



# IRAN: FAILING ON ALL FRONTS

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW, 34<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, NOVEMBER 2019

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# INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of Iran which will take place in November 2019. In its submission, Amnesty International evaluates the implementation of recommendations made to Iran in its previous UPR and makes a number of recommendations including in relation to freedom of expression, association and peacefully assembly; torture and other cruel, inhuman or degrading treatment or punishment; discrimination against women and girls; discrimination against ethnic and religious minorities; and the death penalty.

Amnesty International also assesses the national human rights framework and, with regard to the human rights situation on the ground, it raises concern about the continued crackdown on freedom of expression, association and peacefully assembly; the systematic use of torture and other cruel, inhuman or degrading treatment or punishment; discrimination against women and girls; discrimination against ethnic and religious minorities; and the ongoing use of the death penalty including against individuals who were under the age of 18 at the time of the crime.

## FOLLOW UP TO THE PREVIOUS REVIEW

At its Universal Periodic Review (UPR) in 2014, Iran received 291 recommendations from other States. Of these, Iran accepted 130 recommendations, partially accepted 59 and rejected 102 recommendations.<sup>1</sup> While Iran has made progress on a small number of the accepted recommendations, it has failed to make progress on others, and has taken regressive steps with regards to some of the recommendations.

Amnesty International regrets Iran's rejection of recommendations from 13 countries to allow UN Special Procedures access to the country.<sup>2</sup> Despite the standing invitation Iran issued in 2002 and repeated requests for visits from 10 Special Procedures, including from the Special Rapporteur on Iran, none has been able to visit the country since 2005.<sup>3</sup>

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<sup>1</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Islamic Republic of Iran, A/HRC/28/12, 22 December 2014. For Iran's positions on recommendations by States, see: Human Rights Council, Report of the Working Group on the Universal Periodic Review – Islamic Republic of Iran, A/HRC/28/12/Add.1, 2 March 2015.

<sup>2</sup> A/HRC/28/12 Recommendations 138.69 (Latvia), 138.70 (Sweden), 138.71 (United States of America), 138.72 (Australia), 138.73 (Bosnia and Herzegovina), 138.74 (Brazil), 138.75 (Costa Rica), 138.76 (Germany), 138.78 (Hungary), 138.80 (Peru, Poland), 138.81 (Portugal), 138.84 (Slovenia).

<sup>3</sup> Since 2006, the following mandate holders have requested visits to Iran: the Special Rapporteur on the situation of human rights in Iran; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary, or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on freedom of religion; the Special Rapporteur on minority issues; the Working Group on the issue of discrimination against women in law and in practice; and the Working Group on enforced or involuntary disappearances. Iran has extended invitations to the UN Special Rapporteur on the right to food (2015), the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2017) and the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights (2017), but these visits have yet to materialize.

# THE NATIONAL HUMAN RIGHTS FRAMEWORK

Iran is party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child. However, Iran has failed to fully incorporate into domestic law key human rights guarantees contained in these treaties.

While Iran's constitution contains articles protecting some human rights, these are subject to vague qualifications, such as "in accordance with Islamic criteria", which effectively undermine these protections. For example, Article 20 of the constitution guarantees women's right to equality subject to "observance of Islamic criteria", Article 26 protects the right to freedom of association but only if it does not violate the "criteria of Islam", and Article 27 protects freedom of assembly when this is not "detrimental to the fundamental principles of Islam" – a limitation that the authorities frequently use to refuse permits for peaceful public gatherings.

Despite having accepted 10 recommendations to establish an independent human rights institution in line with the Paris Principles, so in its previous UPR, Iran has made no progress towards establishing an independent human rights institution in line with the Paris Principles.<sup>4</sup>

## HUMAN RIGHTS SITUATION ON THE GROUND

### FREEDOMS OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

Iran rejected 14 of the 21 recommendations it received on the rights to freedom of expression, association and peaceful assembly. These had called on Iran to cease media and internet censorship and ensure the protection of human rights defenders, journalists and others peacefully exercising these rights, ensuring their release if imprisoned.<sup>5</sup>

Iran accepted seven recommendations calling on it to strengthen co-operation with civil society and human rights organizations and to ensure that people enjoy the right to freedom of

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<sup>4</sup> A/HRC/28/12 Recommendations 138.33 (Egypt), 138.35 (Tunisia), 138.36 (Chile), 138.37 (Indonesia), 138.38 (Mauritania), 138.39 (Niger), 138.40 (Portugal), 138.41 (Qatar), 138.42 (Republic of Korea), 138.43 (Sierra Leone).

