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IRAN: HUMAN RIGHTS AGENDA FOR CHANGE

On the occasion of the inauguration of Hassan Rouhani as president of Iran, Amnesty International is calling on the authorities to seize the opportunity to break with decades of human rights violations and pervasive impunity. To this end, the organization is presenting a 'human rights agenda for change'.

Since the 1979 Islamic Revolution, Amnesty International has persistently raised concerns over serious human rights violations in Iran. In the early years after the Revolution, a vast range of violations were committed for which those responsible are yet to be brought to justice. Some human rights improvements took place under President Mohammad Khatami (1997-2005). However, after President Mahmoud Ahmadinejad took office in 2005, hopes for sustained improvement were quickly crushed and the situation deteriorated further in 2009 amidst nationwide demonstrations in the aftermath of the disputed presidential election.

Arbitrary arrest, torture and other ill-treatment, impunity for human rights violations, as well as the use of the death penalty, have remained prevalent. Civil society has been largely silenced. Human rights defenders have been harassed, intimidated, arrested, detained, and forced to live in exile. The situation of ethnic and religious minorities, including Ahwazi Arabs, Azerbaijanis, Baluchis, Kurds, as well as Ahl-e Haq, Baha'is, Christian converts and Sufis has significantly worsened. Those seen as dissenting or deviating from state policies, such as journalists, bloggers, trade unionists and women's rights activists, have faced even more restrictions on their rights to freedom of opinion, expression, association and assembly.

Since President Ahmadinejad took office, pressure on universities, students and academics to conform to state-imposed views of politics and society has intensified. As a result, hundreds of students who have failed to conform have been imprisoned or temporarily or permanently banned from continuing their studies.

Women in Iran face pervasive discrimination both in law and in practice, and even greater restrictions in the public arena and on their participation in higher education and the job market than they did eight years ago. After the 1979 Revolution women were banned from enrolling in a large number of university courses, particularly engineering and technology. In the following years, however, the authorities promoted tertiary education and relaxed some restrictions on women studying at university and by the 2000s more women than men were enrolling. This concerned the authorities and resulted in new measures and policies aimed at restricting women to their homes, where they are expected to play "traditional" roles as mothers and housewives.

Following the 2009 disputed presidential election results, the authorities intensified the repression. Security forces arrested thousands of people during mass demonstrations and hundreds in their homes. Dozens of political prisoners, including prisoners of conscience, remain behind bars serving sentences imposed for broadly defined crimes against national security and after grossly unfair trials. The authorities have so far failed to bring to justice those responsible for the human rights violations, including unlawful killings and torture, committed during the 2009 crackdown.

In May 2013 President Ahmadinejad signed into law revisions to the Islamic Penal Code. Amendments maintained cruel, inhuman and degrading punishments such as flogging, as well as stoning, a form of execution used as punishment for "adultery while married", that amounts to torture. The amended text continued to accord women an inferior status before the law and it maintained vaguely-worded capital offences, some of which are punishable by death such as 'moharebeh' (enmity against God) and 'efsad f'il

arz' (corruption on earth), neither of which constitute internationally recognizable criminal offenses. The amended code continued to allow judges to pass judgements based on non-objective criteria termed 'the knowledge of the judge'.

Provisions not amended maintain other vaguely worded "crimes" such as, "spreading lies", "propaganda against the system", "creating unease in the public mind", "insulting the holy sanctities" and "defamation of state officials". These ill-defined provisions are frequently used to curb peaceful dissent and prevent the full enjoyment of the rights to freedom of expression, association and assembly.

Such laws and practices violate Iran's obligations under Articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, regarding freedom of belief, expression, assembly and association.

TIME FOR CHANGE

Under Iran's Constitution and through the evolution of its system of government, power and authority is shared among various political institutions.

While Hassan Rouhani, as head of the executive arm of the state, may not be able directly to address all issues necessary for meaningful and effective human rights reform, his election as Iran's President, with a strong and decisive mandate, is perceived by many Iranians as offering hope for positive change and development.

Amnesty International is calling on the Iranian authorities collectively to seize this opportunity to break with the years of repression and human rights abuse by taking urgent, concrete measures to uphold – both in law and practice – their obligations under domestic and international law. This must start with a programme of human rights reform to address longstanding concerns raised by human rights bodies such as Amnesty International and Iranian human rights defenders and by UN human rights bodies and experts.

