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Human rights situations that require the Council's attention

Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran

Summary

The present report is submitted in accordance with General Assembly resolution 68/184, in which the General Assembly requested the Secretary-General to submit an interim report to the twenty-fifth session of the Human Rights Council. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of the present resolution, including recommendations to improve its implementation. In its resolution 68/184, the General Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous report of the Secretary-General and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/184, which requested the Secretary-General to report to it at its sixty-ninth session, and to submit an interim report to the Human Rights Council at its twenty-fifth session. The report provides information on progress made in the implementation of resolution 68/184, focusing on the concerns identified in the resolution, while also highlighting issues affecting economic, social and cultural rights.

2. The report draws upon observations made by the United Nations treaty monitoring bodies, the special procedures of the Human Rights Council, various United Nations entities and international non-governmental organizations. It also refers to information from official State media.

3. Since the latest report of the Secretary-General to the General Assembly (A/68/377), the Government has taken some commendable steps in the area of human rights. These include the release of high-profile political prisoners who had been arrested following the 2009 post-elections unrest; the reinstatement of some university students and lecturers who had been banned from higher education for their alleged role in the 2009 post-election unrest; and the drafting of a Citizens' Rights Charter for public consultation. The Government also made pledges regarding the elimination of discrimination against women and ethnic minorities and promoting freedom of expression.

4. The Islamic Republic of Iran also engaged productively with the United Nations Committee on Economic, Social and Cultural Rights, which reviewed the country's second periodic report in May 2013. Unfortunately, the Government has not engaged substantively with the Special Procedures of the Human Rights Council. No mandate holder, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, has been admitted to the country since 2005, and the number of replies to the large amount of communications transmitted by the Special Procedures remains very low.

5. The United Nations human rights mechanisms continue to raise concerns about amputations, flogging, increased application of the death penalty, arbitrary detention and unfair trials. Freedom of expression remained curtailed, with a large number of journalists still in prison and social media being blocked. Human rights defenders and women's rights activists continue to face arrest and persecution. Women are subject to discrimination, entrenched both in law and in practice. Discrimination against minority groups persists, in some cases amounting to persecution. Lack of access to timely and appropriate healthcare in prisons remains an issue.

II. Overview of the human rights situation in the Islamic Republic of Iran

A. Civil and political rights

6. The international community, including the United Nations Secretary-General, greeted the high turnout in the June 2013 elections. The process was, however, marred by the disqualification of a large number of candidates, including all women candidates, the reported intimidation of political activists, journalists, trade unionists and students activists,

and restrictions on freedom of expression¹. The President made promising pledges during the election campaign to address serious human rights concerns, including by introducing a Citizens' Rights Charter, eliminating discrimination against women and ethnic minorities, promoting freedom of expression and alleviating censorship. Although the draft Citizens' Rights Charter has been presented for public comments, it falls short of international human rights standards and fails to address concerns persistently raised by the United Nations human rights mechanisms. On 15 June 2013, the Secretary-General expressed his wish to engage with the President-elect and the Iranian authorities on issues of importance to the international community and the welfare of the Iranian people. He also expressed hope that the Government would take steps to fulfil the promises made by President Rouhani during the electoral campaign.

a. Executions

7. The Secretary-General is alarmed at the sharp rise in executions in the Islamic Republic of Iran. The new Government has not changed its approach regarding the application of the death penalty and seems to have followed the practice of previous administrations, which relied heavily on the death penalty to combat crime. On 11 December 2013, the Chief of the judiciary noted that, from a religious point of view, opposition to the death penalty challenges the decrees of Islam². In recent years, senior Iranian officials had acknowledged the ineffectiveness of the death penalty in addressing crime and suggested the need to review relevant laws. The revised Islamic Penal Code provides capital punishment for a wide range of offences that do not qualify as the "most serious crimes" under international law, including for drug related offences, and retains stoning as a punishment³. On 2 December 2013, at a press conference, the High Commissioner for Human Rights, expressed alarm at the reported spike in executions of political prisoners, including in public and the use of the death penalty for drug-related offences. She urged the Government to restrict and/or abolish the use of the death penalty in law and practice or to institute a moratorium.

8. An escalation in executions, including of political prisoners and individuals belonging to ethnic minority groups such as Baloch, Ahwazi Arabs and Kurds, was notable in the second half of 2013. At least 500 persons are known to have been executed in 2013, including 57 in public. According to some sources, the figure may be as high as 625. Those executed reportedly included 27 women and two children. The majority of the executions were carried out in relation to drug-related offences. In their comments on this report, the authorities attributed the increased number of executions to drug-trafficking and stressed that the death penalty is only considered for the most serious offences and only criminals that have perpetrated serious crimes are subject to capital punishment. The spike has continued in 2014. Over 40 persons are reported to have been executed during the first half of January. In a report to the Human Rights Council, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions expressed serious concerns about the surge in executions, following proceedings that did not meet international human rights standards

¹ A group of special procedures mandate holders expressed serious concerns about the large-scale disqualification of candidates, including all women by the Guardian Council, which vets presidential candidates. Of the 686 individuals registered, only 8 were approved.