<sup>5</sup> A/HRC/28/12 Recommendations 138.57 (Algeria), 138.58 (Angola), 136.66 (Norway), 138.184 (Lithuania), 138.222 (Sweden), 138.223 (Switzerland), 138.225 (United States of America), 138.226 (Australia), 138.227 (Belgium), 138.228 (Canada), 138.229 (Czech Republic), 138.230 (France), 138.231 (Germany), 138.232 (Greece), 138.233 (Japan), 138.234 (Netherlands), 138.235 (Norway), 138.236 (Senegal), 138.237 (Finland), 138.238 (Sweden), 138.239 (Japan).

expression, including through the internet and media.<sup>6</sup> However, Iran has taken regressive steps further undermining these rights, intensifying its crackdown on dissent and arbitrarily detaining thousands of people for peacefully exercising their human rights. Among those unjustly imprisoned are journalists, online media workers, students, filmmakers, musicians and writers, as well as human rights defenders, including lawyers, women's rights defenders, minority rights activists, trade unionists, environmental activists and those seeking truth, justice and reparation for the mass extrajudicial executions and enforced disappearances of the 1980s.

Over the past few years, the Iranian authorities have increasingly cracked down on lawyers, arresting dozens and subjecting some to harsh prison terms and/or flogging sentences. In 2019, prominent human rights lawyer and women's rights defender Nasrin Sotoudeh was sentenced to 33 years and six months in prison and 148 lashes. She has to serve 12 years of this sentence in prison as per Article 134 of the penal code, which stipulates that, when individuals are convicted on three or more charges, they shall serve the lengthiest single sentence imposed for the most serious charge. This is in addition to the five-year prison sentence she received in 2016, which she has to serve in full.

Iranian human rights lawyer Amirsalar Davoudi was also sentenced in 2019 to 30 years in prison and 111 lashes for his human rights work, including publicizing violations through a channel he set up on the Telegram mobile messaging app and giving media interviews. In accordance with Article 134 of the penal code, he has to serve 15 years of his sentence. Amirsalar Davoudi is well known for representing human rights activists and other individuals detained for their social and political activities.

## **TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

Amnesty International regrets Iran's rejection of all 16 recommendations to address torture and other ill-treatment, including to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, abolish corporal punishment, and conduct impartial and independent investigations into torture allegations.<sup>7</sup>

Although Iran's legislation bans torture, it does not provide a definition of torture and uses restrictive language that only prohibits torture for the purpose of extracting a confession or acquiring information. Iranian laws also fail to establish adequate provisions for the investigation and punishment of those responsible for torture and other ill-treatment.<sup>8</sup>

Torture and other ill-treatment, including prolonged solitary confinement and deliberate denial of medical care, remain systematic. Independent investigations into allegations of torture and other ill-treatment remain absent and courts continue to admit as evidence "confessions" obtained under torture to issue convictions.<sup>9</sup> Individuals have also faced reprisals for complaining about torture.<sup>10</sup>

At least nine people died in custody under suspicious circumstances in late 2017 and early 2018. Officials claimed the deaths resulted from suicide, claims which were disputed by the families of

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<sup>6</sup> A/HRC/28/12 Recommendations 138.57 (Algeria), 138.58 (Angola), 138.66 (Norway), 138.224 (Tunisia), 138.235 (Norway), 138.236 (Senegal), 138.239 (Japan).

<sup>7</sup> A/HRC/28/12 Recommendations 138.4 (the former Yugoslav Republic of Macedonia), 138.5 (Indonesia), 138.6 (Sierra Leone), 138.8 (Peru), 138.10 (Estonia), 138.13 (Czech Republic, Uruguay), 138.14 (Ghana, Guatemala, Poland), 138.15 (Austria), 138.16 (Spain), 138.17 (Latvia), 138.183 (Denmark), 138.184 (Lithuania), 138.201 (Czech Republic), 138.202 (Israel), 138.215 (Canada), 138.216 (Hungary).

<sup>8</sup> Amnesty International, *Flawed reforms: Iran's new code of criminal procedure* (Index: [MDE 13/2708/2016](#)).

