



COUNTRY OF ORIGIN INFORMATION REPORT

IRAN

6 AUGUST 2009

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 2 July 2009. The 'Latest News' section contains further brief information on events and reports accessed from 3 July to 6 August 2009. The report was issued on 6 August 2009
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

¹ The main text of this COI Report contains the most up to date publicly available information as at 2 July 2009. Further brief information on recent events and reports has been provided in the Latest News section to 6 August 2009

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

EVENTS IN IRAN FROM 3 JULY TO 6 AUGUST 2009

- 6 August Iran's moderate, defeated presidential candidate Mehdi Karubi said the authorities should allow street protests without being suppressed by armed forces a few hours after Mahmud Ahmadinejad was sworn in as president.
RFE/RL, (Reuters) Iran's Karubi Says Street Protests Should Be Allowed, 6 August 2009
http://www.rferl.org/content/Irans_Karubi_Says_Street_Protests_Should_Be_Allowed/1793698.html
 Date accessed 6 August 2009
- Mahmoud Ahmadinejad was sworn in for a second term at a ceremony boycotted by scores of parliamentarians, leading clerics and other important figures who would normally have been expected to attend.
The Independent, TV blackout and boycott mar Ahmadinejad's swearing-in, Iranian President takes oath of office – but the cries of 'Death to the Dictator' can still be heard in Tehran, 6 August 2009
<http://www.independent.co.uk/news/world/middle-east/tv-blackout-and-boycott-mar-ahmadinejads-swearingin-1767919.html>
 Date accessed 6 August 2009
- 5 August Mahmud Ahmadinejad has been sworn in for a second four-year term as Iran's president and urged the country to 'join hands,' warning that his government will 'not tolerate disrespect, interference, and insults.'
- Outside parliament in central Tehran, where the oath was administered, hundreds of opposition supporters crowded around a ring of riot police and Basij militiamen preventing protesters from approaching the building.
RFE/RL, Ahmadinejad Sworn In For Second Term, 5 August 2009
http://www.rferl.org/content/Ahmadinejad_Sworn_In_For_Second_Term/1792824.html
 Date accessed 6 August 2009
- 4 August Just a few hours after President Mahmud Ahmadinejad was officially endorsed as president by supreme leader, Ayatollah Ali Khamenei, thousands of people protested in Tehran by honking their cars and chanting "death to the dictator."
RFE/RL Tehran Protests After Ahmadinejad's Confirmation 4 August 2009
http://www.rferl.org/content/Tehran_Protests_After_Ahmadinejads_Confirmation/1792284.html
 Date accessed 5 August 2009
- 3 August "The main leader of Iran's opposition, defeated presidential candidate Mir Hossein Musavi, so far remains a free man. But that could change if hard-liners have their way. Some allies of President Mahmud Ahmadinejad are now publicly calling for the arrest and prosecution of Musavi as well as former President Mohammad Khatami."
RFE/RL As Mass Trial Continues, Hard-Liners Demand Arrests Of Musavi And Khatami, 3 August 2009
http://www.rferl.org/content/As_Mass_Trial_Continues_Hardliners_Demand_Arrests_Of_Musavi_And_Khatami/1791647.html

Date accessed 4 August 2009

- 1 August "For the first time since Iran's 1979 Islamic Revolution, dozens of high-ranking officials including former vice presidents, ministers, and lawmakers, are on trial in the Islamic state. Iran's official IRNA news agency did not specify how many defendants were in the courtroom as the trial opened on August 1. But the semi-official Fars news agency said more than 100 defendants were being tried for alleged involvement in street protests following the disputed June 12 presidential election."
RFE/RL Prominent Iranian Reformists Go On Trial For Post-Election Unrest, 1 August 2009.
http://www.rferl.org/content/Prominent_Iranian_Reformists_Go_On_Trial/1790377.html
 Date accessed 2 August 2009
- 30 July "Hundreds of people, including some opposition leaders, gathered in Tehran's Behest Zahra Cemetery to mark the 40th day since the death of Neda Agha Soltan and remember other victims of the post election unrest at Neda's grave. Presidential candidate Mir Hossein Musavi was in attendance, though police later forced him to leave and began arresting demonstrators."
RFE/RL, Mourners Gather To Honor Neda In Tehran Cemetery 30 July 2009.
http://www.rferl.org/content/Mourners_Gather_To_Honor_Neda_In_Tehran_Cemetery/1789075.html
 Date accessed 31 July 2009
- 28 July "Iran's Supreme Leader, Ayatollah Ali Khamenei, has ordered the closure of Kahrizak detention center where some detainees are believed to have been held since Iran's disputed presidential election. The order is regarded as a move to calm simmering discontent among leading moderates and their supporters, particularly when the clerical establishment faces rifts over President Mahmoud Ahmadinejad's appointment of his first vice president."
RFE/RL, (Reuters) Iran's Khamenei Orders Closure Of Detention Center, 28 July 2009.
http://www.rferl.org/content/Irans_Khamenei_Orders_Closure_Of_Detention_Center/1787271.html
 Date accessed 28 July 2009
- 27 July "President Mahmoud Ahmadinejad was facing a revolt by furious Iranian hardliners on Monday after he sacked a key conservative minister in an act of revenge."
The Daily Telegraph, Mahmoud Ahmadinejad faces hardline revolt in Iran, 27 July 2009
<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5919705/Mahmoud-Ahmadinejad-faces-hardline-revolt-in-Iran.html>
 Date accessed 27 July 2009
- 21 July A reformist website reported that Hassan Khomeini, the grandson of Ayatollah Khomeini father of the 1979 revolution and who is a supporter of defeated reformist candidate, Mir Hossein Mousavi, has left Iran to avoid attending the swearing-in of Mahmoud Ahmadinejad
The Guardian, Grandson of Ayatollah Khomeini 'leaves Iran to avoid presidential inauguration', 21 July 2009
<http://www.guardian.co.uk/world/2009/jul/21/iran-khomeini-ahmadinejad-inauguration>

Date accessed 21 July 2009

- 17 July “One of Iran's most powerful clerics, Hashemi Rafsanjani, attacked the Iranian government for its handling of the unrest that followed the disputed presidential elections. His sermon provoked more protests, followed by another crackdown.”
[The Guardian, Iran crisis: Rafsanjani attacks regime, 17 July 2009](http://www.guardian.co.uk/world/2009/jul/17/iran-crisis-friday-prayers)
<http://www.guardian.co.uk/world/2009/jul/17/iran-crisis-friday-prayers>
 Date accessed 17 July 2009
- 16 July “Hossein Rassam, the last British embassy detainee, who has been accused by the Iranian authorities of acting against Iran's national security is set to be released on bail as early as this weekend, according to his lawyer.”
[The Financial Times, Iran set to release last UK embassy detainee, 28 June 2009](http://www.ft.com/cms/s/0/cf6c83ee-71dc-11de-b7e1-00144feabdc0.dwp?uuiid=36de51b2-4611-11de-803f-00144feabdc0.html?nclck=1)
<http://www.ft.com/cms/s/0/cf6c83ee-71dc-11de-b7e1-00144feabdc0.dwp?uuiid=36de51b2-4611-11de-803f-00144feabdc0.html?nclck=1>
 Date accessed 16 July 2009
- 14 July “Iran executed 13 members of a Sunni Muslim rebel group by hanging on Tuesday morning in a prison in the southeastern city of Zahedan, the country's state news agency reported.”
[The Daily Telegraph, Iran executes 13 Sunni Muslim rebels, 14 July 2009](http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5829475/Iran-executes-13-Sunni-Muslim-rebels.html)
<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5829475/Iran-executes-13-Sunni-Muslim-rebels.html>
 Date accessed 14 July 2009
- 10 July “As darkness fell on baking, dust-shrouded Tehran last night an army of riot police and hardline basiji militiamen used batons, gun butts and tear gas to beat back thousands of Iranians converging on the city centre.”
[Times Online, Tehran: army of police and militiamen attack unarmed protesters, 10 July 2009](http://www.timesonline.co.uk/tol/news/world/middle_east/article6675448.ece)
http://www.timesonline.co.uk/tol/news/world/middle_east/article6675448.ece
 Date accessed 10 July 2009
- 9 July “Iranian police used tear gas and fired into the air to disperse about 250 pro-reform protesters gathered near Tehran University in defiance of a ban on gatherings for the anniversary of violent 1999 student unrest, a witness has said.”
[Radio Free Europe/Radio Liberty, Iranian Police Disperse Pro-Reform Protest, 9 July 2009](http://www.rferl.org/content/Iranian_Police_Disperse_ProReform_Protest/1773257.html)
http://www.rferl.org/content/Iranian_Police_Disperse_ProReform_Protest/1773257.html
 Date accessed 10 July 2009
- “Iran's hardline regime faced renewed protests in Tehran yesterday and police fired warning shots and tear gas to disperse hundreds of people from the city streets.”
[The Daily Telegraph, Police fire shots on Iranian protesters, 9 July 2009](http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5788925/Police-fire-shots-on-Iranian-protesters.html)
<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5788925/Police-fire-shots-on-Iranian-protesters.html>
 Date accessed 10 July 2009
- “Ahmad Batebi, the exiled student whose unjust imprisonment came to symbolise Iran's contempt for human rights, has called for fresh unrest on the anniversary of the major protests of 1999.”

- The Daily Telegraph, Exiled Iranian student Ahmad Batebi, the face of 1999 protest, urges anniversary unrest, 9 July 2009
<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5789372/Exiled-Iranian-student-Ahmad-Batebi-the-face-of-1999-protest-urges-anniversary-unrest.html>
 Date accessed 10 July 2009
- 7 July “Iranian opposition leaders have criticised what they describe as the ‘security state’ imposed in the country after the controversial June elections.”
BBC News, Iran ‘security state’ lambasted, 7 July 2009
http://news.bbc.co.uk/1/hi/world/middle_east/8137718.stm
 Date accessed 10 July 2009
- 6 July “Iranian Supreme Leader Ayatollah Ali Khamenei has warned Western countries against interfering in Iranian affairs, state television reported.”
Radio Free Europe/Radio Liberty, Khamenei Warns West Not To Interfere In Iran, 6 July 2009
http://www.rferl.org/content/Khamenei_Warns_West_Not_To_Interfere_In_Iran/1770314.html
 Date accessed 10 July 2009
- 5 July “Amid mounting reports of a series of executions carried out by the Iranian authorities in recent days following the disputed presidential elections last month, an Iranian lawyer has given this reporter an insight into the legal struggles he is facing in trying to defend some of those now in detention for participating in opposition protests. “
The Jerusalem Post, Iran lawyer: False confessions would free client 5 July 2009
<http://www.jpost.com/servlet/Satellite?cid=1246443716992&pagename=JPost%2FJPArticle%2FPrinter>
 Date accessed 10 July 2009
- “he lawyer for a detained Iranian employee of the British embassy in Tehran says his client has been charged with ‘acting against national security.’ Lawyer Abdolsamad Khorramshi says his client is being held in Evin prison and will in all likelihood stand trial soon.”
Iran Focus (AP), British embassy employee in Iran charged, 5 July 2009
<http://www.iranfocus.com/en/iran-general-/british-embassy-employee-in-iran-charged-18255.html>
 Date accessed 6 July 2009
- 3 July “A powerful Iranian cleric said on Friday that some local British embassy staff would be put on trial for allegedly stoking post-election violence, a move set to put further strain on their frayed ties. ‘In these incidents, their embassy had a presence, some people were arrested. Naturally they will be put on trial, they have made confessions,’ Ahmad Jannati, the head of Iran’s powerful Guardians Council, said at Friday prayers in Tehran. According to the British government, seven of nine local staff originally detained by the Iranian authorities have now been released.”
Iran Focus (AFP), Iran to put British embassy staff on trial, 3 July 2009
<http://www.iranfocus.com/en/iran-general-/iran-to-put-british-embassy-staff-on-trial-18243.html>
 Date accessed 4 July 2009

REPORTS ON IRAN PUBLISHED OR ACCESSED BETWEEN 3 JULY AND 6 AUGUST 2009

Foreign Policy Centre <http://fpc.org.uk/>

From Cradle to Coffin: A Report on Child Executions in Iran, 30 June 2009.

<http://fpc.org.uk/fsblob/1063.pdf>

Date accessed 1 July 2009

OpenNet Initiative <http://opennet.net/>

Internet Filtering in Iran, 16 June 2009

http://opennet.net/sites/opennet.net/files/ONI_Iran_2009.pdf

Date accessed 10 July 2009

Reporters sans Frontiers <http://rsf.org/>

Press freedom violations recounted in real time, 5 August 2009

<http://rsf.org/Press-freedom-violations-recounted.html>

Date accessed 6 August 2009

Amnesty International <http://amnesty.org>

Arrests and deaths continue in Iran as authorities tighten their grip, 23 July 2009

<http://www.amnesty.org/en/news-and-updates/news/arrests-deaths-continue-iran-authorities-tighten-grip-20090722>

Date accessed 5 August 2009

Freedom House <http://freedomhouse.org>

Freedom in the World 2009 – Iran, 16 July 2009

<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7627>

Date accessed 6 August 2009

Minority Rights Group Internatioal <http://minorityrights.org>

State of the World's Minorities 2009, Iran, 16 July 2009

<http://www.minorityrights.org/7948/state-of-the-worlds-minorities/state-of-the-worlds-minorities-and-indigenous-peoples-2009.html>

Date accessed 6 August 2009

Further reports are available on the UNHCR's refworld database: www.unhcr.org/refworld/; and the European Country of Origin Information Network database: www.ecoi.net

Background information

GEOGRAPHY

- 1.01 “The Islamic Republic of Iran lies in western Asia, bordered by Azerbaijan and Turkmenistan to the north, by Turkey and Iraq to the west, by the Persian (Arabian) Gulf and the Gulf of Oman to the south, and by Pakistan and Afghanistan to the east.” (Europa, accessed 22 May 2009) [1a] (Location, Climate, Language, Religion, Flag, Capital) It has an area of 1.6 million square km. (636,295 square miles). (US State Department (USSD) Background Note, March 2008) [4u] (Geography) “The climate is one of great extremes. Summer temperatures of more than 55°C (131°F) have been recorded, but in the winter the great altitude of much of the country results in temperatures of -18°C (0°F) and below.” [1a] (Location, Climate, Language, Religion, Flag, Capital) The capital city is Tehran, with an estimated population of 12 to 15 million. (FCO Country Profiles – Iran, 7 May 2008) [26d] The total population of Iran is an estimated 70.5 million (2007 estimate). [4u] (People)
- 1.02 The principal language is Persian (Farsi) spoken by about 50% of the population. Persian and Persian dialects are spoken by about fifty-eight per cent of the population. Twenty-six per cent of the population are Turkic-speaking, Kurdish nine per cent, Luri two per cent, Balochi one per cent, Arabic one per cent, Turkish one per cent and others two per cent. (USSD Background Note, March 2008) [4u] (People) (Europa, accessed 22 May 2009) [1a] (Location, Climate, Language, Religion, Flag, Capital) “The national flag (proportions four by seven) comprises three unequal horizontal stripes, of green, white and red, with the emblem of the Islamic Republic of Iran (the stylised word Allah) centrally positioned in red, and the inscription ‘*Allaho Akbar*’ (‘God is Great’) written 11 times each in white Kufic script on the red and green stripes.” [1a] (Location, Climate, Language, Religion, Flag, Capital)

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MAPS

Iran

- 1.03 Maps: <http://www.un.org/Depts/Cartographic/map/profile/mideastr.pdf> [10a]
<http://www.un.org/Depts/Cartographic/map/profile/iran.pdf> [10am]



Tehran

- 1.04 <http://mappery.com/map-name/Tehran-Iran-Map> [131]

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ECONOMY

- 2.01 The Congress Research Service paper, *Iran's Economic Conditions: US Policy Issues*, dated 15 June 2009, provides an overview of the country economic situation:

“Since [financial year] FY2000, Iran’s economy has experienced real economic growth rates of about 6.4% on average annually. The annual change in real [Gross Domestic Product] GDP reached a high of 7.8% in FY2007... Recent economic growth has been driven by government spending on priority sectors, expansionary monetary and fiscal economic policies, increased growth in credit, and private consumption. Despite high international oil prices in recent years, the contribution of the oil and gas sector to economic growth has been more modest. The oil economy has been faced with low levels of production and inadequate investment. U.S. and U.N. sanctions levied against Iran, along with the poor domestic business environment, may contribute to low levels of investment. Iran’s economic growth is expected to slow in 2009 and 2010, owing to the decline in international oil prices in late 2008, domestic economic mismanagement, and limited oil revenue savings to weather the recent global economic turndown.

“Iran’s economic growth has been hampered by consistently double-digit rates of inflation. Although high inflation is widespread among the oil-exporting countries in the Middle East and Central Asia, Iran has one of the highest. Iran’s average Consumer Price Index (CPI) inflation reached 17.1% in FY2007 and is projected to grow to 28.0% for FY2008. By some estimates, Iran’s inflation level is over 30% presently. Iranians struggle with the rising cost of basic foods, such as rice, chicken, and eggs, and housing prices, which have eroded real wages. The poor are hit hardest by inflation. It is the poor, mainly from rural areas, who supported President Ahmadinejad in the 2005 presidential election. Support for Ahmadinejad weakened marginally during the March 14, 2008 parliamentary elections, despite Iran’s economic difficulties.

“Domestic factors contributing to the rise in inflation include expansionary government economic policies and growing consumption demands. External factors include international sanctions against Iran and rising international food and energy import prices. Inflation levels have been associated with Ahmadinejad’s efforts to curb banking interest rates for loans to sub-inflation levels. The Central Bank has opposed these hikes. Inflation levels are expected to ease in the coming months due to the decline in international prices for oil and other commodities.

“The unemployment rate remains high, reaching an estimated 12.5% in 2008. Some observers contend that the unemployment rate is higher than figures reported by the Iranian government. At least one-fifth of Iranians lived below the poverty line in 2002. Iran has a young population and each year, about 750,000 Iranians enter the labor market for the first time, placing pressure on the government to generate new jobs. The emigration of young skilled and educated people continues to pose a problem for Iran. The IMF reported that Iran has the highest ‘brain drain’ rate in the world.” [78c] (p4-5)

- 2.02 The Foreign and Commonwealth Office country profile of Iran, updated on 19 March 2009, reported:

“GDP (2006): \$184.5 billion
“GDP per capita: (2008) \$5.247
“GDP Growth (2006): 4.7%
“Inflation: (est) 11.2%
“Unemployment: (est) 11%

“Major Industries: Oil provides about 80% of export earnings and 50% of government revenue. Other main trading areas are gas, petrochemicals, mining, agriculture, car manufacturing, mineral products, metal fabrication, and food processing.” [26d]

- 2.03 The exchange as of 30 June 2009 was £1: 16,299 Rial (IRR). [40a]

See also [Employment rights](#)

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HISTORY

- 3.01 The ancient nation of Iran, historically known to the West as Persia until 1935, and once a major empire in its own right, has been overrun frequently and has had its territory altered throughout the centuries. It was invaded by Arabs in the seventh century, followed by invasions by the Seljuk Turks and Mongols, and was often caught up in the affairs of larger powers. However, Iran has always reasserted its national identity and has developed as a distinct political and cultural entity. (Europa, accessed 22 May 2009) [1a] (Recent History) (USSD Background Note, March 2008) [4u] (History)

CALENDAR

- 3.02 “The Iranian calendar (also known as Persian calendar or the Jalali Calendar) is a solar calendar currently used in Iran and Afghanistan. It is observation-based, rather than rule-based, beginning each year on the vernal equinox as precisely determined by astronomical observations from Tehran.” (Iran Chamber Society, accessed 6 February 2009) [58] “The Iranian year begins on March 21st, and contains 31 days in each of the first six months, 30 days in the next five months and 29 in the 12th month (30 in every fourth year). The system relates to the Prophet Mohammed’s flight from Mecca in 622 AD, but, unlike the Islamic calendar, follows solar years. The Gregorian equivalent can be found by adding 621 years to the Iranian date. The Iranian year 1387 began on March 21st 2008.” (Economist Intelligence Unit Country Profile, 1 October 2008) [24a] (p2)

To convert dates between the Iranian and the Gregorian calendar, please follow the link provided:

http://www.iranchamber.com/calendar/converter/iranian_calendar_converter.php [58]

PRE 1979

- 3.03 “Modern Iranian history began with a nationalist uprising against the Shah in 1905 and the establishment of a limited constitutional monarchy in 1906. The discovery of oil in 1908 would later become a key factor in Iranian history and development. In 1921, Reza Khan, an Iranian officer of the Persian Cossack Brigade, seized control of the government. In 1925, having ousted the Qajar dynasty, he made himself Shah and established the Pahlavi dynasty, ruling as Reza Shah for almost 16 years. Reza Shah forcibly enacted policies of modernization and secularization in Iran, and the central government reasserted its authority over the tribes and provinces. During World War Two the Allies feared the monarch’s close relations with Nazi Germany. In September 1941, following the occupation of western Iran by the Soviet Union and the United Kingdom, Reza Shah was forced to abdicate. His son, Mohammad Reza Pahlavi, became Shah and would rule until 1979.” (USSD Background Note, March 2008) [4u] (History)
- 3.04 “In 1978, domestic turmoil turned to revolution as a result of religious and political opposition to the Shah’s rule, including abuses committed by SAVAK, the hated internal security and intelligence service. The revolution was comprised of several groups, including nationalists, Islamists, Marxists, and others who came together to oppose the Shah.” (USSD Background Note, March 2008) [4u] (History) By late 1978 anti-Government protests,

demonstrations and strikes were widespread, involving both left-wing and liberal opponents of the Shah, and Islamist activists. The most effective opposition came from supporters of Ayatollah Khomeini, a fundamentalist Shi'ite Muslim leader strongly opposed to the Shah, who was exiled in 1964 for his opposition activities and was by this time based in France. (Europa, accessed 22 May 2009) [1a] (Recent History)

1979 TO 1999

- 3.05 “The growing unrest forced the Shah to leave Iran in January 1979. Khomeini arrived in Tehran on 1 February and effectively assumed power 10 days later. A 15-member Islamic Revolutionary Council was formed to govern the country, in co-operation with a Provisional Government, and on 1 April Iran was declared an Islamic republic. Supreme authority was vested in the *Wali Faqih* [or *Veli-ye Faqih*, literally rule by an “Islamic legal expert”], a religious leader [who, in the absence of the Imam Mehdi, the hidden Twelfth Imam, carries the burden of leadership].” This was initially Khomeini but in December 1982, elections were held to appoint the Council of Experts or *Majlis-e Khobregan*, 86 Shi'ite clerics who serve an eight year term and choose successive Supreme Leaders. Following the resignation of the Provisional Government in 1980, the 1981 dismissal of the President and the assassination of the successive President and Prime Minister, in October 1981, a further presidential election was won by Hojatoleslam Ali Khamenei and Mir Hussein Moussavi was appointed Prime Minister. (Europa, accessed 22 May 2009) [1a] (Recent History)
- 3.06 In September 1980 Iraq invaded Iran to assert a claim over the disputed Shatt al-Arab waterway, apparently anticipating a rapid military victory. Iranian forces displayed strong resistance and counter-attacked in early 1982, developing the war into a long conflict of attrition until a ceasefire came into effect in August 1988. Peace negotiations became deadlocked in disputes regarding the Shatt al-Arab waterway, the exchange of prisoners of war, and the withdrawal of armed forces to within international boundaries. The process received a boost when Saddam Hussein, President of Iraq, sought formal peace with Iran in the run up to the Gulf War, with the restoration of diplomatic relations in September 1990. (Europa, accessed 22 May 2009) [1a] (Recent History)
- 3.07 Ayatollah Khomeini died on 3 June 1989 and was replaced as *Wali Faqih* by President Ali Khamenei who was quickly elevated to the clerical rank of Ayatollah in order to satisfy the constitutional demands of the position. Ali Akbar Hashemi Rafsanjani easily won the presidential election in July 1989, opposed only by a ‘token’ candidate. At the same time, voters in a referendum supported proposed amendments to the Constitution, the most important of which was the abolition of the post of Prime Minister, and a consequent increase in power for the President. (Europa, accessed 22 May 2009) [1a] (Recent History)
- 3.08 According to the US Library of Congress Federal Research Division (LOC/FRD) report of May 2008:
- “During the presidency of Ali Akbar Hashemi Rafsanjani (1989–97), reformists controlled a majority of seats in parliament until 1992 and supported Rafsanjani’s policies for economic reform and the normalization

of relations with neighboring countries. The conservatives won a majority of seats in both the 1992 and 1996 parliamentary elections and subsequently used their position in the legislature to weaken or stop outright many reforms proposed by the Rafsanjani government. The administrations of Rafsanjani's successor, Mohammad Khatami (in office 1997–2005), encountered the same resistance. Reformists won a majority of seats in the 2000 parliamentary elections and then enacted several notable pieces of reform legislation in the ensuing term. Having lost control of the parliament, conservatives tried to use their influence in the judiciary and bureaucracy to impede reforms they perceived as threatening their positions. Conservatives regained control of the parliament in the 2004 elections.” [79a]

- 3.09 After a second term, Rafsanjani was succeeded, in 1997, by Sayed Muhammad Khatami. (Europa, accessed 22 May 2009) [1a] (Recent History) In March 1997 he was appointed Chairman of the Council to Determine the Expediency of the Islamic Order (which arbitrates in disputes between the Majlis and the Council of Guardians), the upper house of the legislative process, for a five-year term and thus continuing his influential role in political life. [1a] (Recent History)
- 3.10 In August 1997, President Sayed Muhammad Khatami, regarded as a ‘liberal’, and supported by the Servants of Iran’s Construction, intellectuals, professionals, women’s and youth groups, was inaugurated following a landslide victory in elections held in May. (Europa, accessed 22 May 2009) [1a] (Recent History)
- 3.11 “Under his [Khatami’s] administration, more than 200 independent newspapers and magazines representing a diverse array of viewpoints were established, and the authorities relaxed the enforcement of restrictions on social interaction between the sexes. Reformists won 80 percent of the seats in the country’s first nationwide municipal elections in 1999 and took the vast majority of seats in parliamentary elections the following year.” (FH, 2008) [112c] As president from 1997 to 2005, Khatami was known for promoting political openness, press freedom, and reducing tensions with the United States. (RFE/RL, 13 March 2008) [42aj] Ayatollah Khamenei, meanwhile, continued to denounce the West’s military and cultural ambitions, particularly those of the USA and Israel. The divergent messages between the two men were interpreted by Western commentators as indicative of the conflict between Iran’s ‘moderate’ and ‘conservative’ factions. (Europa, accessed 22 May 2009) [1a] (Recent History)
- 3.12 Ayatollah Hussein Ali Montazeri questioned the unaccountable rule exercised by the supreme leader. He said Ayatollah Khamenei had overstepped his authority, and should submit himself to popular elections, curtail his power, and be accountable and open to public criticism for his actions. He also suggested that the Islamic republican constitution, of which he was a leading author, should be changed to give the reformist figurehead President Mohammad Khatami control over the military and security forces. Iran’s conservative media stripped Mr Montazeri of his religious title of Grand Ayatollah, describing him as a ‘simple-minded’ cleric and he was placed under house arrest in the holy city of Qom. He was released five years later in January 2003. (BBC News, 30 January 2003) [21cy]

- 3.13 Britain and Iran resumed full diplomatic relations at ambassadorial level in 1999 after a long break following the overthrow of the shah in the 1979 Islamic revolution. (BBC News, 24 September 2002) [21y]
- 3.14 President Khatami's attempts to introduce reform continued to meet resistance. The issue of press censorship increasingly became a focus of rivalry between conservatives and reformists. (Europa, accessed 22 May 2009) [1a] (Recent History) These tensions erupted into violence. "In July [1999], the closure of Salam, a 'reformist' newspaper with close links to President Khatami, triggered a small demonstration by students at the University of Tehran, which was dispersed with considerable violence by police." The rally ended in clashes with hard-line vigilantes of the Ansar-e Hezbollah group. Police, who reportedly stood by during the clashes, raided the dormitories with excessive force. There were reports that students were thrown from windows. Student leaders were arrested in the early hours of the following day. The authorities later stated that one student had been killed. [1a] (Recent History)
- 3.15 "Within a year both the national and the Tehran chiefs of police had been dismissed, while as many as 100 police officers had been arrested for their role in the campus raid. In July 2000 the former Tehran chief of police and 17 co-defendants were acquitted on charges arising from the police invasion of student dormitories, but two police officers received custodial sentences, having been convicted on relatively minor charges. Of the student demonstrators tried for alleged crimes relating to the unrest, four suspected leaders had their initial death sentences commuted to 15 years' imprisonment in April 2000, 45 were given custodial terms, and another 20 were acquitted." (Europa, accessed 22 May 2009) [1a] (Recent History)

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2000 TO DATE

- 3.16 "The 2000 parliamentary elections prompted a backlash by hard-line clerics that continued through 2006. Over the four years after the polls, the conservative judiciary closed more than 100 reformist newspapers and jailed hundreds of liberal journalists and activists, while security forces cracked down on the ensuing student protests. Significant political and economic reforms were overwhelmingly approved by the parliament only to be vetoed by the Council of Guardians." (FH, 2008) [112c]
- 3.17 In August 2000, two leading reform intellectuals, Mohsen Kadivar and Abdul Karim Soroush were prevented by semi-official club and knife-wielding vigilantes from addressing a student convention in Khorramabad. Subsequent clashes between students and vigilantes resulted in the death of a police officer and injuries. The authorities arrested 150 people. (USSD, February 2001) [4h]
- 3.18 In November 2000, investigative journalist Akbar Ganji went on trial for statements he allegedly made during an April conference in Berlin on Iranian politics. He was arrested in April upon his return to Iran and held over the next six months with long periods in solitary confinement. Ganji told the court that he was beaten and tortured in prison. Ganji previously had written articles implicating former President Rafsanjani in a series of murders of

- dissidents and intellectuals apparently carried out by security forces. (USSD, February 2001) [4h]
- 3.19 Iran strongly condemned the terrorist attacks of 11 September 2001 but also ruled out allowing the US to use its airspace in any attack on bin Laden. (CNN.com, 25 September 2001) [14r] Iran however, publicly condemned the bombing of Afghanistan by the United States on 8 October 2001 but behind the scenes, had pledged limited cooperation with the US. (RFE/RL, 22 October 2001) [42am]
- 3.20 Despite being re-elected with 78 per cent of the vote in 2001, Khatami did not challenge the conservative clerics. He ignored recurrent pleas by reformist lawmakers to call a referendum to approve vetoed reform legislation, and repeatedly implored citizens to refrain from demonstrating in public. Within the broader reform movement, Khatami was accused of serving as a democratic façade for an oppressive regime. Many Iranians abandoned hopes for government-led reform, and a record-low turnout for the 2003 municipal elections resulted in a landslide victory by hard-liners. (FH, 2008) [112c]
- 3.21 Early in 2002 relations deteriorated rapidly with the USA when the President, in his State of the Union address, referred to Iran as forming, together with Iraq and the Democratic People's Republic of Korea, an 'axis of evil', explicitly accusing Iran of aggressively pursuing the development of weapons of mass destruction and of 'exporting terror'. (Europa, accessed 8 December 2008) [1a] (Recent History) These remarks were denounced in the strongest terms by the Iranian leadership, with President Khatami accusing his US counterpart of 'warmongering'. [1a] (Recent History)
- 3.22 In September 2002, Iran accepted Britain's nomination for their new ambassador to Iran, ending an eight-month dispute caused by Iran's rejection of the previous candidate following his description in conservative Iranian newspapers as a Jewish Zionist and a spy. (BBC News, 24 September 2002) [21y]
- 3.23 In September 2002, President Khatami presented new bills to parliament designed to override obstacles to his reform agenda. One new bill sought to increase the president's power to issue warnings when state institutions exceeded their constitutional functions. President Khatami had issued numerous such warnings over the years to protest against the arbitrary closures of newspapers or the jailing of his supporters, but his warnings had been ignored. The bill was accompanied by another designed to curb the powers of the Guardians Council to veto electoral candidates. By the end of the year, the bills had passed through Parliament easily, but their endorsement by the Guardians Council was unlikely and on 1 April 2003 the electoral bill was sent back to the Majlis for further amendment. (BBC News, 2 April 2003) [21ax] By 9 June 2003 the twin bills had been referred to the Guardian Council and had been rejected yet again. (Asia Times Online, 5 June 2003) [46a] President Khatami stated that he would not be referring the bills to the Expediency Council, the next part of the political process but recognised as being circuitous in this case, and expressed the hope that the dispute between the Majlis and the Guardian Council be resolved before the next Majlis elections (due in 2004). (BBC News, 13 August 2003) [21bo]

- 3.24 “Popular dissatisfaction with the reformists’ failures, coupled with the Council of Guardians’ rejection of the candidacies of most reformist politicians, allowed hard-liners to triumph in the February 2004 parliamentary elections. Emboldened by the victory, the clerical establishment quickly moved to further restrict public freedom. Several major reformist newspapers were closed, dozens of journalists and civil society activists were arrested, and the authorities attacked the country’s last refuge of free expression – the internet.

“The June 2005 presidential election swept away the last bastion of reformist political power. While the Council of Guardians ensured a reactionary outcome by rejecting the candidacies of popular reformers, the victory of Tehran mayor Mahmoud Ahmadinejad over other approved candidates in a two-round election reflected popular desires for change. The son of a blacksmith, Ahmadinejad dressed modestly and lived in a working-class neighborhood. As Iran’s first nonclerical president in more than two decades, he campaigned on promises to fight elite corruption and redistribute Iran’s oil wealth to the poor and middle class.” (Freedom House, 2 July 2008) [112c]

See also [Presidential Elections – June 2005](#).

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STUDENT UNREST

- 3.25 According to an Immigration and Refugee Board of Canada (CIRB) report of July 2000, it had been reported that some persons, including non-students, were, at that time, still in danger of arrest because of their involvement in the student demonstrations of July 1999 and that police used published photographs and film to identify participants in these demonstrations. It was further stated that it was possible that persons involved with the July 1999 demonstrations could still be arrested. However, it was also stated that, if they were arrested, they would likely be charged with something else, such as a drug offence, rather than on the grounds of their involvement in the July 1999 demonstrations. [2v]

- 3.26 Another CIRB report of August 2001 stated that:

“On 12 December 2000, according to a report by the Iranian Student’s News Agency (ISNA), carried by the Islamic Republic News Agency (IRNA), five people, including two students, held in connection with the events of July 1999 in Tabriz, were released (IRNA 14 December 2000). The article stated that this was the last group of students held in connection with the events of July 1999 in Tabriz and that they were given amnesty by the Supreme Leader of the Islamic Revolution, Seyyed Ali Khamene’i.” [2w]

This has been contradicted, however, in a written intervention from the International Federation for Human Rights (FIDH) to the 61st Session of UNCHR on 11 February 2005 where it is stated that:

“Several tens of students are still in prison in connection with the protests of 1999; this is notably the case of Ahmad Batebi, Manoutchehr Mohammadi,

Mehrdad Lohrasbi, Akbar Mohammadi, Farzad Hamidi, and Peyman Piran. Heshmattollah Tabarzadi, responsible of a students' association, in jail since more than one year, was condemned to 14 years in prison in January 2005. Bina Darab-Zand, another student, was condemned in October 2004 to three years and a half in prison. After they protested against their conditions of detention, a number of them were transferred to the Karaj prison, 40 km from Tehran." [56d] (p1)

- 3.27 According to the June 2004 Human Rights Watch Report, 'Like the Dead in Their Coffins':

"The current pressure for democratic reform in Iran changed dramatically after the student protests at Tehran University in 1999, protests that marked the beginning of the contemporary student movement. The protests began over the closure of the well known newspaper Salam. Black-clad thugs attacked the students, beating many and killing at least one student. President Khatami called for an investigation and trial of those responsible, but no convictions were ever returned. Every year on the anniversary of the 1999 event, students have gathered at Tehran University and other major campuses throughout the country. The date has been a flashpoint for violence and tension, and as recently as July 2003 the authorities have tried to keep large crowds from gathering at the university campus in Tehran." [8] (p32)

- 3.28 Thousands of Iranians took to the streets on 10/11 June 2003 and again on the following ten nights. Ostensibly they were protesting against draft proposals to privatise universities in Iran. They were joined by local residents and the demonstration reportedly escalated and became increasingly politicised, with slogans being chanted against political leaders. Militant supporters of religious leaders opposed to social reform began to attack the demonstrators and police rapidly intervened to end the clashes. As the demonstrations grew over the following nights, Tehran's Special Forces (Nirou-ye Vjeh) were deployed to disperse demonstrators. There were reports, however, that the Special Forces permitted some militants to attack peaceful demonstrators and that in certain instances excessive force may have been used to break up the demonstrations. Some demonstrators were reportedly attacked by unknown individuals on motorcycles wielding iron bars. (Amnesty International, 26 June 2003) [9w]

- 3.29 The demonstrations were part of countrywide unrest which began on 11 June 2003 and lasted for ten days. Hundreds of people were reportedly arrested and according to a statement made by the head of the Tehran Justice Department, Abbas Ali Alizadeh on 24 June "the judiciary is intent on dealing firmly with the main perpetrators." [9w] A total of around 4,000 people were reportedly arrested, up to 2,000 of whom were still held in mid-July. At least 65 were charged, but the charges were not been made public. (Amnesty International, August 2003) [9x]

- 3.30 Few students were reported among those arrested during the clashes which indicated that the dissent was by no means confined to the campuses where the trouble began. Many of those taking part in the protests, which later took the form of horn-sounding in traffic jams, were ordinary people, often families, who wanted to register their dismay that so little of the change they have been voting for since 1997 has been brought about. (BBC News, 22 June 2003) [21bi]

3.31 About 4,000 people were arrested all over the country before and after the protests. Although many of those have since been released, there are still scores of students behind bars. (BBC News, 7 August 2003) [21b] Some of these have been in prison since they were arrested as a result of similar disturbances in 1999, 2000 and 2001. For the moment however, it appears that the various students' organisations can go about their business unperturbed. There has been a certain depoliticisation of the student population. Students are losing interest because the political situation is not changing, and the centre of gravity of their activities has shifted towards cultural and social initiatives. (CEDOCA Mission report, 16 May-6 July 2002) [43] (p17)

3.32 According to the International Federation of Human Rights in a note dated October 2005:

"Abbas Deldar have been [sic] condemned to 15 years in prison; Javid Tehrani, condemned to seven years in prison and freed four years later, was re-arrested in June 2004. Peyman Piran (condemned to ten years in prison) and his father, Mostafa Piran (condemned to 18 months in prison) are detained since more than a year.

