

URGENT ACTION

IRAN CONFIRMS FORCED “VIRGINITY TEST” ON ARTIST
Iranian painter and prisoner of conscience Atena Farghadani remains in prison pending the outcome of her appeal against a 12 years and nine months prison sentence. The authorities have now confirmed that they subjected her to virginity and pregnancy tests.

Atena Farghadani, 29-year old painter and human rights defender, remains in Tehran’s Evin Prison as the authorities have refused to release her on bail pending the outcome of her appeal.

In his March 2016 report on the situation of human rights in Iran, the UN Secretary General stated that the Iranian authorities had confirmed Atena Farghadani’s subjection to “virginity tests” stating that “prison authorities carried out tests to respond to allegations of sexual assault against her on some websites.” Atena Farghadani had said, in a note leaked from prison in October 2015, that the judicial authorities had taken her to a medical centre outside the prison on 12 August and forced her to submit to virginity and pregnancy tests. “Virginity Testing” is highly discriminatory, compromises women’s dignity and rights to physical and mental integrity and has been recognised as a violation of international law on torture and cruel, inhuman and degrading treatment.

Atena Farghadani was sentenced on 1 June 2015 following an unfair trial before a Revolutionary Court in Tehran that lasted less than half a day. She was convicted of “gathering and colluding against national security”, “insulting members of parliament through paintings”, “spreading propaganda against the system”, “insulting the President” and “insulting the Iranian Supreme Leader”. The charges stem from her peaceful activities, including her association with families of political prisoners, her posts on Facebook and her artwork. Her appeal is pending.

In June 2015 Atena Farghadani and her lawyer Mohammad Moghimi were both charged with “illegitimate sexual relations short of adultery” after they shook hands in prison when they met in order to prepare her appeal. On 19 October 2015, a criminal court in Tehran acquitted both. In its verdict, the court said that while their act of shaking hands was “religiously forbidden” (*haram*) it could not be considered an offence in this case because it had not been committed “with the intention to seek sexual pleasure” as stipulated under the Islamic Penal Code.

Please write immediately in Persian, English, Arabic Spanish, French or your own language:

- Calling on the Iranian authorities to quash Atena Farghadani’s conviction and sentence as they arise from the peaceful exercise of her rights to freedom of expression and association and to release her immediately;
- Urging them to investigate her subjection to forced virginity tests which violate the absolute prohibition of torture, and cruel, inhuman and degrading treatment under international law, including Article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party;
- Reminding them that Article 19 of the ICCPR protects the right to freedom of expression, which includes artistic activities.

PLEASE SEND APPEALS BEFORE 2 JUNE 2016 TO:

Office of the Supreme Leader
 Ayatollah Sayed ‘Ali Khamenei
 Salutation: Your Excellency

Head of the Judiciary
 Ayatollah Sadegh Larijani
 Salutation: Your Excellency

And copies to:
President
 Hassan Rouhani

Please send your appeals to the care of diplomatic representatives accredited to your country, listed below. If there is no Iranian embassy in your country, please mail the letter to the Permanent Mission of the Islamic Republic of Iran to the United Nations, 622 Third Avenue, 34th Floor, New York, NY 10017, US.

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 4915. Further information: <https://www.amnesty.org/en/documents/MDE13/1803/2015/en/>

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ADDITIONAL INFORMATION

If Atena Farghadani's appeal is rejected, she will have to serve seven-and-a-half years in jail on the most serious charge, "gathering and colluding against national security". This is under new sentencing guidelines in Iran's 2013 Penal Code which stipulate that those convicted of multiple charges must just serve the lengthiest single sentence.

Atena Farghadani had first been arrested on 23 August 2014 at her house in Tehran when she was returning from a hospital visit for a hand injury. She was then held in Section 2A of Tehran's Evin Prison, which is under the control of the Revolutionary Guards, for almost two months - including 15 days in solitary confinement, with no access to her family or a lawyer. She was released on bail on 6 November. In a media interview in December, Atena Farghadani said that she had been interrogated for nine hours every day for a month and a half after her arrest. The evidence gathered from these lengthy interrogations was relied upon in court. Atena Farghadani was rearrested on 10 January 2015 after she was summoned to a Revolutionary Court, possibly in reprisal for a video message she had published after her release, in which she explained how female prison guards had beaten her and subjected her to degrading body searches and other ill-treatment. According to her parents in media interviews, Atena Farghadani was subjected to beatings in the courtroom before being transferred to Gharchak Prison, in the city of Varamin, which does not have a section for political prisoners and where conditions are extremely poor.

Atena Farghadani started a hunger strike on 9 February in protest at her continued detention in Gharchak Prison. She apparently suffered a heart attack on 25 February and briefly lost consciousness as a result of her hunger strike. She was hospitalized outside prison and ended her strike. On 3 March she was transferred from hospital to Section 2A of Evin Prison, where she spent another 11 weeks in solitary confinement. Since the issuance of her sentence on 1 June she has been transferred to the General Ward of Evin Prison, where women political prisoners are held.

Atena Farghadani released a video message on YouTube on 28 December 2014 in which she described how she was ill-treated in prison. In this video she said that during her detention, in order to be able to paint, she flattened and used the paper cups in which she was given milk. However, the prison guards confiscated her paintings and stopped giving her paper cups after they discovered that she had been doing this. As a result, on 17 October she hid a couple of paper cups, she had found in the bathroom, in her clothes and took them to her cell. According to the video message, female prison guards went to her cell and asked her to strip naked for a body search while swearing and using insulting language. When she resisted the search, she said that the guards subjected her to beatings which resulted in a bruised wrist and scratches to her chest. She said the guards learned about her taking the cups because they had installed cameras in the toilet and bathroom facilities. The prison officials had apparently told the detainees that the cameras were not operating.

Iran's Islamic Penal Code, adopted in May 2013, maintains vaguely worded "crimes" such as "spreading propaganda against the system", "creating unease in the public mind", "insulting Islamic sanctities" and "membership of an illegal group". These overly broad and vague offences are frequently used to curb the peaceful exercise of the rights to freedom of expression, association, and peaceful assembly. Such laws and practices violate Iran's international obligations, including those under Articles 19, 21 and 22 of the ICCPR, which guarantee the rights to freedom of expression, association and peaceful assembly.

Forced virginity testing committed in detention is a serious violation of international law. It violates women and girls human rights to physical integrity, dignity, privacy and right to be free from torture and cruel and inhuman and degrading treatment. Such tests are discriminatory in purpose and in effect and there is absolutely no legitimate justification for such violence and abuse. The United Nations World Health Organization (WHO) has urged health authorities worldwide to end the practice of "virginity testing" in all cases and prohibit health workers from perpetuating this discriminatory and degrading practice.

Name: Atena Farghadani

Gender m/f: f

Further information on UA 49/15 Index: MDE 13/3878/2016 Issue Date: 21 April 2015