² Semi-official news, Ghatreh, 11 December 2013, available from <http://www.ghatreh.com/news/nm16968628>

³ The IPC provides death penalty for adultery, incest, rape, sodomy, a non-Muslim party in same-sex relations, insulting the Prophet Mohammad and other great Prophets, possessing or selling illicit drugs, theft for the fourth time, Moharebeh (enmity against God), fisad-fil-arz (corruption on earth), espionage and crimes against national security. See A/68/377, para 14

on fair trial and due process guarantees, provided in article 14 of the International Covenant on Civil and Political Rights. He urged the Government to bring its domestic legislation and practice in conformity with international law⁴.

9. On 1 November 2013, the Secretary-General expressed serious concern about the reported hanging of 16 people, on 26 October 2013, in the city of Zahedan, and called on the Government to establish a moratorium on the use of the death penalty. The 16 individuals, belonging to the Baloch community, were reportedly executed in response to the killings of 14 border guards by an armed group at the border with Pakistan. There is no reported proof that those executed were involved in the incident, as all 16 individuals had previously been tried, convicted and sentenced to death well before the incident took place. Eight out of the 16 individuals were sentenced to death for drug-related offences. The public prosecution service confirming the execution stated that they were carried out in response to the attack⁵. On the same day, Habibullah Golparipour and Reza Esmaili, both Kurdish prisoners, were allegedly executed after having been sentenced to death for charges including *Ifsad fil-arz* (“corruption on earth”) and *Moharebeh* (“enmity against God”), for alleged links to the armed Party for Free Life of Kurdistan, or PJAK.⁶ On 4 November, Mr Shirkoo Moarefi, a Kurdish political and civil activist, who was sentenced to death on the charge of Moharebeh , membership in Komalah Party, and acting against national security, was also executed.⁷

b. Torture and cruel, inhuman or degrading treatment and punishment

10. The recurrence of cruel, inhuman or degrading punishment, such as amputation of limbs and flogging remains a cause for concern. The judiciary has frequently applied punishments which are prohibited by the ICCPR, to which Iran is a State party. The revised Islamic Penal Code provides for limb amputations for offences, including Moharebeh and theft and flogging for drinking alcohol, theft and certain sexual offences. On 7 January 2013, the Head of the Supreme Court of Iran defended punishments such as amputation, arguing that the proper implementation of Islamic law could prevent crimes. He stressed that amputation of the hands of a robber or of the limbs of a Mohareb is in the interest of society and effective in crime reduction⁸. On 31 July 2013, the judiciary in Abadan issued amputation and floggings sentences for a group of people accused of theft. According to the chief of the judiciary in Abadan, one person of the group was sentenced to amputation of fingers and 99 lashes for theft and illegitimate sexual relations, whereas others were sentenced to 74 lashes each for illegitimate sexual relations, along with prison sentences for theft⁹. On 29 August 2013, a man accused of drug trafficking was publicly punished with

⁴ A/HRC/23/47/Add.5

⁵ Official-news Farsnews, 26 October 2013, available from <http://www.farsnews.com/newstext.php?nn=13920804000374>

⁶ In their comments, the authorities noted that Mr Habibollah Golparipour had participated in an attack on police station, which resulted in the killings of its personnel, as well as keeping and handling different fire arms and military ammunition.

⁷ The authorities allege that Mr Moarefi had participated in military operations and was a member of Koumele terrorist group.

⁸ Semi- official news Tansin, 7 January 2014, available from <http://www.tasnimnews.com/Home/Single/242758>

⁹ Semi-official news Mehr, 31 July 2013, available from <http://www.mehrnews.com/detail/news/2107061>

70 lashes in Saveh. The General and Revolutionary Prosecutor announced that the accused was involved in drug trafficking¹⁰.

c. Conditions of detention

11. The Secretary-General is also concerned about the lack of access to timely and applicable healthcare inside prisons and the conditions in which prisoners are held. The prison authorities reportedly deny healthcare to individuals who are in urgent need of external medical care. Various Special Procedures sent a number of communications to the Government regarding the deteriorating health conditions of prisoners, lack of medical attention and the risk of death faced by several prisoners. On 20 June 2013, Afshin Osanlou, a trade unionist, who was serving a five-year prison term, reportedly died from a heart attack in prison¹¹. On 1 November 2013, Abdolfattah Soltani went on hunger strike, protesting the denial of external medical care for some prisoners. The hunger strike, joined by other prisoners, ended on 10 November. However, the protesters warned that they will resume the hunger strike if the Government's maintains its denial of specialised healthcare to prisoners, who need medical attention.

d. Restrictions to freedom of expression and opinion

12. The new administration has not made any significant improvement in the promotion and protection of freedom of expression and opinion, despite pledges made by the President during his campaign and after his swearing-in. Both offline and online outlets continue to face restrictions including closure. Individuals seeking to exercise or promote freedom of expression and opinion for dissenting views or beliefs continue to face arrest, prosecution and sanctions by the state. The 1986 Press Law, the 2009 Computer Crimes Law and the 2010 Cybercrime Law contain provisions which seriously limit freedom of expression. In his report to the 68th session of the General Assembly, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed serious concerns at the restrictions imposed on freedom of expression and opinion including online. He noted that up to 50 million websites were blocked, including Wikipedia sites by topics¹². With the exception of some Government officials who have access to Facebook and Twitter, the general population is barred from engaging in these online activities. Any individual found engaged in an online activity that is considered inappropriate by the authorities could face the arrest and prosecution.