"Akbar Mohammadi (condemned to 14 years in prison), his brother, Manoutchehr Mohammadi (condemned to 13 years in prison), and Ahmad Batebi (condemned to 15 years in prison) have been freed after seven years of detention for health reasons but might be sent back in prison [sic] at any moment, notably if they communicate with the media. The same is true of Amir-Abbas Fakhravar and Heshmattollah Tabarzadi. The latter, responsible of a students' association, had been condemned to 14 years in prison in January 2005 and was liberated for health reasons in August 2005.

"Bina Darab-Zand, another student, was condemned in October 2004 to three years and a half in prison and is currently detained.

"18 students were arrested in September and October 2005, arrests which were confirmed by the authorities. However, their name [sic] and the reason for their arrest were not disclosed." [56e] (p3)

3.33 The US State Department Report on Human Rights Practices 2008, Iran, released on 25 February 2009, (USSD Report 2008) stated that:

"In March 30-year-old student activist Ahmad Batebi fled the country; authorities had permitted him to leave Evin Prison temporarily for medical treatment related to a partial stroke. Batebi, whose death sentence for his involvement in a 1999 student protest was commuted to 15 years in prison, stated prison and security officials thrashed him with a metal cable, beat his testicles, kicked in his teeth, and forced his face into a pool of excrement. Batebi stated authorities often tied him to a chair and kept him awake for multiple days and nights, cutting him and rubbing salt into the wounds." [4a] (Section 1c)

3.34 In a CIRB paper of 26 June 2006 it was reported that:

“The following information was provided during a 17 May 2006 telephone interview with a representative of the Student Movement Coordination Committee for Democracy in Iran (SMCCDI) based in Texas. The representative said that the situation of student activists in Iran has not improved in the last few years. The repression is ‘harsher’, and the current regime has become more ‘intelligent’ in how it deals with student activists. He also explained that students who have been pardoned are usually not ‘genuine students’ or they are students who support the Islamic regime because, according to him, genuine dissidents would not be pardoned (SMCCDI 17 May 2006). As for the burial of Iranian soldiers on university campuses, the representative explained that the authorities use this tactic ‘to put pressure on students’ and limit so-called ‘dissident’ activities by establishing the grounds as sacred and ensuring respect for the mourning of the buried soldiers (ibid.).” [2ae] (p5)

- 3.35 In a HRW report ‘Iran, Denying the Right to Education’, of 25 October 2006 it was recounted that:

“When the new academic year started in Iran in late September 2006, several graduate students learned that the government was barring them from registering to take up university places. Because of their political beliefs and opinions, and in blatant violation of its international human rights obligations, the Iranian government is denying these students the right of access to education. Other students were informed that to be allowed to register they must sign a ‘commitment letter’, making the taking up or retaining of their university places conditional on toeing the line politically.

“This development comes on the heels of a year-long official drive to punish student activists for political activities, beliefs, writings, and membership in student associations that are not officially endorsed. Several official organs within and outside of the universities have led a campaign against student activists, including university disciplinary committees, the Judiciary, the Ministry of Science, Research and Technology (SR&T Ministry), and the Ministry of Information. University supervision committees have also banned 19 student publications, and suspended or dissolved Islamic Students’ Associations in 15 universities.” [8aa] (p1)

- 3.36 Student activity and shows of dissent continued to erupt sporadically during 2007. RFE/RL reported on 9 July 2007 that:

“A number of students from Iran’s main reformist student group have been detained in Iran, including six young Iranians from the Office to Foster Unity (Daftare Tahkim Vahdat) who were staging a picket today to protest the imprisonment of fellow students.

“The arrests come on the eighth anniversary of an attack by police forces and vigilantes on a university dormitory in Tehran that is regarded by some government critics as a symbol of continuing political repression.” (RFE/RL, 9 July 2007) [42s]

- 3.37 Freedom House stated in their 2008 report:

“In July 2007, a group of students at Amir Kabir University held a sit-in that was broken up by security forces. Students were beaten by police and

detained without charge. Student publications and groups, even student Islamic Associations, were shut down during the year. The Alumni Association of Iran was also raided by security officials, who arrested 10 members, ransacked their homes, and confiscated their belongings. In September, three leaders of the Office for the Consolidation of Unity, Iran's leading student organization, and five other students were charged with endangering national security and insulting Islam." [112c]

3.38 On 8 October 2007, RFE/RL reported that:

"Dozens of students chanting slogans against Iranian President Mahmud Ahmadinejad scuffled with his supporters on the campus of Tehran University today while the president spoke at the school ... Before and during the president's speech, activists chanted 'Death to the dictator!' and other anti-Ahmadinejad slogans. Liberal-minded students accuse Ahmadinejad of clamping down on dissent on university campuses. In December [2006], a speech by Ahmadinejad at another university in Tehran was disrupted by students hurling firecrackers and burning his picture.

"Several students have also been expelled from school or have been blacklisted on official documents if they participated in student activities deemed by officials to be antigovernment." [42t]

3.39 On 8 November 2007, the public voice of Iran's largest pro-reform student group was detained in Tehran:

"The detention of Ali Nikunesbati, the spokesman for the Office for Strengthening Unity (Daftar-e Tahkim-e Vahdat), is the sixth of a student activist in the past 10 days in Tehran. His detention comes after another student leader, Ali Azizi, was detained on November 4 [2007]. Human rights advocates and student groups in Iran have expressed concern over what they describe as renewed government pressure on universities and student activists.

"In recent weeks, students in Tehran have staged at least three protests against the crackdown on academic institutions." (RFE/RL, November 8, 2007) [42u]

3.40 It was further reported:

"Student rallies began to gain momentum in early December [2007]. But they appear to be part of a wave of open dissent that began to build in earnest one year ago when - during a speech by Mahmud Ahmadinejad at Tehran University - students in the crowd burned photos of the president and chanted, 'Death to the dictator!' Similar, if less strident, rallies followed in May and October, with the authorities responding in each case by arresting activists.

"On December 4 [2007], some 250 students at Tehran University gathered to chant slogans such as 'Freedom and Equality!' and 'No to war!' About 20 were arrested and sent to Tehran's Evin prison. Several were released but others are still being held, students say. Similar protests spread the next day to the cities of Hamadan, Isfahan, Mazandaran, Shiraz, and Kerman, where

students reportedly openly criticized Iran's disputed nuclear program.”
(RFE/RL, 9 December 2007) [42v]

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PARLIAMENTARY ELECTIONS – FEBRUARY 2004

- 3.41 “Iranians go to the polls on 20 February to elect a new parliament. Like previous elections, the battle is expected to be an ideological one between the elected reformists and the largely unelected hardliners who dominate the important institutions of the state.

“The reformists form a majority in the parliament and are led by President Mohammad Khatami, the hardliners control the judiciary, armed forces and constitutional oversight bodies such as the Council of Guardians. The hardliners, or conservatives, are led by Ayatollah Khamenei, who is the ultimate decision-maker and Supreme Leader. (BBC News, 3 February 2004) [21cf]

- 3.42 “The refusal by Iran's Guardian Council to approve hundreds of reformist candidates in the parliamentary elections on 20 February has provoked a political crisis. ...

“This move is generally seen as part of the power struggle in Iran between the conservatives who want to maintain a strict Islamic approach and reformers, backed by the elected government, who want greater liberalisation.

“Reformers control the parliament, the Majlis, but under Iran's constitution, a series of appointed supervisory bodies have the ultimate say and these are in the hands of the conservatives.

“Iran is about to mark the 25th anniversary of the Islamic revolution which threw out the Shah. It may be that the conservatives felt that this was a good moment to try to prevent further domination of the parliament by reformers after the elections.” (BBC News, 1 February 2004) [21cg]

- 3.43 Iran's religious conservatives swept to victory in the parliamentary poll, (EIU, 23 February 2004) [24c] making sweeping gains in the first round of the general election. They won 156 of the assembly's 290 seats with nearly 60 to be decided in a second round of voting (in May 2004). (BBC News, 25 February 2004) [21ch] According to an International Federation for Human Rights (FIDH) report of July 2004:

“The Conservatives won the legislative election on 20 February, victory which was confirmed at the second ballot which took place on 8 May 2004. The Conservatives now have 195 seats on [sic] 290 in the Parliament (Majlis). Reformists, who held 190 seats in the outgoing assembly, won around 40. The new parliament is effective since 27 May 2004.” [56c] (p5)

- 3.44 Keesing's Record of World Events for August 2005 reported that:

“Mahmoud Ahmadi-Nejad, the ultra-conservative elected as President in June, was formally inaugurated on Aug. 3, replacing Seyyed Mohammed Khatami. On Aug. 14 President Ahmadi-Nejad introduced his Cabinet to the Majlis (the unicameral legislature) for approval. The Financial Times of Aug. 15 noted that his choice of candidates reflected ‘a conservative shift in political and international priorities but continuity in economic policies’. The appointments indicated that the Ahmadi-Nejad administration intended to reverse the reforms in international, political, and cultural fields undertaken by former President Khatami.” [17a]

See [Annex C](#).

- 3.45 According to the Center for Contemporary Conflict (CCC) in an article of June 2004:

“The parliamentary election held on February 20, 2004 in Iran was a key turning point in that country’s political evolution. The election marked the conclusive end of the campaign for political and social reform initiated by Mohammad Khatami after he was elected president in a landslide vote in May 1997. However, while it is clear that Khatami’s efforts have failed, it is not clear what will come next. Although Khatami’s Conservative opponents decisively won the election, they have little popular support and it remains uncertain whether they can govern effectively. Moreover, the radical wing of Khatami’s Reformist movement remains intact and could present a strong challenge to the Conservatives in the future. Therefore, while the February election essentially marked the end of the Khatami era, Iran’s future remains very uncertain.” [72a]

- 3.46 As stated in the LOC/FRD report of March 2006: “Conservatives regained control of the parliament in the February 2004 elections.” [79a] (p3)

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PRESIDENTIAL ELECTIONS – JUNE 2005

- 3.47 According to the CCC in a report dated August 2005:

“Close observers of Iran for several years had anticipated that the June 2005 election would produce major change. The pro-democracy reform movement that emerged with the May 1997 election of President Mohammad Khatami stalled after several years, weakened by continual attacks from its conservative opponents. Although the reformists managed to achieve landslide victories in the 1999 municipal council elections, the 2000 parliamentary election, and the 2001 presidential election (when Khatami was re-elected), they were unable to use their control over these institutions to achieve significant change, either in domestic political conditions or in the economic and socio-cultural conditions that more directly affect common Iranians. As a result, the Iranian public became increasingly disillusioned with Khatami and his reformist allies. This was reflected in the 2003 municipal council elections and the 2004 parliamentary election, when reformist candidates were decisively defeated, amid sharply lower turnout. With Khatami unable to run for a third term, many observers believed that

the reformists would suffer another defeat and turnout again would be low in the June 2005 election.” [72b] (p1)

- 3.48 According to an Update Briefing from the International Crisis Group, dated 4 August 2005, “Over 1,000 people applied to run but the unelected Guardian Council approved only eight. Every female candidate was disqualified.” It continued:

“Of the eight presidential candidates authorised to run by the twelve-member Guardian Council, Mahmoud Ahmadi-Nejad appeared among the least competitive until practically the end. Until a week prior to the election, he had barely surfaced in opinion polls and was denying rumours of imminent withdrawal. In the last week, most surveys predicted a three-man race between a centrist (former president Hashemi Rafsanjani), a conservative (former national police chief Mohammed Bagher Ghalibaf), and a reformist (former Minister of Higher Education Mostafa Moin).” [84a] (p2)

- 3.49 According to the CCC in a report dated August 2005:

“Mahmoud Ahmadinejad, a hardline conservative Islamist, scored a stunning victory in the second round of Iran’s June 2005 presidential election. Many observers have described Ahmadinejad’s victory as a key turning point for Iran, predicting that it will produce a new era of radical, puritanical rule at home and greater militancy in Iran’s foreign policy. However, Iran’s new president will face important political obstacles that will limit his ability to act, so it is not clear whether, and to what extent, he will be able to carry out such drastic changes.” [72b] (p1)

- 3.50 The USSD Report 2008 stated that: “In 2005 hardline conservative Mahmoud Ahmadi-Nejad won the presidency in an election widely viewed by the international community as neither free nor fair.” [4a] (Introduction)

- 3.51 In its Country Report 2005, published in September 2005, the Economist Intelligence Unit stated that:

“The victory of Mahmoud Ahmadinejad in the presidential election in June marked the culmination of a campaign by conservatives – which began after the election of the reformist president, Mohammed Khatami, in 1997 – to reassert their dominance over domestic political affairs. There are fears, both locally and abroad, that Mr Ahmadinejad will rein in political, social and economic freedoms in line with an austere interpretation of the ideals of the Islamic Revolution. Some steps in this direction are likely, but the supreme leader, Ayatollah Ali Khamenei, is aware of the dangers of shutting political opponents out entirely – notably that they may form an alliance against the dominant movement – and will probably seek to prevent this occurring.” [24b]

- 3.52 In August 2008, Ayatollah Ali Khamenei “praised the president for ‘standing up’ to the West and predicted he would be returned to office for four more years at the 2009 election.” (BBC News, 24 August 2008) [21c]

ELECTIONS - 2006

- 3.53 The USSD for 2007 reported that:

“In December 2006 there were elections for the Assembly of Experts, municipal councils, and Majles by-elections. These elections were neither free nor fair, as the Guardian Council disqualified candidates based on ideological background. The parliamentary election commission and Guardian Council disqualified hundreds of potential candidates, largely reformists. Only 144 of the 492 prospective candidates were deemed eligible to run in the December 2006 Assembly of Experts elections. In the Assembly of Experts elections, Expediency Council chair Hojatolislam Ali Akbar Hashemi-Rafsanjani, a pragmatic conservative, received the most votes in the Tehran constituency by a significant margin. Reports indicated that 100 candidates withdrew their applications, and all female candidates failed the written exam on religious interpretation (‘ijtihad’) and were disqualified.” [4t] (Section 3)

- 3.54 A report from RFE/RL of 20 February 2007, commenting on the opening day of the Assembly of Experts fourth term, stated that:

“Last December’s elections are thought to have consolidated the position of veteran clerics and establishment figures - like Expediency Council Chairman Hashemi-Rafsanjani - against a current of political radicalism associated with Ayatollah Mesbah-Yazdi, considered an ideological mentor of President Mahmud Ahmadinejad.” [42p] (p1)

ELECTIONS – 2008

- 3.55 Payvand’s Iran News reported on 15 January 2008 that on 14 March 2008 Iran was to hold:

“... parliamentary elections ... that are widely expected to be something of a referendum on the policies of the country’s president, Mahmoud Ahmadinejad ... they may also give signals as to who is in and who is out in Iran’s circles of power.

“After Friday’s deadline had passed, Iranian officials said about 7,200 people, including 590 women, had applied to be candidates for the 290-seat Majlis, or parliament.

“But candidates must still be approved by the 12-member Guardian Council, which was criticized for disqualifying thousands of reform candidates in previous elections.” [53h]

- 3.56 BBC News’s timeline for Iran notes that in March 2008, the conservatives won over two-thirds of seats in parliamentary elections in which many pro-reform candidates were disbarred from standing. The conservatives included supporters of President Ahmadinejad as well as more pragmatic conservatives who opposed his confrontational foreign policy. [21dc]

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RECENT DEVELOPMENTS

NUCLEAR DEVELOPMENTS

4.01 The BBC News Country Profile of June 2008 reported that Iran is building its first atomic power station with Russian help, insisting its nuclear ambitions are peaceful. President Ahmadinejad believes Iran has an ‘inalienable right’ to produce nuclear fuel and in 2006 the government announced that it had succeeded in enriching uranium. [21da]

4.02 Iran's Permanent Ambassador to the United Nations, Mohammad Khazaee, said: “Iran as the party to the Non-Proliferation Treaty (NPT) considers the development of nuclear technology for peaceful purposes to be its inalienable right, and has thus invested extensive human and material resources in the field of nuclear power.” He added:

“The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) has reaffirmed the important objective of the agency and recognized the inalienable right of all NPT states parties to the peaceful use of nuclear energy.

“Under article IV of the NPT, states parties have undertaken to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.” (Payvand’s Iran news, 28 October 2008) [53a]

4.03 However, former US President Bush has stated that a nuclear-armed Iran would be ‘incredibly dangerous’ to peace and cannot be trusted with enrichment because it has ignored the International Atomic Energy Agency in the past. The UN Security Council has issued a demand for Iran to stop the enrichment of uranium as part of its nuclear programme and the EU and the US have threatened Iran with sanctions unless it complies. The UN Security Council has approved three rounds of sanctions against Iran which include asset restrictions and travel bans on Iranian individuals and companies said to be involved in nuclear work. The sanctions also ban the sale to Iran of items which can have either a military or civilian purpose. (BBC News, 10 June 2008) [21db]

See also [Sanctions](#).

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PRESIDENTIAL ELECTIONS – JUNE 2009

4.04 The Carnegie Endowment for International Peace, in an article *Ahmadinejad's Uncertain Future: Assessing Iran's Presidential Elections* dated 2 June 2009 stated:

“On June 12 Iranians will vote in the country’s tenth presidential election since 1979. Incumbent President Mahmoud Ahmadinejad will be challenged in his bid for re-election by three well-known Iranian political figures. The powerful advantages of incumbency and the ostensible support of the Supreme Leader Ayatollah Ali Khamenei bode well for Ahmadinejad’s re-

election ... Iranian elections are unfree, unfair, but also unpredictable. Ahmadinejad's mismanagement of the economy, confrontational foreign policy, and clampdown on civil liberties, however, have generated a sense of malaise in the country that may be enough to make him the first Iranian president to fail to win a second term." [12a]

The Candidates

4.05 The Carnegie article described the candidates and issues likely to affect the elections:

"Former Prime Minister Mir-Hossein Mousavi: The leading opposition candidate whose campaign slogan is 'return to stability, return to rationality.' He appeals to the urban middle classes, professional elites, women and young voters. While he has promised to follow former Iranian president Mohammad Khatami's commitment to reform ... he is really a conservative moderate.

"Mehdi Karroubi: Former speaker of the parliament and the only cleric running in the election. He is the 'dark horse' candidate. With the most expansive political platform – calling for the release of all political prisoners, free speech for all, easing of social restrictions and reform of the Guardian Council – he is the only true reformer.

"Mohsein Rezaii: Former commander of the Revolutionary Guards, he is best described as a pragmatic conservative. The least popular challenger...

"Mahmoud Ahmadinejad: The most hardline candidate, his base is the rural, lower-middle class and traditionalist or religious groups ... Ahmadinejad enjoys substantial advantages of incumbency, including the control of official state television, access to state funds, and ties to two bodies charged with administering the elections, the Interior Ministry and the Guardian Council.

"Ahmadinejad's record is the major issue in the election. The other candidates have defined their agendas in terms of his failures. Three issues are most important:

"The economy – inflation is 28%, the cost of housing and food is skyrocketing, and unemployment is officially 13% but could be as high as 20%....The role of women – for the first time in an Iranian election, all candidates have a position on this issue. Mousavi and Karroubi both support equal rights for women and Karroubi promises to appoint women to his cabinet. Rezaii and Ahmadeinjad, in contrast, advocate maintaining the status quo in gender relations.

"Iran-U.S. relations – each candidate favors negotiations, but they differ in how they should be structured and what their ultimate goal should be.

"[But]... two issues are not in play – the nuclear program, which all of the candidates support as Iran's sovereign right – and commitment to the Islamic revolution and system of government, a stance that reflects the attitudes of Iranians." [12a]

4.06 Amnesty International, in a news report dated 5 June 2009 noted that:

“Iran’s presidential election on 12 June, will take place against a backdrop of discrimination, worsening repression of dissent and violent unrest.

“In the run-up to its tenth presidential election from which women candidates have been barred, the country has witnessed the arbitrary arrest and harassment of activists and members of minority communities, censorship, armed attacks and suicide bombings. ... The organization has expressed its concern about Iran’s discriminatory selection process for electoral candidates, which involves the Council of Guardians screening all candidates for election to “ensure their suitability for the Presidency.

“In a public statement on 15 May, Amnesty International urged the Council of Guardians to ensure that no one was excluded from standing as a candidate solely on the grounds of their race, colour, sex, language, religion, social origin or political or other opinion and that none of the 42 women who registered to stand were barred solely on account of their gender. However, all but four candidates were excluded, including all the women candidates.” [9g]

- 4.07 The Congressional Research Service (CRS) in a report *Iran’s 2009 Presidential Elections*, dated 22 June 2009, accessed via the website opencrs.com, observed that:

“On June 12, 2009, following a heated campaign between reformist candidate Mir Hussein Musavi and incumbent President Mahmoud Ahmadinejad, Iranians turned out in record numbers to vote in the presidential election. Shortly after the polls closed, the Interior Minister announced that President Ahmadinejad had been re-elected by a 62% margin. The announcement was followed by allegations of vote rigging and election fraud and prompted supporters of leading reformist candidate Mir Hussein Musavi and others to hold public demonstrations in several major cities of a size and intensity unprecedented since the Iranian Revolution of 1979.

“Despite a government ban on unauthorized public gatherings, protests reportedly have continued since the election. Restrictions on foreign and domestic journalists, reported disruptions of mobile phone networks, limited accessibility of some internet sites, mass arrests, and clashes between civilian protestors and Basij forces have garnered international attention and increased concerns about the Iranian government’s apparent disregard for human rights and basic civil liberties.” [78a] (Summary)

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DEMONSTRATIONS

- 4.08 The CRS report continued:

“Shortly after the election results were announced, Iran’s interior ministry issued a ban on unauthorized public gatherings. Despite the warning, protests have reportedly continued every day since the election in Tehran and other major cities—including Mashhad, Tabriz, Shiraz, and Isfahan. Restrictions on journalists and government efforts to restrict telecommunications have made it difficult to know the scope of the public

protests, but most accounts indicate numbers in the hundreds of thousands or more in Tehran. A counter demonstration in support of President Ahmadinejad also was reported, but most estimates indicate that it was significantly smaller than those in protest of the results—less than 10,000 people. Some media outlets alleged that the images of the Ahmadinejad rally were doctored to inflate the apparent size of the crowd. Reports of arrests, injuries, and deaths are also difficult to substantiate, but have gained international attention and raised concerns about how the current stand-off between the government and the demonstrators might end.

“At least 100 reformists reportedly were arrested on June 14 as public unrest mounted over the election results. Some of them reportedly have been released. On Sunday June 14, Iran’s acting police chief, Ahmadreza Radan, gave the state press service an update on the arrests of protesters, and assured the public that “in the interrogation of related rebels, we intend to find the link between the plotters and foreign media.” [78a] (p7)

4.09 The report continued:

“Musavi’s first public appearance after the election was at a rally in Tehran’s Revolution Square on Monday June 15, ending rumors of house arrest that circulated when he failed to show up for a planned press conference on June 13. The demonstrations were reportedly peaceful with no visible police presence. As the peaceful demonstration ended, a group was reported to attempt to set fire to the Basij compound away from the heart of the gathering. Basij members opened fire on the crowd from the roof of the facility. At least seven people were reportedly killed in the clash, and reports have since surfaced of other deaths and injuries, although the exact count is unknown.

“On the morning of June 15, fighting was reported at Tehran University, where students reportedly threw rocks and bricks at police and set fire to vehicles. The police reportedly used tear gas and plastic bullets to disperse the protesters, and reportedly raided university dormitories on both nights. Majles (Parliament) Speaker Ali Larijani condemned the raids, placing the blame on the Interior Ministry. Additional overnight raids were reported by the BBC on June 17. According to the BBC, on June 16 as night fell, residents of Tehran shouted protest messages from their rooftops, a scene ‘not witnessed since the final days of the Shah.’ On June 18, demonstrators staged a silent protest, mourning those who were injured and lost in the earlier protests.

“In addition to Musavi, other reformist leaders have joined the protests against the election outcome. Former President Mohammad Khatami’s moderate clerical group, the Association of Combatant Clergy, issued a statement warning that ‘if this process becomes the norm, the republican aspect of the regime will be damaged and people will lose confidence in the system.’ Khatami also apologized to the Iranian people for his failure to protect their votes.

“On June 19, Supreme Leader Khamenei spoke at Friday prayers. In his address, he demanded an end to the protests and stated that political leaders would be held responsible for any violence. While he did not announce that the probe into the allegations of election fraud was completed, he did express his support for Ahmadinejad and seemed to

reiterate his commitment to the election outcome stating that 'there is 11 million votes difference...How can one rig 11 million votes?' He went on to criticize Great Britain and other 'enemies' of Iran, stating that: 'Some of our enemies in different parts of the world intended to depict this absolute victory, this definitive victory, as a doubtful victory.' [78a] (p8)

4.10 An article printed in *The Guardian* on 22 June 2009 stated that:

"Angry regime accusations of provocative meddling by Britain, the US, and Europe in Iran's post-election upheaval have been crisply batted away by foreign secretary David Miliband and other western politicians. But the daily torrent of allegations is straining already rocky relations with Tehran and could have a lasting, deleterious impact in a range of key policy areas – principally on future efforts to curb Iran's nuclear ambitions.

"A seemingly orchestrated campaign to blame Iran's troubles on the west is now in full swing and it is as yet uncertain how far the regime is prepared to go. British and European ambassadors have been repeatedly carpeted by the foreign ministry. BBC broadcasts have been jammed and its resident correspondent expelled. And in an unsubtle attempt to deflect attention from himself, President Mahmoud Ahmadinejad personally warned Gordon Brown and Barack Obama to 'correct your interfering stances'." [16a]

4.11 In a *Guardian* article dated 23 June 2009 it was reported that:

"Mahmoud Ahmadinejad, the winner of Iran's disputed presidential election, is to be sworn in by mid-August, Iranian media reported today after the authorities ruled out an annulment of the result. IRNA, the official Iranian news agency, said Ahmadinejad, who won a 'closely contested and disputed 10th presidential election', would be sworn in before parliament between 26 July and 19 August." [16b]

4.12 The *Guardian* report continued:

"Iran's interior ministry declared Ahmadinejad the winner with almost two-thirds of the vote, and Iranian state television reported that the country's top electoral authority had declared itself satisfied with the result. A spokesman for the powerful guardian council, Abbas Ali Kadkhodaei, was quoted by Iran's state-run English language Press TV as saying the organisation had found 'no major fraud or breach in the election'. As a result, he said, the outcome would not be annulled.

"The move came after Iranian security forces yesterday threatened a 'decisive and revolutionary confrontation' with opposition demonstrators if protests continued against the regime. The threat from the Revolutionary Guards signalled that the powerful conservative force could intervene directly to end the political crisis. Protests continued yesterday despite several deaths over the weekend and increasingly violent methods used by the police and the pro-regime Basij paramilitaries." [16b]

4.13 Euronews, in an article dated 23 June 2009 reported that:

"There was a relative calm on the streets of Tehran on Tuesday [23 June] after days of protests against a presidential election the opposition claim was rigged. However, the dispute escalated on the diplomatic front with

Britain expelling two Iranian embassy officials in response to the same action by Tehran. ... The propaganda war has also intensified. The Iranian leadership has accused the West of inciting unrest in the country through its media coverage of the election. State TV has taken up the theme, airing interviews with people it claims are rioters who admit being influenced by Western reporting.” [18a]

4.14 Reuters reported on 23 June 2009 that:

“Britain said on Tuesday [23 June] it was throwing out two Iranian diplomats in response to Tehran's expulsion of two British diplomats as relations hit a new low following Iran's disputed presidential election. 'Iran accused the British diplomats of activities incompatible with their diplomatic status,' Prime Minister Gordon Brown's spokesman said. He rejected the charge -- often used to denote spying -- as baseless.” [5a]

4.15 An article in the *Economist* dated 2 July 2009 observed:

“...After weeks of unrest, the state has reasserted its power. Heavy policing has blunted public protests, while a more targeted campaign of arrests, intimidation and controls on communications has hamstrung attempts to organise and sustain opposition. But with accusations of foul play still being voiced, even within the religious establishment that supports the Islamic Republic, Iran's hardliners will struggle to re-establish legitimacy.

“The Guardian Council, an appointed body dominated by clerics allied to Iran's supreme leader, Ayatollah Ali Khamenei, was in charge of investigating allegations of electoral fraud... the council announced on June 29th that its researches, including a partial recount, had produced no sign of wrongdoing, so closing the last legal channel to contest the outcome. Pro-regime news outlets even suggested that the revised tally showed gains for Mr Ahmadinejad. The president declared not just a personal triumph but the defeat of an enemy plot to overthrow the regime.” [22a]

4.16 The article further noted:

“...A statement from an influential group of reformist clerics hinted at the change in mood. While reserving the right to protest, it said that Iranians had already paid a high price for speaking out and gave warning that escalating tensions and street protests 'are not the solution'. Powerful reformist allies, including the former presidents Muhammad Khatami and Hashemi Rafsanjani, have taken to reasserting their loyalty to the Islamic Republic while working behind the scenes to negotiate a compromise.

“The toll from the weeks of post-election unrest, which at its peak brought as many as 2m protesters onto Tehran's streets, includes perhaps 20 deaths, hundreds of injuries and extensive property damage. Much of this was perpetrated by government agents... The widest sweep of suspected regime opponents since the 1980s has seen hundreds of ordinary citizens hauled off to jail, along with prominent journalists, human rights advocates and dozens of reformist party leaders, many of whom served as senior officials in previous administrations. In what appears to be the beginning of a full-scale purge, reformist sympathisers in Iran's oil ministry have been replaced by hardliners. Even those with no apparent involvement in politics, such as Bijan Khajepour, a well-known business consultant, have been detained...

the state-controlled media have taken to airing purported confessions from some of these prisoners. The interior minister also claims to have uncovered a conspiracy whereby armed saboteurs pretended to be members of the baseej, a vigilante force of zealots which has been widely accused of brutality." [22a]

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DETENTION OF BRITISH EMBASSY STAFF

4.17 Aljazeera.Net, in an article dated 28 June 2009 reported that:

"Iranian authorities have detained eight employees of the British embassy in Tehran, accusing them of involvement in post-election unrest in the Islamic Republic, the semi-official Fars news agency has reported. 'Eight local employees at the British embassy who had a considerable role in recent unrest were taken into custody,' Fars said on Sunday, without giving a source. "This group played an active role in provoking recent unrest." "Iran has accused Western powers - mainly Britain and the US - of inciting street protests and violence that rocked the country after its disputed June 12 presidential election. Britain has denied the accusations. David Miliband, the British foreign minister, condemned the arrests." [13a]

For more information about recent events see Latest news. Further, updated news can be found on [BBC News](#), [the Economist](#), and [RFE/RL Iran](#).

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CONSTITUTION

- 5.01 According to Europa, accessed 8 December 2008: "A draft constitution for the Islamic Republic of Iran was published on 18 June 1979. It was submitted to a 'Council of Experts', elected by popular vote on 3 August, to debate the various clauses and to propose amendments. The amended Constitution was approved by a referendum on 2-3 December 1979." [1a] (Constitution) A referendum on 28 July 1989 approved a further 45 amendments including increasing the powers of the Presidency by abolishing the post of Prime Minister, formerly the Chief Executive of the Government. [1a] (Constitution)
- 5.02 "The Constitution states that the form of government of Iran is that of an Islamic Republic, and that the spirituality and ethics of Islam are to be the basis for political, social and economic relations. Persians, Turks, Kurds, Arabs, Balochis, Turkomans and others will enjoy completely equal rights." [1a] (Constitution)
- 5.03 The Constitution also states that:
- "After the office of Leadership, the President is the highest official in the country. His is the responsibility for implementing the Constitution and acting as the head of the executive, except in matters directly concerned with the office of the Leadership... (Article 113) The President is elected for a four-year term by the direct vote of the people. His re-election for a successive term is permissible only once." [121] (Article 114)
- 5.04 The 2009 Annual Report of the United States Commission on International Religious Freedom, released May 2009, stated that: "The Constitution of the Islamic Republic of Iran proclaims Islam, specifically the doctrine of the Twelver (Shi'a) Jaafari School, to be the official religion of the country. It stipulates that all laws and regulations, including the Constitution itself, be based on Islamic criteria." [86b]

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POLITICAL SYSTEM

- 6.01 The US State Department *Country Report on Human Rights Practices 2008*, released on 25 February 2009 (USSD Report 2008), stated that:

“The Islamic Republic of Iran, with a population of approximately 70 million, is a constitutional, theocratic republic in which Shia Muslim clergy dominate the key power structures. Government legitimacy is based on the twin pillars of popular sovereignty—albeit restricted—and the rule of the Supreme Leader of the Islamic Revolution. The current supreme leader, Ayatollah Ali Khamenei, was not directly elected but chosen by a directly elected body of religious leaders, the Assembly of Experts, in 1989. Khamenei's writ dominated the legislative, executive, and judicial branches of government. He directly controlled the armed forces and indirectly controlled the internal security forces, the judiciary, and other key institutions. The legislative branch is the popularly elected 290-seat Islamic Consultative Assembly, or Majles. An unelected 12-member Guardian Council reviewed all legislation passed by the Majles for adherence to Islamic and constitutional principles and also screened presidential and Majles candidates for eligibility.”
[4a] (Introduction)

- 6.02 The USSD Report 2008 further stated that:

“The constitution provides citizens the right to change peacefully the president and the parliament through free and fair elections; however, the authority of unelected representatives over the election process severely abridges this right in practice. The Assembly of Experts elects the supreme leader, the recognized head of state, who can be removed only by a vote of the assembly. The assembly was composed of 86 members and was restricted to clerics, who served eight-year terms and were chosen by popular vote from a list approved by the Guardian Council (a 12-member body composed of government-appointed clerics and religious jurists). There was no separation of state and religion, and clerical influence pervaded the government. The supreme leader also approved the candidacy of presidential candidates, with the exception of an incumbent president.” [4a] (Section 3)

- 6.03 The USSD Background Note of March 2008 states that suffrage is universal at 18. [4u] (Government) The Immigration and Refugee Board of Canada concurs: “Iran has universal suffrage and persons 18 years of age or over are eligible to vote.” [2af] According to Europa, accessed 8 December 2008, provision is made for the representation of Zoroastrians, Jews and Christians. [1a] (Constitution)

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POLITICAL PARTIES

- 6.04 The Library of Congress country profile of Iran, dated May 2008, reported:

“Political parties were legalized in 1998. However, official political activity is permitted only to groups that accept the principle of political rule known as velayat-e faqih, literally, the guardianship of the faqih (religious jurist).

Allegiances, still based on special interests and patronage, remain fluid. In 1998, 18 parties joined in a broad coalition called the Second of Khordad coalition. All were reformist parties that supported the political and economic proposals of President Mohammad Khatami; in the early 2000s, internal differences over specific economic policies have hampered the coalition's effectiveness, however. During that period, the conservatives were more united, despite the existence of several major conservative parties. The Islamic Iran Builders Council (known as Abadgaran) emerged as a powerful conservative coalition beginning in 2003, leading the conservatives to victory in the 2004 parliamentary elections and the 2005 presidential election. Conservatives also prevailed in the 2008 parliamentary elections." [79a]

A list of political organisations is at [Annex B](#), see also [Political affiliation](#).