<sup>9</sup> Amnesty International, *Iran: Tortured conservationists face death penalty* (Index: [MDE 13/9978/2019](#)).

<sup>10</sup> Amnesty International, *Iran: Labour rights activists at risk of further torture: Esmail Bakhshi and Sepideh Gholian* (Index: [MDE 13/9745/2019](#)).

the deceased.<sup>11</sup> No independent investigations have taken place into allegations that the deaths resulted from torture. Lawyer Mohammad Najafi was arrested and sentenced to a total of 17 years in prison and 74 lashes in three separate cases after reporting torture marks on some victims' bodies. In one case, he was convicted on two charges and sentenced to 74 lashes and three years in prison which he has to serve in full. In a second case, he was convicted on three charges and sentenced to a total of 13 years in prison. In this second case, he has to serve at least 10 years of this sentence in prison as per Article 134 of the penal code, which stipulates that, when individuals are convicted on three or more charges, they shall serve the lengthiest single sentence imposed for the most serious charge. In a third case, he was convicted on one charge and sentenced to one year in prison, which he has to serve in full. This means that, in total, he has to serve 14 years in prison.<sup>12</sup>

Iranian law provides for cruel and inhuman punishments amounting to torture, including flogging, amputation, blinding, crucifixion and stoning.

Since the previous UPR, hundreds of individuals have faced flogging sentences for theft and assault, and for acts that, under international human rights law, must not be criminalized. Such acts include attending peaceful protests and cultural gatherings, having extra-marital relationships and attending mixed-gender parties.

In December 2018, journalist Mohammad Hossein Sodagar, from the Azerbaijani Turkic ethnic minority, was flogged 74 times in the city of Khoy in West Azerbaijan province after being convicted of "spreading lies".

In April 2018, three minority rights activists from the Azerbaijani Turkic ethnic minority were sentenced to four months' imprisonment and 40 lashes for "disrupting public order" by participating in a peaceful cultural gathering. In May 2016, authorities in West Azerbaijan province carried out flogging sentences of between 30 and 100 lashes against 17 miners who had engaged in a peaceful protest against employment conditions and dismissals at the Agh Darreh gold mine in December 2014.

In May 2017, a woman arrested for having an intimate extra-marital relationship was sentenced by a criminal court in the capital, Tehran, to two years of washing corpses and 74 lashes. The man was sentenced to 99 lashes.

In April 2017, judicial authorities in Shiraz, Fars province, amputated the hand of Hamid Moinee and executed him 10 days later. He had been convicted of murder and robbery.

On 3 March 2015, authorities in the city of Karaj, Alborz province, deliberately blinded a man in his left eye after a court sentenced him to "retribution in kind" (qesas) for throwing acid into the face of another man.

## FAIR TRIAL

Iran rejected eight of the 10 recommendations it received concerning fair trial, including the right to access independent legal counsel during investigation, trial and appeal.<sup>13</sup>

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<sup>11</sup> Amnesty International, *Iran: End persecution of families seeking truth and justice for detainees who have died in detention* (Index: [MDE 13/8049/2018](#)).

<sup>12</sup> For more information, see: Amnesty International, *Human rights in the Middle East and North Africa: Review of 2018* (Index: [MDE 01/9433/2019](#)).

<sup>13</sup> A/HRC/28/12 Recommendations 138.204 (Chile), 138.205 (France), 138.206 (Russian Federation), 138.207 (United Kingdom), 138.208 (Belgium), 138.209 (Denmark), 138.210 (Germany), 138.211 (Norway), 138.212 (Romania), 138.213 (Mexico).

Amnesty International regrets that Iran has failed to deliver on the only two recommendations it accepted: to improve the independence of the judiciary and ensure fair trials, particularly in processes leading to the death penalty.<sup>14</sup>

Iran's judiciary lacks independence and is subject to political interference from the Revolutionary Guards and Ministry of Intelligence.<sup>15</sup>

Trials remain systematically unfair, including those resulting in death sentences. Trials before Revolutionary Courts are particularly unfair and generally remain closed and extremely brief. Detainees are routinely denied the right to access legal counsel from the time of arrest and during interrogations. This right has been further eroded since 2015, where the authorities have invoked the Note to Article 48 of the 2015 Code of Criminal Procedure to prevent individuals facing charges related to national security from accessing lawyers of their own choosing. Detainees are told to choose from a shortlist of lawyers approved by the head of the judiciary. This has left many without independent legal representation, even at the trial stage.