13. According to the Committee to Protect Journalists, 35 journalists were held in prison across the country as of 18 December 2013¹³. Compared to the same period in 2012, this number has dropped from 45, partially due to the Government's policy of releasing some journalists on furlough. In December 2013, 16 internet activists were arrested on charges of providing contents and developing websites for foreign elements. Some of those arrested were reportedly the administrators of popular cultural and social pages on Facebook. They

¹⁰ Radiozamaneh news, 30 August 2013, available from www.radiozamaneh.com/94830#.UiL9Xj-NDAM, and www.iribnews.ir/NewsText.aspx?ID=2060544

¹¹ Amnesty International, Death of Afshin Osanloo in the Iranian Prison, 24 January 2013, available from <http://www.amnesty.org.uk/blogs/focus-iran/death-afshin-osanloo-iranian-prison> and International Campaign for Human Rights, Osanloo's Family Calls for Investigation Into His Prison Death, 26 January 2013, available from http://www.iranhumanrights.org/2013/06/osanloo_death/

¹² A/68/503

¹³ Committee to Protect Journalists, "Second worst year on record for jailed journalists", 18 December 2013, available at <http://www.cpj.org/reports/2013/12/second-worst-year-on-record-for-jailed-journalists.php>

had occasionally posted news about the imprisonment of political prisoners. Seven others were allegedly working for an Iranian website, Narenji.ir, specialised in new technology.¹⁴ These individuals had their houses searched and personal items confiscated before being taken to an unknown location.

14. On 23 November, judicial authorities in Rafsanjan confirmed the arrest of seven individuals for allegedly insulting sacred beliefs and Islamic values online and warned that the intelligence apparatus was monitoring the internet closely and would take all possible actions to prevent certain online breaches¹⁵. Journalists affiliated to minority groups and reformists also continue to face imprisonment. In November 2013, Khosro Kordpour and Masoud Kordpour were sentenced to six and three-and-a-half year sentence respectively, on charges of gathering and colluding against national security and propaganda against the system. Their conviction was allegedly chiefly motivated by their work as journalists, including reporting on the human rights situation in Kordestan Province¹⁶. On 7 December 2013, Fatemeh Ekhtesari and Mehdi Mousavi, both poets, were arrested and transferred to Evin Prison. They were allegedly incarcerated for their critical writing and dissenting views. They were reportedly released on bail after a month in detention.

e. Situation of human rights defenders

15. Since mid-September 2013, the Government has released over 80 political prisoners including women's rights activists, political activists and journalists. Amongst those released were Nasrin Sotoudeh, an internationally recognised human rights activist and recipient of the 2012 Sakharov Prize for Freedom of Thought; Mahboubeh Karami, human rights activist and member of the One Million Signatures Campaign; and Jila Karamzadeh-Makvandi, supporter of the Mourning Mothers of Laleh Park. The Secretary-General, the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran welcomed the release of political prisoners and urged the Government to take further steps to ensure the release of all other political prisoners.

16. Hamid Ghassemi-Shall, an Iranian-Canadian citizen, who was arrested in May 2008 and sentenced to death on charges of *Moharebeh* and espionage, was released on 23 September 2013, after a retrial in August 2013, when the court commuted his death penalty to five years of imprisonment¹⁷. The Government also overturned the death sentence imposed on Saeed Malekpour, a blogger, who had been sentenced to death in 2010 on charges of "management of pornographic websites"¹⁸. The High Commissioner welcomed the commutation of Malekpour's sentence and encouraged the Government to release all those held for exercising their legitimate rights to freedom of expression and association.

17. Despite these welcome developments, a large number of political prisoners, including high profile lawyers, human rights activists, women rights activists and journalists, continue to serve sentences for charges that are believed to be linked to the

¹⁴ The Guardian, 5 December 2013, available from <http://www.theguardian.com/world/2013/dec/05/iran-revolutionary-guards-arrest-internet-activists>,

¹⁵ Semi-official news, Khanehkishi, 23 November 2013, available from <http://www.khanehkheshti.com/> مقدسات-بـ-کـنـدـگـانـنـیـتـوـهـاـزـنـفـرـ8ـعـرـیـدـسـتـگـ

¹⁶ Amnesty International, "Jailed journalists brothers sentenced", 13 December 2013, available at <http://www.amnesty.org/en/library/info/MDE13/056/2013/en>

¹⁷ Official-news, Farsnews, 24 September 2013, available from <http://farsnews.com/news/text.php?nn=13920702000380>