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Human Rights

INTRODUCTION

- 7.01 The Foreign and Commonwealth Office's *Annual Report on Human Rights 2008*, released 26 March 2009, stated:

"The Universal Declaration of Human Rights celebrated its 60th anniversary this year. One of its forerunners was the 'Cyrus Cylinder', a declaration by Cyrus, King of Persia until 530 BCE, which is sometimes described as the first known charter of human rights. However, Iran's human rights record today is dismal. In 2008, Iran has continued to execute juveniles, harass activists and human rights defenders, and demonstrated no tolerance toward activists; it has clamped down rigidly on any form of dissent, opposition or organised protest. Charges such as propaganda against the Islamic Republic', 'acting against national security' and 'organising illegal gatherings' have become increasingly common. A Human Rights Watch report of January 2008 quoted an Iranian activist as saying 'The articles on security are so general that you can detain anyone for anything and give him a prison sentence'. [26b]

- 7.02 The International Federation for Human Rights' report *Human rights situation in the Islamic Republic of Iran*, released 18 March 2009, stated that:

"The human rights situation in the Islamic Republic of Iran has remained particularly dire throughout 2008 and during the first two months of 2009, confirming the pattern of widespread and systematic violations in the country. This poor record is confirmed in all fields, in particular the situation of human rights defenders and other peaceful activists, the repression against minorities and the use of the death penalty." [56h]

- 7.03 According to the Human Rights Watch World Report 2009, released 15 January 2009:

"With the government of President Mahmoud Ahmadinejad continuing to invoke 'national security' as a justification for silencing dissent, 2008 saw a dramatic rise in arrests of political activists, academics, and others for peacefully exercising their rights of free expression and association in Iran. There were numerous reports of the torture and mistreatment of such detainees. The Judiciary, accountable to Supreme Leader Ali Khamenei, and the Ministry of Intelligence continued to be responsible for many serious human rights violations. The number of executions also increased sharply in 2008." [8f]

- 7.04 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated:

"The government's poor human rights record worsened, and it continued to commit numerous serious abuses. The government severely limited citizens' right to change their government peacefully through free and fair elections. The government executed numerous persons for criminal convictions as juveniles and after unfair trials. Security forces were implicated in custodial

deaths and committed other acts of politically motivated violence, including torture. The government administered severe officially sanctioned punishments, including death by stoning, amputation, and flogging. Vigilante groups with ties to the government committed acts of violence. Prison conditions remained poor. Security forces arbitrarily arrested and detained individuals, often holding them incommunicado. Authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities. There was a lack of judicial independence and fair public trials. The government severely restricted civil liberties, including freedoms of speech, expression, assembly, association, movement, and privacy, and it placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted. Violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals; trafficking in persons; and incitement to anti-Semitism remained problems. The government severely restricted workers' rights, including freedom of association and the right to organize and bargain collectively, and arrested numerous union organizers. Child labor remained a serious problem. On December 18, for the sixth consecutive year, the UN General Assembly (UNGA) adopted a resolution on Iran expressing 'deep concern at ongoing systematic violations of human rights'." [4a] (Introduction)

- 7.05 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated:

"The 1979 Constitution of the Islamic Republic of Iran guarantees a wide range of human rights and fundamental freedoms. However, in practice there are a number of serious impediments to the full protection of human rights and the independent functioning of the different institutions of the State...Some negative trends have also been reported, including an increase in rights violations targeting women, university students, teachers, workers and other activist groups. Ongoing harassment against human rights defenders, including women's rights activists, has been reported. The independent media have also experienced tightened restrictions, with numerous publications suspended.... the Islamic Human Rights Commission, established in 1996, is a consultative body composed of representatives of the Government and the judiciary that monitors the human rights situation in the country. It has not been recognized by the International Coordinating Committee of National Human Rights Institutions as complying with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In addition, the Islamic Republic of Iran has established a human rights headquarters to facilitate international cooperation and to coordinate Government bodies in human rights-related matters." [10a] (p5)

- 7.06 Amnesty International's report 2009, Iran, released on 28 May 2009, noted:

"The authorities maintained tight restrictions on freedom of expression, association and assembly. They cracked down on civil society activists, including women's rights and other human rights defenders and minority rights advocates. Activists were arrested, detained and prosecuted, often in unfair trials, banned from travelling abroad, and had their meetings disrupted. Torture and other ill-treatment of detainees were common and committed with impunity. Sentences of flogging and amputation were reported. At least 346 people were known to have been executed, but the

actual number was probably higher. Two men were executed by stoning. Those executed included eight juvenile offenders.” [9h]

7.06 The Congress Research Service report, *US Concerns and Policy Responses*, dated 2 July 2009 (accessed via openrcs.com) observed that:

“Prior to the [June 2009] election unrest, the regime appeared to have a firm grip on power, in part because it vigorously suppresses dissent. Some observers believe that the election-related unrest could still revive and pose a threat to the regime. Most experts believed that a victory by Musavi in the June 12 election would have partly satisfied the demands of these groups for more freedoms...The regime has been particularly concerned about dissidents who previously held senior regime positions; these dissidents have followings inside Iran. One figure, Ayatollah Hossein Ali Montazeri, was released in January 2003 from several years of house arrest, but he remains under close watch. Montazeri was Khomeini’s designated successor until 1989, when Khomeini dismissed him for allegedly protecting intellectuals and opponents of clerical rule. Other dissidents have sought to challenge or expose the regime’s practices from inside Iran, mainly focused on human rights and free speech. Journalist Akbar Ganji conducted hunger strikes to protest regime oppression; he was released on schedule on March 18, 2006 after sentencing in 2001 to six years in prison for alleging high-level involvement in 1999 murders of Iranian dissident intellectuals that the regime had blamed on ‘rogue’ security agents” [78b] (p11)

7.07 The United Nations’ (UN) list of Ratifications and Reservations recorded Iran as a signatory to:

- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- the International Covenant on Civil and Political Rights (ICCPR), except the optional protocol;
- the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); and
- the Convention on the Rights of the Child (CRC). [10ah]

7.08 However, Iran has not reported on Economic, Social and Cultural Rights since 1993 [10a] and also has reservations to the CRC upon both signature and ratification and is also not a signatory to the optional protocol on the involvement of children in armed conflict. [10ah] Nor has it signed the optional Protocols to the ICCPR including that aimed to abolish the death penalty. [10ah]

7.09 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, added:

“The Islamic Republic of Iran has had a poor record of cooperation with treaty bodies. It has not reported to the Committee on Economic, Social and Cultural Rights or the Human Rights Committee for more than a decade. The concluding observations of each of those bodies adopted in 1993 remain largely unimplemented...The Islamic Republic of Iran has a practice of entering general reservations upon signature or ratification, which has repeatedly been cited by treaty bodies as one of the main factors impeding the enjoyment of some human rights protected under the conventions.” [10a] (p18)

A list of visits to Iran since 1998 by the United Nations (UN) Special Procedures Mandate Holders can be found on the UN website: <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsf-m.htm>. [10c]

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CRIME

ARAZEL VA OBASH

- 8.01 An Agence France Press article, dated 10 July 2007, reported “In May, Iranian police launched a morality crackdown specifically aimed at what are termed in Farsi as ‘arazel va obash’, literally ‘rascals and villains’ accused of disturbing the peace in low-income neighbourhoods.” [61c]
- 8.02 An article on Iranfocus.com, dated 8 November 2007, states that “Nineteen men were hanged in Tehran and Mashhad after being arrested in a sweep on ‘arazel va obash’, a Persian phrase that translates loosely as thugs. It is used for rapists, drug-traffickers and criminals who disturb public security.” [76a]
- 8.03 An Arab Times Online article dated 19 October 2008 reported that “Nine people convicted of disturbing the peace in Iran were flogged in public in the holy city of Qom ... the nine ‘thugs’ (‘arazel va obash’ in Farsi) were flogged 74 lashes each and fined 10 million rials (\$1,000) each as well for disturbing public order. [They] were arrested on October 10 after being involved in a collective brawl during which they damaged 15 vehicles.” [71a]

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SECURITY FORCES

OVERVIEW

- 9.01 The Advisory Panel on Country Information (APCI) review of the COI Service's Iran COI Report of Augst 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that:

"Iran maintains an extensive network of internal security and intelligence services. The main parts of the domestic security apparatus are made up of the Ministry of Intelligence and Security, the Basij Resistance Force, the intelligence unit of the [Iranian Revolutionary Guards Corps] IRGC, and the law enforcement forces within the Ministry of Interior that largely are responsible for providing police and border control. The leadership of each of these organizations appears to be fragmented and dispersed among several, often competing, political factions. Public information on all Iranian security and intelligence forces is extremely limited and subject to political manipulation.

"Key to most paramilitary and intelligence forces in Iran is the IRGC, as it holds control over several other organizations or parts thereof. All security organizations without exception report to the Supreme National Security Council (SNSC), as the highest body in the political chain of command. The phenomenon of the fragmented leadership of the security organizations is reflected in their relationship to the SNSC as different security organizations maintain special ties to certain elements of the SNSC. The Supreme Leader, Ali Khamenei, installed an advisory panel called Strategic Council on Foreign Policy in May 2006. This body is supposed to advise the Supreme Leader in a broad range of foreign policy matters. It can only be speculated what the implications of this body are, but its creation send a caveat to observers that there may be some significant tension among the security components in Iran. In addition, it has to be assumed that other state organizations, most notably the police services, exert varying control over internal security. As with virtually all other organizations, the IRGC is believed to have considerable leverage over these services.

"The effectiveness of the internal security organizations is unclear and the political will to use them is hard to predict. After local unrest in the Iranian province of Baluchistan in May 2006, police were unable to seize control of the situation against regional tribal forces." [6a] (p7)

- 9.02 Jane's Sentinel Country Risk Assessments for Iran, updated 23 January 2009, stated that: "The entezamat (law enforcement) and quasi- and paramilitary forces of Iran present a confused picture to the West. Although the complex, multiple institutional structure of the security and foreign policy apparatus suggests disarray and discord, it is not anarchic." [125e] (**Security and Foreign Forces**)
- 9.03 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated:

“Several agencies share responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security (MOIS), the LEF under the Interior Ministry, and the Iran Revolutionary Guard Corps (IRGC). The Basij and various informal groups known as the ‘Ansar-e Hizballah’ (Helpers of the Party of God) were aligned with extreme conservative members of the leadership and acted as vigilantes.

“Corruption and impunity were problems. The regular and paramilitary security forces both committed numerous, serious human rights abuses, but there were no transparent mechanisms to investigate security force abuses and no reports of government actions to reform them.” [4a]

9.04 The USSD Report 2008 added: “Civilian authorities did not fully maintain effective control of security forces.” [4a] (Introduction)

9.05 The USSD Report 2008 further to state that:

“The constitution states that ‘reputation, life, property, (and) dwelling(s)’ are protected from trespass except as ‘provided by law’; however, the government routinely infringed on these rights. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations and Internet communications, and opened mail without court authorization. There were widespread reports that government agents entered, searched, or ransacked the homes and offices of reformist journalists in an attempt to intimidate them.

“Vigilante violence included attacking young persons considered too ‘un-Islamic’ in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts. During the year, the government continued its crackdown on ‘un-Islamic dress’ or ‘bad hijab’ (headcovering). According to press reports, morality police stopped or detained more than two million individuals during the year and in 2007 for ‘inappropriate hairstyles’ or wearing headscarves that revealed too much hair. There were reports that police used force in these instances less frequently after an image of a girl’s face covered in blood following a beating by police for un-Islamic dress was circulated widely in 2007. According to press reports, the Tehran police chief stated the girl had ‘instigated the incident herself.’ In December, according to press reports, police in the northern city of Qaemshahr arrested 49 persons for ‘appearing in public wearing satanic fashions and unsuitable clothing.’” [4a] (Section 1f)

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POLICE

9.06 Jane’s Sentinel stated that the estimated total strength of the ‘Security Forces (Police)’ is 400,000. [125e]

Law Enforcement Forces

9.07 Jane’s Sentinel, updated 23 January 2009, stated that:

“[The Law Enforcement Forces (Niruha-ye Entezami-ye Jomhuri-ye Islami or LEF)] was created in 1991 through a merger of the police, gendarmerie, and

the revolutionary committees and is charged with combined duties: law enforcement, border control, and maintaining public order. Although nominally under the leadership of the Ministry of the Interior, the Supreme Leader has to approve a nominee that the president proposes as LEF chief. In November 2007 the LEF announced a programme to upgrade the equipment of the border regiments. The move would help strengthen border security and counteract the activities of terrorist groups. The LEF also has a major role in anti-smuggling operations and in countering drugs trafficking.

“Units within the LEF have overlapping responsibilities. The Social Corruption Unit of the LEF deals with social behaviour of an immoral nature. However, there is a similar unit in the LEF called the Edareyeh Amaken Omumi (Public Establishments Office), which concerns itself with the type of music people listen to, the interaction of people of the opposite sex in public places and various forms of perceived lewd behaviour. The latter group came to prominence after arresting and questioning journalists. In October 2005, the head of LEF, Brigadier General Esmail Ahmadi Moqaddam stated that ‘raising the index of societal security’ would be among the main aims of the organisation under his leadership. Moqaddam, a hardliner, was appointed by President Mahmoud Ahmadinejad in July 2005. In 2007 the LEF launched a highly controversial crackdown on ‘improper dressing’.

“The LEF also has an intelligence and counter-intelligence unit. In 2000 a Tehran Military Court confirmed an eight-month sentence imposed on the head of the unit, Commander Mohammed Reza Naqdi, over the mistreatment and torture of a number of detainees. In September 2000 Abdolhosein Ramexani was appointed to replace him.

“Actions of Islamist pressure groups and the LEF are sometimes co-ordinated. Perhaps the most infamous example of this occurred in July 1999, when hardliners attacked protesting students at Tehran University as the authorities stood by, and then elements from the LEF and the Ansar-e Hezbollah pressure group raided the student dormitory. This led to a week of violent riots across the country. These events highlighted the fact that by July 1999, a new division of labour had emerged: the 1999 student riots strongly suggest that the LEF, with the Basij providing support, has become the regime’s first line of defence against domestic unrest, a role hitherto played by the Islamic Revolutionary Guards Corps (IRGC).

“Former minister of the interior Musavi-Lari, a reformist in the Khatami administration, expressed dissatisfaction with his lack of control over the LEF. However, political disagreements over how the organisation is supervised are not likely in the foreseeable future given that the present minister of the interior, the president and the LEF chief are politically allied.

“Maintaining security along Iran’s borders is an important role of the LEF. Brig Gen Moqaddam, LEF chief, said in August 2008 that after public security, control over Iran’s borders was the biggest concern of the LEF. Iran has been stepping up security on its borders, with the LEF using what has been described as ‘modern technologies’ in order to counter drug trafficking, smuggling and the movement of individuals considered to pose a threat to state security.” [125e]

IRANIAN REVOLUTIONARY GUARDS CORPS OR PASDARAN

9.08 Jane's Sentinel Risk Assessment of Iran, Security and Foreign Forces, updated 23 January 2009, stated that:

"The Islamic Revolutionary Guards Corps (IRGC), commonly known as the Pasdaran (Guardians), is composed of five main branches - Ground Forces, Air Force, Navy, Basij militia and the Qods Force special operations branch. There is also an Intelligence Directorate. The IRGC has a cultural and military mission. Its cultural role is in safeguarding the achievements of the Islamic Revolution, while its military role lies in supporting the regular forces when required.

"Because of its dual political and military role, the IRGC also has an internal security role, which includes local intelligence gathering; this role has grown in importance since the end of the war with Iraq. While co-operation between the IRGC and the national police is institutionalised, it is best to treat the IRGC predominantly as a military land force that parallels the regular army, a role institutionalised by the war-fighting demands of the Iran-Iraq war. The IRGC's paramilitary organisation, the Basij, plays an increasingly prominent role in the suppression of domestic unrest. Throughout the 1990s, the regular army and IRGC alike protested at being ordered to suppress citizens demonstrating against Iran's worsening economic conditions. For instance, in August 1994, they refused orders to open fire on protesters in Qazvin. The Basij, however, had no such qualms. They were similarly deployed by conservative clerics to quell the student riots of 1999 and 2003.

"The IRGC has its own ground, air and naval forces. Originally formed as a counterweight to the monarchist-orientated regular military forces and as the custodian of the nezam (revolutionary order), the IRGC was initially subordinate to the ruling religious leaders. By 1986, it numbered over 300,000 personnel organised into battalion-sized units, with an independent chain of command and the capability of operating independently or in conjunction with regular units. Although attaining ministerial status in 1982, post-war reforms - specifically the creation of the Ministry Of Defence and Armed Forces Logistics (MODAFL) in 1989 - effectively curtailed the institutional autonomy of the IRGC. Since the enactment of military reforms, the IRGC has been placed under an integrated command with Iran's regular armed forces at the General Staff level. It retains an independent command chain below this level, however, and generally continues to exercise as an independent force.

"New uniforms have been introduced, together with a system of military ranks divided into four categories - soldiers, fighters, officers and commandants. In all, some 21 ranks were introduced in September 1991 which, with six exceptions, parallel those of the regular forces. Military training standards have also been raised. During the Iran-Iraq war the IRGC provided the lightly armed manpower that carried out the 'human wave' attacks on Iraqi positions. The appalling casualties suffered during these attacks, however, had a severe impact on morale and, by 1988; it was becoming increasingly difficult to attract volunteers. IRGC basis units are usually of battalion-size, organised into brigades and divisions, and although some units are in possession of specialised weapons, most are lightly armed and not capable of sustained operations.

“Since the end of the 1980-88 war, the IRGC appears to have lost a great deal of influence, and although the organisation still retains control over the majority of the population available for mobilisation in an emergency, numbers are probably falling rapidly.

“The IRGC is particularly focused on supporting the domestic arms industry and otherwise preserving autonomy. In addition, the Pasdaran operates all of Iran's Scud missiles, controls most of its chemical and biological weapons, and provides the military leadership for missile production and the production of all weapons of mass destruction (WMD).

“In recent years, IRGC officials have announced the introduction of what officials termed a new combat doctrine meant to repel any attack by Israel or the US. Officials have termed the doctrine ‘asymmetric warfare’ and said it was aimed at countering a threat from a much larger and more powerful adversary. They said the doctrine, which was demonstrated during the Ashura-5 military exercise in September 2004, seeks to identify and exploit Iranian military advantages in any war with a foreign power.

“Tehran has sought to deter Israel and the US by demonstrating Iran's deep-strike capability. In September 2004, the then IRGC commander General Yahya Rahim-Safavi stated that ‘the principles of this kind of warfare have been formulated in view of extra-regional threats which we assume the Islamic Republic will face. They know full well that if they start an onslaught against us, we will not be confined to our land borders and that we will attack them outside the boundaries of our land borders’.

“During the 12-18 September 2004 exercise, the IRGC tested the effectiveness of co-ordinated air and ground strikes, strategic medium- and intermediate-range missiles, as well as other weapons and methods.

“In August 2005, Ayatollah Khamenei, who directly oversees the Revolutionary Guards and holds regular sessions with their top commanders, asked the IRGC leadership to devise a new command structure and military strategy for the IRGC that would give the elite military force unlimited access to national resources and absolute priority over the regular army in case of a foreign military confrontation.

“In October 2007, the US government announced sanctions against the IRGC. In a statement, the US Department of the Treasury said that the IRGC ‘has been outspoken about its willingness to proliferate ballistic missiles capable of carrying WMD’. The statement continued: ‘The IRGC's ballistic missile inventory includes missiles, which could be modified to deliver WMD. The IRGC is one of the primary regime organisations tied to developing and testing the Shahab-3. The IRGC attempted, as recently as 2006, to procure sophisticated and costly equipment that could be used to support Iran's ballistic missile and nuclear programs’.” [125e] (Security and Foreign Forces)

- 9.09 Jane's Sentinel continued that the “IRGC forces often man the internal customs posts found about 10 km outside each major city or conurbation. Patrols often operate on a freelance basis with the LEF, Highway Police and other civilian organisations.” [125e]

9.10 Jane's Sentinel added that the estimated total strength of the IRGC is 175,000. [125e]

9.11 The APCI Report 2008 stated that:

"The IRGC has a large intelligence operation and unconventional warfare component. Roughly 5,000 of the men in the IRGC are assigned to the unconventional warfare mission. The IRGC has the equivalent of one Special Forces division, plus additional smaller formations, and these forces are given special priority in terms of training and equipment. In addition, the IRGC has a special Quds force that plays a major role in giving Iran the ability to conduct unconventional warfare overseas using various foreign movements as proxies. In January, Iran's Supreme National Security Council (SNSC) decided to place all Iranian operations in Iraq under the command of the Quds forces. At the same time, the SNSC decided to increase the personnel strength of the Quds to 15,000." [6a] (p7)

Qods Force

9.12 The APCI Report 2008 stated that:

"Current force strength data for the Quds are not available. The al Quds forces are under the command of Brigadier General Qassem Soleimani and have supported non-state actors in many foreign countries. These include Hezbollah in Lebanon, Hamas and the Palestinian Islamic Jihad in the Gaza Strip and the West Bank, the Shi'ite militias in Iraq, and Shi'ites in Afghanistan. Links to Sunni extremist groups like Al Qa'ida have been reported, but never convincingly confirmed. Many U.S. experts believe that the Quds forces have provided significant transfers of weapons to Shi'ite (and perhaps some Sunni) elements in Iraq. These may include the shaped charge components used in some IEDs in Iraq and the more advanced components used in explosively formed projectiles, including the weapon assembly, copper slugs, radio links used to activate such devices, and the infrared triggering mechanisms. These devices are very similar to those used in Lebanon, and some seem to operate on the same radio frequencies. Shaped charge weapons first began to appear in Iraq in August 2003, but became a serious threat in 2005.

"On January 11, 2007, the director of the Defense Intelligence Agency stated in a testimony before the U.S. Senate Select Committee on Intelligence that the Quds force of Iran's Islamic Revolutionary Guard Corps has the lead for its transnational terrorist activities, in conjunction with Lebanese Hezbollah and Iran's MOIS." [6a] (p8)

9.13 Jane's Sentinel Risk Assessment of Iran, Security and Foreign Forces, updated 23 January 2009, stated that:

"The IRGC's Qods Force allegedly controls all external terrorist activities. The Qods has offices or 'sections' in many Iranian embassies, which operate as closed sections. It is not clear whether these are integrated with Iranian intelligence operations, or that the ambassador in such embassies has control of, or detailed knowledge of, operations by the Qods staff. However, there are indications that most operations are co-ordinated between the IRGC and offices within the Iranian Ministry of Foreign Affairs and Ministry of Intelligence and Security (MOIS)." [125e]

Basij

9.14 The APCI Report 2008 stated that:

“The IRGC oversaw the creation of a people’s militia, a volunteer group it named the Basij Resistance Force (which means Mobilization of the Oppressed), in 1980. The Basij derives its legitimization from Article 151 of the Iranian Constitution, which calls upon the government to fulfill its duty according to the Quran to provide all citizens with the means to defend themselves. Numbering over 1,000,000 members, the Basij is a paramilitary force, mostly manned by elderly men, youth, and volunteers who have completed their military service.

“This force is organized in a regional and decentralized command structure. It has up to 740 regional ‘battalions,’ each organized into three to four subunits. Each battalion has 300–350 men. According to one source, about 20,000 Basij forces were organized in four brigades during an exercise in November 2006.

“It maintains a relatively small active-duty staff of 90,000 and relies on mobilization in the case of any contingency. According to an IRGC general, a military exercise (Great Prophet II) conducted in the first two weeks of November 2006 employed 172 battalions of the Basij Resistance Force. According to the same source, the main mission of these troops was to guard “public alleyways and other urban areas.”

“The Basij has a history of martyr-style suicide attacks dating back to the Iran-Iraq War, 1980–1988. Today, its main tasks are thought to assist locally against conventional military defense as well as quell civil uprisings. In addition, one of the Force’s key roles has been to maintain internal security, including monitoring internal threats from Iranian citizens and acting as ‘a static militia force.’ The state of training and equipment readiness for the Basij is believed to be low. No major weapon systems have been reported for the inventory of the Basij. The IRGC maintains tight control over the leadership of the Basij and imposes strict Islamic rules on its members. Recent comments by Iranian leaders indicate that the mission of the Basij is shifting away from traditional territorial defense to ‘defending against Iranian security threats.’ Furthermore, there are reports of an increased interest in improving the Basij under the leadership of President Mahmoud Ahmadi-Nejad.” [6a] (p10)

9.15 Jane’s Sentinel Risk Assessment, Security and Foreign Forces, updated 23 January 2009, stated that:

“Known as the ‘Mobilisation of the Oppressed’, the Basij Volunteer forces are a paramilitary organisation of about 90,000 men with an active and reserve strength of up to 300,000 and a mobilisation capacity of nearly one million men. It is controlled by the IRGC, and consists largely of youths, men who have completed military service and the elderly. It has up to 740 regional battalions with about 300 to 350 men each, which are composed of three companies or four platoons plus support. These include the former tribal levies, and are largely regional in character. Many have little or no real military training. However, Iran has used the voluntary Basij forces to provide local security ever since the popular riots of 1994. It called up over

100,000 men across 19 regions in September 1994, and began far more extensive training for riot control and internal security missions. It also introduced a formal rank structure and a more conventional system of command and discipline and created specialised Ashura (anti-riot) battalions and Al-Zahra (women's battalions) units for internal security missions. Some reports indicate that 36 of these battalions were established in 1994.

“The primary mission of the Basij has so far been internal security, monitoring the activities of Iranian citizens, acting as replacements for the military services and serving as a static militia force tied to local defence missions.” [125e]

Ansar-e Hezbollah

9.16 Jane’s Sentinel, Risk Assessment, Security and Foreign Forces, updated 23 January 2009, stated that:

“Ansar-e Hezbollah is an extremist Islamist vigilante group. The group claims to be a grassroots movement which calls for harsh policies against opponents of the Islamic theocratic system and promotes itself as fully in line with the ideals propagated by the founder of the Islamic Republic, Ayatollah Khomeini. In reality, its senior members and most of its activists are associated with and funded by state organs under hardline control. The group openly criticised the Khatami administration for ‘propagating social corruption’, and deemed its violent actions against reformist activists since 1999 as necessary to safeguard the revolution. The group has a significant overlap with the Basij voluntary Islamist militia. The group is connected with Ayatollah Ahmad Jannati, the hardline head of the Guardians Council, and is believed to receive most of its funding from the Oppressed and Disabled Foundation, while its membership is drawn from war veterans and the Basij.

“Ansar-e Hezbollah came to prominence in 2003 when a number of its members and leaders were arrested after they stormed into the dormitory of Tehran’s Allameh Tabatabai University and attacked reformist students and destroyed their properties. Said Asgar, a member of Ansar-e Hezbollah, was also charged with the failed assassination attempt on Said Hajjarian, a reformist member of the former Tehran City Council in 2000, though he was later freed on bail.

“Senior figures in Ansar-e Hezbollah have pledged loyalty to Ahmadinejad and vowed to ‘root out the hypocrites’, a reference to those who question the legality of the ruling regime and existing political and social norms. The group, which is fiercely loyal to Supreme Leader Ayatollah Ali Khamenei, wrote in its journal in November 2005 that the ‘virus of inadequate veiling among women and lack of faith’ in Iran was more dangerous than the ‘threat of a nuclear attack on Iran’. The group’s official mouthpiece, Ya-Lesarat, is published weekly.

“Some of the group’s recent campaigns have included attempts to force the judiciary to name the ‘economic fat-cats’ who, the group states, have been looting the national wealth and who should be held accountable. One of the group’s senior figures, Hamid Ostad, declared in August 2005 that in the face of ‘repeated threats by the US’ it is discussing ‘performing suicide operations against US forces and interests anywhere in the world’ in the

event of a foreign invasion. In 2007 the group vociferously backed the LEF's crackdown on 'improper dressing'." [125e]

- 9.17 The USSD Report 2008 described Ansar e-Hezbollah as a paramilitary organisation. [4a] (Section 2b) The estimated total strength of Ansar e-Hezbollah is 5,000 (Jane's, 23 January 2009). [125e] (Security and Foreign Forces)

ARMED FORCES

- 9.18 Jane's Sentinel Risk Assessment of Iran, Armed Forces, updated 2 December 2008, stated that the total strength of the armed forces was 523,000 comprising of: Army 350,000, Air Force 30,000, Navy 18,000 and IRGC 125,000. [125f]

- 9.19 The CIA World Fact Book, updated 14 May 2009, stated that the military branches included:

"Islamic Republic of Iran Regular Forces (Artesh): Ground Forces, Navy, Air Force of the Military of the Islamic Republic of Iran (Niru-ye Hava'i-ye Artesh-e Jomhuri-ye Eslami-ye Iran, IRIAF; Air Defense Command being formed); Islamic Revolutionary Guard Corps (Sepah-e Pasdaran-e Enqelab-e Eslami, IRGC): Ground Forces, Navy, Air Force, Qods Force (special operations), and Basij Force (Popular Mobilization Army); Law Enforcement Forces (2008)." [111] (Military)

OTHER ORGANISATIONS

Ministry of Intelligence and Security (MOIS) and Vezarat-e Ettela'at va Aminat-e Keshvar (VEVAK) aka Ettela'at

- 9.20 Jane's Sentinel Risk Assessment, Security and Foreign Forces, updated 23 January 2009, stated that:

"The Ministry of Intelligence and Security (MOIS) is Iran's intelligence and state security service. The agency is responsible for fighting opposition to the regime not only at home but also abroad. Some Iranian intelligence agents have operated in foreign locations under diplomatic cover, as part of a drive to collect intelligence on Iranian opposition elements operating outside Iran. The MOIS has had a particular focus on the Mujahideen e-Khalq (MEK) opposition militia group and its allied political group, the National Council of Resistance of Iran (NCRI). Monarchists, Iranian Kurdish dissidents and left-wing groups have also come under the scrutiny of the MOIS. It is believed that the MOIS has a particular focus on Iran's turbulent neighbour, Iraq, where there is a large Shia population. Prior to the 2003 US-led invasion, there were indications that the MOIS liaised with the Iraqi opposition group, the Iraqi National Congress, which was seeking the overthrow of the Saddam Hussein regime. Counter-intelligence is part of the MOIS mission, and in February 2007 the MOIS claimed to have identified 100 spies working for the US and Israel in border areas of Iran.

"The MOIS, initially better known by the acronym SAVAMA (Ministry of Intelligence and National Security; Sazman-e Ettela'at va Amniat-e Melli-e Iran), is the successor to SAVAK (National Intelligence and Security

Organisation; Sazeman-e Ettela'at va Amniyat-e Keshvar), the intelligence agency that operated under the Shah and which was dissolved in 1979 at the time of the Islamic revolution. Senior officials of SAVAK were executed after the Khomeini regime took power. However, some analysts believe it is likely that former SAVAK personnel were employed in the new agency, because of their intimate knowledge of left-wing groups and Iraq's Baath Party. During the 1981-88 Iran-Iraq war, an intense rivalry developed between the agency and the Intelligence Directorate of the Islamic Revolutionary Guards Corps (IRGC). It was decided that the IRGC would continue to maintain its own intelligence directorate. While SAVAK operated largely outside government control, it was decided that the MOIS would operate as part of the mainstream civil service apparatus, as a government ministry... MOIS is currently headed by the minister of intelligence and security, a position currently held by Gholam Hossein Mohseni Ejei, a hardliner who was appointed when Mahmoud Ahmadinejad became president in 2005. Ejei, who is in effect Iran's intelligence chief, replaced Yunesi, a career intelligence officer who had served under the reform-minded Mohammed Khatami when the latter was president... A man of ultra-conservative views, he served as a public prosecutor in the special court for the clergy, and is said to have targeted reform-minded and anti-regime clerics. He is also a member of the press council, which has the role of media censorship.

"The agency is believed to have approximately 15,000 officers and support staff. MOIS differs from SAVAK in that its personnel are all civilians. The Ministry's foreign intelligence directorate is believed to have around 2,000 officers whose top priority is intelligence gathering in Iraq; Central Asia, Pakistan and the sheikhdoms and emirates on the Arabian peninsula. It is also part of the role of the foreign intelligence directorate to liaise with 'liberation movements' (for example, Hizbullah and the Palestinian fundamentalist movement, Palestinian Islamic Jihad). The MOIS addresses ethnic and sectarian issues within the country, and it monitors the clerical community and government officials. Although MOIS officers are vetted for ideological conformity, very few can be considered extreme ideological Islamists... The MOIS has been accused of providing support to the Hizbullah militia group in Lebanon as far back as the 1980s. In 2005, a lawsuit was filed in the US against Iran and the MOIS on behalf of 29 US servicemen who were killed or injured, and their families, as a result of the 1983 terrorist bomb attack on the US Marine Corps base in Beirut, Lebanon. The plaintiffs alleged that the MOIS and the Iranian Revolutionary Guards Corps provided the 'economic, technological and other support' to Hizbullah to carry out the attack." [125e]

9.21 The USSD Report 2008 stated that:

"There were also reports during the year that the MOIS pressured families of political prisoners, banning them from speaking to foreign press and blocking their telephone conversations. Radio Free Europe journalist Parnaz Azima, sentenced in absentia in March to a one-year prison sentence for 'propaganda against the regime,' stated the government threatened to seize her 95-year-old mother's home if she did not return to the country to serve the sentence." [4a] (Section 1f)

ARBITRARY ARREST AND DETENTION

The section contains information on arbitrary arrest and detention committed by all security forces.

- 9.22 The USSD Report 2008 stated “The constitution prohibits arbitrary arrest and detention; however, these practices remained common” [4a] (Section 1d) and that “There were numerous reports of arbitrary and false arrests during the year.” [4a] (Section 1d) The UN Human Rights Council’s Report of the Working Group on Enforced or Involuntary Disappearances, released 25 February 2009, which covered the period 1 December 2007 to 30 November 2008 stated that the number of enforced or involuntary disappearances in Iran totalled 515 outstanding cases with no response from the Iranian government. [10f] (p42)
- 9.23 The USSD Report 2008 added “There were reports of politically motivated abductions during the year. Plainclothes officers or security officials often seized journalists and activists without warning and held them in incommunicado detention for several days before permitting them to contact family members. Families of executed prisoners did not always receive notification of their deaths.” [4a] (Section 1b)

TORTURE

The section contains information on ill-treatment and torture committed by all security forces.

- 9.24 The USSD Report 2008 stated: “Security forces were implicated in custodial deaths and committed other acts of politically motivated violence, including torture.” [4a] (Introduction)
- 9.25 The Amnesty International Report 2009 for Iran, covering events in 2008, released in May 2009, stated: “Torture and ill-treatment of detainees were common, facilitated by prolonged pre-charge detention, denial of access to lawyers and family, and a longstanding pattern of impunity for perpetrators. At least four deaths in custody were reported. No independent investigations were known to have been held into these cases or two others in 2007.” [9h]
- 9.26 The APCI Report 2008 stated that:
- “The use of torture is becoming less discriminate, whether on basis of seriousness of the suspected offence or any distinction between political and criminal offences that may have existed at the time of the relevant determinations.
- “As has been documented, torture is becoming a routine investigation method that is applied regardless of the offence in question; as evidenced by the courts’ corresponding willingness to accept confessions and statements procured under duress in a wide variety of prosecutions. [6a] (p22)
- 9.27 The USSD Report 2008 added that:

“The constitution and law prohibit torture; however, there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners.

“Common methods of torture and abuse in prisons included prolonged solitary confinement with sensory deprivation, beatings, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution, burning with cigarettes, sleep deprivation, and severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also reported beatings on the ears, inducing partial or complete deafness; punching the area around the eyes, leading to partial or complete blindness; and the use of poison to induce illness. According to HRW, student activists were particularly likely to be subjected to torture and abuse.” [4a] (Section 1c)

9.28 The USSD Report 2008 stated: “During the year the government did not initiate any investigations into reports of torture or punish those believed to be responsible.” [4a] (Section 1c)

9.29 The APCI Report 2008 further added that:

“Perhaps the most persuasive evidence of the authorities’ endorsement and desire to use torture on occasions unconnected to political opposition stems from a quintessentially official source — a Bill before the Parliament that is at an advanced stage of the approval process.

“While the draft Code contains a number of penalties that may be perceived as cruel and unusual, including the death penalty for apostasy, the Article of most relevance is Article 225-10, pertaining to the non-political offence of apostasy, which states ‘Punishment for women, whether Innate or Parental, is life imprisonment and during the sentence, under the guidance of the court, she will be subjected to physical hardship, and she will be guided to the right path and encouraged to recant, and if she recants she will be freed immediately.’ The Note to the Article states that the conditions of hardship will be determined according to the religious laws.” [6a] (p23)

EXTRA JUDICIAL KILLINGS

The section contains information regarding extra-judicial killings by all security forces.