In 2018, Iran established special courts for crimes involving financial corruption. Trials before these courts are particularly unfair. Defendants are denied access to lawyers of their own choosing, have no right to appeal their prison sentences, and are given only 10 days to appeal a death sentence.<sup>16</sup>

## **DISCRIMINATION AGAINST WOMEN AND GIRLS**

Iran rejected 31 of the 56 recommendations it received regarding women's rights, including those calling for ratifying the Convention on the Elimination of All Forms of Discrimination Against Women, raising the minimum age of marriage to 18 years and eliminating the practice of forced and early marriage, criminalizing domestic violence, and reforming discriminatory laws. Iran has failed to make progress on the 25 recommendations it accepted, including to prevent and punish discrimination and violence against women, and enhance their participation in political decision-making processes.<sup>17</sup>

Amnesty International's research shows that women face entrenched discrimination in family law and criminal law. Iran's legal system puts women in a subordinate status relative to men. Under the penal code, the testimony of a woman is accorded half the value of that of a man. The age of criminal responsibility is set at nine lunar years (eight years and eight months) for girls but at 15 lunar years (14 years and six months) for boys. Women are also discriminated against under the Civil Code, notably in matters relating to marriage, divorce, child custody and inheritance.

Iran has failed to criminalize gender-based violence, including domestic violence and marital rape. A bill to protect women against violence has been stalled since 2012.

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<sup>14</sup> A/HRC/28/12 Recommendations 138.206 (Russian Federation), 138.213 (Mexico).

<sup>15</sup> Amnesty International, *Flawed reforms: Iran's new code of criminal procedure* (Index: [MDE 13/2708/2016](#)).

<sup>16</sup> Amnesty International, *Human rights in the Middle East and North Africa: Review of 2018* (Index: [MDE 01/9433/2019](#)).

<sup>17</sup> A/HRC/28/12 Recommendations 138.3 (Czech Republic), 138.4 (The former Yugoslav Republic of Macedonia), 138.5 (Indonesia), 138.6 (Sierra Leone), 138.7 (Burkina Faso), 138.8 (Peru), 138.9 (Iceland), 138.10 (Estonia), 138.11 (Uruguay, Ghana, Poland), 138.12 (Thailand), 138.17 (Latvia), 138.87 (Tajikistan), 138.92 (Greece), 138.91 (Germany), 138.93 (Lebanon), 138.95 (Uruguay), 138.97 (Venezuela (Bolivarian Republic of)), 138.98 (Yemen), 138.99 (Algeria), 138.100 (Austria), 138.101 (Bhutan), 138.102 (Bosnia and Herzegovina), 138.103 (Djibouti), 138.104 (Ethiopia), 138.105 (Latvia), 138.106 (New Zealand), 138.107 (Pakistan), 138.108 (Qatar), 138.109 (Senegal), 138.110 (Uzbekistan), 138.111 (Chile), 138.112 (Guatemala), 138.187 (Peru), 138.188 (Israel), 138.189 (Italy), 138.190 (Republic of Korea), 138.191 (Sierra Leone), 138.192 (Slovenia), 138.193 (Brazil), 138.194 (Democratic People's Republic of Korea), 138.195 (Finland), 138.196 (France), 138.197 (Israel), 138.198 (Mali), 138.199 (Russian Federation), 138.200 (Lithuania), 138.240 (South Africa), 138.241 (Egypt), 138.242 (Sri Lanka), 138.243 (Turkmenistan), 138.244 (Angola), 138.245 (Canada), 138.246 (Eritrea), 138.247 (Malaysia), 138.248 (Oman), 138.252 (Brunei Darussalam).

Under Iranian law, women and girls as young as nine years old who are seen in public without a headscarf can be sentenced to prison, flogging or a cash fine. Millions of women and girls face daily harassment and abuse at the hands of state agents enforcing Iran's strict Islamic dress code for women and girls. Women peacefully protesting against degrading forced *hijab* (veiling) laws have been violently arrested and sentenced to imprisonment.<sup>18</sup>

Child marriage continues to be permitted under the law. A proposed amendment to Article 1041 of the Civil Code that would have raised the age of marriage for girls from 13 to 16 was rejected by the parliament's judicial and legal committee in December 2018.<sup>19</sup>

## DISCRIMINATION AGAINST ETHNIC AND RELIGIOUS MINORITIES

Iran accepted five of the 30 recommendations concerning discrimination against ethnic and religious minorities<sup>20</sup> and has failed to implement any of these recommendations.