¹⁸ Official-news, ISNA, 26 August 2013, available from www.isna.ir/fa/news/92060402518/

exercise of their freedoms of expression, association and peaceful assembly. The Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his latest report to the Human Rights Council¹⁹ noted that the Government, similar to several other countries, repressed peaceful assemblies because the messages conveyed did not please them, and where organizers and participants were often charged with sedition and rioting. This was the case for the two former presidential candidates, Mehdi Karoubi and Mir Hossein Mousavi, who remained under house arrest for staging a rally in solidarity with protesters in Egypt, in February 2011, for which they had sought permission from the authorities. Since their arrest, neither has been formally charged or brought before a judge to contest the legality of their detention. On 7 January 2014, Mohammad Javad Larijani, Head of the High Council for Human Rights in Iran was quoted saying that, after a prolonged wait, a dossier against the opposition leaders was being processed²⁰. On 17 January 2014, Mostafa Pour-Mohammadi, Justice Minister of Iran, stated that the trial was not in the best interest of the Government but that they should remain confined²¹. The Secretary-General and the Special Procedures have repeatedly called for the immediate release of the two opposition leaders, declaring their detention arbitrary and in violation of Iran's international obligations and national laws²².

18. The two opposition leaders have been denied regular contacts with their relatives and their access to adequate medical care has been limited, despite having serious health complications including high blood pressure and worsening heart conditions. The authorities reportedly only allow preapproved visits from immediate family members and, in some instances, the security forces allegedly physically assaulted visitors. For example, on 24 October 2013, the daughters of Mousavi complained of physical assault at the hand of security agents during a visit to their parents²³. The Secretary-General urges the President to consider the immediate release of the two opposition leaders, and to facilitate their urgent and adequate access to medical care.

19. Prominent human rights activists and lawyers, such as Abdol Fattah Soltani, Mohammad Ali Dadkha and Mohammad Seifzadeh, are serving prison terms for charges that are believed to be linked to their legitimate professional work. Mr Soltani is serving a 13-year-sentence imposed by the Revolutionary Court for establishing and managing an association that endangered national security, propaganda against the system, unlawful association and conspiracy with the intention to disturb public security, and acquisition of wealth through illegitimate means. The court also banned him from practicing law for 20 years. In an Opinion issued on 7 August 2013, the United Nations Working Group on Arbitrary Detention found the imprisonment of Mr Soltani arbitrary and sought his immediate release²⁴. The Working Group concluded that "the detention of Mr Soltani was motivated exclusively by his human rights and/or political activities, activities constituting the peaceful exercise of the right to freedom of expression as guaranteed by article 19 of the International Covenant on Civil and Political Rights to which the Islamic Republic of Iran

¹⁹ A/HRC/23/39/Add.2

²⁰ Official-news, ISNA, 8 January 2014, available from <http://www.isna.ir/fa/news/92101809956/>

²¹ Ibid, 17 January 2014, available from <http://isna.ir/fa/news/92102615523/>

²² On 29 August 2012, the Working on Arbitrary Detention adopted an Opinion on this case, finding the detention to be arbitrary, as none of these people have been charged with a crime since their arrest, or have been brought before a judge to contest the legality of their detention.

²³ Human Rights Watch, "1,000 days under house arrest", 12 November 2013. Available at www.hrw.org/news/2013/11/11/iran-1000-days-under-house-arrest

²⁴ A/HRC/WGAD/2012/54, Opinion No 54/2012, 7 August 2013, available at http://www.nuernberg.de/imperia/md/menschenrechte/dokumente/preisverleihungen/hrc_wg_on_arbitrary_detention_soltani_2013.pdf

is party.”²⁵ Furthermore, in November 2013, the Appeal Court upheld a one-year prison sentence for Ms Massumeh Dehghan, the wife of Mr Soltani last year. She was charged with “propaganda against the system” for travelling abroad and receiving the Nuremberg human rights prize given to her husband.

20. In September 2013, the Appeal Court upheld a six-year sentence against Mohammad Seifzadeh, a prominent human rights lawyer and member of the Defenders of Human Rights Centre (DHRC), founded by Nobel Laureate Shirin Ebadi. The sentence was initially imposed on Seifzadeh on charges of “collusion to take action against national security and spreading propaganda against the system”. Since 2011, Mohammad Ali Dadkhah, another prominent lawyer and co-founder of the DHRC is serving a nine-year prison sentence coupled with a 10-year occupation ban on charges including membership in DHRC and propaganda against the system. Stressing the important role human rights defenders and lawyers could make in the improvement of human rights protection and promotion in Iran, the Secretary-General urges the Government to release human rights lawyers and human rights defenders and to allow them to exercise their activities without risk to their physical and psychological integrity or any other form of restriction, harassment and intimidation.

f. Women’s political participation

21. The Secretary-General welcomes the Government’s efforts to appoint women to senior level government positions, including as Deputy President, Head of the Environmental Protection Agency, Deputy President for Legal Affairs, Head of National Standards Organisation, and spokeswoman to the Foreign Ministry. The Secretary-General also welcomes Government’s pledges to increase the number of women serving as ambassadors²⁶. However, no woman has been named to the Cabinet, thereby continuing women’s underrepresentation at the highest decision making levels. The World Economic Forum, in its Global Gender Gap Report 2013, ranked Iran at 130 out of 136 countries, three places below last year²⁷. According to the report, Iran has the lowest female representation in the labour forces and the lowest estimated female income in the region. The Secretary-General encourages the Government to adopt laws and policies that promote the participation of women in public, political, economic and professional life.

