plan of Action or so-called *nuclear deal*. As noted in previous reports by the Secretary-General and the Special Rapporteur's predecessors,²⁸ the impact of sanctions, which presently mainly target banking transactions, could increasingly affect ordinary Iranians and their enjoyment of a range of human rights, notably economic and social rights. By preventing financial transfers to the country, the re-imposition of sanctions is likely to further hinder the availability and distribution of essential medical and pharmaceutical equipment and supplies, potentially increasing mortality rates. The Special Rapporteur seeks the cooperation of the Government in assessing the impact of sanctions on the economic and social rights of those residing in the country.

D. Freedom of peaceful assembly

23. As has been previously documented, widespread protests took place in the Islamic Republic of Iran earlier in the year. The protests which took place during a period of 11 days, from 28 December 2017 to 9 January 2018, were on a scale unparalleled since the presidential election of 2009 and spread across the country. Reports indicate that the reasons for the protests included widespread discontent related to unemployment, inflation and rising living costs,²⁹ and followed publication of the Government budget for the Persian year 1397 (March 2017 - March 2018). The Special Rapporteur is aware of numerous reports indicating a violent crackdown on protesters by security forces, which led to the death of at least 22 people.³⁰ In comments provided on this present report the Government stated that the right to peaceful demonstrations is recognised by the constitution and that security forces responded with restraint. The Special Rapporteur reiterates the concerns expressed by the High

²⁵ See A/HRC/37/68/Add. 1, page 13.

²⁶ See www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf.

²⁷ A/HRC/28/12/Add.1.

²⁸ See A/HRC/37/68, para. 6, A/69/306, paras. 45-51, and A/HRC/22/56, paras. 75-78.

²⁹ See A/HRC/37/24, para. 32.

³⁰ See A/HRC/37/24, para. 33.

Commissioner for Human Rights and special procedures mandate holders at the time,³¹ and intends to further monitor and report on violations during and subsequent to the protests in the course of his mandate. In particular, the Special Rapporteur is concerned by allegations raised of unlawful arrests and detention, of protesters indicted on vague charges such as ‘corruption on earth’ or *moharebeh*, of lack of access to legal representation and of deaths in detention. In comments provided on this present report, the Government stated that a handful of individuals were arrested by police forces, of which 80 per cent were released on the same day, and 15 per cent released some days later.

E. Freedom of opinion and expression, and access to information

24. The protests in early 2018 also highlighted challenges faced by those residing the country in enjoying freedom of opinion and expression and access to information. In this context in January, special procedures mandate holders issued a statement expressing concern following the decision to temporarily block several social media platforms including Instagram and the messaging application, Telegram.³² More broadly, at present a number of major social networking websites, including Facebook, Twitter and YouTube are banned in Iran. On 30 April, a judicial order was issued stating that Telegram would also be permanently banned on the basis that it was being used to spread ‘propaganda and ‘pornography’, as well as to incite ‘terrorist activities’.³³ The Special Rapporteur is of the view that communication applications such as Telegram and Instagram should be seen as tools that enhance the freedom of opinion and expression, and access to information as enshrined in Article 19 of ICCPR to which Iran is a party. In the course of his mandate, the Special Rapporteur intends to seek further information on such issues including with a view to reviewing the Computer Crimes Law, the Penal code, as well as the role of the Supreme Cyberspace Council.

F. Situation of women and girls

25. The Special Rapporteur notes that the Government accepted 27 out of 60 recommendations with respect to the rights of women during the Universal Periodic Review in 2014.³⁴ In this regard, the Special Rapporteur welcomes the opportunity to engage in a dialogue with the Government on the implementation of the accepted recommendations, notably those addressing gender-based discrimination, child marriage, access to health and education, political and economic participation, and protection against domestic violence.