Freedom of religion and belief continues to be systematically violated. The authorities impose, on people of all faiths as well as atheists, codes of conduct rooted in a strict interpretation of Shi'a Islam. The right to change or renounce religious beliefs continues to be violated, with those converting from Islam or professing atheism at risk of arbitrary detention, torture and the death penalty. Members of religious minorities, including Bahá'ís, Christians, Gonabadi Dervishes, Yaresan (Ahl-e Haq) and Shi'a Muslims who convert to Sunni Islam, face harassment, arbitrary arrest and prison sentences solely for practising their faith.<sup>21</sup> Since February 2018, Gonabadi Dervishes have faced a crackdown, with hundreds arrested following a peaceful protest and over 200 sentenced to lengthy prison terms, flogging and other punishments.

Ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, continue to face entrenched discrimination, curtailing their access to education, employment and adequate housing. Continued economic neglect of regions with large minority populations has exacerbated poverty. The Persian language remains the sole medium of instruction in primary and secondary education. Members of minorities who speak out against violations of their rights face arbitrary arrest, torture, unfair trials and imprisonment.

## WORKERS' RIGHTS

Iran accepted only four of the seven recommendations it received regarding workers' rights.<sup>22</sup>

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<sup>18</sup> Amnesty International, *Iran: Pro-government vigilantes attack women for standing up against forced hijab laws*, (Press release, 12 March 2019); Amnesty International, *Iran: Compulsory veiling is abusive, discriminatory and humiliating; end the persecution of women for peacefully protesting against it* (Index: MDE 13/7783/2018); Amnesty International, *Iran: Dozens of women ill-treated and at risk of long jail terms for peacefully protesting compulsory veiling* (Press Release, 26 February 2018).

<sup>19</sup> If approved, girls aged between 13 and 16 could have still been married subject to approval from both a court and state medical doctors, who would determine whether the child in question was "physically capable" of consummating the marriage.

<sup>20</sup> A/HRC/28/12 Recommendations 138.50 (Armenia), 138.96 (Uruguay), 138.111 (Chile), 138.114 (South Africa), 138.115 (United States of America), 138.116 (Argentina), 138.117 (Bahrain), 138.118 (Bahrain), 138.119 (Brazil), 138.120 (Denmark), 138.121 (Hungary), 138.122 (Iceland), 138.123 (Ireland), 138.124 (Italy), 138.125 (Luxembourg), 138.126 (Sierra Leone), 138.127 (Slovakia), 138.128 (Sweden), 138.129 (Australia), 138.130 (Austria), 138.131 (Czech Republic), 138.132 (France), 138.133 (Lithuania), 138.134 (Mexico), 138.219 (Norway), 138.220 (Poland), 138.221 (Romania), 138.282 (Netherlands), 138.283 (Peru), 138.284 (New Zealand).

<sup>21</sup> Widespread and systematic attacks continue against the Bahá'í minority, including arbitrary arrests and imprisonment, forcible closure of businesses, confiscation of property, bans on employment in the public sector and denial of access to universities. Destruction and desecration of Bahá'í cemeteries continue. Sunni Muslims and religious minorities not recognized under the constitution, such as Yaresan (Ahl-e Haq), continued to report discrimination, including exclusion from political office.

<sup>22</sup> A/HRC/28/12 Recommendations 138.6 (Sierra Leone), 138.7 (Burkina Faso), 138.8 (Peru), 138.20 (Egypt), 138.88 (Sri Lanka), 138.94 (Eritrea), 138.101 (Bhutan), 138.249 (Djibouti), 138.250 (State of Palestine), 138.251 (India).

Amnesty International regrets that Iran has made no progress on workers' rights. The authorities continue to ban independent trade unions and crack down on teachers, miners, truck drivers and other workers staging peaceful demonstrations and strikes in protest at unpaid wages, poor working conditions and living standards, and calling for employment protections by the government. Hundreds of workers and trade unionists have been arrested, and many have been subjected to prison terms and flogging sentences or threatened with the death penalty.