ELIMINATE DISCRIMINATION ON ANY GROUNDS

- Review, amend or abolish all laws that discriminate on the basis of race, colour, religion, ethnicity, birth, sex, sexual orientation, gender identity, political or other opinion, national or social origin, property, or other status.
- Ensure gender equality in law and in practice.
- Repeal or amend, with a view to bringing into conformity with international law, the provisions of Iranian laws that discriminate directly against women or have a discriminatory impact on women. With the potential to change for the better the lives of millions of Iranian women, this includes, in the Penal Code, Article 147 (age of legal capability); Article 199 (value of testimony); Articles 221-244 (criminalizing consensual sexual relations outside marriage and between individuals of the same sex); Articles 382, 388, 550 and 560 (blood money); and note to Article 638 (compulsory wearing of the *hijab*). It also includes articles in the Civil Code concerning marriage, divorce, custody and guardianship of children, and inheritance, as well as the rights to work and to leave the country without permission of their husband for married women.
- Introduce legal provisions to protect women from domestic violence, including marital rape, and sexual harassment, including in the workplace, in compliance with Iran's obligations under international human rights law. Criminalize rape in line with international law and standards.
- Repeal or amend all discriminatory laws and practices that exclude women from holding certain positions, such as the post of judge and Iran's President, and take the necessary steps to increase the number of women in decision-making and judicial positions at all levels.
- Repeal or amend all laws and practices that are aimed at restricting or have a restrictive impact on the participation of women in higher education, including the gender quota system, sex-segregation and the dress code requirements, and reopen courses closed to women for reasons of classification or quotas.

- End all forms of intimidation and harassment of women's rights defenders such as dismissal from employment, threatening phone calls, raids on peaceful meetings in private houses, and detention.
- Remove undue restrictions imposed on websites dealing with women's and minority rights, such as "Change for Equality" and "the Feminist School".
- End discriminatory measures against Iran's ethnic and religious minorities including, Ahwazi Arabs, Azerbaijanis, Baluchis, Kurds, Baha'is, Ahl-e Haq, Sufis and Christian converts.

UPHOLD AND DEFEND THE RIGHTS TO FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION

- Repeal or amend, with a view to bringing into conformity with international law, the vaguely worded provisions of the Penal Code, in particular in Book Five, that infringe freedom of expression, association and assembly.
- Uphold the right to freedom of expression, including by protecting the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media; and by refraining from imposing undue restrictions on mobile telecommunications services and the internet, including by ending the filtering of websites of human rights organizations such as Amnesty International.
- Prisoners of conscience, that is those imprisoned solely for the peaceful exercise of their right to freedom of expression or other human rights, must be immediately and unconditionally released. Where charges are pending against any individuals which stem solely from their peaceful exercise of the right to freedom of expression or other human rights, they must be dropped immediately.
- Eliminate arbitrary restrictions imposed on the establishment and operation of NGOs, and end intimidation, victimization and harassment of human rights defenders.
- Initiate legislation to allow workers to exercise their right to form and join independent trade unions and to collectively bargain in line with Iran's obligations under international law. Immediately release trade unionists currently jailed in Iran for their activism.

REFORM THE CRIMINAL JUSTICE SYSTEM

- Ensure that all criminal offences are defined narrowly and clearly in law, in line with the principle of legality.
- Review, with a view to abolish, the use of all special courts in Iran, including Revolutionary Courts and the Special Court of the Clergy.
- Guarantee the independence of the judiciary and ensure that effective safeguards against the interference of the security forces and the intelligence bodies or other branches in judicial cases are in place.
- Guarantee the right to fair trial at all stages, consistent with international standards, in particular Article 14 of the ICCPR. Iranian laws must ensure access to a lawyer from the time of arrest, equality before the courts; the right to a fair and public hearing by a competent, independent and impartial court or tribunal established by law; and the right to meaningful appeal.
- End the use of televised forced "confessions" which breach the right to the presumption of innocence and the right not to be compelled to testify against oneself or to confess guilt.

ERADICATE TORTURE AND OTHER ILL-TREATMENT

- Publicly condemn torture and other ill-treatment, including by instructing all the security forces that these abuses will not be tolerated under any circumstances.
- Define torture as a crime under Iranian law, ensuring that the prohibition of torture is not restricted to when it is "for the purpose of extracting confession or acquiring information" as it currently is under the Constitution. Guarantee that the legal definition of torture is consistent with the definition in the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and that Iranian law is fully consistent with the CAT.

- Repeal all legislation in particular the Islamic Penal Code which allows for the application of corporal punishment, including flogging and amputation and other punishments such as stoning.
- Ensure that all allegations of torture or other ill-treatment are investigated promptly, thoroughly and impartially, that officials responsible for such abuses are brought to justice - without recourse to the death penalty - and that victims receive full reparation. No evidence obtained using torture or other ill-treatment should be used in trials

END IMPUNITY

- Establish effective independent mechanisms to establish the truth about human rights violations committed since the 1979 Revolution and bring to justice those responsible for the violations. Such mechanisms should have powers of search, seizure, subpoena and access to archives and all necessary documents, and the resources to carry out their work effectively, including the protection of witnesses.
- Ensure that all victims of human rights violations receive full and effective reparation – including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition – to address their suffering and help them to rebuild their lives. In particular, victims should be able to seek reparation before national courts.