9.30 The USSD Report 2008 stated: “There were reports that the government and its agents committed arbitrary or unlawful killings.” [4a] (Section 1a)

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MILITARY SERVICE

- 10.01 The CIA World Fact Book, updated 14 May 2009, stated that Iran's military service age and obligation were: "19 years of age for compulsory military service; 16 years of age for volunteers; 17 years of age for Law Enforcement Forces; 15 years of age for Basij Forces (Popular Mobilization Army); conscript military service obligation - 18 months; women exempt from military service (2008)." [111] (Military)
- 10.02 Iranian men become eligible for military service as of 21 March of the year they reach 19, although the minimum voluntary recruitment age is 16. Most of the armed forces are reportedly made up of conscripts who received minimal training and served for 18 months. (Coalition to Stop the Use of Child Soldiers (CSC) Global Report 2008, Iran, 20 May 2008) [30a] Large-scale conscription was seen as wasteful and unnecessary during periods of economic downturn as experienced in 1998-2000. In 2008 the period of conscription was reduced from two years to 20 months. The military service period for those serving in harsh climate areas was reduced to 18 months and to 17 months for those serving in border military operations. In 2003 the period of conscription was reduced to a period of 17-20 months in certain areas of Iran. (Jane's Sentinel, 5 January 2009) [125b]
- 10.03 Regarding draft evasion or desertion, the Danish Immigration Service's report *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting...*, released April 2009, stated:
- "... military service is compulsory in Iran. The Attorney at Law informed that generally the duration of military service is two years and it is only compulsory for men. However, it can be shortened to 20 months. A person who deserts from the army will have to continue the military service upon return, if he is under the age of 40. Individuals who are over the age of 40 will not be asked to do military service. If a person has deserted or evaded the military service and returns to Iran after the age of 40, he will receive a financial punishment and possibly imprisonment. This is subject to arbitrary ruling. However, if the person has been subject to a pardon he will not face punishment on return to Iran. According to the Attorney at Law, a person who evades military service may be punished. According to Military Law, if a person had to serve 20 months of military service and evades, the length of the service will increase to 24 or 26 months. The Attorney at Law added that according to 'previous legislation' a person may also be fined a few thousand US Dollars instead of serving extended military service. However, the Attorney at Law stated that it is still to be seen how recent changes in law are used in practice, i.e. whether a person will be fined or must serve extra time." [86b] (p47)
- 10.04 War Resisters' International 1998 reports that the right to conscientious objection is not legally recognised and there are no provisions for substitute service. [25a] Iran appears as a co-signatory to a letter dated 24 April 2002 addressed to the UN Commission on Human Rights concerning the question of conscientious objection. It states that Iran does not recognise the universal applicability of conscientious objection to military service. (UN, 24 April 2002) [10q]

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JUDICIARY

ORGANISATION

11.01 The Advisory Panel on Country Information (APCI) review of the COI Service's Iran COI Report of August 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that::

“According to the Article 156 of Iran’s Constitution, the Judiciary is supposed to be an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice, and entrusted with the following duties:

- Investigating and passing judgment on grievances, violations of rights, and complaints; the resolving of litigation; the settling of disputes; and the taking of all necessary decisions and measures in probate matters as the law may determine;
- Restoring public rights and promoting justice and legitimate freedoms;
- Supervising the proper enforcement of laws;
- Uncovering crimes; prosecuting, punishing, and chastising criminals and enacting the penalties and provisions of the Islamic penal code;
- Taking suitable measures to prevent the occurrence of crime and to reform criminals.” [6a] (p13)

11.02 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated that:

“After the 1979 revolution, the judicial system was revised to conform to an Islamic canon based on the Koran, ‘Sunna’ (the traditions of the Prophet), and other Islamic sources. The constitution provides that the head of the judiciary shall be a cleric chosen by the supreme leader. The head of the Supreme Court and prosecutor general also must be clerics. Women continued to be barred from serving as certain types of judges.” (USSD Report 2008) [4a] (Section 1e)

11.03 The USSD Report 2008 continued to state that:

“There are several court systems. The two most active are traditional courts, which adjudicate civil and criminal offenses, and Islamic revolutionary courts. The latter try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics and economic crimes, and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes connected with military or security duties. A press court hears complaints against publishers, editors, and writers. The Supreme Court has review authority over some cases, including appeals of death sentences.” [4a] (Section 1e)

11.04 The Library of Congress country profile of Iran, dated May, noted:

“The highest judicial authority is the Supreme Court, members of which are appointed by the head of the judiciary. That individual, appointed to a five-year term by the leader, also approves the candidate list from which the president chooses a minister of justice. The Supreme Court nominally has 33 regional branches, to which the chief of the Supreme Court assigns cases, but all but two are located in Tehran. The Supreme Court oversees enforcement of the laws by lower courts, sets judicial precedent, and acts as a court of appeal. Public courts try conventional civil and criminal cases at the provincial and local levels. Revolutionary courts try cases involving political offenses and national security. The Clerical Court, which is outside the court system and overseen directly by the leader, deals with crimes committed by members of the clergy, including ‘ideological offenses.’ Such offenses include interpretations of religious precepts that are not acceptable to the establishment clergy and activities, such as journalism, outside the realm of religion. Iran also has special courts for members of the security forces and government officials. The judges of all courts must be experts in Islamic law.” [79a] (p15)

- 11.05 The 2005 Danish fact-finding mission (FFM) report *On certain crimes and punishments in Iran: Report from the fact-finding mission to Teheran and Ankara*, 22 January to 29 January 2005, stated that there were the following courts in Iran:

“The various courts:

1. Public courts: a) criminal courts b) civil courts
2. Revolutionary courts
3. Religious courts
4. Military courts
5. Administrative courts
6. Appeal courts
7. The Supreme Court

“The source explained in relation to the distribution of case areas in the Iranian courts that the public courts deal with cases concerning adultery, homosexuality, the consumption of alcohol, religious conversion, breaches of clothing rules etc.

“The revolutionary courts deal with matters of national security, terrorism, improper pronouncements on Khomeini and the supreme leader, espionage and narcotics-dealing. According to the source, 99% of the revolutionary court’s cases involve drug crime.

“The religious courts deal with cases in which Islamic priests and other religious persons have broken the law.

“The military courts deal with cases concerning military personnel, including members of the revolutionary guard, Basij and the like, who have broken the law.

“The Appeal Courts and Supreme Courts function as instances of appeal.

“All sources stressed that all sentences passed in the first instance can be appealed against to an Appeal Court. This also applies to sentences passed

in absentia. All cases of a certain importance, including those in which a sentence of death or other corporal punishment has been passed, can be the subject of appeal to the Supreme Court. The Supreme Court must always be consulted in cases of the death penalty, irrespective of any appeal. In some cases, a Supreme Court decision can be overruled by the supreme head of the judicial system.

“In all larger towns there are courts that deal with cases in the first instance. In all provincial capitals there are Appeal Courts. The Supreme Court sits in Teheran.

“Courts of first instance have a single judge. Appeal Courts have a collegiate of three judges and the Supreme Court has a varying number of judges depending on the nature of the case involved.” [86a] (p6)

11.06 An undated article on the United Nations website, accessed 10 December 2008, states that:

“Since 1978, the structure of the Iranian judicial system has gone through drastic organizational revisions. The present structure of the Iranian court system includes:

“The Supreme Court: it is the highest court in Iran with the task of supervising the correct implementation and proper application of laws by the lower courts, as well as of ensuring uniformity in Judicial procedures. (Article 161 of the Constitution). The Head of the Judiciary, in consultation with the judges of the Supreme Court, nominates the Chief of the Supreme Court who, among other qualifications, must be a specialist in Islamic Law.

“The Court of Administrative Justice: under the supervision of the Head of Judiciary this court has a mandate to investigate complaints by privates against actions by public institutions and organs (Article 173 of the Constitution).

“The Courts of Appeal: it is the second instance court competent for reviewing cases decided by public and revolutionary courts. In the year 2001-2, 216 courts of appeals settled a total of 40,013 cases out of 345,746 pending cases.

“The Public Courts: These courts have jurisdiction to deal as first instance tribunals and are divided into two categories dealing with civil cases and criminal offences respectively. In the year 2001-2002, 2,260 public courts settled a total of 4,377,160 cases.

“The Revolutionary Courts: the Revolutionary Courts have jurisdiction over various offences including: crimes against national security, narcotic drugs, terrorism, state-related embezzlement, bribery and profiteering, all acts that undermine the system of the Islamic Republic of Iran. Settled cases at the Revolutionary courts can be forwarded to the courts of Appeal. 226 Revolutionary courts were on operation in Iran in 2001-2002.

“The Military Courts: they are mandated to investigate crimes committed in connection with military or security duties by members of the Armed Forces, the Police, and the Islamic Revolution Guards Corps. The office of the military prosecutor and the military courts are also part of the judiciary and

are subject to the same principles that regulate the Judiciary (Article 172 of the Constitution).

“Office of the Public Prosecutor: Based on the recent amendments to the Law on Public and Revolutionary Courts, the offices of prosecutor general have been reintroduced in the judicial system all over Iran. These offices are now responsible for all pre-trial investigations and referral of those cases were [sic] there are [sic] strong evidence of a crime to the courts.

“Dispute Resolution Councils: are new bodies established in accordance with to the latest revisions in the judicial system in Iran. These councils are responsible for settlement of minor civil and criminal cases through mediation before their referral to the courts.

“The office of the military prosecutor and the military courts are also part of the judiciary and are subject to the same principles that regulate the judiciary. (Article 172 of the Constitution).” [10d]

11.07 In June 1987 Ayatollah Khomeini ordered the creation of clerical courts to try members of the clergy opposed to government policy. A new system of qisas (retribution) was established, placing the emphasis on swift justice. Islamic codes of correction were introduced in 1983, including the dismembering of a hand for theft, flogging for fornication and violations of the strict code of dress for women, and stoning for adultery. The Supreme Court has 33 branches, each of which is presided over by two judges. (Europa World Online, accessed 22 May 2009) [1a] (Judicial System)

11.08 Amnesty International reported in February 2006 that:

“In October 2005, Press Courts were reintroduced to try cases of breaches of the Press Code, which contains vaguely worded provisions which can be used to punish people for the peaceful expression of their opinions. They comprise a panel of three judges and a jury selected by the judiciary... Following the reintroduction of the Press Courts, dozens of cases of journalists and newspapers began to be examined, leading in several cases to suspended prison sentences.” [9f] (p8)

Complaints

11.09 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

“There are several other institutional mechanisms that provide opportunities for citizens to seek redress. Article 174 of the Constitution provides for a National General Inspectorate under the supervision of the head of the judiciary that supervises the proper conduct of affairs and the correct implementation of laws by the administrative organs of the Government. The Inspectorate reportedly handles individual complaints and is somewhat akin to an ombudsman system. Under article 90 of the Constitution, the Parliament can also examine and investigate written complaints by the public against its own work and the work of the executive and judicial branches. In addition, there are quasi-judicial institutions, including arbitration and dispute settlement councils, which settle large volumes of

cases of a non-judicial or less complicated nature and increase the public's participation in and contribution to the proceedings." [10a] (p5)

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INDEPENDENCE

11.10 The Constitution of the Islamic Republic of Iran (Article 156) states that the Judiciary is an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice. (UN, accessed 10 December 2008) [10d]

11.11 The USSD Report 2008 added:

"By law, the judiciary was independent from the executive and legislative branches; in practice it remained under the influence of executive and religious government authorities. According to the constitution, under the supervision of the head of the judiciary, the Court of Administrative Justice investigates the grievances of citizens with regard to government officials, organs, and statutes. In practice, citizens' ability to sue the government was limited. It appeared that citizens were not able to bring lawsuits against the government for civil or human rights violations. Dispute resolution councils are available to settle minor civil and criminal cases through mediation before referral to courts." [4a] (Section 1e)

11.12 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

"While the Constitution provides for a separation of powers between the executive, legislative and judicial functions, there are a number of institutional constraints on their independent functioning and ability to protect human rights.

"Despite the separation of powers provided for in article 57 of the Constitution, the Supreme Leader, currently Ayatollah Ali Khamenei, supervises the executive, legislative and judicial branches and other key institutions (E/CN.4/2006/61/Add.3, para. 12). This is reinforced by the system of advisory councils provided for in the Constitution. The Guardian Council is composed of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary. It has the power to veto the bills passed by Parliament if it views them as being inconsistent with the Constitution and sharia law. The Expediency Council serves as an advisory body for the Supreme Leader with an ultimate adjudicating power in disputes over legislation between Parliament and the Guardian Council. The Assembly of Experts, comprising clerics elected through a general election, has the power to appoint and remove the Supreme Leader.

"The Supreme Leader appoints the head of the judiciary who in turn appoints the head of the Supreme Court and the Chief Public Prosecutor. The Iranian judicial system has three tiers: regular civil and criminal courts are overseen by courts of appeal that are in turn supervised by the Supreme Court. There are specialized courts at different levels, such as the administrative court, family courts and juvenile courts. There are also special

public and revolutionary courts that try certain categories of offences, including crimes against national security and narcotics smuggling. Decisions rendered in revolutionary courts can be appealed, except for sentences of less than three months' imprisonment and fines under 500,000 rials. Special courts handle cases involving military personnel and the clergy. The Working Group on Arbitrary Detention, during its visit in 2003, raised concerns about the impact of such courts on the principle of equality before the law. The Working Group called for their functions to be transferred to the ordinary courts.

"The Working Group also noted that the abolition of prosecutors between 1995 and 2002 was one of the main reasons for the malfunctioning of the justice system (E/CN.4/2004/3/Add.2 and Corr.1). Prosecutors were reintroduced to the system in 2002; however they remain functionally part of the judiciary under the supervision of the head of the judiciary and do not exercise a fully independent role." [10a] (p4)

11.13 The same report added that: "The Iranian Bar Association has expressed concern over new legislation that establishes a parallel system for the issuance of attorney licences, which could further undermine the independence of the bar." (UN, 1 October 2008) [10a] (p17)

11.14 The 2005 Danish FFM report stated:

"Mohammad Javad Shariat Bagheri, Director General of the Iranian judicial system's international department reported that the judicial system is independent of government, including the Ministry of Justice. The judicial system is directly under the control of Khomeini, the 'supreme leader'. Since 1999, the senior director of the judicial system has been Mahmoud Hashemi Sharudi, who has carried out a number of reforms. For example, a real prosecuting authority was reintroduced in 2002 and a number of state advocates have since been appointed." [86a] (p6)

11.15 The Danish FFM report 2005 added:

"Mohammad Javad Shariat Bagheri, Director General of the Iranian judicial system's international department reported that all judges in the various courts can have two different educational backgrounds. The normal educational background is a legal qualification from a university. Around 90% of judges have a university education in law. Around 10% of judges have theological training from a priests' seminary. Irrespective of educational background, all prospective judges must go through a one-year judicial training course ending with an examination before they are allowed to practise. The course is designed to give its participants the skills to carry out the office of judge in a correct manner." [86a] (p7)

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FAIR TRIAL

11.16 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

“The Penal Code and the Code of Penal Procedure provide various procedural guarantees aimed at ensuring due process of law and fair trial rights. For instance, article 190 of the Code of Penal Procedure requires that defence lawyers be given full access to prosecution documents and time to review them. However, some provisions fall short of international human rights standards. For instance, article 33 of the Code of Criminal Procedure allows for a suspect to be detained without charge for one month, which may then be renewed.” [10a] (p4)

11.17 The same report adds: “Particularly in revolutionary court hearings, an extremely restrictive interpretation of article 128 of the Code of Penal Procedure and note 3 to the Law on the Selection of Counsel led to the exclusion of counsel at the discretion of the judges.” (UN, 1 October 2008) [10a] (p17)

11.18 The USSD Report 2008 stated that:

“... according to the constitution and the criminal procedure code, a defendant has the right to a public trial, presumption of innocence, a lawyer of his or her choice, and the right of appeal in most cases involving major penalties. However, these rights were not respected in practice. Panels of judges adjudicate trials. There is no jury system in the civil and criminal courts. In the press court, a council of 11 persons specifically selected by the court adjudicates the case. Defendants did not have the right to confront their accusers, and were not granted access to government-held evidence.

“UN representatives, including UN special representatives (UNSRs) and the UN Working Group on Arbitrary Detention, as well as independent human rights organizations, noted the absence of procedural safeguards in criminal trials. Numerous human rights groups condemned trials in the revolutionary courts for disregarding international standards of fairness. Revolutionary court judges were chosen in part due to their ideological commitment to the system. Authorities often charged individuals with undefined crimes, such as ‘antirevolutionary behavior,’ ‘moral corruption,’ and ‘siding with global arrogance.’ If post-revolutionary statutes did not address a situation, the government advised judges to give precedence to their knowledge and interpretation of Islamic law. Secret or summary trials of only five minutes’ duration occurred frequently. Other trials were deliberately designed to publicize a coerced confession.

“The legitimacy of the special clerical court system continued to be subject to debate. The clerical courts, which investigate offenses and crimes committed by clerics and which are overseen directly by the supreme leader, are not provided for in the constitution and operated outside the domain of the judiciary. According to a 2007 AI report, defendants could only be represented by court-nominated clerics who are not required to be legally qualified. AI reported that in some cases the defendant was unable to find a person among the nominated clerics willing to act as defense counsel and was tried without legal representation. Critics alleged clerical courts were used to prosecute clerics for expressing controversial ideas and participating in activities outside the sphere of religion, such as journalism or reformist political activities.” [4a] (Section 1e)

See also [Penal code](#) below

Trial in absentia

- 11.19 A report from the Canadian Immigration and Refugee Board (CIRB), dated 20 June 2006, stated that:

“In accordance with Article 217 of the Criminal Procedure Code, in cases involving crimes of public order (as opposed to religious crimes), if the accused and/or his representative is absent from the entire proceedings, then the court can issue its sentence in absentia, which of course will be subject to appeal once it is properly served on the accused. There is no restriction as to the type of sentence that may be issued and therefore it includes death sentences issued in absentia. There is no express provision in this respect, but Note 2 of ... Article 217 would only allow the court to proceed in the absence of the accused if the court is of the opinion that there is no basis for the conviction of the accused and arriving at that decision does not require interrogation of the accused. Otherwise, the presence of the accused is necessary for completion of the proceedings and issuance of the final verdict (4 May 2006).” [2ad] (p1)

- 11.20 The APCI Report 2008 noted that:

“... in absentia verdicts have a separate time frame for appeal, does not state that this period is 10 days within the issuing court per Article 217. In absentia cases, the time limitations relevant in all cases, namely 20 days of appeal within the appropriate appellate authority per Article 236 of the Penal Procedure code, do not begin to run until the initial 10 days are exhausted. For individuals residing overseas (where this is officially registered with the authorities), the time frame is 2 months.” [6a] (p17)

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Bail

- 11.21 A report from the Canadian Immigration and Refugee Board (CIRB), dated 20 June 2006, stated that:

“There are different methods of obtaining a bail. Bail can be obtained through a surety, through providing security or through a cash deposit. Under Islamic law, for minor offences, the accused can be released on his own bail.

“In the case of surety, the person standing a surety has to appear before the office of the court and sign a formal declaration that he will be personally responsible for delivering the accused to the court whenever the court summons him to do so. In other cases, arrangements will be made through the office of the court with a special fund in the Ministry of Justice to provide a deposit of cash or bank guarantee. In the case of providing as security a title deed or the like, the original document of ownership should be deposited with the office of the court and no transaction can be carried out in respect of the property that has been offered as security.

“[In cases where a] person who has been bailed [through a surety] does not appear on the due date ... the surety will be summoned to deliver the accused, failing which the cash amount required for bail will be seized from

his assets. In other cases, the property or the asset that has been pledged to the court will be confiscated.” [2ad] (p1)

Enforcement of Judgments

11.22 The APCI Report 2008 stated that:

“For the purpose of enforcement of the judgments delivered by the common courts; civil and penal, there has been established an entity called Unit of Enforcement of Judgments. In accordance with law, chief of the judicial district concerned shall also act as chief of the unit. Each unit shall have adequate number of assistants, employees and other personnel. The judgments delivered by the common courts and the Revolutionary courts shall, based upon the instruction of the issuing authority, be enforced by the Justice Agents. The issuing authority of the judgment and order may attend or supervise the proceedings of enforcement.

“In order to provide legal advices and guidance to the individuals who are in need of such services, an entity entitled Guidance and Assistance Unit has been established in each judicial district under the supervision.” [6a] (p15)

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PENAL CODE

11.23 The original Iranian Islamic penal code was passed into law in 1991 and last amended in 1996. (Compass Direct News, 23 September 2008) [117b] It is a parallel system to the Iranian civic code. [77d]

11.24 The Danish Immigration Service’s report *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* (Danish Immigration Service Report 2009), released April 2009, stated that:

“It is a big problem that the Penal Code is interpreted very differently depending on the judge presiding. Sharia Law is often used in very strict, traditional and religious parts of the country and less often in Tehran and larger cities. Though, it cannot be ruled out that Sharia judgements may occur even in Tehran. It is always up to the individual judge to decide how to interpret the law. This causes an arbitrary justice system and one can never know how an offence will be punished.” [86b] (p24)

11.25 The same report added that: “A person may never know which set of laws will be applied in his case. A verdict can be based upon Sharia or upon the Penal Code or the Press Code.” (Danish Immigration Service Report 2009) [86b] (p29)

11.26 The Danish Immigration Service Report 2009 continued to state that: “Sharia Law is pervasive in the Penal Code and will always be considered the superior law. While some judges will apply the Penal Code others may choose to apply Sharia Law and this makes the system of justice unpredictable and arbitrary.” [86b] (p10)

11.27 The report continued, that:

“It was further explained that Sharia pervades the Penal Code, although it is not present in all parts of the Penal Code. When the Penal Code does not describe a punishment or verdict, the judge shall apply Sharia Law. According to the Iranian Constitution, the judge must issue a judgement. Since Sharia Law has supremacy to any other laws, this is the law that the judge must turn to for guidance and interpretation.” [86b] (p29)

- 11.28 In their report *Human rights abuses against the Baluchi minority* of 17 September 2007, Amnesty International explained aspects of the Iranian Penal Code:

“Under Iranian law, people may be sentenced to death for certain hodoud crimes (crimes against God defined by Islamic law) and certain Ta’zir crimes (discretionary crimes that are not defined by Islamic law).

“Under the category of hodoud crimes, capital offences include adultery by married people; incest; rape; fornication for the fourth time by an unmarried person, having been punished for each previous offence; drinking alcohol for the third time, having been punished for each previous offence; ‘sodomy’; same-sex sexual conduct between men without penetration (tafhiz) for the fourth time, having been punished for each previous offence; lesbianism for the fourth time, having been punished for each previous offence; fornication by a non-Muslim man with a Muslim woman; and false accusation of adultery or ‘sodomy’ for a fourth time, having been punished for each previous offence.

“The law of hodoud also provides for the death penalty as one of four possible punishments for those convicted of the vaguely worded offences of ‘enmity with God’ (‘moharebeh’) and ‘corruption on earth’ (‘ifsad fil arz’). These terms are defined in the Penal Code as ‘Any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered as a mohareb and to be mofsed fil-arz (corrupt on earth)’. Further articles clarify that those convicted of armed robbery, highway robbery, membership of or support for an organization that seeks to overthrow the Islamic Republic; and plotting to overthrow the Islamic Republic by procuring arms for this purpose will be regarded as mohareb. References in other articles relating to ta’zir crimes, and other laws, specify other circumstances in which an individual may be considered a mohareb, including espionage and forming a group to harm state security. Corruption on earth is not further defined in the hodoud section of the Penal Code, but a number of other laws provide for the possibility that certain crimes may in some circumstances fall into this category. These include crimes such as economic corruption, embezzlement, repeated drug-smuggling, forgery of banknotes, hoarding and profiteering.

“Judges apparently have a wide degree of discretion in deciding whether a particular crime is so serious that it amounts to one of these categories and therefore can be punished by death rather than a term of imprisonment or other penalties.

“As hodoud crimes are regarded as a crime against God, they are not open to pardon by the Supreme Leader on the recommendation of the Head of the Judiciary in the same way as ta’zir or discretionary punishments are. However, in the case of adultery, ‘sodomy’, same sex sexual conduct

without penetration, and lesbianism, if the person has confessed to the crime and repented (publicly sought forgiveness from God), then the judge in the case has the power to seek a pardon from the Supreme Leader or to insist on the implementation of the verdict.” [9b]

- 11.29 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, observed:

“The Working Group on Arbitrary Detention noted that the Iranian Penal Code retains five categories of crimes to which diverse punishments can be applied: hudud, qisas, diyah, ta’zir and preventive punishments. Hudud constitutes crimes against divine will, the applicable punishments for which include the death penalty, crucifixion, stoning, amputation of the right hand and, for repeat offences, the left foot, flogging, imprisonment and exile. Qisas is retribution in kind, broadly similar to ‘an eye for an eye’. Proceedings against the life or physical integrity of the person are subjected to the decision of the victim, who may ask for the guilty party to suffer the same treatment or may accept financial compensation (diyah) in the case of murder or physical injury. Ta’zir constitutes crimes that incur discretionary punishments applied by the State that are not derived from the Islamic sharia law.

“The death penalty is imposed for certain hudud crimes, including adultery, incest, rape, fornication for the fourth time by an unmarried person, drinking alcohol for the third time, sodomy, sexual conduct between men without penetration for the fourth time, lesbianism for the fourth time, fornication by a non-Muslim man with a Muslim woman, and false accusation of adultery or sodomy for a fourth time. Furthermore, the death penalty can be applied for the crimes of enmity with God (mohareb) and corruption on earth (mofsed fil arz) as one of four possible punishments. Under the category of ta’zir crimes, the death penalty can be imposed for ‘cursing the Prophet’ (art. 513 of the Penal Code). The death penalty may also be applied to such crimes as drug smuggling or trafficking, murder, espionage and crimes against national security.” [10a]

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Qisas (retribution)

- 11.30 Regarding *qisas*, the Human Rights Watch report *Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen* of 10 September 2008 stated:

“The majority of juvenile executions in Iran are for hadd crimes or for intentional murder. Intentional murder, which includes ‘cases where the murderer intentionally makes an action that is inherently lethal, even if he does not intend to kill the victim’, is considered to be a crime punishable by retribution in kind (qisas-e-nafs) [Iranian Penal Code, arts. 205, 206]. While the judiciary is responsible for carrying out the trial and implementing the sentence in qisas cases, Iranian law treats these cases as private disputes between two civil parties, where the state facilitates the resolution of the dispute. The victim’s survivors retain the right to claim retribution in kind, to pardon the killer, or to accept compensation in exchange for giving up the right to claim retribution.” [8c] (p8)

11.31 The report continued:

“Iran retains the death penalty for a large number of offenses, among them cursing the Prophet, certain drug offenses, murder, and certain hadd crimes, including adultery, incest, rape, fornication, drinking alcohol, ‘sodomy’, same-sex sexual conduct between men without penetration, lesbianism, ‘being at enmity with God’ (mohareb), and ‘corruption on earth’ (mofsed fil arz).” [8c] (p8)

See also [Death penalty](#)

Knowledge of the judge

11.32 An article on Radio Free Europe / Radio Liberty, dated 23 April 2007, states “Laws are often contradictory in Iran and their interpretation remains the preserve of a small number of jurists or religious authorities – in this case Supreme Court judges.” [42ah]

11.33 The International Federation for Human Rights (FIDH) report ‘Iran/Death Penalty: a State Terror Policy’, dated 28 April 2009, stated that: “Judges are ... empowered to rule on the basis of their own ‘knowledge’ in various cases. Hence, a good number of stoning as well as other sentences are issued on the basis of the ‘knowledge of the judge’. This is illegal even according to the letter of the Islamic Penal Code.” [56i] (p39)

11.34 The April 2009 FIDH report added that:

“It is notable that the IPC [Islamic Penal Code] has stipulated ‘knowledge of the judge’ specifically as one of the means to prove theft or murder, but not in the case of fornication/adultery. However, Ayatollah Khomeini has granted judges the power to use their knowledge in fornication- and adultery-related cases (Tahrir ul-Vassileh, Vol 4, P 197). The book was invoked to sentence two sisters to stoning in 2007...” [56i] (p39fn)

11.35 The Global Campaign to Stop Killing and Stoning Women website, accessed 5 June 2009, stated that: “Most stoning sentences are issued not on the basis of testimony or confession but on the judges ‘knowledge’ or ‘intuition’. Article 105 of the Islamic Penal code of Iran allows a judge to rule according to his gut feeling instead of hard evidence. As a result, most of [sic] not all adultery cases are unfairly tried.” [115]

11.36 An example of ‘judge’s knowledge’ is in a case posted on the Iran Focus website, dated 8 February 2008: “The charge of ‘adultery’ was substantiated solely by the judge’s ‘knowledge’, based on the video evidence and statements the sisters had made during their interrogation.” [76d]

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COURT DOCUMENTATION

Summonses

11.37 The APCI Report 2008 observed:

“In order to invite an individual to a judicial body, a summons must be issued. This would be in the form of ‘Ekhtariyeh’ (sometimes translated as ‘legal notice’) and ‘Ehzariyeh’, Farsi terms which may both be accurately translated into the legal term ‘summons’.

“These serve the same purpose and have the same nature, as both give the opportunity to the defendant to attend the court and defend themselves against certain allegations. Both of these documents are issued by the proceeding court after a lawsuit is filed, stating the name of the defendant, the file number of the case, the court and its branch, the name and address of the defendant, and instructions as to the need to attend the court at a certain time or within a given time period. A copy of the document must be served on the defendant or a family member and signed by both the serving Bailiff and the recipient to show the date of service. After service to the defendant, the original document, along with the ‘return of service’ proving the summons and complaint were served, is filed with the court to show that the defendant has been informed and been given the opportunity to respond.

“Therefore, there is no difference between ‘Ekhtariyeh’ and ‘Ehzariyeh’ in terms of their legal nature and function, as both provide the defendant with the opportunity to voluntarily appear at court and respond to a complaint. However, ‘Ekhtariyeh’ is usually used when someone is called to the court for an investigation that is ongoing against the defendant, whilst ‘Ehzariyeh’ is used when the court intends to hold a trial against the defendant and wants to give a last opportunity for their voluntarily coming forward. The consequence of non-attendance after issuing an ‘Ehzariyeh’ would usually be the issuing of an arrest warrant and an absentia verdict if the person is not found.” [6a] (p19)

11.38 On the same subject the Danish Immigration Service Report 2009 stated that:

“The Attorney at Law explained that summonses can be issued by the Civil-, Criminal- or Revolutionary Court. A western embassy (3) confirmed that there are different kinds of summonses and added that summonses are also issued by the Secret Service.

“The Attorney at Law stated that if a person does not respond to a summons, the person is breaking the laws regulating the obligation to report to the authorities when summoned. Failing to report when summoned does not mean that the person will be prosecuted. This would depend on the reason for the person being summoned. The Attorney at Law added that a person who has been summoned and has subsequently left Iran during the investigation phase, will not necessarily face prosecution upon return just because the person has failed to report to the authorities after being summoned.

“According to a western embassy (3), a person who does not meet when summoned is searched for by the authorities. The embassy does not know what happens to a person who fails to report to the authorities after being summoned.

“The Attorney at Law stated that summonses can easily be obtained illegally and that it is also easy to forge summonses by erasing information in the summons and adding new details.

“The attorney at Law also informed that a notice to meet in court can be send [sic] by text message (sms) and by e-mail. In terms of the use of text messages a document has to be presented as proof of the text being sent to the person.” [86b] (p43)

- 11.39 Regarding civil cases, the Danish Immigration Service Report 2009 stated that:

“According to a western embassy (3), any person being accused of an offence according to the Civil Code will be summoned. If the accused does not respond to the summons the person will be summoned again. The Attorney at Law stated that a civil summons is issued by the Civil Court or branch when a plaintiff has filed a case at the court house. A person who has been served a summons must respond within five days. If the summons is published in the legal gazette the person has 30 days to react to the summons. If a person who has been summoned does not show up, the court may issue a ruling.” [86b] (p43)

- 11.40 Regarding criminal cases, the Danish Immigration Service Report 2009 stated that:

“A western embassy (3) explained that a person suspected of having committed a criminal act will be summoned according to the Penal Code. According to the Attorney at Law, when a person is summoned in a criminal case the person must report to the authorities within three days. However, if the summons has been published in the legal gazette, the person must report to the authorities within ten days. If a person fails to report when summoned according to the Penal Code, the person will be searched for and an arrest warrant may be issued.

“A western embassy (3) added that a person who fails to report to the authorities when summoned may be sentenced in absentia to imprisonment if found guilty of the crime. The sentence may be appealed within 10-20 days.” [86b] (p43-44)

- 11.41 On summonses issued by the Secret Service, the Danish Immigration Service Report 2009 stated that:

“A western embassy (3) stated that summonses by the Secret Service do not have a specific format and may even be issued over the phone. A document is rarely issued by the Secret Service. A person who fails to meet for a summons issued by the Secret Service will be searched for. The embassy does not know what happens to the person in such cases.” [86b] (p44)

- 11.42 The Danish Immigration Service Report 2009 also described a summons:

“According to the Attorney at Law, a summons is a form consisting of blank sections. The court or the requesting authority will fill in the summons by hand. Though, recently some courts have begun to issue computer generated summonses as well. A western embassy (3) stated that

summonses are always filled out by hand and only the copy is served to the summoned. The summons is stamped by the issuing authority.

“The Attorney at Law explained that all summonses have a registration number. By this number any Iranian lawyer can find out if the summons is registered in the system and thereby verify the authenticity of the summons. With the use of the number of the summons, the lawyer can find information on the date of issue, the case number, court type (Civil, Criminal or Revolutionary) and branch number of the court issuing the summons. The case number is written in the left top corner. In the top middle there is a number of the court and in the top right corner the date is written. A summons is most often written on A5 size paper.

“Summonses are always stamped, though not necessarily signed. The stamp contains the following information: city, name, court and division. Divisions all have individual numbers. All cities start with the number ‘1’. The name of the city will not appear but only the city’s number code. The Attorney at Law added that if the letter ‘[please see original report for the letter]’ followed by ‘/ xxxx’(numbers) appears on the summons, this means that a judgement has been made and the authorities may carry out execution of the judgement. The letter ‘[please see original report for the letter]’ will be written in the top right corner of the summons by the Execution Court.

“Once there is a judgment in the case, it is sent to the Execution Division. In the Execution Division, a new number for judgment is issued. At this stage, the authorities can execute the judgment even though the person can appeal the decision. The Attorney at Law added that a judgment can be appealed within 30 days. Then the Appeals Court renders a judgment that may be executed. The person may appeal to the Supreme Court; however, this will not prevent execution of the Appeals Court’s decision. However, if a person is acquitted by the Supreme Court the judgment will be reversed.”
[86b] (p44)

- 11.43 Both a Danish fact-finding mission report of September 2000 and a Belgian mission report of 2002 noted that in the case of court summonses an attempt was always made to deliver a summons to appear before a court to the addressee in person. If the person concerned was not there, however, the summons might be delivered to a family member. If there was nobody present who could accept the summons, it was taken back to the court, where the judge decided whether an attempt should be made to arrest the person concerned. Such a decision depended on the nature of the case. However, a person might not be arrested without a written order from a judge. [86c] (p22) [43] (p17)

Arrest warrants

- 11.44 The Danish report went on to record that Public Courts have the power to issue arrest warrants in all types of cases unless the case in question falls under the jurisdiction of the Revolutionary Court. The report noted that the process was as follows: arrest warrant is sent by the Public Court to the relevant police station, which is responsible for arresting the person concerned. The arrest warrant is shown to the person under arrest but not served. It is subsequently returned to the issuing court. Forms used for issuing arrest warrants are printed at a special government printing house.

The form is completed by hand and contains the following information about the person under arrest:

- First name and surname
- Address
- Occupation
- Father's name
- ID-card number [86c] (p23) (however the APCI Report 2008 observed that arrest warrants do not contain details of an ID card) [6a] (p19-20)

11.45 Once it has been completed, the form is stamped and signed by the court. Only one arrestee can be covered by the form. The reason for the issuing of the arrest warrant is not normally stated. (Danish Fact-Finding Mission, September 2000) [86c] (p23)

11.46 On the issuance or serving of an arrest warrant and that of a search warrant, the APCI Report 2008 stated:

“... an arrest warrant would not be ‘served’ on the defendant in the sense of physically sending or handing it over to him or her, but rather presenting it as an authorisation for arrest or search. Therefore, there is no legal manner by which the original of an arrest warrant can be physically handed over before the time of arrest, as would a summons as such documents can be served upon a family member. Also, a distinction must be drawn between an arrest warrant and a search warrant, as the latter can be handed over at the time of search, to those who are located at the premises.” [6a] (p19-20)

11.47 A report from the CIRB, dated 20 June 2006, stated that:

“In most circumstances the office of the court issues court documents, such as summons [es] and other relevant notices. Arrest warrants have to be signed by the judge. Also, any judgment of the court resulting in the conviction of the accused should also be signed by the judge himself. Otherwise (unless there is a specific provision), the court officer (normally an unqualified clerk) will sign the notices. The notices are served through the service department of the Ministry of Justice and through a bailiff. The bailiff is employed by the government and there are no private process servers, whether in commercial or criminal proceedings. Even in commercial cases, all the documentation and notices have to be served through the service department of the Ministry of Justice.

“A warrant for arrest should be served on the accused at his last known address. If the address is unknown or the accused cannot be found at his last known address, then the proper service would take place through publication of the warrant in a widely circulated newspaper or a local newspaper where the accused resides. The members of the family cannot be served instead of the accused unless they acknowledge that they are aware of the whereabouts of the accused and they will undertake to deliver the notice/summons to the accused. In principal, [sic] in criminal cases, the substituted service through members of the family is not acceptable. If the accused cannot be found, the arrest warrant would be passed on to law enforcement officers to arrest the accused whenever and wherever he is found.” [2ad] (p1)

See [Arrest and detention – legal rights](#)

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Reporting

11.48 The Danish Immigration Service Report 2009 stated that:

“The delegation sought information about the use of reporting at specified times, i.e. an order to report regularly to the authorities, for instance daily reporting, weekly reporting, twice weekly reporting etc. While the notion of reporting because of a summons was well known, the majority of the sources were not familiar with the concept of reporting to the authorities at specified times.