22. Laws that permit gender discrimination and promote violence against women continue to be introduced in Iran. The revised Islamic Penal Code, which came into force in June 2013, retains provisions that are discriminatory towards women. For instance, it values women’s testimony in a court of law as half that of a man’s, and a woman’s life half that of a man’s. The Civil Code of the Islamic Republic of Iran provides for the marriage of girls at age 13.²⁸ However, with the permission of a competent court, girls can be married at the

²⁵ In their comments to this report, the authorities claimed that Mr Soltani enjoyed access to legal services and had frequent visits to medical doctors for treatment. They accused Mr Soltani of having contributed in the establishment of the Society of the Defenders of the Human Rights without obtaining legal permit, suspicious interaction with certain foreign embassies in Tehran, receiving money from foreign intelligence agencies and having ties with the Mujaheddin Khalq Organisation (MKO).

²⁶ Report submitted by a Tehran based NGO, Organisation for Defending Victims of Violence (ODVV). And official news, PressTV, 29 August 2013, available from <http://www.presstv.com/detail/2013/08/29/321129/iran-names-first-fm-spokeswoman/>, <http://archive.radiozamaneh.com/english/content/rohani-names-woman-head-standards-agency>

²⁷ World Economic Forum, ``Global Gender Gap Report`` 2013, available at http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf

²⁸ Civil Code, Article 1401

age of nine²⁹. The 2013 Family Protection Law reportedly allows for full or temporary marriage and legalizes polygamy³⁰. The Unsupervised or Ill-Supervised Children and Youth Protection Bill, which was adopted by Parliament in September 2013 and came into force on 23 October 2013, allows a marriage between a child and legal guardian³¹, when a child has reached maturity, and marriage with the guardian is in his/her best interest. This would mean that a girl as young as nine can be married to her guardian, which is a threat to her physical and mental integrity and runs counter to fundamental human rights guarantees stipulated in the Convention on the Rights of the Child, to which Iran is a State party. This may also contribute to forced and early marriages, a phenomenon that the Islamic Republic of Iran is currently seeking to eradicate. The United Nations Committee on Economic, Social and Cultural Rights in May 2013 urged the Government to take measures to prevent forced, early and temporary marriage of girls, to ensure women's right to employment and to remove all restrictions on women's equal access to all aspects of university education.

g. Situation of ethnic and religious minorities

23. There have been no improvements in the situation of religious and ethnic minorities, who continue to suffer severe restrictions in the enjoyment of their civil, political, economic, social and cultural rights. Religious minorities such as Baha'is and Christians face violations entrenched in law and in practice. Harassment, home raids and incitement to hatred are reportedly commonly applied by the authorities to suppress the Baha'i community. The authorities claim that ethnic minorities enjoy equal rights before the law and that no discrimination is practiced against religious minorities. The authorities further informed that the new Government pays significant attention to the affairs of religious minorities. In this respect, the Secretary-General notes as positive information that the President has appointed a special assistant to address the situation of ethnic and religious minorities. The United Nations human rights mechanisms have repeatedly expressed concerns about the discriminatory laws and policies that restrict religious minorities, including Baha'is, from forming religious institutions and accessing universities and public sector employment. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran³² noted that members of the Baha'i community are increasingly subjected to arbitrary detention, torture and ill-treatment, restrictions on religious practice, denial of higher education, obstacles to State employment and abuses within schools. He also reported that 109 members of the Baha'i community were held in prisons as of May 2013³³. That number reached 136 by December 2013, indicating an increase in their arrest and persecution. In its concluding observations, the Committee on Economic, Social and Cultural Rights expressed concerns about widespread and entrenched discrimination against Baha'i community, including denial of access to employment in the public sector and institutions of higher education, as well as to benefits of the pension system and recommended a series of safeguards against legal and practical discrimination, including in

²⁹ Civil Code, Article 1210 sets the age of puberty at 9 lunar years (8 years and 9 months) for girl and 15 lunar years (14 years and 7 months) for a boy.

³⁰ Family Protection law of the Islamic Republic of Iran 2013, Article 4.4, 21

³¹ Official news, ISNA, 16 October 2013, available from

³² <http://www.isna.ir/fa/news/92072415178> از تیم حماهی ای بکودکان و سرپرست

³³ A/68/503

³³ The seven Baha'i community leaders, who have been in prison since March 2008, received 20 year prison sentences in August 2010 on charges of espionage, propaganda against the system, collusion and collaboration for the purpose of endangering the national security, and spreading corruption on earth. Their sentences were reportedly reduced to 10 years the following month. However, in March 2011, the court reinstated the original prison sentence of 20 year.

their access to social programmes and education³⁴. The Secretary-General renews his call on the Government to release the seven Baha'i community leaders, who are serving 20-year sentences for managing the religious and administrative affairs of their community, after trials which did not meet the guarantees for fair trial established by international law. The Secretary-General also encourages the Government to remove limitations imposed on the Baha'is ability to worship and allow them to practice their beliefs without hindrance and fear.