26. The Special Rapporteur is encouraged by reports of progress in the promotion and protection of women’s rights since President Rouhani was re-elected, in particular the introduction of the “Comprehensive Bill on Ensuring the Protection of Women against Violence”,³⁵ and the establishment of the post of Deputy President for Women and Family Affairs. At the same time, the Special Rapporteur recalls that previous reports, including by his predecessors and the Secretary General, have consistently raised concerns relating to

³¹ OHCHR, “UN human rights chief urges Iranian authorities to defuse tensions, investigate protest deaths”, 3 January 2018, and OHCHR, “Iran: UN experts urge respect for protesters’ rights”, 5 January 2018.

³² OHCHR, “Iran: UN experts urge respect for protesters’ rights”, 5 January 2018.

³³ Reporters without Borders for Freedom of Information, “Iranian court imposes total ban on Telegram”, 4 May 2018.

³⁴ A/HRC/28/12/Add.1.

³⁵ Islamic Republic of Iran, UPR *mid-term report (2015–2016)*.

discrimination against women in law and practice in the Islamic Republic of Iran.³⁶ In the course of his mandate, the Special Rapporteur intends to build on this body of work through analysing relevant legislative provisions, including in relation to personal status and the alleged lack of equal rights in marriage, divorce, child custody or inheritance. The Special Rapporteur also intends to examine reports of discriminatory rules concerning the dress code imposed on women and girls³⁷ and to monitor and report on alleged violations of the right to freedom of opinion and expression of women who have publically challenged compulsory veiling.

G. Situation of religious and ethnic minorities

27. The Special Rapporteur is concerned by the substantial violations of the rights of religious and ethnic minorities described in the previous reports of his predecessor and the Secretary-General,³⁸ in particular the serious violations of rights consistently documented of members of the Bahai'i community within Iran.³⁹ In this regard, allegations of discriminatory policies and practices have been received with respect to the denial of the right to work and to earn a decent living; restriction of access to higher education; the closure of shops; and discrimination in policy owing to the fact that Baha'is do not constitute one of the three constitutionally recognised religious minorities in the country. In comments provided on this present report, the Government denied such allegations, stating that "principle 23 of the Constitution stipulates that it is forbidden to enquire about beliefs and no one can be prosecuted merely because of holding a certain belief". Further allegations of discrimination have been described in previous reports of other communities including, inter alia, members of the Christian; Baloch; Kurdish; Azerbaijani Turkish; Yarsan communities; and members of the Gonabadi Sufi order.⁴⁰

28. Further to communications previously transmitted to the Government by relevant special procedures mandate holders, the Special Rapporteur issued a statement on 7 September, with the Special Rapporteur on extrajudicial, summary or arbitrary executions calling for the Government to halt the imminent executions of three Kurdish prisoners, Zanyar and Loghman Moradi, and Ramin Hossein Panahi amid serious concerns that they did not receive a fair trial and were tortured in detention.⁴¹ The Special Rapporteur deeply deplores reports that they were all executed on 8 September despite such concerns. In comments provided on this present report, the Government stated that the aforementioned individuals had received a fair trial and that the punishments were conferred in relation to terrorist offences. As highlighted in the methodology section of this present report, the Special Rapporteur intends to seek further information and monitor and report on the rights of religious and ethnic minorities in the country in the course of his mandate.

29. More broadly, the Special Rapporteur notes that reports of his predecessor have described how some ethnic minority groups in Iran constitute a disproportionately large percentage of persons executed or imprisoned.⁴² In its comments on the most recent report of his predecessor, the Government dismissed such statistics as 'completely misleading,

³⁶ See for example A/HRC/37/24, paras. 25-31 and A/HRC/37/68, paras. 62-68.

³⁷ See A/HRC/37/68, para. 67.

³⁸ See A/HRC/37/68, paras. 69-74 and A/HRC/37/24, paras. 48-50.

³⁹ See A/HRC/37/68, para. 71.

⁴⁰ See for example, A/HRC/37/68, paras. 69-74, A/HRC/34/65, paras. 73-80, A/HRC/37/24, paras. 48-50, and A/72/562, paras. 61-68.