“The Attorney at Law stated that he has never seen any document ordering a person to report to the police or other authorities at specified times nor had he heard of anyone being ordered to report to the police or to the authorities at specified times. However, he had heard of situations where a person was paid a visit at home by the police. The person will then be questioned as to his or her whereabouts. Such visits may be made by the police or by the Intelligence Service. To the Attorney at Law’s knowledge, it is not anyone from the judiciary system who makes these visits. An international organisation in Tehran (1) stated that former MKO members who have returned to Iran are sometimes told to report to the authorities on a weekly basis during the initial period after their return. It was unknown to the organisation for how long a period and to which authority the returnee should report, and if all returnees had to report. Mahdavi explained that a person who has served a sentence for a criminal activity may be ordered to report to the police at specified times, as it is the duty of the police to control whether such a person has become criminally active again. If a person, who has been ordered to report to the police at specified times, fails to report, there will not be any sanctions for failing to report. Mahdavi had no knowledge of specific cases where a released person had been ordered to report to the authorities at specified times. However, he added that the police will keep an eye on a person with a criminal past.” [86b] (p44-45)

AMPUTATION

11.49 The April 2009 FIDH report stated that: “Under the law, the punishment for [theft for] the first time is amputation of four fingers of the right hand and for the second time amputation of the left foot.” [56i] (p12) The same report added that “first amputation of the right hand and then of the left foot” is a possible punishment for anybody convicted of being *mohareb* or *mofsed-e fel-arz* [anybody who takes up arms to create fear and to divest people of their freedom and security, Iranian Penal Code Article 183]. [56i] (p12)

A report from Radio Free Europe/Radio Liberty (RFE/RL), dated 7 January 2008, recorded that:

“Five convicted criminals in southeastern Iran have received the seldom-used form of punishment of amputation. The amputation sentences were carried out in Zahedan, the capital of Iran’s southeastern Sistan-Baluchistan Province. The five men were found guilty of armed robbery, hostage taking, and firing at police, though officially they were convicted of ‘acting against God’ and ‘corruption upon this Earth.’ Amputation as a punishment is legal

in Iran, but there have been no reports of it being used for several years.”
[42aa]

- 11.50 The Amnesty International (AI) Report 2008, covering events in 2007, released in May 2008, stated that “At least eight people had their fingers or hand amputated after conviction of theft.” [9a] While AI’s Annual Report 2009 noted that “Sentences of flogging and judicial amputation were imposed and carried out.” [9h]

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ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated that:

“The constitution and penal code require warrants or subpoenas for arrests and state that arrested persons must be informed of charges within 24 hours; however, these safeguards rarely occurred in practice. Detainees often went weeks or months without charges or trial, and authorities held detainees incommunicado, frequently denying them prompt contact with family or timely access to legal representation. In practice there was neither a legal time limit for incommunicado detention nor any judicial means to determine the legality of the detention. According to the law, the state is obligated to provide indigent defendants with attorneys only for certain types of crimes. The courts set bail at prohibitively high levels, even for lesser crimes. Detainees and their families were often compelled to submit property deeds to post bail. Prisoners released on bail did not always know how long their property would be retained or when their trials would be held.” [4a] (Section 1d)

- 12.02 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

“The Penal Code and the Code of Penal Procedure provide various procedural guarantees aimed at ensuring due process of law and fair trial rights. For instance, article 190 of the Code of Penal Procedure requires that defence lawyers be given full access to prosecution documents and time to review them. However, some provisions fall short of international human rights standards. For instance, article 33 of the Code of Criminal Procedure allows for a suspect to be detained without charge for one month, which may then be renewed.” [10a] (p4)

- 12.03 Amnesty International states in its report, ‘Iran: Women’s rights defenders defy repression’, dated 28 February 2008, that:

“Most of the women’s rights defenders who have been arrested and prosecuted have been charged with vaguely worded security offences. Such charges are used by the authorities effectively to limit the activists’ internationally recognized rights to freedom of expression and association as they seek to protect and promote women’s rights in Iran, in violation of international standards such as the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party.

“In continuing to violate the rights of women’s rights defenders, the Iranian authorities use vaguely worded laws, allow or facilitate excessive force by police and other security forces against demonstrators, and turn a blind eye to their ill-treatment in detention. Human rights defenders are effectively denied the protection of the law and are targeted and penalized for standing up for women’s rights.” [9aah]

See also, Security forces (for information about arbitrary arrest and detention and ill-treatment), Judiciary subsections on Fair trial and Court documentation (for information about summonses and arrest warrants) and Prison conditions

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PRISON CONDITIONS

- 13.01 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated:

“Prison conditions were poor. Many prisoners were held in solitary confinement or denied adequate food or medical care as a way to force confessions. Overcrowding was a significant problem. In September the UK-based International Center for Prison Studies reported that more than 150,000 prisoners occupied facilities constructed to hold a maximum of 65,000 persons. Numerous prisoners complained that authorities intentionally exposed them to extreme cold for prolonged periods.

“Some prison facilities, including Evin Prison, were notorious for cruel and prolonged torture of political opponents of the government. Authorities also maintained ‘unofficial’ secret prisons and detention centers outside the national prison system, where abuse reportedly occurred.

“Human rights activists and international press reported cases of political prisoners confined in the same wing as violent felons. In December journalist Shahnaz Gholami, imprisoned for ‘jeopardizing national security,’ began a hunger strike to protest being held in a ward with convicted murderers and drug dealers. There were also reports of juvenile offenders detained with adult offenders. Pretrial detainees occasionally were held with convicted prisoners.

“The government did not permit independent monitoring of prison conditions by any outside groups, including the International Committee of the Red Cross (ICRC). In September 2007 the government granted foreign journalists a tour of Evin Prison for the second time in two years. According to Agence France-Presse (AFP), during the visit the director of Tehran prisons, Sohrab Soleimani, denied that there were political prisoners in Evin Prison but told the journalists there were 15 prisoners in Evin on ‘security’ charges.” [4a] (Section 1c)

- 13.02 The USSD Report 2008 added: “Authorities routinely held political prisoners in solitary confinement for extended periods of time and denied them due process and access to legal representation. Political prisoners were also at greater risk of torture and abuse while in detention. The government did not permit access to political prisoners by international humanitarian organizations.” [4a] (Section 1e)

- 13.03 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

“The Working Group on Arbitrary Detention, during its visit from 15 to 27 February 2003, noted the widespread use of solitary confinement and ‘incommunicado’ imprisonment for its own sake, not for traditional disciplinary purposes (E/CN.4/2004/3/Add.2 and Corr.1, para. 54). However, the Iranian authorities informed OHCHR that such imprisonment was allowed only in exceptional cases and was limited to very serious crimes, such as murder and espionage, in accordance with the Code of Penal

Procedures. The duration of solitary confinement has been reduced from one month to 20 days.” [10a] (p8-9)

- 13.04 The Freedom House 2008 report adds “Suspected dissidents are often held in unofficial, illegal detention centers run by a security apparatus consisting of the intelligence services, the IRGC, judicial officials, and the police. Allegations of torture are common in such centers and in the notorious Evin prison.” [112c]
- 13.05 The report continues: “Political prisoners are held under deplorable conditions ... Prison conditions in general are notoriously poor, and there are regular allegations of abuse and death in custody.” [112c]
- 13.06 The International Federation for Human Rights (FIDH) report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated that death in custody remains a very serious cause for concern in Iran. [56i] (p5)

See Security forces, subsections on Arbitrary arrest and detention and Torture

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DEATH PENALTY

- 14.01 The Human Rights Watch report *Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*, dated 10 September 2008, stated:

“Iran retains the death penalty for a large number of offenses, among them cursing the Prophet, certain drug offenses, murder, and certain hadd crimes, including adultery, incest, rape, fornication, drinking alcohol, ‘sodomy’, same-sex sexual conduct between men without penetration, lesbianism, ‘being at enmity with God’ (*mohareb*), and ‘corruption on earth’ (*mofsed fil arz*).” [8c] (p8)

- 14.02 A footnote in the above report added:

“The vaguely defined crimes of ‘enmity with God’ and ‘corruption on earth’ include but are not limited to ‘resorting to arms to cause terror, fear or to breach public security and freedom’, armed robbery, highway robbery, membership of or support for an organization, that seeks to overthrow the Islamic Republic; and plotting to overthrow the Islamic Republic by procuring arms for this purpose. Islamic Penal Code, arts. 81, 126 133, 183.” [8c] (p8 fn)

- 14.03 Although a signatory to the International Covenant on Civil and Political Rights (which states that countries which have not abolished the death penalty may only impose the death sentence for the most serious crimes), Iran handed down the death penalty for non-violent crimes, mostly of an economic nature. Additionally, the Iranian parliament approved a bill that provides the death penalty for people involved in the production of pornographic films. (Hands Off Cain 2008 World Report) [119c]

- 14.03 A report from the Canadian Immigration and Refugee Board (CIRB), dated 20 June 2006, stated that: “The competent authority to issue a death sentence is the public court (which now includes revolutionary courts) within whose jurisdiction the offence has occurred. Generally, the decisions of the public courts are final, except in cases where, among others, [the] decisions or convictions [are for] crimes which carry capital punishment.” [2ad] (p1)

- 14.04 The International Federation for Human Rights (FIDH) report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated: “In the Islamic Republic of Iran, judges have the power to decide the method of execution, which they usually choose in relation to the offence. The most common method of execution is hanging. Other specific methods of execution include stoning to death, issued in cases of adultery, beheading and throwing from a cliff, which are occasionally issued for rape or sodomy.” [56i]

- 14.05 The Amnesty International’s *Annual Report 2009*, covering events in 2008, released in May 2009, observed that:

“At least 346 people were executed, including at least eight juvenile offenders sentenced for crimes committed when they were under 18. The actual totals were likely to have been higher, as the authorities restricted reporting of executions. Executions were carried out for a wide range of offences, including murder, rape, drug smuggling and corruption. At least 133 juvenile offenders faced execution in contravention of international law.

Many Iranian human rights defenders campaigned to end this practice. The authorities sought to justify executions for murder on the grounds that they were qesas (retribution), rather than 'adam (execution), a distinction not recognized by international human rights law. In January, new legislation prescribed the death penalty or flogging for producing pornographic videos, and a proposal to prescribe the death penalty for 'apostasy' was discussed in the parliament, but had not been enacted by the end of 2008.

"In January [2008], the Head of the Judiciary ordered an end to public executions in most cases and in August judicial officials said that executions by stoning had been suspended, although at least 10 people sentenced to die by stoning were still on death row at the end of the year and two men were executed by stoning in December.

"In December, Iran voted against a UN General Assembly resolution calling for a moratorium on executions." [9h]

- 14.06 The Foreign and Commonwealth Office's *Annual Report on Human Rights 2008*, released 26 March 2009, stated:

"We have repeatedly called on Iran to abolish the use of the death penalty and yet the overall number of executions in Iran remains high. According to international estimates, at least 320 people were executed in 2008, and Iran has the highest execution rate per capita in the world. Many of the most basic minimum standards surrounding the use of capital punishment remain absent in Iran. Executions have been carried out in public, and there have been instances of mass executions: 29 people were hanged in July and 10 people were executed at Evin prison on 26 November. Sentences such as stoning to death and 'being thrown from a height' continue to be handed down by judges, and the death penalty remains on the statute books for adultery and consenting same-sex relations." [26b]

- 14.07 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) added: "Public executions continued throughout the year despite the judiciary chief's January 30 [2008] directive banning them (except in cases he approved)." [4a] (Section 1a)

- 14.08 The FIDH report *Human rights situation in the Islamic Republic of Iran*, dated 18 March 2009, stated:

"At a time when there is a momentum across the world to end capital punishment, the Islamic Republic of Iran defies international human rights law by the high level of executions under conditions that blatantly violate international human rights standards. Around 350 persons were reportedly executed in 2008 (a steady increase to the number of executions in carried out in 2007 - 317 persons). In 2009, on January 20th and 21st, 22 persons were hanged in Tehran, in Yazd and in Ispahan for murder and drug trafficking. However, these numbers could be higher as the authorities consider as state secret any information on the number of the death sentences and the executions as well as the methods and the conditions of executions." [56h] (p5)

- 14.09 The USSD Report 2008 stated that:

“According to international press reports, authorities executed approximately 240 individuals during the year following unfair trials (trials conducted in secret or without adhering to basic principles of due process). Exiles and human rights monitors alleged that many persons supposedly executed for criminal offenses, such as narcotics trafficking, were political dissidents. The law criminalized dissent and applied the death penalty to offenses such as apostasy (conversion from Islam), ‘attempts against the security of the state,’ ‘outrage against high-ranking officials,’ and ‘insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic.’ [4a] (Section 1a)

- 14.10 The Hands Off Cain 2008 World Report stated that “Many executions in Iran are for drug-related crimes, but human rights observers believe that many of those executed for common crimes such as drugs are actually political dissidents.” [119c] The report continued to state that “Of the 355 people executed in Iran in 2007, at least 138, including a child offender, were condemned for drug-related crimes.” [119c] The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that: “The continuing high incidence of executions remains an ongoing concern, with a sudden surge of executions reported in recent months, which the authorities argue are part of efforts to combat drug trafficking. For instance, on 27 July 2008, there were reportedly 29 executions, 18 for drug-related offences.” [10a] (p9)

See [Death penalty for children](#)

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STONING

- 14.11 The practice of stoning involves throwing stones at the convicted individual, who is buried up to the waist (if he is a man) or up to the chest (if she is a woman), until the individual dies from impact of the blows. (HRW, 6 February 2008) [8ah]

- 14.12 The FIDH report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, (FIDH Report 2009) added:

“In practice, the conditions set out for stoning are very detailed. Article 102 provides that ‘men shall be buried in a pit up to vicinity of the waist and women up to the chest in order to be stoned.’ Both hands of the condemned are also placed under the earth. And Article 104 determines the size of the stones: ‘The stones used for stoning shall not be too large to kill the condemned by one or two throws and not too small to be called a stone’.” [56i]

- 14.13 The FIDH Report 2009, stated: “In the draft Penal Code presented by the government to the Majlis, stoning and other corporal punishments are maintained.” [56h] The same report noted:

“Although the head of the judiciary, Ayatollah Shahroodi issued a moratorium on execution by stoning in December 2002, at least seven stoning sentences have been enforced since. In May 2006, a man and a

woman, Abbas Hajizadeh and Mahboobeh Mohammadi, were stoned to death in the Behesht-e Reza cemetery in Mashhad, according to information initially unveiled by the investigative journalist, Asieh Amini. The case was not reported in the Iranian media.

“In November 2006, the then spokesperson of the judiciary denied that stoning was practised in Iran. Though in July 2007, another stoning took place that received widespread publicity: Ja’afar Kiani was stoned to death in a village near the town of Takestan, for committing adultery with Mokarrameh Ebrahimi, who was also sentenced to stoning. The couple, who had two children, had been in prison for 11 years. The stoning took place despite the 2002 moratorium as well as a specific stay of execution of Kiani’s stoning ordered by the head of the judiciary.

“Three months later, Secretary of Human Rights Head Quarters Mohammad Javad Larijani blamed the judge’s mistake in decision making for implementation of the sentence on Ja’afar Kiani. Nevertheless, he defended the appropriateness of the stoning sentence and denied that it was a kind of torture or violation of human rights.

“On 5 August 2008, the spokesperson of the Iranian judiciary announced that stoning sentences would no longer be implemented. He also said that the Supreme Leader had pardoned two people sentenced to stoning and reported that one other stoning sentence had been commuted to 10 years imprisonment and another to flogging. He noted the other stoning sentences were under review by the Amnesty and Pardon Commission of the Judiciary.

“Only a day before the spokesperson of the judiciary announced the suspension of stoning sentences, on 4 August 2008, the Supreme Court upheld a stoning sentence for Afsaneh R. in Shiraz¹³⁴.

“Other stoning sentences have continued to be issued and implemented in 2008 and early 2009.” [56i]

See also [Judiciary, Penal code](#)

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POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 15.01 Jane's Sentinel country risk assessments, updated 30 April 2009, stated that:

"Article 26 of the Iranian constitution permits the 'formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognised religious minorities ... provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic'. A 1981 law on political parties specified what a political party is and defined the conditions under which it could operate, and it made the formation of a party dependent on getting a permit from the Ministry of the Interior.

"It was only after the May 1997 election of Mohammad Khatami as president that a real blossoming of parties took place. Today, the number of officially sanctioned political organisations exceed 100, although not all are genuine political groups." [125g]

- 15.02 The US State Department *Country Report on Human Rights Practices 2008*, released on 25 February 2009, (USSD Report 2008), noted

The constitution provides citizens the right to change peacefully the president and the parliament through free and fair elections; however, the authority of unelected representatives over the election process severely abridges this right in practice. The Assembly of Experts elects the supreme leader, the recognized head of state, who can be removed only by a vote of the assembly. The assembly was composed of 86 members and was restricted to clerics, who served eight-year terms and were chosen by popular vote from a list approved by the Guardian Council (a 12-member body composed of government-appointed clerics and religious jurists). There was no separation of state and religion, and clerical influence pervaded the government. The supreme leader also approved the candidacy of presidential candidates, with the exception of an incumbent president." [4a] (Section 3)

- 15.03 The same report observed:

"On March 14 [2008], the country held Majles elections, which outside observers regarded as neither free nor fair. The Interior Ministry rejected the candidacy of almost 2,000 applicants... Most of the disqualified candidates were considered reformists. Conservatives won approximately 70 percent of the seats.

"The constitution allows for the formation of political parties, although the Interior Ministry granted licenses only to political parties with ideological and practical adherence to the system of government embodied in the constitution. There were more than 240 registered political organizations, but most were small entities, often focused around an individual, and did not have nationwide membership. Political parties approved by the Interior Ministry generally operated without restriction or outside interference.

“According to the Guardian Council's interpretation, the constitution barred women and persons of non-Iranian origin or religions other than Shia Islam from becoming president. Women were also barred from serving as supreme leader or as members of the Assembly of Experts, Guardian Council, or Expediency Council (a body responsible for mediating between the Majles and the Guardian Council and serving as a consultative council for the supreme leader). Two of the 10 vice presidents were women. Eight women served in the Majles during the year. Five Majles seats were reserved for the recognized religious minorities. Other ethnic minorities in the Majles included Arabs and Kurds. There were no non-Muslims in the cabinet or on the Supreme Court.” [4a] (Section 3)

- 15.04 The Congressional Research Service paper, *Iran: US Concerns and Policy Responses*, dated 2 July 2009, reporting on the 12 June 2009 presidential elections noted that of the 500 candidates who registered to participate in the elections, only four – President Ahmadinejad, Mir Hossein Musavi (the main ‘reformist’ candidate), Mehdi Karrubi, and Mohsen Reza’i – were permitted to run. The paper stated that June elections voter turnout:

“... was unexpectedly high at about 85%: 39.1 million valid (and invalid) votes were cast. The Interior Ministry announced two hours after the polls closed that Ahmadinejad had won, although in the past results have been announced the day after. The totals were announced on Saturday, June 13, 2009, as follows:

“Ahmadinejad: 24.5 million votes – 62.6%
 Musavi: 13.2 million votes – 33.75%
 Reza’i: 678,000 votes – 1.73%
 Invalid: 409,000 votes – 1%
 Karrubi: 333,600 votes – 0.85%” [78b]

- 15.05 Following the announcement of the election results, Mssrs Musavi, Reza’i and Karrubi:

“... asserted outright fraud and called for a new election, citing the premature release of results; the barring of candidate observers at some pollingstations; regime shut-down of internet and text services; and repression of post-election protests... Protests built throughout June 13-19, although far larger in Tehran than in other cities, and regime security forces used varying amounts of force to control them, causing 17 deaths, according to official Iranian statements. However, the protest movement’s hopes of having Khamene’i annul the election were dashed by his major Friday prayer sermon on June 19 in which he refuted allegations of widespread fraud and implicitly threatened a crackdown on any further protests. That crackdown was in evidence against protesters on Saturday, June 20, with state media reporting at least ten killed that day. However, with Musavi calling for continued demonstrations but with exercise of restraint, the protests appeared to wane by June 22. The regime’s attempts to black out international media and internet access to Iran continued, with mixed success, and it has arrested a reputed 1,000 reformist leaders, although claiming to have released most by now.” [78b]

The situation following the elections is still evolving. For further information see [Recent developments](#) and [Latest news](#). Also see [Political system](#) and

[Security forces](#) for information about the arbitrary arrest, detention and ill-treatment, and [Freedom of speech and media](#)

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Political prisoners

15.06 The USSD Report 2008 observed:

“Exact data regarding the number of citizens imprisoned for their political beliefs were not available; however, human rights activists estimated the number in the hundreds. Although there were few details, the government arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual "offenses" were political. The government charged members of religious minorities with crimes such as "confronting the regime" and apostasy, and conducted trials in these cases in the same manner as it would treat threats to national security.

“Authorities occasionally gave political prisoners suspended sentences or released them for short or extended furloughs prior to completion of their sentences, but they could be ordered back to prison at any time. These suspended sentences often were used to silence and intimidate individuals. The government also controlled political activists by holding a file in the courts that could be opened at any time and attempted to intimidate the activists by calling them in repeatedly for questioning. Numerous observers considered Tehran public prosecutor Saeed Mortazavi the most notorious persecutor of political dissidents and critics.

“Authorities routinely held political prisoners in solitary confinement for extended periods of time and denied them due process and access to legal representation. Political prisoners were also at greater risk of torture and abuse while in detention. The government did not permit access to political prisoners by international humanitarian organizations.” [4a] (Section 1e)

See [Recent developments](#) and [Latest news](#)

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.02 Freedom House’s report ‘Freedom of Association Under Threat – Iran’, dated 21 November 2008, stated that:

“Article 27 of the constitution grants the right to peaceful assembly but limits this right to ‘public gatherings and marches ... that are not detrimental to the fundamental principles of Islam.’ Permits for holding demonstrations are routinely denied to activists, and women’s rights advocates claim particular discrimination, reporting an especially cumbersome and erratically enforced process. Open discussions at universities as well as gatherings at concerts and other cultural events are frequently attacked by the Basij or Ansar-i Hezbollah. Protesters, especially students and ethnic minorities demanding human rights, risk public beatings and humiliation as well as routine surveillance, intimidation, prolonged interrogation sessions, torture, and imprisonment, including solitary confinement in cramped, unsafe conditions. Activists accused of organizing protests are often forced to give televised confessions about supposed collusion with foreign enemies.” [112e]

15.03 The USSD Report 2008 stated that:

“The constitution permits assemblies and marches ‘provided they do not violate the principles of Islam’; in practice the government restricted freedom of assembly and closely monitored gatherings to prevent antigovernment protests. Such gatherings included public entertainment and lectures, student meetings and protests, labor protests, women’s gatherings and protests, funeral processions, and Friday prayer gatherings. According to activists, the government arbitrarily applied rules governing permits to assemble, with conservative groups rarely experiencing difficulty, and groups viewed as critical of the government experiencing harassment regardless of whether a permit was issued.

“The government continued to prohibit and forcibly disperse peaceful demonstrations during the year. Paramilitary organizations such as the Ansar-e Hizballah also harassed, beat, and intimidated those who demonstrated publicly for reform. They particularly targeted university students.” [4a] (Section 2b)

See also [Recent developments](#), [Latest news](#) and [Employment rights](#)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.04 According to the USSD Background Note of March 2008:

“The Islamic Republican Party (IRP) was Iran’s sole political party until its dissolution in 1987. Iran now has a variety of groups engaged in political activity; some are oriented along ideological lines or based on an identity group, others are more akin to professional political parties seeking members and recommending candidates for office. Conservatives consistently thwarted the efforts of reformists during the Khatami era and have consolidated their control on power since the flawed elections for the seventh Majles in 2004 and president Ahmadi-Nejad’s victory in 2005.

“The Iranian Government has faced armed opposition from a number of groups, including the MEK [cult-like terrorist organisation Mujahedin-e Khalq, People’s Mojahedin of Iran] (which the U.S. Government added to its list of Foreign Terrorist Organizations in 1999), the People’s Fedayeen, the Kurdish Democratic Party of Iran (KDPI), the Party for a Free Life in Kurdistan (PJAK), and the Baluchi opposition group Jundallah.” [4u] (Political conditions)

Mojahedin-e Khalq Organisation (MEK/MKO) or People’s Mojahedin Organisation of Iran (PMOI) or Holy Warriors of the People

15.05 The Danish Immigration Service’s report *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* (Danish Immigration Service Report 2009), released April 2009, stated that:

“The MKO also known as Mojahedin-E Khalq (Mek) and People’s Mojahedin Organisation of Iran (PMOI) is an Islamist socialist organisation formed in 1965. It is led by husband and wife Masud and Maryam Rajavi. The MKO

has been classified as a terrorist organisation by several countries including the United States and the EU. In 2002, EU member states decided to freeze the assets of the MKO. However, this decision was annulled by the European Court of Justice in December 2006. While the MKO is still on the EU's terror list [since removed, see below], the organisation was removed from the UK's list of alleged terrorist groups in June 2008.

“Even though the MKO has a worldwide network of members and supporters, it is an unpopular organisation among many Iranians because of its armed struggle against Iran during the past 30 years. This struggle has led to the losses of many official and civilian lives. The MKO has conducted several bombing campaigns and other violent attacks in Iran and other countries and fought on Iraq's side in the 1980-1988 Iran-Iraq war, where MKO fighters were used in suicidal, mass wave attacks against Iranian forces. Even though the activities of many individual MKO members may be minor, MKO members are considered traitors by many Iranians.

“The MKO has its head quarters in Ashraf Camp in Iraq. Ashraf Camp is a military base situated some 100 kilometres west of the Iranian border and 60 km north of Baghdad. Saddam Hussein gave the camp to the MKO in the 1980s. Following the invasion of Iraq in 2003, the Coalition Forces disarmed the MKO. According to the Iranian organisation for former MKO members, the Nejat Society, approximately 3,400 MKO members still live in Ashraf Camp. Since 2003, these members are considered protected people under the Geneva Convention.” [86b] (p16)

15.06 A Radio Free Europe / Radio Liberty report dated 26 January 2009 noted:

“... the European Union has decided to remove the Mujahedin-e Khalq Organization (MKO) from its list of terrorist organizations. The decision marks the first time the EU has 'de-listed' an organization from its terrorist index, and could free the MKO, also known as the People's Mujahedin Organization of Iran, to expand its activities in Europe. ... The former U.S. administration reaffirmed its designation of the MKO as a foreign terrorist organization on January 7.” [42d]

15.07 GlobalSecurity.org, 28 January 2009, noted: “The British government insists that the deproscription of the MKO was 'a judicial and not a political decision' both in the EU as it was earlier in the UK and that it opposed its removal.” [80h]

15.08 Jane's Sentinel, dated 23 January 2009, stated that “The group's armed wing is the National Liberation Army (NLA). The MEK is the main body in the political coalition of Iranian opposition groups known as the National Council of Resistance of Iran (NCRI). This organisation claims to be the transitional parliament-in-exile, with 570 members and a head office in Paris, France.” [125c] (Non-state Armed Groups)

15.09 Jane's added that: “The group was founded in 1965 as a splinter group of the Iran Liberation Movement, although it did not engage in armed struggle until 1971 after five years of deliberation over strategy. The NLA was formed in June 1987.” [125c] (Non-state Armed Groups)

15.11 The Danish Immigration Service Report 2009 stated that:

“In 2003, President Khatami announced an amnesty offer to former members of the MKO in Iraq stating that those who repent past acts are welcome back in Iran where they will be judged according to law. According to Khatami, the amnesty did not cover leaders of the MKO.

“According to the Nejat Society, around 500 to 600 former MKO members have left Ashraf camp and have returned to Iran voluntarily during the period 2004 to 2007. These returnees have not been prosecuted and they have not faced problems with the Iranian authorities or private people upon return, as the Iranian authorities will only prosecute a returnee if a private person brings a complaint.” [86b] (p17)

15.12 The report continued:

“According to an international organisation in Turkey, former MKO members who repent and cooperate with the Iranian government may be granted amnesty. High profile members are not granted amnesty though. The organisation is unsure of the kind of assurances MKO returnees are given. The amnesty was announced before President Ahmadinejad’s time and he does not recognise it. Furthermore, the amnesty is not stated in any law or regulation and is not written down anywhere... (p17) The organisation believed that, in general, it is safe for former MKO members to return to Iran, even though not all international organisations agree with them on this point. However, the organisation did stress, that a group of people consisting of leaders who have committed serious crimes, were likely to face severe problems with the authorities upon return.” [86b] (p19)

15.13 The USSD Report 2008 stated that: “The government reportedly held some persons in prison for years under charges of sympathizing with outlawed groups, such as the terrorist organization Mujahedin-e-Khalq (MEK).” [4a] (Section 1e)

15.14 A Radio Free Europe / Radio Liberty report dated 16 March 2009 noted: “The fate of Ashraf’s residents has been in limbo since Iraq took it over from U.S. forces this year. Iraq’s Shi’ite Muslim leaders are friendly with Tehran, which wants the camp closed and a list of wanted MKO members handed over for trial.” [42n]

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Rastakhiz Party and Monarchists

15.15 The Advisory Panel on Country Information (APCI) review of the COI Service’s Iran COI Report of Augst 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that:::

“The support of a return to the Monarchy is divided amongst a variety of groups and organisations...

“Babak Khorramdin Organization (BKO)
Constitutionalist Movement of Iran - Frontline (Sazeman-e Mashroteh Khahan-e Iran)
Guardians of Eternal Iran (Negahbanane Iran e Djawid)

Iranian Monarchist Council of Canada (Shora-e Saltanat Talaban-e Iran dar Kanada, IMCC)
 Iran Paad (Saltanat Taliban, Saltanat Talab)
 National Movement of Iranian Resistance (NAMIR)
 Organization of Kaviyani Banner (Kaviyani Flag, Derafsh-e Kaviani)
 The Imperial Iranian Guards (Rastakhiz of Iran Organization, Sazemane - Rastakhize Iran)
 Shahin

“One of these, Iran Paad, claims to have been founded in London about 19 years ago, with the aim of providing an umbrella organisation that would invite all other Monarchist groups to be part of their network. Iran Paad claims to have thousands of members both inside and outside of Iran. They also organise demonstrations which take place outside Iranian Embassies in other countries of the world, to keep their campaign in the public’s eye.” [6a] (p24)

15. The Danish Immigration Service Report 2009 stated that:

“A western embassy (3) stated that Monarchists, be it as movements or individuals, have no influence in Iran and therefore are not at risk of persecution. ‘They are simply not considered a threat to the ruling government’. Another western embassy (1) stated that monarchist groups still exist in the universities in Iran. (p20)... while Monarchists are not as active as other political oppositional groups, they still exist as a movement... To the knowledge of the international organisation, the nature of the activities of the Monarchists is usually peaceful. For instance, the Monarchists staged a protest in Iran in July 2008. At 9pm, people in support of the Monarchists were to turn on the high beam of their cars and drive around the city. In another peaceful demonstration, supporters of the Monarchists were to wear a white shirt and go to a certain park. Monarchist groups also distribute leaflets and spread their messages through the internet. They are particularly active outside Iran, for instance in the United States, where they run three TV stations.” [86b] (p21)

SAVAK

15. 17 Jane’s Sentinel, updated 23 January 2009, stated that:

“The MOIS, initially better known by the acronym SAVAMA (Ministry of Intelligence and National Security; Sazman-e Ettela’at va Amniyat-e Melli-e Iran), is the successor to SAVAK (National Intelligence and Security Organisation; Sazeman-e Ettela’at va Amniyat-e Keshvar), the intelligence agency that operated under the Shah and which was dissolved in 1979 at the time of the Islamic revolution. Senior officials of SAVAK were executed after the Khomeini regime took power. However, some analysts believe it is likely that former SAVAK personnel were employed in the new agency, because of their intimate knowledge of left-wing groups and Iraq’s Baath Party. During the 1981-88 Iran-Iraq war, an intense rivalry developed between the agency and the Intelligence Directorate of the Islamic Revolutionary Guards Corps (IRGC). It was decided that the IRGC would continue to maintain its own intelligence directorate. While SAVAK operated largely outside government control, it was decided that the MOIS would operate as part of the mainstream civil service apparatus, as a government ministry.” [125e] (Security and Foreign Forces)

See also [Ministry of Intelligence and Security \(MOIS\)](#) and [Vezerat-e Ettela'at va Amniat-e Keshvar \(VEVAK\)](#) aka [Ettela'at](#).

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Kurdish Democratic Party of Iran (KDPI) aka PDKI

- 15.18 The Human Rights Watch (HRW) report *Iran: Freedom of Expression and Association in the Kurdish rdebilRegions* dated 9 January 2009, stated that:

“Left-leaning Kurdish activists formed the Komala Party in Mahabad in the 1940s. In July 1945, Komala changed its name to the Kurdistan Democratic Party of Iran (KDPI). Since 1984 the party has been based in Iraq. In 1991, the KDPI called off its armed activities in Iran, although its ‘self-defense units’ have clashed with Iranian troops during Iranian military incursions into Iraqi Kurdistan. According to KDPI leaders, the party does not carry out armed operations inside Iran, a position that Mostafa Hejri, secretary-general of the KDPI reaffirmed as recently as July 2008.” [8h]

- 15.19 Jane’s Sentinel, dated 23 January 2009, stated that the party is called the Democratic Party of Iranian Kurdistan (DPIK) and that it was founded in 1945 with Mustafa Hijri elected Secretary General in July 2004. [125c] (Non-state Armed Groups)

- 15.20 The Danish Immigration Service Report 2009 stated that:

“... being in possession of a CD, a pamphlet or something similar made by the Kurdish Democratic Party of Iran (KDPI), Komala or other Kurdish organisations, may be considered as an act against national security. This form of persecution for political activities is a problem all over Iran. However, the authorities are watching Kurdish areas and Tehran more carefully than other areas.” [86b] (p9)

- 15.21 Freedom House in its *Freedom in the World 2008* report, released July 2008, noted that: “Kurdish opposition groups suspected of separatist aspirations, such as the Democratic Party of Iranian Kurdistan (KDPI), are brutally suppressed.” [112c]

See [Ethnic groups, Kurds](#)

Komala

- 15.22 The Human Rights Watch (HRW) report dated 9 January 2009, stated that:

“After the 1979 revolution, another left-leaning movement, also calling itself Komala, took up arms against the central government in an attempt to gain Kurdish independence. Komala unilaterally laid down its arms in the 1990s. According to Hassan Rahmanpanah, a member of Komala’s central committee, the group did so after realizing that government authorities were using the existence of an armed opposition as an excuse for suppressing the peaceful work of a range of activists.

“The Iranian government has not since alleged any armed activities by Komala members or sympathizers.” [8h]

- 15.23 Jane's Sentinel, dated 23 January 2009, stated that the full name is the Kurdish Communist Party of Iran otherwise known as Komaleh, Komala lidni Kurdistan (Council on Rebirth of Kurdistan) or Komalay Shoreshgeri Zahmatkeshani Kurdistan Iran (the Revolutionary Organisation of the Toilers of Kurdistan). [125c] (Non-state Armed Groups)
- 15.24 Jane's continued to add that: "Komala should not be confused with Komala Islami Kurdistan (Islamic Society of Kurdistan), an Islamist group based in northern Iraq which was the target of US cruise missile attacks during the Iraq military campaign in 2003." [125c] (Non-state Armed Groups)
- 15.25 Jane's noted that: "The official spokesperson and first secretary of Komala is Ebrahim Alizadeh. Komala has a central committee composed of 15 elected members and holds meetings every three months to discuss the work of the organisation." [125c] (Non-state Armed Groups)

Partiya Jiyana Azada Kurdistan (PJAK) or Kurdistan Free Life Party

- 15.26 The Human Rights Watch (HRW) report dated 9 January 2009, stated that:
- "Currently PJAK, the Iranian branch of the Turkey-based Kurdistan Workers Party (PKK), an opposition movement fighting for the independence of Kurds in Turkey, is the only group engaged in armed struggle against the Iranian government. Based mostly in Iraqi Kurdistan, PJAK has claimed responsibility for a number of armed operations against Iranian security forces. In response, Iran launched armed incursions into northern Iraq, most recently in August 2007 and June 2008. The KDPI and other Kurdish parties claim that they have no relationship with PJAK." [8h]
- 15.27 Jane's Sentinel, dated 23 January 2009, stated that:
- "PJAK has claimed numerous attacks in Iran and has promised continued action against Iranian military targets, but is unlikely to be able to challenge the Iranian military on the battlefield or to control territory without foreign assistance. ... Nonetheless, the group appears to have sufficient resources in terms of weapons, popular support and funding to sustain a low level insurgency in the medium-term." [125c] (Non-state Armed Groups)
- 15.28 Jane's added that PJAK was founded in 2004 and its leader was Abdul Rahman Hajji Ahmadi. [125c] Freedom House stated in its 2008 report that: "The autonomy of Kurds in neighboring Iraq has inspired agitation for greater rights among Iran's roughly five million Kurds. The Party for a Free Life in Kurdistan (PJAK), a militant separatist group, conducted a number of guerrilla attacks in 2007." [112c]

See [Ethnic groups, Kurds](#)

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FREEDOM OF SPEECH AND MEDIA

- 16.01 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated that:

“The constitution provides for freedom of expression and of the press, except when it is deemed ‘detrimental to the fundamental principles of Islam or the rights of the public.’ In practice the government severely restricted freedom of speech and of the press. HRW reported that authorities ‘systematically suppressed freedom of expression and opinion’ during the year. Basic legal safeguards for freedom of expression did not exist, and the independent press was subjected to arbitrary enforcement measures by the government, notably the judiciary. Censorship, particularly self-censorship, limited dissemination of information during the year. Journalists were frequently threatened as a consequence of their work.