TAKE STEPS TO ABOLISH THE DEATH PENALTY

- Immediately establish an official moratorium on executions with a view to abolishing the death penalty.
- Formally commute all death sentences.
- Revise legislation to ensure that anyone sentenced to death can seek pardon or commutation for their sentence, in line with Iran's obligations under Article 6(4) of the ICCPR, and be permitted adequate time and opportunity to do so.
- Review all law and practice to ensure that no-one aged under 18 at the time of their alleged crime may be sentenced to death.
- Ensure that in death penalty cases, the most rigorous internationally-recognized standards for fair trial, in particular the right to appeal, are respected.
- Review all Iranian laws in particular the revised Penal Code to ensure that the death penalty is restricted to the "most serious crimes", as required by the ICCPR, with a view to its total abolition.

ENSURE THE FULL REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Ensure, for the whole population, minimum essential levels of economic, social and cultural rights, such as the rights to education, food, water, sanitation, healthcare and housing and, where necessary, seek international cooperation and assistance to do so. The international community, in particular states that have adopted sanctions against Iran, must assess the human rights impact of sanctions and ensure they are not contributing to violations of economic and social rights of people in Iran and, if necessary, take mitigating action to minimise their adverse impact on the general population.
- Ensure non-discrimination in access to essential public services, including water, sanitation and healthcare; Review national laws and institutions to ensure that effective remedies are available to all victims of violations of economic, social and cultural rights.

PROTECT THE RIGHT TO EDUCATION AND ACADEMIC FREEDOM

- Ensure that access to higher education is based on merit and in line with the recommendations of the UN Committee on Economic, Social and Cultural Rights (see below) and that anyone can access,

teach or work in secondary and higher education without discrimination on grounds of sex, ethnicity, nationality, religious or other consciously held beliefs, or other status.

- Ensure and publicly guarantee that within the first six months of the new presidential mandate, all students and education professionals such as lecturers who have been suspended or banned from studying or teaching on account of the peaceful exercise of their rights to freedom of expression, association and assembly are allowed to resume the roles they previously had, whether as a student or education professional. .
- Take steps to ensure that students and lecturers who peacefully exercise their rights to freedom of expression, association and assembly do not face reprisals such as disciplinary reviews that can lead to their suspension or expulsion.
- Ensure that all restrictions save those relating to transparent administration, imposed on the formation and operation of student publications and associations are lifted, and that student publications and associations are not closed down on account of people peacefully exercising their rights to freedom of expression, association and assembly.
- Ensure that ethnic minorities have the opportunity to receive education in their mother tongue such as Arabic, Azerbaijani Turkic, Baluchi, Kurdish and Turkmen, in addition to Farsi, in order to ensure that all communities can take full and unrestricted part in cultural life, in line with recommendations made by the UN Committee on Economic, Social and Cultural Rights.

CO-OPERATE WITH UN MECHANISMS

- Implement the most recent recommendations by the UN Human Rights Committee, including:
 1. “ensure effective implementation and application of Covenant [ICCPR] provisions, irrespective of the place of the Covenant in the domestic legal system.”
 2. “ensure that the right to freedom of assembly and association is guaranteed to all individuals without discrimination and release immediately and unconditionally anyone held solely for the peaceful exercise of this right, including students, teachers, human rights defenders (including women’s rights activists), lawyers and trade unionists.”
- Implement the most recent recommendations by the UN Committee on Economic, Social and Cultural Rights, including by taking steps to:
 1. “lift all restrictions on the access to university education, including bans on female and male enrolment, limited quotas for women in certain fields, as well as gender segregation in classrooms and facilities”;
 3. “guarantee, in law and practice, the unhindered access of Baha’i students to universities and vocational training institutions, and to prevent refusals of access and expulsions of students from such institutions based on their belonging to the Baha’i community”;
 4. “ensure that people with beliefs other than the religions recognized by the State party can fully enjoy all aspects of economic, social and cultural rights, without any discrimination”.
- Ratify immediately and without any reservation the UN 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 its Optional Protocol; and the optional protocols to the ICCPR and the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.
- Reconfirm the government's lapsed standing invitation for UN human rights experts – special procedures – to visit Iran, and immediately facilitate a visit by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and other UN mechanisms.