h. Refugees and migrants

24. The situation of Afghan refugees as highlighted by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in his report to the 68th session of the General Assembly is of concern³⁵. The Special Rapporteur noted that, as the Government does not recognize marriages between illegal migrants and Iranians, many children born out of such marriages do not possess a birth certificate and are deprived of educational opportunities and health care. Women married to illegal migrants also cannot transfer nationality or citizenship to their husbands or children. Afghan refugees are also subjected to movement restrictions and are banned from residing in various provinces. On 22 December 2013, the Head of the Bureau for Aliens and Foreign Immigrants' Affairs was quoted as saying that Afghan children, who are not in possession of legal documents, will not be registered in schools. Concerns also remain about the manner in which Afghan refugees are subjected to deportation. According to Human Rights Watch, thousands of Afghan refugees are arbitrarily deported, with no opportunities to legally challenge their deportation. Newcomers are denied the opportunity to seek refugee status, even if they are at risk of persecution and serious harm in Afghanistan. Some Afghan refugees also reportedly experienced physical mistreatment and confiscation of property during deportation. Families are reportedly often separated, leaving children more vulnerable to physical and mental abuse³⁶.

B. Economic, social and cultural rights

25. The Islamic Republic of Iran has made notable progress in human development. Having one of the youngest populations in the world (54.8 per cent of its people are under 30), it enjoys a demographic window of opportunity with important development implications. The country is also on track to achieve most of the Millennium Development Goals — notably under Goal 1 (eradicating extreme poverty), Goal 2 (achieving universal education), Goal 4 (reducing child mortality) and Goal 5 (reducing maternal mortality). The Government is committed to reducing both income and capability poverty and the country has witnessed a decline in extreme income poverty (US\$1 a day) to around 1 per cent, which was noted as positive by the Committee on Economic, Social and Cultural Rights during its May 2013 review.

26. The Committee also noted as positive Iran's "significant improvement in narrowing the development gap". Iran's human development indicators have substantially improved, and the human development index value of 0.742 for 2013 places it in the high human development category. This represents an average annual increase of about 1.4 per cent since 1985 (although the human development index growth rate for the period 2000-2011

³⁴ E/C.12/IRN/CO/2

³⁵ A/68/503

³⁶ Human Rights Watch, ``Afghan refugees and migrants face abuse'', 20 November 2013, available at <http://www.hrw.org/news/2013/11/20/iran-afghan-refugees-and-migrants-face-abuse>

has been just under 1 per cent)³⁷. Life expectancy at birth has risen for both men and women; more people have access to safe drinking water; maternal mortality has fallen from 150 per 100,000 live births in 1990 to 21 in 2013³⁸; under-five mortality fell from 54 per 1,000 live births in 1990 to 22.5 in 2010; a total of 96.4 per cent³⁹ of all births are attended by skilled birth attendants; and primary health-care coverage in rural areas stands at more than 98 per cent.

27. The Islamic Republic of Iran has also made noticeable progress in women's education and health. The literacy rate among women aged 15 to 24, as compared to men of the same age, increased from 96.1 per cent in 2000 to 99.2 per cent in 2012⁴⁰. The ratio of girls to boys in primary, secondary and tertiary education increased from 79.2 per cent in 1990 to 98 per cent in 2012⁴¹. Access of poor communities to basic services has also substantially increased: during 1991-2009 access to electricity in the poorest rural areas increased from 66.6 per cent to 93.2 per cent and to piped water from 55.1 per cent to 83.6 per cent⁴².

28. Although the main components of human development have improved significantly in economic terms, the country still faces challenges of unemployment, low labour productivity growth rates and sustained income inequality⁴³. The Gender Inequality Index, as reported in the Human Development Report 2013, was 0.496 (ranking the Islamic Republic of Iran 107th). The Committee on Economic, Social and Cultural Rights in May 2013 raised serious concerns about the high unemployment of women and young people, lack of universal health insurance coverage, high levels of poverty in certain underdeveloped regions, and legislation and policies on cultural freedom.

29. Much of the income and non-income poverty is in areas such as informal urban settlements, the informal sector of the economy, remote rural areas, among refugees, and encompassing groups such as people with disabilities, and female-headed households. The overall distribution of income constrains overall access to improved quality resources and services. The Gini coefficient of income inequality, for instance, has stood above 0.4 for many years, with significant disparities between provinces, districts, urban centres and rural areas recorded⁴⁴. The Government now is seeking to reduce inequality to a Gini coefficient level of 0.3 by 2014, marking the end of the period covered by the fifth Five-Year National Development Plan.,

30. Disparities among provinces and between rural and urban areas persist. The percentage of poor underweight children under 5 is higher in rural areas (13.7 per cent) than in urban areas (9.6 per cent). Furthermore, security issues exacerbate regional disparities in social development. Areas bordering Iraq and Afghanistan are affected by drug and arms

³⁷ Human Development Report 2011

³⁸ World Health Statistics 2013 (Geneva, World Health Organisation (WHO), 2013)

³⁹ Islamic Republic of Iran, Multiple Indicator Demographic and Health Survey 2010; available from <http://iran.unfpa.org/IrMIDHS%202010%20selected%20Results.asp>

⁴⁰ State of the world population 2012 (United Nations publication, sales No E.12.III.H.1)

⁴¹ Ibid

⁴² Statistical Centre of Iran, Statistical Research and Training Centre, report on available facilities and assets to households from 1991 to 2009 (2011).