Throughout 2018, numerous teachers were arrested and some sentenced to flogging and prison terms after taking part in peaceful nationwide strikes. In the same year, hundreds of striking truck drivers were arrested and threatened with the death penalty, while scores of striking steel and sugar cane factory workers were violently arrested following weeks of strikes. In May 2016, authorities carried out flogging sentences of between 30 and 100 lashes against 17 miners who had engaged in a protest against employment conditions and dismissals at the Agh Darreh gold mine in West Azerbaijan province.

## RIGHT TO HEALTH

Amnesty International regrets that, despite accepting all seven recommendations related to the right to health,<sup>23</sup> including to increase efforts to provide greater access to health for all persons, Iran continues to violate this right with respect to prisoners, particularly those imprisoned for politically motivated reasons, including human rights defenders. Amnesty International has documented a pattern of prisoners being tortured or otherwise ill-treated through the deliberate denial of adequate medical care.<sup>24</sup> Human rights defender Arash Sadeghi, who was sentenced to 19 years in prison for his peaceful human rights work and developed cancer in prison, has been deliberately deprived of ongoing specialist medical care.<sup>25</sup>

Prisoners continue to endure cruel and inhuman conditions of detention, despite the acceptance of a recommendation by Iran to improve conditions of detention.<sup>26</sup> In Shahr-e Rey prison in Karaj near Tehran, women prisoners are held in overcrowded and unhygienic conditions, without access to safe drinkable water, adequate food, medicine and fresh air.<sup>27</sup>

## THE DEATH PENALTY

Iran received 35 recommendations on the death penalty, including to introduce a moratorium on the death penalty with a view to abolishing it altogether, particularly for drug-related offences and other crimes that do not meet the threshold of the “most serious crimes” under international law. Amnesty International regrets that Iran failed to accept even one of them.

Between January 2015 and December 2018, Iran executed at least 2,303 people. In 2018, Iran limited the scope of drug-related crimes attracting the death penalty by amending its anti-narcotics law,<sup>28</sup> leading to a considerable drop in the number of executions.

The death penalty is prescribed in national law for offences other than those considered “the most serious crimes” under international law, such as drug trafficking, for acts that should not be criminalized, such as consensual same-sex intercourse, and for vaguely worded offences such as “insulting the Prophet”, “enmity against God” and “corruption on earth”. Courts continue to

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<sup>23</sup> A/HRC/28/12 Recommendations 138.252 (Brunei Darussalam), 138.264 (Brunei Darussalam), 138.265 (State of Palestine), 138.266 (India), 138.267 (Kazakhstan), 138.269 (Pakistan), 138.270 (Turkmenistan).

<sup>24</sup> Amnesty International, *Health taken hostage: Cruel denial of medical care in Iran's prisons* (Index: [MDE 13/4196/2016](#)).

<sup>25</sup> Amnesty International, *Further information: Iran: Human rights defender needs urgent cancer test: Arash Sadeghi* (Index: [MDE 13/8687/2018](#)).

<sup>26</sup> A/HRC/28/12 Recommendation 138.186 (Russian Federation).

<sup>27</sup> Amnesty International, *Prison doctors abuse and deny treatment to persecuted women* ([Press Release](#), 25 May 2018).

<sup>28</sup> Amnesty International, *Iran must not squander opportunity to end executions for drug-related offences* ([Press Release](#), 28 July 2017).

impose death sentences and executions are carried out after unfair trials, sometimes in public. The penal code continues to provide for stoning as a method of execution.

Amnesty International regrets Iran's continued use of the death penalty against juvenile offenders, in violation of the absolute prohibition of the death penalty against individuals who were under the age of 18 at the time of the crime. Since its previous UPR, Iran has executed at least 17 juvenile offenders, often after unfair trials. Over 90 others remain on death row.

## **CRIMES AGAINST HUMANITY**

Amnesty International is deeply concerned that Iran continues to commit crimes against humanity with impunity through the ongoing enforced disappearance of at least 5,000 imprisoned political dissidents who were forcibly disappeared and extrajudicially executed in secret between July and September 1988.