“The government continued to crack down on underground music groups (any group that fails to obtain a recording license from the Ministry of Culture and Islamic Guidance). In October, according to human rights activists, security forces arrested a group of rap musicians returning from a trip to Dubai. Eyewitnesses reported seeing them in Evin Prison. Rap music is forbidden in the country; according to the BBC, it is particularly popular among young men due to its political, social, and sexual lyrics.

“In December the Tehran prosecutor general announced the creation of a special office to review Internet and text message-related crimes associated with the June 2009 presidential election. [4a] (Section 2a)

- 16.02 The Freedom House report ‘Freedom on the Net 2009 – Iran’, dated 1 April 2009, stated that:

“Iranian internet users suffer from routine surveillance, harassment, and the threat of imprisonment for their online activities, particularly those who are more critical of the authorities. The constitution provides for limited freedom of opinion and expression, but numerous, haphazardly enforced laws restrict these rights in practice. The 2000 Press Law, for example, forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights. The government and judiciary regularly invoke this and other vaguely worded legislation to criminalize critical opinions. A comprehensive 2006 cybercrimes bill would have made ISPs criminally liable for content on sites they carried, but it was never passed by the parliament. A different bill, introduced in July 2008, would make some cybercrimes – promoting corruption, prostitution, and apostasy on the internet – punishable by death. It passed its first reading with a vote of 180 to 29, with 10 abstentions, and was still under consideration at year’s end.” [112f]

- 16.03 Reporters Without Borders’ (RSF) World Report 2009 - Iran, released 1 May 2009, stated that:

“Censors in Iran have far-reaching discretionary power, due to the ambiguity of the 1979 Constitution and the 1985 press law (amended in April 2002), even though there is no prior censorship for daily newspapers. Article 24 of the Constitution defines free expression thus: ‘All publications are free to express their opinions, except those that conflict with the foundations of

Islam and the morality of society. The interpretation and detailed definition of this article are the responsibility of the law.’ However the law gives no definition of ‘religious foundation’ and does not say what is covered by the idea of ‘morality of society’.” [38b]

PRINT MEDIA

- 16.04 The Freedom House report ‘Freedom of the Press 2008 – Iran’, dated 29 April 2008, stated that:

“The Constitution provides for limited freedom of opinion and of the press. However, numerous laws restrict press freedom, including the 2000 Press Law, which forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights. The government regularly invokes vaguely worded legislation to criminalize critical opinions. Article 500 of the penal code states that ‘anyone who undertakes any form of propaganda against the state (...) will be sentenced to between three months and one year in prison’; the code leaves ‘propaganda’ undefined. Under Article 513, offenses deemed to be an ‘insult to religion’ can be punished by death, or by prison terms of one to five years for lesser offences, with ‘insult’ similarly undefined. Other articles provide sentences of up to two years in prison, up to seventy-four lashes, or a fine, for those convicted of intentionally creating ‘anxiety and unease in the public’s mind,’ spreading ‘false rumors,’ writing about ‘acts that are not true,’ and criticizing state officials.” [112d]

- 16.05 The RSF World Report 2009 stated that:

“Thirty newspapers were banned in 2008, 22 of them on the orders of the Press Authorisation and Surveillance Commission, under the authority of the Ministry of Culture and Islamic Orientation. This Commission is the main tool operated by the government of Mahmoud Ahmadinejad in his crusade against the media. It regularly makes use of Article 33 of the press law that allows an ‘immediate ban on publication of a newspaper that replaces a banned newspaper with a similar name, logo and format’.” [38b]

- 16.06 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:

“The censorship of books has reportedly been tightened, affecting negatively the environment for the publishing industry and writers. The Iranian Government appears to encourage self censorship openly, as the Islamic Culture and Guidance Minister was quoted in the media as saying that if book publishers were to do some self-censorship, they wouldn’t have to complain so much.” [10a] (p17)

See Treatment of journalists below

TV/RADIO

- 16.07 The Freedom House report ‘Freedom of the Press 2008 – Iran’, dated 29 April 2008, stated that:

“Due to limited distribution of print media outside larger cities, radio and television serve as the principal source of news for many citizens, with more than eighty percent of residents receiving their news from television. The government maintains a direct monopoly of all domestic broadcast media and presents only official political and religious viewpoints.” [112d]

16.08 The RSF World Report 2009 stated that:

“The government still refuses to put an end to its broadcast monopoly and it is still against the law to own a satellite dish. The government not only prevents Iranian journalists from freely covering national news but it also tries to gag foreign media. Culture and Islamic orientation minister, Mohammad Hossein Safar-Harandi, in December 2008 banned the new BBC Persian-language channel, along with all cooperation by Iranian journalists with foreign media.” [38b]

INTERNET

16.09 The Freedom House report ‘Freedom on the Net 2009 – Iran’, dated 1 April 2009, stated that:

“... the Iranian regime wields one of the world's most sophisticated apparatuses for controlling the internet and other digital technologies. Internet use in Iran began in 1995 at universities, then spread quickly via internet cafes to an otherwise isolated population with limited access to independent sources of news and entertainment. The government's censorship of the medium did not begin until 2001, but users today operate in an environment that features filtering of content – particularly domestically produced political news and analysis – together with intimidation, detention, and torture of bloggers, online journalists, and cyberactivists. As with restrictions on press freedom that date to the early days of the 1979 revolution, the Islamic Republic couches its restrictions on internet freedom in an opaque and arbitrary conception of Islamic morality outlined by the constitution, the press law, and the penal code.” [112f]

16.10 The Freedom on the Net 2009 report added that:

“In May 2006, an office was established at the MCIT in an attempt to centralize state filtering and surveillance efforts, but this effort has not yet fully materialized. Agencies outside the MCIT retain significant de facto power to control the internet, and these entities – including the Supreme Leader's office and the office of Tehran chief prosecutor Saeed Mortazavi – arbitrarily target certain sites, bloggers, and cyberactivists. Mortazavi, who has allegedly played a direct role in the torture of online journalists and activists, announced in December 2008 that he had established a ‘special department for internet crimes’, which will work closely with the intelligence service to block sites and monitor political messages and organizing.” [112f]

See [Treatment of journalists](#) and [Treatment of bloggers](#) below

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ACADEMIC FREEDOM

16.11 The USSD Report 2008 stated that:

“The government significantly restricted academic freedom. In 2006 President Ahmadi-Nejad called for the removal of secular and liberal professors from universities. Reports indicated dozens of university professors were dismissed, forced to retire, or denied sabbaticals abroad since 2006. To obtain tenure, professors had to refrain from criticism of the authorities.

“Admission to universities was politicized; in addition to standardized exams, all applicants had to pass "character tests" in which officials eliminated applicants critical of the government's ideology. Members of the Basij were given advantages in the admissions process. Student groups reported that a "star" system inaugurated by the government in 2006 to rank politically active students was still in use. Students deemed "antigovernment" through this system reportedly were banned from university or prevented from registering for upcoming terms.” [4a]

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TREATMENT OF JOURNALISTS

16.12 The Freedom House report *Freedom of the Press 2008* – Iran, dated 29 April 2008, stated that:

“Iran's judiciary frequently denies accused journalists due process by referring their cases to the Islamic Revolutionary Court, an emergency venue intended for those suspected of seeking to overthrow the regime. The Preventive Restraint Act is regularly used without legal proceedings to temporarily ban publications.

“Charges against journalists and publications are often arbitrary. Prosecutions and sentences are drawn out, and bail sums for provisional release while awaiting trial are substantial. Editors and publishers are prohibited from hiring journalists who have previously been sentenced, and many journalists are banned from leaving Iran. The successive arrests and closings of media outlets have led to widespread self-censorship among journalists.” [112d]

16.13 The RSF World Report 2009 stated that:

“At least 60 journalists and bloggers were summoned, questioned and convicted in 2008. Although Emadoldin Baghi, leading light of the defence of prisoners' rights was freed in October 2008, after a year in jail and Tehran's Supreme Court in September quashed a death sentence against Adnan Hassanpour, journalists Mohammad Sadegh Kabodvand and Mohammad Hassin Falahieh Zadeh are still being held in extremely harsh conditions and some prisoners do not get the medication they need.” [38b]

16.14 The Committee to Protect Journalists report ‘Attacks on the Press in 2008 – Iran’, released 10 February 2009, stated that:

“More than 30 journalists were investigated or arrested or spent time in prison during the year, according to human rights and press groups. Numerous published reports accused authorities of denying prisoners basic

human rights. In many cases, detention locations were unknown, trials were held in secret, and access to defense attorneys was withheld. Though some imprisoned journalists had serious physical ailments, timely medical attention was not routinely made available.” [29a]

16.15 Amnesty International report on 26 June 2009 that

“Since the announcement on 13 June [2009] that President Ahmadinejad had won the election, the Iranian authorities have imposed severe restrictions on freedom of expression. Access to the internet has been blocked or significantly interrupted. Iranian publications have been banned from publishing information about the unrest. Foreign news journalists have been banned from the streets, and some foreign reporters have been expelled from the country.” [9j]

16.16 The same article stated “Dozens of journalists – some who also campaigned for either Mir Hossein Mousavi or Mehdi Karroubi, both candidates in the presidential election, have been detained in the past fortnight with their whereabouts mostly unknown.” [9j] RSF catalogued, in a report dated 2 July 2009, numerous arrests and other actions taken by the authorities against journalists and bloggers since 12 June 2009 [38a]

For recent information about the treatment of journalists see Recent Developments, Latest news and websites of RSF and the Committee to Protect Journalists.

Treatment of bloggers

16.17 The Freedom on the Net 2009 report stated that:

“Self-censorship is extensive, particularly on political matters, and many bloggers and journalists write under pseudonyms. It is important to note that while the Iranian blogosphere and Iranian news sites do push the bounds of what is acceptable to the regime, the most socially and politically progressive sites are managed and staffed by Iranians living abroad. Since the short-lived era of relative press freedom under President Mohammad Khatami, many online intellectuals and activists have left the country. Iran's best-known bloggers – such as Omid Memarian, Roozbeh Mirebrahimi, and Shahram Rafizadeh – are now writing from foreign cities and have been sentenced to prison in absentia.” [112f]

16.18 The Freedom on the Net 2009 report added that:

“Since 2004 the authorities have been cracking down on online activism through various forms of judicial and extrajudicial harassment. An increasing number of bloggers have been intimidated, arrested, tortured, kept in solitary confinement, and denied medical care, while others have been formally tried and convicted. According to Reporters Without Borders, the authorities arrested or questioned 17 bloggers during 2008, seven more than in 2007. Article 514 of the criminal code makes insulting the Supreme Leader punishable by six months to two years in prison, and Article 500 sets a penalty of three months to one year in prison for the distribution of propaganda against the state. Bloggers are typically charged with these offenses, and many practice self-censorship to avoid punishment.” [112f]

See also Treatment of journalists above. For recent information about the treatment of bloggers see [Recent Developments](#), [Latest news](#) and websites of [RSF](#) and the [Committee to Protect Journalists](#)

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HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 17.01 Freedom Houses's report 'Freedom of Association Under Threat – Iran', dated 21 November 2008, stated that:

“Registration and legal requirements for NGOs are restrictive, inconsistently enforced, and poorly coordinated among government ministries. In 2003, the Ministry of the Interior and a group of leading NGOs drafted a law designed to ameliorate government regulation and support civic organizations, but the parliament rejected the legislation. Instead, a cabinet decree was issued in 2005 to increase government surveillance of NGO activity. While the decree does streamline registration, it also subjects NGOs – the majority of which are community-based social service organizations – to more government monitoring and prohibits participation in political activity.

“Ahmadinejad describes NGOs as a ‘Western’ phenomenon and a risk to national security. He has attempted to supplant their efforts using government-controlled Islamic councils and has withdrawn government funding that was provided under Khatami. NGOs have little recourse to the courts if authorities violate their rights. Severe infringements on freedom of expression prevent civic groups from openly criticizing state policies and holding government officials accountable. For example, watchdog efforts regarding conditions in prisons or the systematic persecution of the Baha'i religious minority are rare and draw heavy penalties. After Ahmadinejad's election, two of the most prominent NGOs in Iran were shut down: the Center for the Defense of Human Rights, led by Nobel Peace Prize winner Shirin Ebadi, and the Organization for the Defense of Prisoners' Rights, led by Emad Baghi. Baghi remains imprisoned on charges of working against national security.” [112e]

- 17.02 Reporters Without Borders' (RSF) World Report 2009 - Iran, released 1 May 2009, stated that:

“... the regime also targets human rights defenders. Iranian police on 21 December 2008 closed the offices of the Circle for the Defenders of Human Rights, headed by lawyer and Nobel Peace Prize winner Shirin Ebadi, on the grounds that the organisation did not have interior ministry permission to ‘carry out its activities’. The organisation, which was founded by Ebadi in 2002, provides free legal aid to Iran's journalists and human rights activists. Her legal chambers were searched on 29 December.” [38b]

- 17.03 An article in Radio Free Europe, dated 30 June 2009, noted that “Hundreds of human rights activists, intellectuals, civil society leaders, opposition political activists, students, and journalists have been arbitrarily detained in Iran since the disputed June 12 presidential election. An unknown but substantial number have also been killed and injured.” [42y]

For more information about events following the presidential elections held on 12 June 2009 see [Recent Developments](#) and [Latest news](#)

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CORRUPTION

- 18.01 In its 2008 Corruption Perceptions Index (CPI), released in September 2008, Transparency International ranked Iran 141st in the world corruption ranking, out of 180 countries, giving it a CPI score of 2.3. (The CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). [62a]
- 18.02 Iran has slipped down the Corruption Perception Index rankings from 2007, as noted in the Freedom House's *Freedom in the World 2008* report: "Corruption is pervasive. The hard-line clerical establishment has grown immensely wealthy through its control of tax-exempt foundations that monopolize many sectors of the economy, such as cement and sugar production. Iran was ranked 131 out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index." [112c]
- 18.03 A report from the CIRB dated 3 April 2006 commented as follows:

"Bribery and punishment of border officials

"Based on consultations with UNHCR's office in Tehran, a UNHCR official provided the following information in 31 March 2006 correspondence:

"It may happen in practice that individuals who have fraudulent travel documents, or outstanding financial, military or legal obligations, or who are sought or under suspicion by the government for political reasons resort to pay[ing] bribes to the Iranian border officials to pass through the control system unharmed. The higher the risk, the more they pay.

"In particular, the UNHCR official noted that bribery was more common in the south-eastern provinces of Sistan and Baluchistan (31 Mar. 2006).

"This information was partially corroborated in a June 2001 report of the 7th European Country of Origin Information Seminar, which claimed that 'corruption certainly exists' in Iran and that bribery of airport officials to facilitate exit may be possible 'in individuals [sic] cases' (UNHCR/ACCORD 11–12 June 2001, 107). On the other hand, the same report stated that departure procedures are still such that it would be highly improbable that anyone with a forged passport in which name and number do not tally would be able to leave the country. Security officials at the airport possess lists of suspected or wanted persons and it is not unusual that passengers wishing to leave are prevented from leaving and told to refer to the security department. In general, the security checks at Tehran airport are still very strict and it is doubtful that anyone with a security record and convictions in Iran for political offences would be able to leave the country legally by air (ibid.).

"Regarding punishment for corruption, the UNHCR official stated that 'border and airport officers who are caught red-handed at the time of taking bribes shall be subject to punishments that become more serious depending on the amount of the bribe' (31 Mar. 2006). For example, individuals found guilty of taking bribes of more than rials 1,000,000 (CAN\$128.18 [XE.com 3 Apr. 2006]) can be sentenced [to] 5 to 10 years in prison, fined an amount

commensurate to the bribe received, be permanently banned from working for the government, and be subjected to 74 lashes (UNHCR 31 Mar. 2006).

“The International Narcotics Control Strategy Report 2006 reported, without providing details, that ‘punishment of corruption can be harsh’ (Mar. 2006).

“International and domestic sources have reported on the incidence of generalized corruption in Iran (TI 18 Oct. 2005; *ibid.* 7 Oct. 2003; INCSR 2006 Mar. 2006; *Iran Daily* 13 Apr. 2005). Transparency International’s Corruption Perceptions Index (CPI) score shows a slight increase in the perception of corruption in Iran from 2003 to 2005: Iran’s CPI was 3.0 (out of 10.0, which is the score representing the least corruption) and its overall country ranking was 78 (out of 133 countries) in 2003 (TI 7 Oct. 2003), whereas a CPI score of 2.9 and a country ranking of 88 (out of 158 countries) was recorded in 2005 (*ibid.* 18 Oct. 2005).

“The US Department of State’s International Narcotics Control Strategy Report 2006 noted that corruption in relation to drug trafficking is reportedly more serious than previously thought and that such corruption likely exists among lower to mid-level law enforcement authorities (Mar. 2006, Sec. III). The report also mentioned that cases of corruption were heard by the courts and received media attention, and that the government supports such ‘high-profile effort[s]’ to deter corruption (INCSR Mar. 2006, Sec. III).

“In April 2005, *Iran Daily* reported that economic corruption, specifically illegal smuggling of goods, had increased ‘in recent years,’ and outlined the government’s efforts to contain the problem, which include the drafting of legislative measures (13 Apr. 2005).” [2z] (p6)

- 18.04 The US State Department Country Report on Human Rights Practices 2008, Iran, released 25 February 2009 (USSD Report 2008) noted, in its introduction, that official corruption and a lack of government transparency existed; while, in section 1d, the report noted that corruption and impunity were problems amongst the security forces. [4a]

“The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and official corruption remained a serious problem in all three branches of government, including the ‘bonyads’ (tax-exempt foundations designed for charitable activity that control consortia of substantial companies).” [4a] (Section 3)

See [Security forces](#)

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FREEDOM OF RELIGION

OVERVIEW

- 19.01 The 2009 Annual Report of the United States Commission on International Religious Freedom (USCIRF), released 1 May 2009, stated that:

“The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Iran is a constitutional, theocratic republic that inherently discriminates against its citizens on the basis of religion or belief. Over the past few years, the Iranian government’s poor religious freedom record has deteriorated, especially for religious minorities and in particular for Baha’is as well as Sufi Muslims and Evangelical Christians, including intensified physical attacks, harassment, detention, arrests, and imprisonment. In September 2008, the Iranian parliament took further steps toward passing a revised penal code that would codify serious punishments, including the death penalty, on converts from Islam. Heightened anti-Semitism and repeated Holocaust denial threats and activities by senior government officials have increased fear among Iran’s Jewish community. Since the 1979 Iranian Revolution, significant numbers from religious minority communities have fled Iran for fear of persecution. Dissident Muslims also continue to be subject to abuse.” [88b]

- 19.02 The USSD *International Religious Freedom Report 2008*, released on 19 September 2008, covering the period 1 July 2007 to 30 June 2008, stated that:

“During the reporting period, respect for religious freedom in the country continued to deteriorate. Government rhetoric and actions created a threatening atmosphere for nearly all non-Shi’a religious groups, most notably for Baha’is, as well as Sufi Muslims, evangelical Christians, and members of the Jewish community. Reports of Government imprisonment, harassment, intimidation, and discrimination based on religious beliefs continued during the reporting period. Baha’i religious groups reported arbitrary arrests, expulsions from universities, and confiscation of property. Government-controlled broadcast and print media intensified negative campaigns against religious minorities, particularly the Baha’is, during the reporting period.

“Although the Constitution gives Christians, Jews, and Zoroastrians the status of ‘protected’ religious minorities, in practice, those who are not Shi’a Muslims faced substantial societal discrimination. Government actions continued to support elements of society that created a threatening atmosphere for some religious minorities.” [4e]

- 19.03 The USSD *International Religious Freedom Report 2008*, released on 19 September 2008, added that:

“The Constitution of Iran states that Islam is the official state religion, and the doctrine followed is that of Ja’afari (Twelver) Shi’ism. The Constitution provides that ‘other Islamic denominations are to be accorded full respect,’ while the country’s pre-Islamic religious groups – Zoroastrians, Christians,

and Jews – are recognized as ‘protected’ religious minorities. However, Article 4 of the Constitution states that all laws and regulations must be based on Islamic criteria. In practice, the Government severely restricted freedom of religion.” [4e]

- 19.04 The USSD International Religious Freedom report for 2008 stated that government imprisonment, harassment, intimidation, and discrimination based on religious beliefs continued during the reporting period:

“Members of religious minorities, excluding Sunni Muslims, are prevented from serving in the judiciary and security services and from becoming public school principals. ... Applicants for public sector employment are screened for their adherence to and knowledge of Islam, although members of religious minorities could serve in lower ranks of government employment, with the exception of Baha'is. However, government workers who do not observe Islam's principles and rules are subject to penalties. ... By law religious minorities are not allowed to be elected to a representative body or to hold senior government or military positions, with the exception that 5 of a total of 290 seats in the Majles are reserved for religious minorities [three for members of Christian religious groups, one for Jewish Iranians and one for Iranian Zoroastrians]. ... Members of recognized religious minorities are not required to register with the Government, and religion is not noted on national identity cards; however, their communal, religious, and cultural events and organizations, including schools, were monitored closely. ... The Government generally allowed recognized religious minority groups to conduct religious education for their adherents in separate schools, although it restricted this right considerably in some cases.” [4e] (Section II)

- 19.05 The US State Department *Country Report on Human Rights Practices 2008*, released on 25 February 2009 (USSD Report 2008), stated that:

“All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in employment, education, and housing. In 2006 the UNSR for adequate housing visited the country and reported that rural land, particularly that belonging to minorities including Baha'is, was expropriated for government use, and owners were not fairly compensated. Inheritance laws favored Muslims over non-Muslims.. With the exception of Baha'is, the government allowed recognized religious minorities to conduct religious education of their adherents, although it restricted this right considerably in some cases. The law required all Muslim students to take Islamic studies courses.” [4a] (Section 2c) “

- 19.06 The Landinfo report, *Christians and converts in Iran*, dated 10 June 2009 (Landinfo Report 2009) observed that

“Iranian religious tradition differentiates between offences committed in the public domain and that which takes place within the confines of privacy. Offences that are in violation of Islam and that are committed in the public domain must be punished, while what takes place in the private sphere, and is thereby concealed, is tolerated to a greater extent. This can include, for example, drinking of alcohol, prohibited sexual relations, use of illegal films, books, music and religious practice. Irrespective of their ethnic and religious background, very many Iranians in practice live two lives, one in the public domain and another in private. As long as the private sphere remains private

and Islamic rules and values are not visibly challenged or violated, the Iranian authorities will not normally intervene in citizens' private sphere.

"All non-Muslim minorities generally maintain a low profile in public as regards religious affiliation. As long as they follow the rules, minorities can practise their religion without being in the authorities' spotlight because this constitutes lawful and socially acceptable behaviour." [33a] (p10-11)

19.07 The same report also observed that

"After Mahmoud Ahmadinejad was elected president in 2005, the situation for everyone who can be suspected of being in opposition to the regime has deteriorated. Human rights advocates (lawyers, women's rights activists and journalists), students, Kurdish activists, intellectuals, the organised political opposition and trade union leaders have all felt the stricter limits of the authorities' tolerance, among other things in the form of harassment, arrests, political trials and harsh sentences. Religious minorities have also experienced a general worsening of the political climate. This has affected adherents of Baha'i in particular, while Jews have increasingly been on the receiving end of the president's verbal tirades and threatening rhetoric (US Department of State 2008)" [33a] (p12).

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Religious demography

19.08 The USSD International Religious Freedom report for 2008 stated that:

"The country has an area of 631,000 square miles and a population of 71.6 million. The population is 98 percent Muslim; 89 percent is Shi'a and 9 percent Sunni (mostly Turkmen and Arabs, Baluchs, and Kurds living in the southwest, southeast, and northwest respectively). Non-Muslims account for 2 percent of the population. There are no official statistics available on the size of the Sufi Muslim population; however, some reports estimate between two million and five million persons practice Sufism.

"Recent unofficial estimates from religious organizations claim that Baha'is, Jews, Christians, Sabean-Mandaeans, and Zoroastrians constitute two percent of the total population. The largest non-Muslim minority is the Baha'i religious group, which numbers 300,000 to 350,000. Unofficial estimates of the Jewish community's size vary from 25,000 to 30,000.

"According to U.N. figures, 300,000 Christians live in the country, the majority of whom are ethnic Armenians. Unofficial estimates for the Assyrian Christian population are between 10,000 and 20,000. There are also Protestant denominations, including evangelical religious groups. Christian groups outside the country estimate the size of the Protestant Christian community to be less than 10,000, although many Protestant Christians reportedly practice in secret. Sabean-Mandaeans number 5,000 to 10,000. The Government regards Sabean-Mandaeans as Christians, and they are included among the three recognized religious minorities; however, Sabean-Mandaeans do not consider themselves Christians. The Government estimates there are 30,000 to 35,000 Zoroastrians, a primarily ethnic

Persian minority; however, Zoroastrian groups claim to have 60,000 adherents. There are indications that members of all religious minorities are emigrating at a high rate, although it is unclear if the reasons for emigration are religious or related to overall poor economic conditions.” [4e] (Section I)

LEGAL FRAMEWORK

19.09 The 2009 Annual Report of the USCIRF stated that: “Five seats in the Majlis [parliament] are reserved for recognized religious minorities: two for Armenian Christians, one for Assyrian Christians, and one each for Jews and Zoroastrians.” [88b]

19.10 The 2009 Annual Report of the USCIRF stated that:

“The constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who may worship freely and have autonomy over their own matters of personal status (e.g. marriage, divorce, and inheritance). Nevertheless, the primacy of Islam and Islamic laws and institutions adversely affects the rights and status of non-Muslims. Members of these groups are subject to legal and other forms of discrimination, particularly in education, government jobs and services, and the armed services. Non-Muslims may not engage with Muslims in public religious expression or persuasion; some also face restrictions on publishing religious material in Persian. In 2004, the Expediency Council authorized collection of equal blood money for the death of Muslim and non-Muslim men. Baha’is, Sabeian Mandaean men, and all women remain excluded from the revised ruling. According to Iranian law, Baha’i blood is mobah, which means members of the Baha’i faith can be killed with impunity.” [88b]

19.11 The USSD International Religious Freedom report for 2008 stated that:

“By law religious minorities are not allowed to be elected to a representative body or to hold senior government or military positions, with the exception that 5 of a total of 290 seats in the Majles are reserved for religious minorities. Three of these seats are reserved for members of Christian religious groups, including two seats for the country’s Armenian Christians, and one for Assyrian Christians. There is also one seat to represent Jewish Iranians and one to represent Iranian Zoroastrians. While Sunnis do not have reserved seats in the Majles, they are allowed to serve in the body. Sunni Majles deputies tend to be elected from among the larger Sunni communities. Members of religious minorities are allowed to vote; however, all minority religious groups, including Sunni Muslims, are barred from being elected president.” [4e] (Section II)

APOSTASY (CONVERSION FROM ISLAM)

19.12 The Landinfo report, *Christians and converts in Iran*, dated 10 June 2009 (Landinfo Report 2009) observed that

“Conversion in a Muslim context is related to the question of apostasy – the renunciation of Islam. Seen from a historical perspective and in a theoretical framework, according to traditional Islamic law, the world is divided into Dar-al-Islam, territory under Muslim rule, and Dar-al-Harb, territory at war with Muslims. Consequently, conversion is primarily renunciation of Muslim unity

and, in Muslim history, it has been compared with high treason or associated with political rebellion or opposition. This thinking also explains why Christian evangelical work aimed at Muslims is either prohibited or subject to strong restrictions in the vast majority of Muslim countries.” [33a] (p8)

19.13 The same report stated, in relation to Iranian law, that:

“Apostasy is not regulated directly in the current Iranian penal code. Apostasy is considered in relation to traditional Islamic law and legal interpretations from religious authorities. The interpretations have legal authority as law. The chief characteristic of Shi’a law is the authority and competence it assigns to the Imams, i.e. the successors of and stand-ins for the founder Ali, who was the Prophet Muhammad’s cousin and son-in-law. [33a] (p9)

19.14 The Advisory Panel on Country Information (APCI) review of the COI Service’s Iran COI Report of Augst 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that::

“According to Article 513 of the Iranian Penal Code, anyone who insults the Holy Islam or the Prophet or any Imam, as well as the Prophet Mohammed’s daughter, will be punished by death if the insult is so radical so as to amount to rejection of the Prophet, Saabolnabi (equivalent to apostasy). Otherwise, the offender would be sentenced to between one and five years imprisonment.

“The government practice of using ancillary offences to prosecute apostasy so as to avoid undesirable international publicity may account for the lack of information on recent apostasy prosecutions per say (sic) [6a] (p34)

Apostasy bill

19.15 The 2009 Annual Report of the USCIRF stated that:

“In early 2008, the Iranian parliament began considering a new law that would impose serious punishments, including the death penalty, on converts from Islam. In September 2008, a committee in the Majlis approved advancing the amended language on apostasy, which could be passed by the full Majlis in the near future. Although the Iranian government has in the past applied the death penalty for apostasy under Islamic law, it has not been explicitly codified. If the proposed law is passed, it would further endanger the lives of all converts from Islam, particularly members of the Baha’i faith, who are already considered apostates, even if they are fourth- or fifth-generation Baha’i adherents.” [88b]

19.16 The Landinfo Report 2009 stated that “In the draft of the new Iranian penal code, a new provision is proposed that expressly prohibits renunciation of Islam. The draft bill has been under consideration for several years, and was adopted by parliament in October 2008. The draft has not yet been adopted by the Council of Guardians, which is necessary for a new penal code to enter into force.” [33a] (p9)

- 19.17 Regarding the draft bill, the FIDH report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated that:
- “Apostasy, heresy & witchcraft: Articles 225-1 through 225-14 of the bill discuss these topics. An apostate is any Moslem who denies Islam and converts to infidelity. There are two types of apostates. An innate apostate is a person born to Moslem parents and therefore a Moslem. A parental apostate is a person born to non-Moslem parents, who converts to Islam after maturity and later denies Islam. The punishment is death in both cases, though the latter shall be given three days to repent, in which case he shall escape death. The related provisions enforce ‘positive’ discrimination for female apostates, who shall be given life imprisonment in both cases.
- “This provision has for the first time introduced the crime of apostasy in the penal code. The applicable laws do not contain any provisions on apostasy. Nevertheless, this exclusion did not prevent the execution of a large number of members of opposition groups on charges of apostasy or atheism in both 1981 and 1988.” [56i]
- 19.18 The FIDH report added: “The draft bill’s definitions of an apostate as well as the pertaining punishments have been taken from that book [Ayatollah Khomeini’s book, *Tahrir ul-Vassileh*], as have many other definitions and punishments.” [56i]
- 19.19 A *Daily Telegraph* article dated 11 October 2008 stated that the Iranian parliament has voted in favour of the draft Penal Code bill which would codify the death penalty for male apostates and life imprisonment for female apostates. However, it also says that the new law is not yet in force because it requires another vote in parliament, and then the signature of the Ayatollah. [134a]

Prosecution of apostates

- 19.20 The USSD Report 2008 noted that “Apostasy was punishable by death according to Shari’a law. There were no reported instances of the death penalty being applied for apostasy during the year.” On the prosecution of apostates the Landinfo Report 2009 noted:
- “In practice, it is very rare for anyone to be convicted of apostasy. The last time this happened was in 1990, when a priest was executed for apostasy, evangelisation and US espionage (*Telegraph* 2008). However, three priests (two of them converts) were kidnapped and killed by unknown perpetrators in 1994 (*Landinfo* 2006). In 2004, a pastor who had converted to Christianity in 1980 was arrested in connection with a Christian conference. The pastor, a colonel in the army, was tried for apostasy but acquitted (*Norwegian Mission to the East*, 2005). However, he was convicted of violating military law because he had kept his Christian faith hidden from his superiors. Pursuant to the law, only Muslims can become officers in the Iranian armed forces. The man was sentenced to three years imprisonment and his pension rights were revoked. In 2005, another pastor was stabbed with a knife on the street by unknown perpetrators. The pastor died from his injuries.” [33a] (p12)
- 19.21 However the government’s attitude to apostasy may be changing (see also Overview above for information about the Government’s hardening stance

towards perceived opposition groups). The APCI Report 2008 stated that: "In ...recent years, the Iranian government and clerical leadership have viewed apostasy as an increasing threat to the structure of Iranian society as the result of a perception that the rate of conversion is accelerating rapidly." [6a] (p33) While the USSD 2008 Report noted that: "Proselytizing of Muslims by non-Muslims was illegal. The authorities have been increasingly vigilant in recent years in curbing proselytizing activities by evangelical Christians." [4a] (Section 2c)

- 19.22 The International Federation for Human Rights (FIDH) report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated that:

"There have been few reports on apostasy cases in recent years. According to a 21 December 2008 report, a man by the name of Alireza Payghan, claiming to be the 12th imam of the Shiite and author of a book on the topic, was sentenced on charge of apostasy and executed in Qom on 18 December. He had been arrested in November 2006 and, based on rulings of 'some sources of emulation', had been found to be an apostate and a 'corrupt on earth' person. The government newspaper, The daily Iran, did not report on Payghan's claim, only noting: 'he was spreading warship of superstition'. In 2007, another man by the name of Darvish, also claiming to be the 12th imam, had been executed in Qom. Ayatollah Khomeini's book, *Tahrir ul-Vassileh*, is the most frequently invoked source in apostasy cases." [56i]

- 19.23 However, the above cases could be considered to be based on heresy charges as the FIDH report continued to state that:

"Heresy: Anybody who claims to be a prophet is to be condemned to death and any Moslem who devises a heresy and based on it creates a sect, which is detrimental to Islam, shall be considered an apostate, and thus subject to the death sentence. While Christianity, Judaism and the Zoroastrianism are recognised under the Constitution, this provision seems to be directed at followers of the Baha'i minority, who have suffered ongoing persecution since the 1979 revolution." [56i]

- 19.24 The CSW July 2008 Iran Profile states that verdicts stipulating the death penalty for apostasy are rarely, if ever, carried out but that intense pressure and serious human rights abuses occur regularly, and extra-judicial murder and attacks by official Islamic militias or radical groups are a serious concern. [116a]

See also [Christians](#) and [Baha'is](#) below

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SUNNI MUSLIMS

- 19.25 The 2009 Annual Report of the USCIRF stated that:

"Muslim minorities continue to face repression. Some Iranian Sunni leaders have reported widespread abuses and restrictions on their religious practice, including detentions and torture of Sunni clerics, as well as bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. Sufi and Sunni Muslim leaders are regularly intimidated and harassed by intelligence and security services and report

widespread official discrimination. The Sunni community still has not been able to build a mosque in Tehran. Also, there have been allegations that the Iranian government discriminates against the Sunni community in government employment, particularly leadership positions in the executive and judicial branches.” [88b]

19.26 Sunnis are an officially recognised minority, the largest in Iran. Their historical-religious characteristics separate them from other followers of non-Shi’a religions. The Sunni minority is concentrated in specific geographic areas (the northwestern and southeastern provinces) and has different ethnic origins (Kurdish, Baluchi, etc.) compared to the Shi’a majority. The Sunni Kurds and the Sunni Baluchis are concurrently victimised by two forms of discrimination, ethnic and religious. (Freedom House, 27 March 2008) [112b]

19.27 The USSD International Religious Freedom report for 2008 stated that:

“During the reporting period, many Sunnis claimed that the Government discriminated against them. It was difficult to distinguish whether the cause of discrimination was religious or ethnic, since most Sunnis are also members of ethnic minorities. Sunnis cited the absence of a Sunni mosque in Tehran, despite the presence of more than one million adherents there, as a prominent example. Sunni leaders reported bans on Sunni religious literature and teachings in public schools, even in predominantly Sunni areas. Sunnis also claimed there was a lack of Sunni representation in government-appointed positions in the provinces where they form a majority, such as Kurdistan and Khuzestan Provinces, as well as their inability to obtain senior governmental positions.