⁴³ Statistical Centre of Iran, Statistical Research and Training Centre, report on available facilities and assets to households from 1991 to 2009 (2011).

⁴⁴ Various household income and expenditure surveys show the extensive differences

trafficking and illegal migration. Some of those areas suffer from poor communications and a shortage of staff in the health and welfare sectors⁴⁵.

31. Women's economic participation and employment have decreased. Only 14.5 per cent of the female population is economically active, of which 16.8 per cent are either unemployed or seeking jobs. During its review of the Islamic Republic of Iran, the Committee on Economic, Social and Cultural Rights expressed serious concerns about restrictions on 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. The Committee also noted with concern the low participation of women in the labour force, which has been further declining, and the possibility for a husband to prevent his wife from entering employment upon receipt of a court order under the Family Protection Law. The International Labour Organization Committee of Experts on the Application of Conventions and Recommendations in a recent observation noted with regret the Government's inaction on repealing section 1117 of the Civil Code, which provides that a husband can prevent his wife from taking up a job or profession⁴⁶.

32. The Islamic Republic of Iran is experiencing rapid socioeconomic and demographic changes; and in 2013 its population surpassed 75 million. According to the 2011 census, the annual population growth rate is 1.3 per cent, the overall sex ratio is 102. Among other factors, the expansion of health facilities, the increased literacy rate, and improved living standards contributed to a rise in life expectancy for both women and men, to 73.2 and 70.5, respectively⁴⁷. A need to absorb the younger generation into the labour market has placed pressure on the economy and resulted in an estimated overall unemployment rate of 12.4 per cent (19.6 per cent for women) in 2013. Official unemployment rates are much higher for young people (22.3 per cent for young men, 42.7 per cent for young women early in 2013). The search for better job opportunities underlies the increasing challenge of migration and rapid urbanization among the population⁴⁸.

33. The birth rate has decreased within a short time, dropping from 6.6 births per woman in 1977 to 2 births per woman in 2000 and to 1.8 births per woman in 2011 — that is, to under replacement level. Alarmed about this decrease in fertility, which is leading to an ageing population, the Supreme Leader, encouraged families to have more children. He also urged for mechanisms which will encourage procreation in the country. In a reaction to the leader's speech, the Ministry of Health announced that contraceptives, which used to be given out free of charge, will no longer be procured.

34. The Secretary-General has provided a detailed account on the impact of sanctions on the general population in his report to the 68th session of the General Assembly. Developments regarding the recent lifting of some economic sanctions imposed on the Islamic Republic of Iran are being followed closely, with the hope that these steps will ease the impact of sanctions that chiefly affected the general population, particularly the distribution of medical and pharmaceutical supplies. The Secretary-General will assess recent developments further and will report on this in detail in his report to the 69th session of the General Assembly.

⁴⁵ Country Cooperation Strategy for WHO and the Islamic Republic of Iran 2010-2014 (WHO, 2011)

⁴⁶ International labour Organisation, Committee of Experts on the Application of Conventions and Recommendations, Observations adopted in 2012, concerning the Islamic Republic of Iran and the Discrimination (Employment and Occupation) Convention, 1958 (No 111)

⁴⁷ Statistical Centre of Iran, 2011 Population and Housing Census

⁴⁸ Statistical Centre of Iran, Statistical Yearbook of Iran, 2009 ; and Summary report of the labour force survey, 2009

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the United Nations human rights treaty system

35. As a State Party to five core international human rights treaties⁴⁹ and a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Islamic Republic of Iran has improved its cooperation with treaty bodies in recent years. Iran was examined by the Committee on the Elimination of All forms of Racial Discrimination (CERD) (August 2010), the Human Rights Committee (HRC) (October 2011) and the Committee on Economic, Social and Cultural Rights (CESCR) (May 2013)⁵⁰. During the latest review, CESCR raised some of the same issues it had in Iran's first review, which took place 18 years before, noting that this prevented it from maintaining a regular dialogue with Iran.

36. The Secretary-General notes with regret the Islamic Republic of Iran's lack of cooperation with the Human Rights Committee, which has repeatedly sought further information on the implementation of its recommendations identified in paragraphs, 9, 12, 13 and 22 of the concluding observations.⁵¹ The Secretary-General encourages the Government to promptly provide information requested by the Human Rights Committee and to engage in constructive dialogue with the treaty bodies as a critical mechanism to review and improve human rights in the country.

B. Cooperation with the Special Procedures of the Human Rights Council

37. At a press conference on 2 December 2013, the High Commissioner for Human Rights reiterated the importance of Iran inviting the Special Rapporteur on the situation of Human Rights in the Islamic Republic of Iran for a country visit. The Secretary-General has echoed this call on several occasions. Since his appointment in 2011, the Special Rapporteur has made several official requests to the Iranian authorities for a country visit but has not received an affirmative response to date. In a letter to President Rohani, in July 2013, the Special Rapporteur expressed hopes for a positive engagement of this Government, including by allowing him to visit the country. The Special Rapporteur was met with the Permanent Missions of the Islamic Republic of Iran in Geneva and in New York to discuss future prospects for engagement.