Officials in Iran persist in refusing to officially acknowledge these crimes. They systematically conceal the fate of the victims, including through failing to issue death certificates stating the place, date and cause of death for each victim. They keep the whereabouts of victims' remains a state secret, excluding names from public burial records and destroying unmarked mass grave sites believed to contain the remains. They also subject survivors, families of victims and human rights defenders to reprisals for seeking truth and justice.<sup>29</sup>

# **RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW**

## **AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF IRAN TO:**

### **NATIONAL HUMAN RIGHTS FRAMEWORK**

- Honour its standing invitation to the UN Special Procedures to visit Iran without restrictions on duration or scope and ensure they are allowed to meet victims and human rights defenders without hindrance, and immediately facilitate a visit by the Special Rapporteur on the situation of human rights in Iran.

### **FREEDOMS OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY**

- Repeal or reform vaguely worded provisions of the penal code that unduly restrict the rights to freedom of expression, association and peaceful assembly;
- Immediately and unconditionally release all prisoners of conscience detained solely for peacefully exercising their human rights.

### **FAIR TRIAL**

- Ensure that all trials meet international standards of fairness, including by ensuring that detainees have access to a lawyer of their choosing from the time of arrest and throughout the investigation and trial, and that statements obtained in violation of

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<sup>29</sup> Amnesty International, *Blood-Soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity?* (Index: [MDE 13/9421/2018](#)).

individuals' right to access a lawyer are not admissible at trial;

- Ensure that no one is coerced into to “confessing” guilt and that such “confessions” are never admitted as evidence, except against a person accused of torture or other ill-treatment;
- Repeal the Note to Article 48 of the Code of Criminal Procedure, which denies individuals charged with certain offences the right to access an independent lawyer of their own choosing.

#### TORTURE AND OTHER ILL-TREATMENT OR PUNISHMENT

- Define torture as a crime in national legislation in line with international standards;
- Establish procedures for the automatic investigation of allegations of torture and other ill-treatment in an independent and impartial manner and ensure that those responsible are brought to justice in fair trials;
- Protect prisoners from the denial of timely and adequate medical care, a practice which violates the absolute prohibition of torture and other ill-treatment.

#### DISCRIMINATION AGAINST WOMEN AND GIRLS

- Identify and remedy all laws that have a discriminatory impact on women and girls;
- Adopt comprehensive legislation and exercise due diligence to prevent and punish gender-based violence, including domestic violence and marital rape;
- Repeal all laws that impose forced *hijab* (veiling) on women and girls, in violation of their rights to equality and non-discrimination, freedom of belief and religion, and freedom of expression.

#### DISCRIMINATION AGAINST ETHNIC AND RELIGIOUS MINORITIES

- Identify and remedy all laws that have a discriminatory impact on persons belonging to ethnic or religious minorities;
- Ensure that members of linguistic minorities can be taught in their mother language and have adequate opportunities to learn their mother language.

#### WORKER'S RIGHTS

- Lift stringent requirements in law for the registration of associations, including NGOs and trade unions, which may unduly restrict their formation and operation;
- 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.

#### RIGHT TO HEALTH

- Ensure that all individuals in custody receive adequate health care, including prevention, screening and treatment, free of charge and without discrimination;
- Ensure that medical decisions concerning the need for ongoing care and observation outside prison and the necessity of release on medical grounds are taken only by health care professionals and are not overruled or ignored by non-medical authorities.

#### THE DEATH PENALTY

- Immediately establish an official moratorium on executions with a view to abolishing the death penalty;
- Abolish the death penalty for and decriminalize consensual same-sex sexual relations;
- Amend Article 91 of the penal code to abolish the death penalty for crimes committed by

people below the age of 18 without any discretion for the courts or other exceptions, in line with Iran's obligations under international human rights law.

#### **CRIMES AGAINST HUMANITY**

- Immediately disclose the truth regarding the ongoing enforced disappearances resulting from the secret extrajudicial executions of political dissidents in 1988, including the number and identities of those killed, the date, location, cause and circumstances of each disappearance and extrajudicial execution, and the location of their remains, and facilitate the return of the remains to family members;
- Protect survivors, families of victims and others seeking truth, justice and reparations against reprisals;
- Immediately stop the destruction of suspected or known mass grave sites and ensure their preservation and protection until proper, independent investigations can be carried out to determine the identity of the remains and the cause and circumstances of death;
- Prosecute those suspected of criminal responsibility for these crimes before civilian courts in proceedings that meet international fair trial standards and without recourse to the death penalty.

**AMNESTY INTERNATIONAL  
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WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
MATTERS TO US ALL.**

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