“Sunni Majles representatives asserted that government discrimination led to the lack of Sunni presence in the executive and judicial branches, especially in higher-ranking positions in embassies, universities, and other institutions, as well as anti-Sunni propaganda in the mass media, books, and publications.” [4e] (Section II)

19.28 The Human Rights Watch 2009 report, released 15 January 2009, stated:

“On September 30, Molavi Abdolhamid, one of the most prominent Sunni clerics in Iran, said that if the government failed to address the problems of the Sunni community, including discrimination, its members would be unlikely to participate in the presidential election in 2009. The 2008 execution of two Sunni clerics in Zahedan, the assassination of two Sunni clerics in Kurdistan, the destruction of the Abu-Hanifeh Sunni religious school near Zahedan, and the arrest of 11 Sunni clerics who protested against this assault, coupled with systematic efforts to remove Sunni citizens from governmental positions, the army, and the police force, are among the major criticisms Abdolhamid leveled against the government.” [8f]

CHRISTIANS

19.29 The 2009 Annual Report of the USCIRF stated that:

“Christians in Iran, in particular Evangelical and other Protestants, continue to be subject to harassment, arrests, close surveillance, and imprisonment;

many are reported to have fled the country in recent years. Iranian President Mahmoud Ahmadinejad reportedly has called for an end to the development of Christianity in Iran. Over the past few years, there have been several incidents of Iranian authorities raiding church services, detaining worshippers and church leaders, and harassing and threatening church members. According to advocacy and human rights organizations, dozens of house church leaders were arrested and interrogated in the past year for engaging in religious activities in their homes. One group reported that approximately 73 Christians were arrested in 2008 on account of their religion, although most were released after short-term detentions. It is a common practice, particularly in cases involving offenses based on religious belief, for Iranian authorities to release prisoners but to leave the charges against them or their convictions in place in order to be able to threaten them with reimprisonment at any future time.” [88b]

- 19.30 The Christian Solidarity Worldwide (CSW) July 2008 Iran Profile stated that Armenian, Assyrian and Chaldean Christians enjoy official recognition as ethnic and religious minorities but suffer limitations and discrimination in terms of access to education, government and army positions. [116a] CSW also reported in its undated profile of Iran, accessed 15 June 2009:

“Churches and Christian training centers are routinely monitored and there has been widespread closure of these institutions by the Ministry of Islamic Guidance (MIG), forcing many churches to go underground. The Armenian and Assyrian churches have been allowed to stay open because their services are conducted in the Armenian/Assyrian languages and because they have agreed to the government’s demands forbidding Muslims and Muslim converts from attending the church services and refraining from evangelism.” [116b]

- 19.31 The USSD International Religious Freedom Report for 2008 stated that:

“Christians, particularly evangelicals, continued to be subject to harassment and close surveillance. During the reporting period, the Government vigilantly enforced its prohibition on proselytizing by closely monitoring the activities of evangelical Christians, discouraging Muslims from entering church premises, closing their churches, and arresting Christian converts. Members of evangelical congregations were required to carry membership cards, photocopies of which must be provided to the authorities. Worshippers were subjected to identity checks by authorities posted outside congregation centers. The Government restricted meetings for evangelical services to Sundays, and church officials were ordered to inform the Ministry of Information and Islamic Guidance before admitting new members.” [4e] (Section II)

- 19.32 The Landinfo Report 2009 stated that:

“Problems with the authorities primarily arise in relation to outgoing and evangelical activity aimed at Muslims. All Christians (whether born Christians or converts) who evangelise in relation to Muslims and, for example, hand out Christian literature risk problems in the workplace and in the local community. If the matter is reported, the person in question risks being tried on serious charges... According to church leaders, it is only rarely that ordinary members have experienced problems obtaining a job, gaining admission to university or obtaining a passport. Experience shows

that it is primarily the leadership of the evangelical churches that are in the authorities' spotlight and that the tolerance of the authorities ends with instances of open evangelising and – in some case – the ordination of priests. There are examples of converts who have enjoyed untroubled lives for many years only to experience problems with the authorities once they have been ordained as priests. In the 1990s, several cases of this kind were resolved by means of a discreet agreement between the churches involved and certain Western embassies that granted visas. The Iranian authorities did nothing to prevent this and allowed those involved to leave Iran lawfully with their families.

“Striking a balance between the desire to evangelise and the authorities' demands is difficult for leaders of the ‘convert churches’. They have doubtlessly experienced considerable problems at times because they have refused to accept that Iran is an Islamic Republic where Christian evangelisation is prohibited and where changing religion is only permitted if one converts to Islam. This has given rise to difficulties in relation to other churches who discourage or dislike evangelisation and who fear that it may have consequences for other Christians. But the biggest problem has undoubtedly been that the Iranian authorities have at times subjected the churches' leadership to strong and prolonged pressure in order to get them to close their church doors to Muslims, to not establish ‘home churches’ and end evangelisation.

“Experience shows that the authorities have used Islamic law as a threat. Recalcitrant church leaders have been confronted with the fact that the authorities can prosecute them if they so wish. Church leaders have been threatened with the police not being able to protect them from ‘extreme Islamic groups’ if they fail to comply with the authorities' demands. Arrests of church leaders for short periods, threats during interrogation, raids, seizures of internal documents and warnings have all taken place on occasion. The last major campaign by the Iranian authorities against church leaders in Tehran was in 2004. Since then, the churches in Tehran have maintained a low profile and behaved more in accordance with the authorities' demands. Church leaders have also stated on several occasions that the authorities monitor all activity and know the identity of all members and others with looser ties to the churches.” [33a] (p11-12)

Converts to Christianity

- 19.33 The Christian Solidarity Worldwide (CSW) July 2008 Religious Freedom Profile for Iran stated:

“Muslim converts to Christianity are still the most vulnerable among the Christian community in Iran. However, the death penalty is not applied and there are vibrant house and public churches that are mostly formed by converts. Even though converts are able to continue their faith and meet with others, converts who are in leadership positions and lead Christian ministries face serious risk of detention, intimidation, imprisonment and extra-judicial physical harm.” [116a]

- 19.34 The CSW July 2008 Religious Freedom Profile for Iran noted that:

“The persecution of Muslim converts to Christianity has re-escalated since 2005. The Iranian police continue to detain apostates for brief periods and

pressurise them to recant their Christian faith and to sign documents pledging they will stop attending Christian services and refrain from sharing their faith with others. There have also been increasing reports of apostates being denied exit at the borders, with the authorities confiscating their passports and requiring them to report to the courts to reclaim them. During the court hearings they are coerced to recant their faith with threats of death penalty charges and cancellation of their travel documents.” [116a]

- 19.35 The Landinfo Report 2009 noted that: “In practice, Iranian Muslims who convert to Christianity largely live in the same way as those who are born to Christian parents. However, it is a precondition for avoiding problems that converts behave discreetly, allow religious practice to take place within the confines of the religious community and otherwise treat their faith as a private matter, which most of them do.” [33a] (p11)

See also [Apostasy \(conversion from Islam\)](#)

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JEWS

- 19.36 The 2009 Annual Report of the USCIRF stated that:

“Official policies promoting anti-Semitism are on the rise in Iran, though members of the Jewish community have usually been targeted on the basis of ‘ties to Israel’ whether real or perceived. President Ahmadinejad and other top political and clerical leaders have made public remarks in the past year denying the event of the Holocaust and calling for the elimination of the state of Israel. In 2008, there was a rise in officially sanctioned anti-Semitic propaganda, involving official statements, media outlets, publications, and books; anti-Semitic editorial cartoons depicting demonic and stereotypical images of Jews, along with Jewish symbols, were also published in the past year.” [88b]

- 19.36 The USSD International Religious Freedom report for 2008 stated that:

“While the Government recognizes Judaism as an official religious minority, the country's Jewish community experienced official discrimination during the reporting period. There was a rise in officially sanctioned anti-Semitic propaganda involving official statements, media outlets, publications, and books. The Government's anti-Semitic rhetoric, along with a perception among radical Muslims that all Jewish citizens of the country support Zionism and the state of Israel, continued to create a hostile atmosphere for Jews. The rhetorical attacks also further blurred the line between Zionism, Judaism, and Israel and contributed to increased concerns about the future security of the Jewish community.

“Since August 2005 President Ahmadi-Nejad has pursued a virulent anti-Semitic campaign, including commenting on the 2006 conflict between Israel and Hezbollah as triggering the countdown for the ‘destruction of the Zionist regime’. During the reporting period, President Ahmadi-Nejad publicly stated in news conferences that the Zionists infiltrated the world and must be stopped and destroyed together with Israel.

“President Ahmadi-Nejad also regularly questioned the existence and scope of the Holocaust, which created an even more hostile environment for the Jewish community. Friday prayer leaders endorsed the President's Holocaust denial and reported the statements are ‘the heartfelt words of all Muslims in the world’.

“The Government promoted and condoned anti-Semitism in state media; however, with some exceptions, there was little government restriction of, or interference with, Jewish religious practice. The Government reportedly allowed Hebrew instruction but limited the distribution of Hebrew texts, particularly nonreligious texts, making it difficult to teach the language. Moreover, the Government required that in conformity with the schedule of other schools, Jewish schools must remain open on Saturdays, which violates Jewish law. During the reporting period, there were reports of government interference in the elections of Jewish community leaders.

“Jewish citizens were free to travel out of the country but were subject to the general restriction against travel by the country's citizens to Israel. This restriction, however, was not enforced.” [4e] (Section II)

ZOROASTRIANS

19.37 *Time* magazine reported on 9 December 2008 that:

“According to Parva Namiranian, a Zoroastrian medical student at Tehran University, the community in Iran preserves its identity by learning the Persian poetry of the Shah Nameh and holding religious classes and celebrations. She says Zoroastrians are accepted in Iran because they ‘represent a proud history’ and all Iranians, regardless of religion, enjoy celebrating the Zoroastrian New Year, Nowruz, because it's an excuse to buy clothes and eat sweets. Mehraban Firouzgary, the head priest in the Zoroastrian temple in Tehran, agrees that most Iranians regard the Zoroastrian minority favorably, but he worries about the community's survival. ‘Zoroastrians have lived in Iran for over 3,000 years,’ he says, ‘but there are so few left today.’” [14a]

19.38 Regarding converts, the same article added:

“Despite their shrinking population, Zoroastrians remain fiercely divided over whether to recognize interfaith families, let alone accept non-generational Zoroastrians. Tens of thousands fled Persia during the Islamic incursions in the 10th Century and were granted refuge in India under the condition they did not marry outside their faith or proselytize to the Hindu majority. Ramiyar P. Karanjia, principal of a Zoroastrian religious school in Mumbai, India, insists, ‘Conversion is not part of our religion.’ Yet, in India, home to the majority of Zoroastrians, the community is declining by about 10% every decennial census, according to a report released by UNESCO. Today, Zoroastrians remain a tight-knit and self-secluded community that strongly encourages marriage within the faith.” [14a]

19.39 The CSW July 2008 Iran Profile notes that Zoroastrians have difficulties in accessing employment in the public sector. [116a]

SABEAN MANDAEANS

19.40 The 2009 Annual Report of the USCIRF stated that:

“During the past few years, the unrecognized Sabean Mandaean religious community, numbering between five and ten thousand people, has been facing intensifying harassment and repression by authorities. There were reports that members of the Sabean Mandaean community experienced societal discrimination and pressure to convert to Islam, and they were often denied access to higher education.” [88b] (p ?

19.41 The USSD International Religious Freedom report for 2008 stated that:

“The Sabean-Mandaean religious community reportedly faced harassment and repression by authorities similar to that faced by other religious minorities. There were reports during previous reporting periods that members of the Sabean-Mandaean community experienced societal discrimination and pressure to convert to Islam, and they were often denied access to higher education.” [4e] (Section II)

BAHA'IS

19.42 The 2009 Annual Report of the USCIRF stated that:

“The Baha'i community has long been subject to particularly severe religious freedom violations in Iran. Baha'is, who number approximately 300,000, are viewed as 'heretics' by Iranian authorities, and may face repression on the grounds of apostasy. Since 1979, Iranian government authorities have executed more than 200 Baha'i leaders in Iran, and more than 10,000 have been dismissed from government and university jobs. Baha'is may not establish places of worship, schools, or any independent religious associations in Iran. In addition, Baha'is are barred from the military and denied government jobs and pensions as well as the right to inherit property, and their marriages and divorces are also not recognized. Baha'i cemeteries, holy places, and community properties are often seized or desecrated and many important religious sites have been destroyed.

19.43 The FIDH report *Iran/Death Penalty: a State Terror Policy* dated 28 April 2009, noted that:

“The Baha'i faith is regarded as the most dangerous form of apostasy by IRI authorities, one reason being that it originated in Iran in the nineteenth century. More importantly, however, is its contention that its founder was a messenger of God. Islam recognises that there have been divine religions before it such as Judaism and Christianity, but it holds Prophet Mohammad as the ultimate prophet of God and Islam as the ultimate divine religion. Others, such as Baha'ism, are man-made religions and thus tantamount to apostasy. As noted previously, both Ayatollah Khomeini's book, *Tahrir ul-Vassileh*, and the Constitution lay the ground for the persecution of the Bahai's as apostates.” [56i]

19.44 The 2009 Annual Report of the USCIRF further noted that:

“In recent years, Baha'is in Iran have faced increasingly harsh treatment, including increasing numbers of arrests and detentions and violent attacks on private homes and personal property. Baha'i property has been

confiscated or destroyed and dozens of Baha'is have been harassed, interrogated, detained, imprisoned, or physically attacked. In February 2009, a Baha'i cemetery in Semnan was desecrated, and in January, another Baha'i cemetery was destroyed in Ghaemshahr. Baha'i cemeteries also have been destroyed in Yazd and outside of Najafabad. In the past several years, a series of articles in the government-controlled newspaper Kayhan, whose managing editor is appointed by Supreme Leader Ayatollah Khamenei, have vilified and demonized the Baha'i faith and its community in Iran. Iranian authorities also have gone to great lengths to collect information on all members of the Baha'i community in Iran and to monitor their activities. In the past, waves of repression against Baha'is began with government orders to collect such information, and the latest 2006 directives have created a renewed sense of insecurity and heightened fear among Baha'i adherents.

"Nearly 200 Baha'is have been arbitrarily arrested since early 2005 and, at present, more than 30 Baha'is remain in prison on account of their religion or belief. Dozens are awaiting trial while others have been sentenced to prison terms ranging from 90 days to several years. All of those convicted are in the process of appealing the verdicts. Charges typically ranged from 'causing anxiety in the minds of the public and of officials' to 'spreading propaganda against the regime.' In March and May 2008, seven Baha'i leaders – Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm – were arrested and taken to the notorious Evin prison in Tehran. All are members of an informal Baha'i national coordinating group, known to the Iranian government, which was established to help meet the educational and social needs of the Baha'i community after the Iranian government banned all formal Baha'i activity in 1983. In February 2009, they were charged with espionage, 'insulting religious sanctities,' and 'propaganda against the Islamic Republic' - charges that could result in the death penalty. They have not had access to their legal counsel, Shirin Ebadi, the 2003 Nobel Laureate. Although statements by Iranian officials have suggested that a trial was imminent, no trial has yet taken place and a date is not known. In March and April 2009, several Baha'is were arrested in Yazd, Semnan, Sari, and Shiraz, some of whom remain in detention. In January, four Baha'is were arrested in Ghaemshahr after their homes were raided by Ministry of Intelligence officials. Also in January, at least six Baha'is were arrested in Tehran on charges of 'insulting religious sanctities,' including a woman who worked at a human rights organization connected with Ebadi; five were released in March, including one who worked for Ebadi's center, which was closed by authorities in December 2008. In December 2008, at least eight Baha'is were arrested on Kish Island, including two persons visiting from Canada; their status is unknown.

"In the past, Baha'is in Iran have not been allowed to attend university. Significantly, in the fall of 2006, because the 2006-2007 applications did not require students to list religious affiliation, for the first time in decades nearly 300 Baha'i students were admitted to a number of Iranian universities and colleges. However, the majority were later expelled when it became known that they were Baha'is. Although more than 1,000 Iranian Baha'i students registered for the national university entrance examination for the 2007-2008 academic year, only 77 were permitted to enroll. The low number is reportedly due to the fact that more than 800 Baha'i students were only told months after they had completed the examination that their files were

'incomplete'. Although the Iranian government maintains publicly that Baha'is are free to attend university, reports over the past year indicate that the de facto policy of preventing Baha'is from obtaining higher education remains in effect. Of the very few Baha'is who are enrolled in universities, several were expelled during the past year once their religious beliefs became known. Furthermore, during the past few years, young Baha'i schoolchildren in primary and high schools increasingly have been vilified, pressured to convert to Islam, and in some cases, expelled on account of their religion." [88b] (p?

19.45 The USSD International Religious Freedom report for 2008 stated that:

"... the Government continues to prohibit Baha'is from teaching and practicing their faith. Baha'is are barred from Government and military leadership posts.

"The Government considers Baha'is to be apostates and defines the Baha'i faith as a political 'sect.' The Ministry of Justice states that Baha'is are permitted to enroll in schools only if they do not identify themselves as such, and that Baha'is preferably should be enrolled in schools with a strong and imposing religious ideology. There were reports that Baha'i children in public schools faced attempts to convert them to Islam.

"After a brief policy change during the previous reporting period allowing Baha'i students to enroll in universities, the Government reverted to its previous practice of requiring Baha'i students to identify themselves as a religion other than Baha'i in order to register for the entrance examination. This action precluded Baha'i enrollment in state-run universities, since a tenet of the Baha'i faith is not to deny one's faith. The Ministry of Justice states that Baha'is must be excluded or expelled from universities, either in the admission process or during the course of their studies, if their religious affiliation becomes known. University applicants are required to pass an examination in Islamic, Christian, or Jewish theology, but there was no test for the Baha'i faith.

"Baha'is are banned from the social pension system. In addition, Baha'is are regularly denied compensation for injury or criminal victimization, and the right to inherit property. Baha'i marriages and divorces are not officially recognized, although the Government allows a civil attestation of marriage to serve as a marriage certificate.

"The Government allows recognized religious minorities to establish community centers and certain self-financed cultural, social, athletic, or charitable associations. However, the Government prohibited the Baha'i community from official assembly and from maintaining administrative institutions by closing any such institutions." [4e] (Section II)

19.46 The USSD International Religious Freedom report for 2008 added that: "... Registration of Baha'is was a police function during the reporting period." [4e] (Section II)

19.47 The USSD International Religious Freedom report for 2008 stated that:

"Broad restrictions on Baha'is severely undermined their ability to function as a community. Baha'i groups reported that the Government often denied

applications for new or renewed business and trade licenses to Baha'is. The Government repeatedly pressured Baha'is to accept relief from mistreatment in exchange for recanting their religious beliefs.

“Baha'is could not teach or practice their religious beliefs or maintain links with coreligionists abroad. Baha'is were often officially charged with ‘espionage on behalf of Zionism,’ in part due to the fact that the Baha'i world headquarters is located in Israel. These charges are more acute when Baha'is were caught communicating with or sending monetary contributions to the Baha'i headquarters.

“During the reporting period, Baha'is faced an increasing number of public attacks, including a series of negative and defamatory articles in Kayhan, a government-affiliated newspaper whose managing editor was appointed by Supreme Leader Ayatollah Khamene'i. The national daily Etemad and several provincial newspapers also published defamatory articles against Baha'is.

“Following an explosion in April 2008 at a mosque in Shiraz whose prayers leader was known to condemn Baha'is and Salafis in his sermons, Kayhan cited the prayer leader suggesting Baha'i involvement in the bombing. There were news reports in May citing the Friday prayers leader of Mashhad calling for the execution of arrested Baha'is. Radio and television broadcasts also increasingly condemned the Baha'is and their religious beliefs. These reports had the intention of arousing suspicion, distrust, and hatred for the Baha'i community.

“Public and private universities continued to deny admittance to or expel Baha'i students. During the previous reporting period, the Government briefly suspended its policy against Baha'i matriculation into universities and allowed some Baha'i students to enroll. However, most of these students were expelled once their religious affiliation became known. During this reporting period, the Government reverted to its earlier policy of denying university admittance to Baha'i students.

“The U.N. Special Rapporteur on Freedom of Religion or Belief reported the existence of internal government documents that requested the Ministry of Information, the Revolutionary Guard, and the Police Force to collect and provide to the Armed Forces Command all information about Baha'is.

“There were reports that the Government compiled a list of Baha'is and their trades and employment using information from the Association of Chambers of Commerce and related associations, which are nominally independent bodies that are nonetheless heavily influenced by the Government.” [4e] (Section II)

19.48 The USSD International Religious Freedom report for 2008 stated that:

“According to the National Spiritual Assembly of the Baha'is of the United States, more than 200 Baha'is have been killed since 1979, and 15 have disappeared and are presumed dead.

“Baha'i groups outside the country reported that government authorities increased their harassment and intimidation of the members of the Baha'i community during the reporting period and extended the harassment to

sympathetic Muslim neighbors, friends, and colleagues of Baha'is. According to Baha'i groups outside the country, the Baha'i community in the city of Abadeh in southern Iran experienced a particular increase in harassment.

"The Government continued to imprison and detain Baha'is based on their religious beliefs. The Government arbitrarily arrested Baha'is and charged them with violating Islamic Penal Code Articles 500 and 698, relating to activities against the state and spreading falsehoods, respectively. Often the charges were not dropped upon release, and those with charges still pending reportedly feared re-arrest at any time. Most were released only after paying large fines or posting high bails.

"Between July 7, 2007, and May 8, 2008, the Government reportedly arrested at least 41 Baha'is. As of March 2008 at least 12 remained in detention. The Government never formally charged many of the others but released them only after they posted bail. For some, bail was in the form of deeds of property; others gained their release in exchange for personal guarantees or work licenses.

"There were also reports of attacks on Baha'is by unidentified assailants, including the killings of two elderly Baha'i women. On February 16, 2007, an 85-year-old Baha'i woman, Behnam Saltanat Akhzari, was killed in her home by a masked intruder. The following day, a 77-year-old Baha'i woman, Shah Beygom Dehghani, was also assaulted in her home by a masked intruder and died on March 7, 2007. There were no pending prosecutions during the reporting period.

"On May 27, 2008, security officials arrested two officials of the Baha'i community in Isfahan and one other member of the Baha'i community, reportedly on charges of burying their dead at a particular site that had been used for the past 15 years. They remained detained in Isfahan prison at the end of the reporting period.

"On May 14, 2008, authorities arrested six leaders of the Baha'i community at their homes in Tehran and detained them in an unknown location. The six community leaders, Fariba Kalamabadi, Jamaloddin Khanjani, Afif Naeimi, Behrouz Tavakkoli, and Vahid Tizfahm, are members of a national coordinating group of the Baha'i community. Another member of the coordinating group, Mahvash Sabet, was arrested in Mashhad on March 5, according to the Baha'i International Community." [4e] (Section II)

19.49 The USSD International Religious Freedom report for 2008 stated that:

"The Government seized many Baha'i properties following the 1979 revolution and has not returned any, including Baha'i cemeteries, holy places, historical sites, administrative centers, or other assets. Many properties have been destroyed. Baha'is were generally prevented from burying and honoring their dead in accordance with their religious tradition.

"The property rights of Baha'is were generally disregarded, and they suffered frequent government harassment and persecution. The Government raided Baha'i homes and businesses and confiscated large numbers of private and business properties, as well as religious material, belonging to Baha'is. The Government reportedly seized numerous Baha'i

homes and handed them over to an agency of Supreme Leader Khamene'i. The Government also seized private homes in which Baha'i youth classes were held, despite the owners having proper ownership documents. In one case on January 27, 2008, members of the Basij militia reportedly bulldozed part of a Baha'i family's home in Abadeh.

"The Baha'i community reported that the Government's seizure of Baha'i personal property and its denial of Baha'i access to education and employment was eroding the economic base of the community and threatening its survival. On June 29, 2006, the U.N. Special Rapporteur on Adequate Housing found that government expropriations of property in the country 'seem to have targeted disproportionately' the property of Baha'is and other ethnic and religious minorities. He further mentioned that many of the confiscation verdicts made by Iranian Revolutionary Courts declared that 'the confiscation of the property of the evil sect of the Baha'i [were] legally and religiously justifiable.'

"There were reports during the reporting period of authorities forcing Baha'i businesses to close, placing restrictions on their businesses, and asking managers of private companies to dismiss their Baha'i employees." [4e] (Section II)

19.50 The USSD International Religious Freedom report for 2008 stated that: "Government officials reportedly offered Baha'is relief from mistreatment in exchange for recanting their religious affiliation, and if incarcerated, recanting their religious affiliation as a precondition for releasing them." [4e] (Section II)

19.51 The USSD International Religious Freedom report for 2008 stated that:

"Baha'is faced government-sanctioned discrimination in the workplace. Baha'i graveyards in Abadeh and other cities were desecrated, and the Government did not seek to identify or punish the perpetrators.

"Baha'i groups outside the country reported vandalism of Baha'i cemeteries, the desecration of a body exhumed from a Baha'i grave in Abadeh, and attacks against a Baha'i cemetery in Najafabad.

"Since the National Association of Chambers of Commerce began collecting employment data on Baha'is, there were reported problems for Baha'is in different trades around the country. Baha'is experienced an escalation of personal harassment, including receiving threatening notes, CDs, text messages, and tracts. There were reported cases of Baha'i children being harassed in school and subjected to Islamic indoctrination. Baha'i girls were especially targeted by students and educators, with the intention of creating tension between parents and children.

"There was concern from several groups about the rumored resurgence of the banned Hojjatiyeh Society, a secretive religious-economic group that was founded in 1953 to rid the country of the Baha'i faith in order to hasten the return of the 12th Imam (the Mahdi). Although not a government organization, it was believed that many members of the administration were Hojjatiyeh members and using their offices to advance the society's goals. However, it was unknown what role, if any, the group played in the arrests of numerous Baha'is during the reporting period. Many Baha'i human rights

groups and news agencies described the goals of the Hojjatiyeh Society as the eradication of the Baha'is, not just the Baha'i faith. The group's anti-Baha'i orientation reportedly widened to encompass anti-Sunni and anti-Sufi activities as well.

“On May 26, 2008, the government-affiliated newspaper Kayhan reported, ‘The popular movement dedicated to combating Baha’ism will soon announce its existence through the establishment of an Internet website’.” [4e] (Section III)

- 19.52 The Human Rights Watch World Report 2009, released 15 January 2009, stated:

“The government continues to deny Iran’s Baha’i community permission to worship publicly or pursue religious activities. On May 14, security forces arrested six leading Baha’i adherents and members of the Baha’i national coordination group, without informing them of the charges against them, and sent them to Evin prison. One associate of this group had already been arrested on March 5. At this writing, all seven remain in detention.” [8f]

See [Apostasy \(conversion from Islam\)](#) above

AHL-E HAQ (YARESAN)

- 19.53 In a report on the human rights abuses against the Kurdish minority of July 2008 Amnesty International stated that the Ahl-e Haq is a mainly Kurdish religion, most of whose members live in Kermanshah and in or around the big cities and are known as the People of the Truth, Ali Illahis or Yaresan. The report adds “Their faith, which shares aspects of Islam’s tenets, embodies Kurdish religious identity. The Ahl-e Haq are not recognized under Iranian law and their rituals are prohibited. They are also banned from discussing their faith with the media.” [9e]
- 19.54 The Human Rights report ‘Iran: Freedom of Expression and Association in the Kurdish Regions’, dated 9 January 2009, stated that Ahle Haq is a Sufi order with roots in Zoroastrianism. [8h]

SUFIS

- 19.55 The 2009 Annual Report of the USCIRF stated that: “During the past year, arrests and harassment of Sufis increased significantly.” [88b]
- 19.56 The 2009 Annual Report of the USCIRF added that: “During the past year, there were numerous reports of Shi’a clerics and prayer leaders, particularly in Qom, denouncing Sufism and the activities of Sufi Muslims in the country in both sermons and public statements. In addition, there were reports that the government is considering banning Sufism outright.” [88b]
- 19.57 The USSD International Religious Freedom Report for 2008 stated that:
- “Sufis within the country and Sufi organizations outside the country remained extremely concerned about growing government repression of their communities and religious practices, including increased harassment and intimidation of prominent Sufi leaders by the intelligence and security services. Government restrictions on Sufi groups and houses of worship

(husseiniya) became more pronounced in recent reporting periods. There were numerous reports of Shi'a clerics and prayer leaders denouncing Sufism and the activities of Sufis in the country in both sermons and public statements." [4e] (Section II)

- 19.58 The USSD International Religious Freedom report for 2008 stated that Sufi Muslims faced an increasing repression campaign, including defamatory attacks in newspapers and in sermons by Shi'a clerics. [4e] (Section II)

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ETHNIC GROUPS

OVERVIEW

- 20.01 The International Federation for Human Rights (FIDH) report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009, stated that:

“There are a number of ethnic groups in Iran. Speakers of Persian and its various dialects are the largest ethnic group, forming about 50 per cent of the population by some accounts. Next to them, the most populous ethnic group is the Azerbaijani Turks (over 25% of the population), Kurds (7-10%), Arabs (2%), Baluchis (2%) and the Turkmens (more than 1%).

“The Constitution stipulates that Persian, or Farsi as it is called in Iran, is the official language. It also allows the use of ethnic and local languages in the media and the teaching of their literature in schools alongside the Persian language (Article 15). The reality, however, is that various ethnic groups have consistently complained of the violations of their rights. Most Kurds, Baluchis, and Turkmens are followers of one or another branch of Sunni Islam, and consequently also constitute a religious minority. The Arabs living in southwestern Khuzestan are mostly Shiites, while those in the southern provinces of Bushehr and Hormuzgan are mostly Sunnis. The Azerbaijani Turkic speakers are also predominantly Shiites. There have been movements within all the ethnic minorities, demanding respect for their rights.” [56]

KURDS

- 20.02 The Danish Immigration Service’s report *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* (Danish Immigration Service Report 2009), released April 2009, stated that:

“The Kurdish population is one of the largest ethnic minority groups in Iran. The number of Kurds in the country varies considerably according to the available sources. The estimate ranges from five to twelve million people out of a total Iranian population of an estimated 70.5 million. The vast majority of the Kurds in Iran live in the mountainous region of Western Iran from the Turkish and Iraqi borders in the west to Lake Urumieh in the north east. The area covers approximately 95,000 square kilometres.

“The only province that is governmentally recognised as Kurdish is the province of Kurdistan. However, the area that is often called Iranian Kurdistan extends from Kurdistan province in the central area to Western Azerbaijan province in the north and Kermanshah province in the southern area.

“The area of Iranian Kurdistan consists of mountains, plains, villages and large urban centres. The Kurdish population are mainly situated in and around the big cities of Kermanshah, Sanandaj and Mahabad.

“The economic environment in Iranian Kurdistan varies. Kurds living in the Zagros mountain range mainly rely on pastoral farming and herding in a modified tribal economic set-up. The Kurds of the plains often live in villages

and rely on agriculture and, to a smaller extent, on pastoral farming. The main crops of this region are tobacco, barley, rice and wheat. Kurds living in urban settings are mainly occupied as teachers, traders and shopkeepers. Of course some Kurds may also be working in other sectors; however, Kurds will not be working in high levels of government.” [86b]

- 20.03 The Amnesty International report *Iran: Human rights abuses against the Kurdish minority*, dated July 2008, added that:

“... They live mainly in the provinces of West Azerbaijan, Kordestan, Kermanshah and Ilam in the west and south-west of the country, although many have moved to the big cities such as Tehran. Sanandaj is the administrative centre of Kordestan. There is also a community of Kurds in North Khorasan province in northeastern Iran.

“The Kurdish language is divided into two main dialects: Sorani and Kurmanji. Smaller communities of Gorani and other Kurdish-dialect speakers are present in Iran. Most Kurds are Sunni Muslims, although a minority are Shi’a. Some are Yazidi, a religion with pre-Islamic roots, while others are Baha’i, Ahl-e Haq and followers of the Qaderi and Naqshbandi schools of Sufism.” [9e]

- 20.04 Sorani Kurdish is spoken by Iraqi Kurds living south of the Greater Zab, and by the Iranian Kurds living in Kordestan Province. Sorani Kurdish is typically written in a modified Arabic script; such modern literature as exists in Kurdish is usually in Sorani, because there has been more opportunity to publish in Iraq than in other countries in recent times. (Centre for Applied Linguistics, 18 February 2004) [23a]

- 20.05 The FIDH report *Iran/Death Penalty: a State Terror Policy*, dated 28 April 2009 (FIDH Report 2009) stated that: “The nationalist movement has been strong in the Kurdish provinces of Iran for many years. Some Kurdish groups have been fighting the central government in Iran since 1979 and the demand for regional autonomy is strong; they have thus suffered the highest number of casualties in comparison with other ethnic groups.” [56i]

- 20.06 The FIDH Report 2009, added that:

“While a number of Kurdish opposition leaders lost their lives in the course of extrajudicial executions abroad, cultural activists and journalists are also subjected to harsh repression. Many have been condemned to prison sentences, and some of them have been condemned to death.

“Adnan Hassanpoor, a journalist and Kurdish cultural activist, was arrested in January 2007. His friend and cousin, Abdolwahed (Hiwa) Butimar, an environmentalist, was arrested in December 2006. They were both sentenced to death in June 2007 on charge of fighting God (moharebeh) after spending several months incommunicado. Since then, their death sentences have been upheld twice. However, the death sentence on Hassanpoor was repealed in late September 2008. The death sentence on Butimar remains in place.

“Farzad Kamangar, a Kurdish teacher and cultural activist, arrested in June 2006, was subjected to torture for two years and then sentenced to death in February 2008.

“A list of 68 Kurdish political prisoners detained in various prisons, published in September 2008 by Kurdish groups, that did not include Butimar and Kamanger, indicated that at least four of them were facing the death sentence, while information about sentences of some others was not available.” [56i]

- 20.07 The Human Rights Watch World Report 2009, released 15 January 2009, stated that: “In the northwestern provinces of Azerbaijan and Kurdistan, the government restricts cultural and political activities by the Azerbaijani and Kurdish populations, including the operation of NGOs that focus on social issues.” [8f]
- 20.08 The Amnesty International report *Iran: Human rights abuses against the Kurdish minority*, dated July 2008, stated that:
- “A key moment for Kurdish activists in recent times was in July 2005, when Iranian security officials shot dead Kurdish opposition leader Shawan Qaderi and two other men in Mahabad. The security forces tied Shawan Qaderi’s body to a jeep and dragged the corpse through the streets. This sparked violent protests that shattered years of relative peace in Kordestan. The protests also marked the start of a new wave of state repression against Kurds in which those who spoke up for Kurdish rights were targeted.” [9e]
- 20.09 Amnesty International in their 2009 Annual Report, released in May 2009, covering events in 2008, (AI Report 2009) stated that:

“Members of the armed group, Party for a Free Life in Kurdistan, known by its Kurdish acronym PJAK, continued to attack Iranian forces. Many Kurds who were detained faced charges of membership or support of PJAK or other groups. Some, like teacher Farzad Kamangar, who denied the charge and was tortured, were sentenced to death following unfair trials.

“Proponents of greater recognition of the Kurdish language and cultural and other rights were arrested and imprisoned after unfair trials.

“The authorities failed to take adequate steps to address the longstanding problem of protecting women from violence within the family, despite a continuing high incidence of cases in which women set themselves alight, often fatally, apparently because they were subject to such violence.

“More than 50 prisoners went on hunger strike between August and October to protest against the use of the death penalty on Kurdish political prisoners and to demand respect for the civil rights of Kurdish prisoners.” [9h]

See also [Opposition groups and political activists](#) and [Freedom of religion](#)

ARABS

- 20.10 The FIDH Report 2009, stated that:

“The Arab minority, the majority of whose members live in the southwestern province of Khuzestan, like other ethnic minorities, has been denied its cultural rights and has faced repression both before and after the revolution.

A few months after the 1979 revolution, there were clashes in Khuzestan that were suppressed by the government and scores of Arabs were sent to the gallows.

“In April 2005, unrests in Khuzestan led to the death of many Arabs including some in alleged extrajudicial executions. The turbulence occurred following the surfacing of a letter allegedly written by Mr. Abtahi, an advisor to then President Khatami. The letter, dated 1999, the authenticity of which Mr Abtahi strongly denied, proposed the reduction of the Arab population in Khuzestan by transferring them to other parts of Iran. Subsequently, several bombs exploded in Ahvaz, the provincial capital of Khuzestan, as well as in Tehran, killing a number of people.

“Seven men were shown on TV on 1 March 2006 and said to be convicted for involvement in the bombings. Two of them were hanged the day after. At least 11 other men were also said to be sentenced to death. In 2006, 36 Arabs had been sentenced to death or lengthy prison terms; five were executed after unfair trials, two of them in public. In 2007, at least eight were executed and 17 others were facing the death sentence after unfair trials.” [56i]

- 20.11 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated that:

“Foreign representatives of the Ahvazi Arabs of Khuzestan claimed their community of 2 to 4 million in the southwest section of the country suffered from oppression and discrimination, including the lack of freedom to study and speak Arabic. Ahvazi and human rights groups alleged torture and mistreatment of Ahvazi Arab activists, including detention of the spouses and young children of activists.” [4a] (Section 5)

- 20.12 The AI Report 2009 noted: “Members of the Ahwazi Arab community continued to protest against perceived discrimination, notably in relation to access to resources.” [9h]

BALUCHIS

- 20.13 The FIDH Report 2009 stated that:

“The Baluchis who are said to number more than 1.4 million live mostly in the Sistan-Baluchistan province in the southeast, bordering Pakistan and Afghanistan. Since the early 2000s, an armed Baluchi group, People’s Resistance Movement of Iran, known as the Jondollah has been fighting the Iranian government stating its aim as achieving a more democratic system and full rights of the Sunnis in Iran. The response of the Iranian government has been very harsh.

“The authorities appointed the former prosecutor of the Special Court for Clergy and former deputy prosecutor-general, Hojatoleslam Nekoonam, to head the Justice Department in Sistan and Baluchistan in 2006. Since then the number of death sentences and executions have risen drastically in the region. A large number of Baluchis have been arrested, tried and some of them executed within a few days of the trials. Most have been accused of drug trafficking and armed banditry, murder and kidnapping. It is not clear as

to how many of them were involved in the opposition against the government.