⁴⁹ International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, International Convention on the Elimination of All Forms of Racial Discrimination and Convention on the Rights of Persons with Disabilities.

⁵⁰ While considering the second periodic report of the Islamic Republic of Iran, the CESCR noted with regret the delay in submission of the report, following its previous consideration in 1993 and requested Iran to timely submit its third periodic report by 31 May 2018. The CESCR also regretted that the State party did not provide adequate responses to some of its questions posed.

⁵¹ In its concluding observations, the Human Rights Committee requested the Islamic Republic of Iran to provide within one year further information on the specific areas of concern including inequality of women with regard to marriage, family and inheritance; the death penalty including executions of minors; and the independence of judges. Since then, the Committee in May and December 2013 sent reminders to the Government but without receiving any positive response. See http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_FUL_IRN_15884_E.pdf

38. The Secretary-General regrets that since 2005, no thematic mandate holders, despite a standing invitation issued to all thematic mandate holders in 2002, and a pledge to invite two such experts in 2012, have been invited to visit Iran. He expresses the hope that the Government will consider scheduling visits for the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of religion or belief, to which it has agreed to in principle. Despite having agreed to a visit by the Working Group on Enforced or Involuntary Disappearances in 2004, which was delayed at the request of the Government, the Government has ignored five annual reminder letters requesting the scheduling of the visit: in 2009, 2010, 2011, 2012 and 2013. As of early 2014, the Government had yet to set a date for the visit.

39. The Secretary-General is also concerned about the low rate of replies to the large number of communications sent to the Government by numerous mandate holders. Out of 25 communications sent in 2013, the authorities responded to four. The majority of the communications addressed concerns about torture, executions, arbitrary arrest and detention of journalists and human rights activists, harassment of family members of activists, prosecution of religious minorities, unfair trials and ill-treatment of prisoners, and denial of medical treatment.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

40. The High Commissioner for Human Rights continued to raise human rights concerns with Iranian officials, including in meetings with the Minister of Foreign Affairs. She also intervened with the authorities on a number of individual human rights cases, through private meetings, letters and public statements. These mainly related to the rights of women, the death penalty, and the rights to freedom of opinion and expression, and peaceful assembly.

D. Universal Periodic Review

41. The Government of Iran undertook its first UPR review on 15 February 2010. Out of 189 recommendations, it accepted 123 recommendations. While little information is available regarding progress on implementing these recommendations, the Secretary-General notes as positive information that the Government has embarked on drafting its national report on implementation of the first UPR recommendations. As the Islamic Republic of Iran is scheduled to appear before the Human Rights Council in October-November 2014, for its second cycle of UPR, the Secretary-General calls on the Government to more actively involve civil society actors and other relevant organizations in the preparation for the review, and to seek assistance from the United Nations in the implementation of UPR recommendations.

IV. Conclusions and recommendations

42. The Secretary-General welcomes the positive steps taken by the Government of the Islamic Republic of Iran, notably the release of high profile political prisoners, and the reinstatement of some students and lecturers in universities. The Secretary-General encourages the Government to build on these positive developments by creating space for human rights defenders, lawyers and journalists, and to release political prisoners, including human rights defenders and lawyers Abdol Fattah

Soltani, Mohammad Ali Dadkhah and Mohammad Seifzadeh, detained solely for exercising their rights to freedoms of expression, association and assembly.

43. The Secretary-General remains deeply troubled by reports of increasing numbers of executions, including of political prisoners, and continuing amputations and flogging. The Secretary-General reiterates his call for the Government to institute a moratorium on the use of death penalty, and to prohibit executions in public.

44. The Secretary-General urges the Government to address the concerns highlighted in this report, and the specific calls for action requested in previous resolutions of the General Assembly, as well as recommendations of various human rights mechanisms, including the Universal Periodic Review process

45. Noting the positive achievements Iran has made against several economic and social indicators, the Secretary-General encourages the Government to continue addressing regional disparities in the enjoyment of economic, social and cultural rights, as well as discrimination against women and members of certain minorities. . The Secretary-General calls on the Government to work in close cooperation with civil society organizations in follow-up and implementation of the May 2014 recommendations of the Committee on Economic, Social and Cultural Rights. He strongly encourages the Government to reach out to the Office of the High Commissioner for Human Rights for the necessary technical assistance and cooperation in this regard.

46. To improve human rights protection and promotion in Iran and with a view to strengthen a national human rights culture, the Secretary-General urges the Government of Iran to establish an independent national human rights institution, as also recommended by the Committee on Economic, Social and Cultural Rights.

47. The Secretary-General regrets that, despite repeated requests for a country visit, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has not yet been admitted to the country. The Secretary-General renews his call on the Government to fully cooperate in the fulfilment of the Special Rapporteur's mandate by inviting him to the country in the near future, as well as other thematic mandates in line with Iran's standing invitation.

48. The Secretary-General welcomes the engagement of the Islamic Republic of Iran with United Nations human rights treaty bodies, and urges Iran to follow-up the concluding observations of all treaty bodies, and to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