⁴¹ OHCHR, "UN rights experts call on Iran to halt imminent executions of Iranian Kurds", 7 September 2018.

⁴² See A/HRC/37/68, para. 13.

distorted and inaccurate'.⁴³ With a view to engaging in a dialogue on this issue with the Government, the Special Rapporteur proposes that the Government conduct an impartial and objective investigation confirming number of persons executed from minority communities. Without prejudice to the outcome of such an investigation, if the numbers of executions from minorities communities are disproportionate, then the Special Rapporteur recommends that the Government conduct further investigations and inquires as to the reasons for such disproportionate numbers and undertake appropriate remedial actions. In comments provided on this present report, the Government stated that according to Article 19 of the Constitution the people of Iran, of any tribe or affiliation, enjoy equal rights, including during all stages of criminal proceedings.

IV. Conclusions and recommendations

30. **The Special Rapporteur emphasises his intention to develop a constructive dialogue and cooperation with the Government of the Islamic Republic of Iran to facilitate the implementation of his mandate. In this regard, the Special Rapporteur welcomes the spirit of engagement conveyed during his first meeting with representatives of the Government. He further emphasises that a country visit conducted on the basis of unhindered access would be highly significant and would enable him to strengthen engagement with the authorities on human rights. It would further enable the Special Rapporteur to conduct a detailed assessment of the human rights situation in the country including through interviews with individuals residing in the country and would significantly inform the preparation of a future report.**

31. **The Special Rapporteur has highlighted a number of consistently documented issues of concern in this report on the basis of a review of reports of his predecessors, the Secretary-General, and the international human rights mechanisms, allied with a review of reports received by numerous sources and initial discussions with various interlocutors. These issues include violations of the right to life, particularly the execution of juvenile offenders; the prohibition of torture and other ill-treatment; the right to freedom of assembly, opinion and expression; and the rights of women and girls, as well as of religious and ethnic minorities, and represent areas in which the Special Rapporteur intends to seek further detailed information.**

32. **On the basis of his initial analysis, the Special Rapporteur has identified a number of further areas which he presently intends to address, including but not limited to violations of economic, social and cultural rights, the situation of human rights defenders, the situation of foreign and dual nationals, the alleged 1988 summary executions, as well as groups rights, in particular those based upon disability, sexual orientation, and gender identity.**

33. **The Special Rapporteur reiterates previous calls of his predecessor and the Secretary-General that all those arrested for the peaceful exercise of the rights to freedom of assembly, opinion, and expression are released, including those arrested during the December 2017 and January 2018 protests in this context. The Special Rapporteur further calls upon the Government to undertake an independent and transparent investigation into the reported deaths in custody and other incidents leading to alleged violations of rights that took place during and after the protests.**

34. **The Special Rapporteur calls upon the Government to uphold the fundamental human rights of freedom of opinion and expression, and to repeal all laws and policies**

⁴³ See A/HRC/37/68/Add. 1, page. 5, and pages. 28–29.

which criminalise or restrict online expression, with online content only to be restricted by independent and impartial judicial decisions.

35. The Special Rapporteur expresses his grave concerns at the continuing execution of juvenile offenders in Iran and calls upon the Government to immediately prohibit all executions of persons charged of offences committed below the age of 18 years old. He further recommends that the Government abolish the death penalty in all cases, and pending this, introduce a moratorium.

36. The Special Rapporteur calls upon the Government to ratify the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, and urges the Government to enact laws prohibiting the punishments of flogging and amputations as they represent cruel, inhuman or degrading punishments and violate Articles 7 and 10 of ICCPR.

37. The Special Rapporteur calls upon the Government to ratify the Convention on the Elimination of All forms of Discrimination against Women and prohibit all forms of discrimination against women, both in law and in practice.

38. The Special Rapporteur calls upon the Government to fully respect the rights of religious and ethnic minorities of Iran and ensure that regardless of ethnicity, religion or belief, all those who reside in the Islamic Republic of Iran have equal protection before the law.