“In June 2006, six people were executed for fighting God and corruption on earth.

“Said Qanbarzahi was hanged on 27 May 2007. He had been sentenced to death in March 2007 when he was 17 years old, together with six other men. They were believed to have been detained for their families’ ties to perpetrators of a bus bombing in February 2007 that killed 14 revolutionary guards.

“Yaqub Mehrnahad, head of the of the Voice of Justice Young People’s Society, a registered NGO, was arrested with some other members of the Society in Zahedan in May 2007. He was also representative of the daily Mardomsalary in the province. He spent over a year in detention during which he was sentenced to death and his sentence was upheld. He was finally executed on 4 August 2008. Mehrnahad had been accused of cooperation with the Jondollah. He had never taken up arms and was reportedly not given access to lawyers during his detention.

“Amnesty International recorded at least five executions of Baluchis in 2005; at least 32 and possibly more than 50 in 2006; up to 50 from January-August 2007.

“In March 2007, Member of Parliament for Zahedan, Shahriyari said in an interview that 700 people had had their death sentences confirmed by the Supreme Court and were waiting to be executed in the Sistan-Baluchistan province.

“A website keeping track of executions of Baluch people has recorded 176 judicial and extrajudicial executions from December 2006 –through March 2009.” [56i]

20.14 The AI Report 2009 stated:

“In Baluchi areas, the People’s Resistance Movement of Iran (PRMI), an armed group also known as Jondallah, sporadically clashed with government forces. In June the group took 15 or 16 Iranian border guards prisoner. One was released but the PRMI killed the rest by October. The authorities took harsh measures against suspected PRMI members and supporters. [9h]

20.15 The USSD Report 2008 stated that:

“Local and international human rights groups alleged serious economic, legal, and cultural discrimination against the Baluch minority during the year. The government did not investigate allegations that authorities in Sistan va Baluchistan executed at least 50 detainees in 2007. Baluch journalists and human rights activists, including Yaghoob Mirnehad, faced arbitrary arrest, physical abuse, and unfair trials, often ending in execution.” [4a] (Section 5)

AZERIS

20.16 The USSD Report 2008 stated that:

“Ethnic Azeris comprised approximately one-quarter of the country's population, were well integrated into government and society, and included the supreme leader among their numbers. However, Azeris complained of ethnic and linguistic discrimination by the government, including banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. Azeri groups also claimed there were a number of Azeri political prisoners jailed for advocating cultural and language rights for Iranian Azeris. The government charged several of them with ‘revolting against the Islamic state’.” [4a] (Section 5)

- 20.17 In the AI Report 2009 it was noted that: “Activists continued to call for the Azerbaijani Turkic language to be used in schools and government services in the areas where Azerbaijani Iranians mainly live. Dozens of activists were arrested in February [2008] in connection with demonstrations on International Mother Language Day.” [9h]
- 20.18 A Radio Free Europe / Radio Liberty article, dated 26 July 2008, reported that Vedud Asadi, well-known for promoting the cultural and language rights of Iran's Azeri minority, was arrested without charge two weeks after his wedding. The report added: “The ethnic-Azeri minority makes up 25-33 percent of Iran's population. While the Iranian Constitution provides language and cultural rights for the country's minorities, the regime has banned the teaching of the Azeri language in schools, and harassed and jailed activists like Asadi.” [42m]

QASHQAIS

- 20.19 Undated information on OldCarpet.com stated that:
- “The Qashqai are the second largest Turkic group (numbering about 250,000 people) in Iran. They are a confederation of several Turkic-speaking tribes and their territory extends from Abadeh and Shah-Reza in the Isfahan province to the Persian Gulf Coast in southern Iran. The Qashqai are pastoral nomads who move with their herds of sheep and goats between summer pastures in the higher elevations of the Zagros south of Shiraz and winter pastures at low elevations north of Shiraz.” [37a]
- 20.20 The same source stated that the Qashqai revolted in 1962-1964 when the government tried to take away their pastures under the land reform program. (OldCarpet.com, accessed 5 December 2008) [37a] On 17 August 2005, the Habitat International Coalition, commenting on the 2005 UN report into adequate housing, adds that nomads such as the southern Qashqai tribe face discrimination, with traditional pasture land being sold to the private sector. [39a]
- 20.21 The major Qashqai clans included: Kashkooli, Sheesh Blocki, Khalaj, Farsi Madan, Safi Khani, Rahimi, Bayat and Darreh Shuyee. (OldCarpet.com, accessed 5 December 2008) [37a]

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

OVERVIEW

21.01 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated that:

“The Special Protection Division, a volunteer unit of the judiciary, monitored and reported moral crimes. The law prohibited and punished homosexuality; sodomy between consenting adults was a capital crime. According to HRW, the last known death sentences for homosexual conduct were handed down in 2005, although there were allegations of executions related to homosexual conduct in 2006 and 2007. The punishment of a non-Muslim homosexual was harsher if the homosexual's partner was Muslim. On September 29, President Ahmadi-Nejad called homosexuality an ‘unlikable and foreign act’ that ‘shakes the foundations of society’.” [4a] (Section 5)

21.02 The report by International Lesbian and Gay Association (ILGA) titled ‘State-Sponsored Homophobia’, dated May 2009, (ILGA Report 2009) observed that same-sex relations for men and women were illegal. [104] (p22)

21.03 The FCO stated in a letter dated 20 April 2008:

- “We have concerns about the treatment of homosexuals in Iran.
- Homosexual activities are illegal and can carry the death penalty.
- We are not aware of any individual that has been executed in Iran in recent years solely on the grounds of homosexuality.
- We are aware of concerns that homosexuals have been charged with crimes such as rape and kidnap and then executed.
- Although homosexuality is illegal in Iran and homosexuals do experience discrimination, we do not believe that homosexuals are systematically persecuted.” [261]

21.04 However the same source also stated:

“It is worth noting that it can be difficult to obtain information on human rights concerns and specific cases in Iran, especially on an issue as sensitive as homosexuality. Our Embassy can only make a limited judgement of the situation based upon publicly available information such as official public statements and media reporting and informal contacts with the gay community in Tehran. This by no means provides us with a full picture of the overall treatment of homosexuals in Iran, and as a result our assessment is necessarily limited.” [261]

LEGAL RIGHTS

21.05 The ILGA Report 2009 listed articles from the Iranian Penal Code of 1991 that pertain to same-sex physical acts, how they are defined and proven, and the corresponding penalties:

“Part 2: Punishment for Sodomy

“Chapter 1: Definition of Sodomy

“Article 108: Sodomy is sexual intercourse with a male.

Article 109: In case of sodomy both the active and the passive persons will be condemned to its punishment.

Article 110: Punishment for sodomy is killing; the Sharia judge decides on how to carry out the killing.

Article 111: Sodomy involves killing if both the active and passive persons are mature, of sound mind and have free will.

Article 112: If a mature man of sound mind commits sexual intercourse with an immature person, the doer will be killed and the passive one will be subject to Ta’azir of 74 lashes if not under duress.

Article 113: If an immature person commits sexual intercourse with another immature person, both of them will be subject to Ta’azir of 74 lashes unless one of them was under duress.

“Chapter 2: Ways of proving sodomy in court

“Article 114: By confessing four lashes to having committed sodomy, punishment is established against the one making the confession.

Article 115: A confession made less than four lashes (to having committed sodomy) does not involve punishment of ‘Had’ but the confessor will be subject to Ta’azir (lesser punishments).

Article 116: A confession is valid only if the confessor is mature, of sound mind, has will and intention.

Article 117: Sodomy is proved by the testimony of four righteous men who might have observed it.

Article 118: If less than four righteous men testify, sodomy is not proved and the witnesses shall be condemned to punishment for Qazf (malicious accusation).

Article 119: Testimony of women alone or together with a man does not prove sodomy.

Article 120: The Sharia judge may act according to his own knowledge which is derived through customary methods.

Article 121: Punishment for Tafhiz (the rubbing of the thighs or buttocks) and the like committed by two men without entry, shall be hundred lashes for each of them.

Article 122: If Tafhiz and the like are repeated three lashes without entry and punishment is enforced after each time, the punishment for the fourth time would be death.

Article 123: If two men not related by blood stand naked under one cover without any necessity, both of them will be subject to Ta’azir of up to 99 lashes.

Article 124: If someone kisses another with lust, he will be subject to Ta’azir of 60 lashes.

Article 125: If the one committing Tafhiz and the like or a homosexual man, repents before the giving of testimony by the witnesses, his punishment will be quashed; if he repents after the giving of testimony, the punishment will not be quashed.

Article 126: If sodomy or Tafhizis proved by confession and thereafter he repents the Sharia judge may request the leader (Valie Amr) to pardon him.

“Part 3: Lesbianism

“Article 127: Mosaheqeh (lesbianism) is homosexuality of women by genitals.

Article 128: The ways of proving lesbianism in court are the same by which the homosexuality (of men) is proved.

Article 129: Punishment for lesbianism is hundred (100) lashes for each party.

Article 130: Punishment for lesbianism will be established vis-a-vis someone who is mature, of sound mind, has free will and intention. Note: In the punishment for lesbianism there will be no distinction between the doer and the subject as well as a Muslim or non-Muslim.

Article 131: If the act of lesbianism is repeated three lashes and punishment is enforced each time, death sentence will be issued the fourth time.

Article 132: If a lesbian repents before the giving of testimony by the witnesses, the punishment will be quashed; if she does so after the giving of testimony, the punishment will not be quashed.

Article 133: If the act of lesbianism is proved by the confession of the doer and she repents accordingly, the Sharia judge may request the leader (Valie Amr) to pardon her.

Article 134: If two women not related by consanguinity stand naked under one cover without necessity, they will be punished to less than hundred (100) lashes (Ta'azir). In case of its repetition as well as the repetition of punishment, hundred (100) lashes will be hit the third time." [104] (p22)

- 21.06 Other sources, including the United Nations High Commissioner for Refugees (UNHCR) / Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) Berlin COI Information Seminar Report 2001 [3c] (p105) and the NGO Mission for the Establishment of Human Rights in Iran (MEHR) [66a] also referred to the sections of the Islamic Penal Code as noted above as legislating on same-sex relations, albeit with slightly differing translations. The MEHR version noted that the Penal Code is divided into five books (most of the legislation affecting LGBT persons is in Book Two, Haads – punishments specified by Shari'a); the first four books were ratified in 1991, the fifth (the Ta'azirat, i.e. punishments not specified under Shari'a) in 1996. [66a]

See also [Penal code](#) above.

- 21.07 The Amnesty International report, *Sexual Minorities and the Law: A World Survey*, updated July 2006 reported, with regard to transgender persons, "Gender reassignment ('sex change') [is] legal or openly performed without prosecution. It is illegal to change [a] birth certificate or marry after gender reassignment." [9aam] Though a BBC news article dated 25 February 2008 noted that it was possible to change an individuals sex on their birth certificate after gender-realignment treatment. [21ag]

See subsection [Transgender and Transsexuals](#) below.

Evidence and repenting

- 21.08 The Berlin European COI Information Seminar Report 2001 states that:

"The burden of proof is quite high and it would be difficult to prove homosexual liaisons or intercourse. According to some reports in local papers there have been instances of execution of homosexuals. It is not confirmed whether the homosexual act alone led to execution or whether the person was accused on other charges too. However, the fact that, irrespective of the standard/burden of proof, the sentence for homosexuality

is death is a very important element in any assessment. It would be inappropriate to water down the existence of the death sentence with arguments of a high burden of proof, relative tolerance or the fact that there is no systematic effort to prosecute homosexuals. The subjective element is essential.” [3c] (p105-106)

- 21.09 The Danish Immigration Service report from their 2005 fact-finding mission states that:

“Under the penal code, homosexuality between men is a serious crime and, if there is the necessary evidence or confessions, it can incur the death penalty. According to [Article] 114, the necessary proof is confessions to the judge or the testimony of four men. [Article] 120 also prescribes ‘...That the judge can make a decision in accordance with his own knowledge that is based on general knowledge and judgement.’ ...

“Two female defence lawyers with many years’ experience of court cases in Teheran reported that if the judge had detailed knowledge of the homosexuality, this knowledge could be sufficient testimony to pass judgement. ...

“UNHCR in Ankara reported that the judge’s knowledge of the circumstances of the case in cases of homosexuality could be sufficient evidence.” [86a] (p10)

- 21.10 According to information from the Canadian Immigration and Refugee Board (CIRB), dated 1 February 1998, technically, same-sex behaviour is sharply condemned by Islam, and the Islamic Sharia law adopted by Iran. Sodomy is punishable by death if both parties are considered to be adults of sound mind and free will. [2j] It must be proven by either four confessions from the accused, the testimony of four righteous men who witnessed the act (HRW, 28 March 2008) [8a] [2j] or the judge’s ‘knowledge’. (AI, 20 June 2007) [9aaf]

See also [Knowledge of the judge](#).

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ENFORCEMENT OF THE LAWS AND EXECUTIONS

- 21.11 The Foreign and Commonwealth Office’s (FCO) Human Rights Report for 2007 states that the death penalty remains on the statute books for consenting same-sex relations although the FCO has not confirmed any executions for this in 2006 and 2007 but continues to monitor the issue carefully. [26k] (p155)

- 21.12 In a letter dated 15 April 2008, FCO stated that:

“We are not aware of any individual who has been executed in Iran in recent years solely on the grounds of homosexuality. A recent press release from Human Rights Watch (dated 28 March) suggested that the last documented death sentences for consensual homosexual conduct in Iran were handed down in March 2005, but that it was not known whether they were carried out. We have not been able to confirm these cases. We are aware of concerns that homosexuals may have been charged with crimes such as

rape and kidnap and then executed, but again cannot confirm that this has happened.

“Although Iran does not publish official execution figures, the impression from our Embassy is that the authorities are usually prepared to announce or confirm executions that have taken place, even for cases that are likely to attract international criticism. However, it is possible that this may have happened and gone unreported, especially in provincial areas.” [26I]

- 21.13 The Human Rights Watch report, ‘Private Homes Raided for Immorality’, dated 28 March 2008, states that:

“The last documented death sentences for consensual homosexual conduct in Iran were handed down in March 2005. It is not known whether they were carried out. In extensive interviews with men and women inside and outside Iran, Human Rights Watch has documented widespread patterns of arbitrary arrest and torture based on sexual orientation and gender identity.

“Western sources have suggested that charges of consensual homosexual conduct are converted to charges of rape in the Iranian judicial system, but Human Rights Watch has found no evidence of this.” [8a]

- 21.14 An article on Radio Free Europe/Radio Liberty (RFE/RL) titled, ‘Persian Gay and Lesbian Activist Urges Tolerance’, dated 17 May 2007 reports:

“Under Islamic laws as applied in Iran, homosexuality is punishable by death. But in recent years, there have been only a few reported cases of individuals being officially charged with homosexuality.

“Yet Parsi [Arsham Parsi, Secretary-General of the Toronto-based Iranian Queer Organisation] says the spectre of the harsh sentences casts a shadow on the life of homosexuals.” [42ae]

Parsi continued:

“... in the case of homosexuals, even if nothing happens, they always face fear. Many believe that the punishments for homosexuals are only on the books and they are not being applied. But we don’t accept this - we think homosexuals are being sentenced, but perhaps [these cases] don’t get reported.” [42ae]

- 21.15 A letter from HRW to Minister Verdonk, the Dutch Minister of Alien Affairs and Integration, Ministry of Justice, titled ‘No Deportations of LGBT Iranians to Torture’ and dated 5 October 2006 stated:

“Trials on morals charges in Iran are held in camera, and international outrage over the frequency of executions (Iran has the highest rate of executions per capita in the world) has led the government to exercise tight controls over press reporting of the death penalty. For these reasons, confirming the frequency of executions for lavat [sexual acts between men] is effectively impossible.” [8ae]

- 21.16 A number of sources, including the BBC in an article titled, ‘Gay Iranian deportation reviewed’ dated 13 March 2008 and some gay rights groups, have reported that more than 4,000 gay men and lesbians have been

executed in the country since the Ayatollahs seized power in 1979. However, no original source for this information has been identified. [21ah]

- 21.17 Regarding the claim that 4,000 Iranian homosexuals have been executed since 1979, the April 2008 FCO letter states:

“It is believed that vast numbers of people (possibly tens of thousands) were executed in the 1980s for a range of political and moral ‘crimes’ often with little or no respect for due process of law. This is likely to have included executions for controversial offences such as homosexuality and apostasy. We are not able to put a figure on how many individuals might have been executed specifically for homosexuality, but documentary evidence and our Embassy’s discussions with human rights campaigners and members of the Iranian gay community suggest that such executions would have been carried out in the first 10-15 years after the 1979 revolution. We are not aware of executions solely on the grounds of homosexuality in recent years.” [26i]

- 21.18 On this issue, the USSD report for 2005 commented:

“According to the Paris-based International Federation of Human Rights, the justice system did not actively investigate charges of homosexuality. ... there had been no recent reports of homosexuals executed. However, the group acknowledged it was possible that a case against a homosexual could be pursued. Conversely, the London-based homosexual rights group OutRage! claimed over four thousand homosexuals had been executed in the country since the Islamic revolution in 1979.” [4q] (p24)

Additionally, part of an entry on the San Francisco Bay Times website, published on 12 October 2006, titled ‘Sweden to Deport Gay Iranian’ stated:

“The claim that 4,000 Iranian homosexuals have been executed since the revolution is put forth by the Iranian exile gay group Homan. Documentation for the claim is lacking, but Peter Tatchell of the British gay group OutRage!, which says its extensive research confirms that Iran executes gays, explained: ‘Homan [based the figure] on Iranian media reports of LGBT executions and personal reports from people who had gay friends executed or arrested at private parties who were never seen again and presumed executed.’

“They told me of cases where 20 or 30 or more people were arrested in a single raid and who subsequently disappeared forever. This was mostly in the early 1980s and again in the late 1980s. Tens of thousands of people were executed in the early 1980s alone for all kinds of reasons - mostly students and leftists. So the idea of 4,000 LGBTs executed does not seem wildly off the mark.” [108]

- 21.19 A number of sources have reported on the execution of Makwan Mouloudzadeh in December 2007.

The HRW article, ‘The issue is torture’, dated 31 March 2008 states that:

“In November 2007 in Kermanshah, Makwan Mouloudzadeh, 20, faced the death penalty on false charges of raping several boys seven years before.

His accusers retracted their claims. No evidence suggested he had committed any crime under Iranian law.

“However, European activists wildly seized on him as another ‘gay’ victim. They organised a mass petition to Ahmadinejad for mercy for ‘the young Iranian gay’. Their pleas sent an inadvertent message: Makwan was innocent of one capital crime, but Europe believed him guilty of another. On December 5, Makwan Mouloudzadeh, probably neither gay nor a rapist, went to the gallows.” [8ac]

- 21.20 The FCO letter of April 2008 includes the following comments regarding the significance of the Makwan Moloudzadeh case in terms of the general risk to homosexuals:

“Makwan Moloudzadeh was convicted of the rape of eleven individuals, threatening behaviour and blackmail. His flawed trial does raise questions about due process of law in Iran and the use of the death penalty for crimes committed before the age of eighteen, but we do not think his case tells us anything new about the risks for those involved in consensual same-sex relations.” [26I]

- 21.21 In an article titled, ‘Execution of child offender Makwan Moloudzadeh is a Mockery of Justice’, Amnesty International reported the case on 6 December 2007 as “Makwan Moloudzadeh, 21, was convicted of lavat-e iqabi (anal sex) for the alleged rape of three individuals, eight years ago, when he was 13.” [9aae]

The article continued:

“Makwan Moloudzadeh’s trial was grossly flawed. The alleged victims withdrew their accusations in the course of the trial, held in a criminal court in Kermanshah and with sessions held in Paveh, western Iran, in July 2007, and reportedly stated that they had either lied previously or had been forced to ‘confess’. In sentencing Makwan Moloudzadeh to death, the judge relied on his ‘knowledge’ that Makwan Moloudzadeh could be tried as an adult and that the alleged offence had been committed, as is allowed by Iranian law.

“According to Article 120 of the Penal Code, in cases of anal sex between men, the judge ‘can make his judgement according to his knowledge which is obtained through conventional methods’.” [9aae]

- 21.22 Prior to Mouloudzadeh’s execution, Human Rights Watch highlighted his case in an article titled ‘Revoke Death Sentence in Juvenile Case’, dated 3 November 2007. HRW reported that three men complained to police in 2006 that Mouloudzadeh had raped them seven years earlier. The police then arrested him, shaved his head and paraded him around town on a donkey. During court proceedings, Mouloudzadeh claimed that all confessions he had made were false and coerced which the judge refused to accept. [8af]

- 21.23 An article on Radio Free Europe/Radio Liberty, ‘Child Offenders Face ‘Imminent Execution’ on Death Row’, dated 15 January 2008, reports:

“... according to recent Iranian press reports, two men convicted of homosexual rape in Fars, southern Iran, were sentenced to death by putting them in a sack and throwing it off the top of a cliff.

“According to Iran’s form of Islamic Shari’a law, homosexuality is punishable by death and the judge can choose from five methods including throwing off a height and demolishing a wall on the offender, a method whose use has not been reported in the past 30 years.” [42x]

21.24 An earlier HRW article, dated 8 March 2006, states:

“Men and women suspected of homosexual conduct in Iran face the threat of execution’, said Scott Long, director of Human Rights Watch’s Lesbian, Gay, Bisexual, and Transgender Rights Program. ‘We have documented brutal floggings imposed by courts as punishment, and torture and ill-treatment, including sexual abuse, in police custody.’...” [8ad]

21.25 On 22 November 2005, Human Rights Watch reported:

“Iran’s execution of two men last week for homosexual conduct highlights a pattern of persecution of gay men that stands in stark violation of the rights to life and privacy...

“... On Sunday, November 13, the semi-official Tehran daily Kayhan reported that the Iranian government publicly hung two men, Mokhtar N. (24 years old) and Ali A. (25 years old), in the Shahid Bahonar Square of the northern town of Gorgan.

“The government reportedly executed the two men for the crime of ‘lavat.’ Iran’s Shari’a-based penal code defines lavat as penetrative and non-penetrative sexual acts between men. Iranian law punishes all penetrative sexual acts between adult men with the death penalty. Non-penetrative sexual acts between men are punished with lashes until the fourth offense, when they are punished with death...

“... ‘The Iranian government’s persecution of gay men flouts international human rights standards.’

“In addition to the two executions..., there have been other cases of persecution and execution of gay men in Iran in recent years.” [8t]

The report continued:

“On March 15, 2005, the daily newspaper Etemaad reported that the Tehran Criminal Court sentenced two men to death following the discovery of a video showing them engaged in homosexual acts. According to the paper, one of the men confessed that he had shot the video as a precaution in case his partner withdrew the financial support he had been providing in return for sex. In response to the man’s confession, his partner was summoned to the authorities and both men were sentenced to death. As the death penalty was pronounced against both men, it appears to have been based on their sexual activity.

“These abuses have created an atmosphere of terror for lesbians, gays, bisexuals and transgender people throughout Iran.” [8t]

21.26 An article from RFE/RL dated 1 September 2005 reported on the question of an anti-homosexual campaign:

“According to Islamic law, homosexuality is a capital crime. The execution of two Iranian males in July and current allegations that two more Iranian men are on death row because they are gay has led to allegations of an anti-homosexual campaign in Iran. But homosexuality is just part of the laundry list of charges leveled against people caught up in the Iranian justice system, and in a country with such a reprehensible human rights record, the actual charges rarely have a connection with reality... Several recent cases have garnered a great deal of attention in this regard, but they appear to be overshadowed by concern over the execution of minors. The freshest allegations are that a homosexual was executed in the city of Arak in mid-August and that two more men there are awaiting execution on similar charges.” [42f] (p1)

The article continued, reporting on the case of two males who were hanged:

“In July 2005, two males – one of them reportedly a minor – were hanged after being found guilty of raping a 13-year-old boy. However, exile sources claimed that the execution of the two, Mahmud Asgari and Ayaz Marhoni, related to their engagement in homosexual activities. Human Rights Watch, in a 27 July letter to judiciary chief Ayatollah Mahmud Hashemi-Shahrudi, expressed concern with the execution of juvenile offenders, but did not refer to any other aspect of the case.” [42f] (p1)

- 21.27 An IRIN News article dated 25 July 2005 also reported on the same case, which led to:

“... public hangings of Mahmoud Asgari, 16, and Ayaz Marhoni, 18, on 19 July in Mashad, provincial capital of Iran’s northeastern Khorasan province, on charges of homosexuality.

“Asgari had been accused of raping a 13-year-old boy, though Outrage [a London-based Lesbian, Gay, Bisexual and Transexual advocacy group] said [they] believed those allegations were trumped up to undermine public sympathy for the two youths, both of whom maintained they were unaware homosexual acts were punishable by death...’The judiciary has trampled its own laws,’ Asgari’s lawyer, Rohollah Razez Zadeh, was quoted as saying, explaining that Iranian courts were supposed to commute death sentences handed [down] to children to five years in jail, but the country’s Supreme Court allowed the hangings to proceed. ... Prior to the boys’ executions, the teenagers were held in prison for 14 months and severely beaten with 228 lashes. The length of their detention suggests that they committed the so-called offences more than a year earlier, when they were possibly around the age of 16. Citing Iranian human rights campaigners, Outrage claims over 4,000 lesbians and gay men have been executed since the Iranian revolution of 1979.” [75d]

- 21.28 The USSD report for 2005 also confirmed the executions:

“In July two teenage boys, one 16 and one 18 years of age, were publicly executed; they were charged with raping a 13-year-old boy. A number of groups outside the country alleged the two were executed for homosexuality; however, because of the lack of transparency in the court system, there was no concrete information. In November domestic conservative press reported that two men in their twenties were hanged in

public for lavat (defined as sexual acts between men). The article also said they had a criminal past, including kidnapping and rape. It was not possible to judge whether these men were executed for homosexuality or other crimes.” [4q]

21.29 A BBC article of 19 July 2002 stated that an Iranian newspaper reported a man was convicted of raping and then killing his nephew was to be thrown off a cliff in a sack. The BBC article noted “Some activists complain that the media in Iran tend to portray homosexuals who have been arrested as rapists and paedophiles.” [21x]

21.30 According to the ACCORD 7th European Country of Origin Information Seminar in Berlin, 11-12 June 2001 report:

“... jurisprudence, burden of proof notwithstanding, certainly has used accusations of homosexuality. Furthermore, it does happen that homosexuality is mentioned as one of the accusations amongst other offences held against the defendant. For instance, accusations of homosexuality have been used in unfair trials, such as the case of a Sunni leader in Shiraz in 1996/97, who was clearly prosecuted for politically [sic] reasons. There have also been other political cases, although not in the recent past.” [3c] (p105)

21.31 Expert opinion consulted by the Canadian IRB in 1998 stated that:

“Theoretically, homosexual behaviour is sharply condemned by Islam, but in practice it is present, and has been in the past, for the most part tolerantly treated and frequently occurring in countries where Islam predominates... In practice it is only public transgression of Islamic morals that is condemned and therefore Islamic law stresses the role of eye-witnesses to an offence.” [2j]

The same source stated that the police were not empowered nor did they actively pursue homosexual activity of any kind that was performed behind the ‘veil of decency’ of closed doors. (Canadian Immigration and Refugee Board, 1 February 1998) [2j]

21.32 CIRB sources dated 1 February 1998 indicated that there were held to be many differing levels of homosexual activity within Iranian society. In rural areas, even ‘lavat’ sexual activity could be considered socially to be compensatory sexual behaviour for heterosexual sexual intercourse, and the practitioners held not to be homosexuals. The key offensive practice was sodomy, or more particularly to be sodomised, as an unnatural inversion of God’s creation, and some experts held that ‘homosexuals’ are understood in Iran to be willing passive partners. [2j]

21.33 According to a Canadian IRB Report of 1999, lesbian cases rarely came before the courts, as the case usually failed the test of proof of four righteous witnesses. Sources held that lesbian behaviour in public was impossible to distinguish from accepted social contact between women in Iran. [2o] The source concludes:

“Of female same-sex behaviour musahaqa almost nothing is known. Islamic law considers it sex outside marriage and therefore as adultery, with all the consequences already described. Yet because no penetration takes place,

punishment is theoretically limited to one hundred lashes. In practice lesbian behaviour is regarded as relatively unimportant, because it usually takes place discreetly.” [20]

- 21.34 The CIRB stated in a request for information dated 1 February 1998 that reports of the use of the death penalty in cases where the only offence was sodomy/homosexuality were extremely difficult to substantiate, and were held to be an unlikely sentence. More usually lashing was the punishment. [2]

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Social Protection Division

- 21.35 The USSD Report 2008 stated that: “The Special Protection Division, a volunteer unit of the judiciary, monitored and reported moral crimes.” [4a] (Section 5)

- 21.36 On 22 November 2005, Human Rights Watch reported that:

“In September 2003, police arrested a group of men at a private gathering in one of their homes in Shiraz and held them in detention for several days. According to Amir, one of the men arrested, police tortured the men to obtain confessions. The judiciary charged five of the defendants with ‘participation in a corrupt gathering’, and fined them.

“In June 2004, undercover police agents in Shiraz arranged meetings with men through Internet chatrooms and then arrested them. Police held Amir, a 21-year-old, in detention for a week, during which time they repeatedly tortured him. The judicial authorities in Shiraz sentenced him to 175 lashes, 100 of which were administered immediately. Following his arrest, security officials subjected Amir to regular surveillance and periodic arrests. From July 2005 until he fled the country later in the year, police threatened Amir with imminent execution.” [8t]

- 21.37 Human Rights Watch, in their letter to Minister Verdonk, the Dutch Minister of Alien Affairs and Integration, Ministry of Justice, titled ‘Netherlands: Threat to Return Gay and Lesbian Iranians’ dated 8 March 2006, stated:

“... in late 2004, the national judiciary began establishing, under its own supervision, a new group to police moral crimes called the Setad-e Hefazat-e Ejtema’i or Social Protection Division. This organization - drawing, like many parallel groups, on unemployed ex-military draftees to fill its ranks - aims to control ‘the social ills of each neighborhood and region’ as well as ‘deviant individuals’ (according to its Articles of Association which were leaked to the Iranian press). In July 2005 a senior judicial official in Qom told reporters that 210 units of the Social Protection division employing 1,970 formally accredited volunteers had been set up throughout that city. These divisions would report serious moral offenses to the ‘disciplinary forces of the judiciary’ for further action to be taken. (ISNA News Agency, 10 Tir 1384/1 July 2005).” [8ag]

- 21.38 An 18 July 2007 news release from the International Gay and Lesbian Human Rights Commission (IGLHRC) reported that:

“In May 2007, the Iranian Queer Organization (IRQO) was the first to report that the police forces in the city of Esfahan had raided a birthday party and arrested more than 80 people. The police apparently suspected that the attendees were gay and were possibly engaged in sodomy, though no proof of either has been established. Later, police unconditionally released most of those arrested, but required substantial bail for 17 of the arrestees. A judge told the families of those set free on bail that they would be tried on sodomy charges. Based on IRQO’s reports and IGLHRC’s investigation, some of the detainees were severely tortured while in custody. In the last two years, IGLHRC has worked with IRQO to find refuge for a number of gay Iranians forced to leave their country and who have applied for refugee status, many of whom faced arbitrary arrests, police brutality and even lashings for being gay.” [99a]

21.39 An article from Human Rights Watch, ‘Private Homes Raided for Immorality’, dated 28 March 2008, reported that sources in Iran have told HRW that since the arrests of May 2007, police have intensified surveillance, harassment and abuse against people connected to the arrested men or otherwise suspected of homosexual conduct. The article continues to state that the police raided another private gathering in Esfahan in December 2007 and arrested sixteen people, subjecting them to forensic examinations and releasing them four days later. The article further reports that a third private home was raided by Esfahan police on 28-29 February 2008 and over thirty men attending a party were arrested. The article states that they were jailed for almost four weeks without access to lawyers and without charge and were reportedly referred to a medical examiner to look for evidence of homosexual conduct. [8a]

21.40 On the subject of the Social Protection Division, Special Units and vigilantes involved in moral policing, raids and undercover activity targeting gays, the FCO stated in their letter of April 2008:

“We do not have any further specific information on the activities of these groups. Our Embassy spoke to contacts in the gay community in Tehran – some were afraid of random homophobic attacks but there was not a sense that these were carried out by representatives of state entities or the result of official state-led policies to beat, persecute or entrap gay people.

“A recent press release from Human Rights Watch (28 March) alleged that on 28-29 February, police in Esfahan raided a party at a private home and arrested 30 or more men. The men were reportedly referred to a forensic medical examiner to look for evidence that they had engaged in homosexual conduct. We have not been able to confirm this, and it appears to be local police activity. The EU is planning to raise this and ask the Iranian authorities for more information in the course of the next human rights demarche.” [26f]

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TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

21.41 The RFE/RL article, ‘Is There An Anti-Homosexual Campaign?’ dated 1 September 2005, stated that:

“Official Iranian sources occasionally express hostility to homosexual practices. A state radio commentary on 7 March 2005 criticized gay marriages in Western countries. Ayatollah Ebrahim Amini said in his Friday-prayer sermon in Qom that gay and lesbian marriages reflect a weakness of Western culture, state television reported on 13 July 2002. Ayatollah Ali Meshkini in his Friday-prayer sermon in Qom criticized the German Green Party for being pro-homosexual, state television reported on 29 April 2000.

“It is clear that officially and in practice, there is discrimination against homosexuals in Iran. However, systematic repression of homosexuals does not seem to be an issue. The most recent cases of capital punishment for homosexuality are connected with rapes, but the official terminology, Iran’s system of retribution as a form of Islamic punishment (*qesas*), and the country’s terrible human-rights record make it very difficult to determine the true nature of a so-called crime.” [42f] (p2)

21.42 The UK Lesbian and Gay Immigration Group Annual Report for 2007 quotes the view of the Iranian President “‘In Iran, we don’t have homosexuals like in your country. We do not have this phenomenon. I do not know who has told you that we have it.’ President Ahmadinejad, at Columbia University USA on 24th September, 2007, responding to a question regarding the treatment of homosexuals in Iran.” [105]

21.43 On 13 November 2007, the *Times* reported the views of Mohsen Yahyavi (deputy chairman of the energy committee of Iran’s parliament, or *Majles*), as:

“He ‘explained that according to Islam gays and lesbianism were not permitted’, the record states. ‘He said that if homosexual activity is in private there is no problem, but those in overt activity should be executed [he initially said tortured but changed it to executed]. He argued that homosexuality is against human nature and that humans are here to reproduce. Homosexuals do not reproduce.’” [15i]

21.44 The USSD report for 2007 stated: “On August 6, the general prosecutor ordered to close the last major reformist daily *Shargh*. The ban placed on *Shargh* in September 2006 was lifted on May 14, but the paper was operational for less than three months before being closed again. The government reportedly closed the newspaper in response to a published interview with a writer accused of being a homosexual activist.” [4t] (Section 2a)

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SOCIETAL TREATMENT AND ATTITUDES

21.45 An article on Radio Free Europe/Radio Liberty titled ‘Persian Gay and Lesbian Activist Urges Tolerance’, dated 17 May 2007, reported that:

“Sexual issues are considered taboo in Iran, and there is widespread misinformation about homosexuality. Many Iranians consider it a disease or sickness. For some, homosexuality among men is synonymous with pedophilia.

“As a result, gays and lesbians in Iran cannot be open about their sexual orientation. Many suppress their feelings. There are also reports of sex-change operations or hormone therapy to escape persecution. Some also face arranged or forced marriages insisted on by their families.

“Parsi [Arsham Parsi, secretary-general of Toronto-based Iranian Queer Organisation] claims a lack of knowledge and homophobic culture that rules Iranian society puts enormous pressure on homosexuals.” [42ae]

- 21.46 The UNHCR/ACCORD Berlin European COI Information Seminar Report 2001 found that: “Although homosexuality is never spoken about and thus a hidden issue, in practice it is not difficult to encounter homosexuals in Iran. There are special parks in Tehran, known as homosexual meeting places.” [3c] The USSD report for 2005 confirmed that there were known meeting places for homosexuals. [4q] (p24) However, in an article in the *New Internationalist* titled ‘Sexual exiles’, dated March 1992, an Iranian interviewee claimed that parks are raided regularly by civilian-clothed police or ‘guardists’. [107]
- 21.47 The ACCORD report of 2001 continued: “A different sexual orientation may, however, create problems. Still, homosexuality is practised every day, and as long as this happens behind closed doors within your own four walls, and as long as people do not intend to proselytize ‘transvestitism’ or homosexuality, they will most likely remain unharmed.” [3c]
- 21.48 Another letter from HRW to Minister Verdonk titled ‘No Deportations of LGBT Iranians to Torture’ dated 5 October 2006 stated: “Societal as well as official scrutiny of ‘deviant’ behavior is widespread in Iran, with neighbors and even family members enlisted to support the state’s moral policing.” [8ae]

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TRANSGENDER AND TRANSSEXUALS

- 21.49 An article in the *Guardian* dated 27 July 2005 reported that in contrast to almost everywhere else in the Muslim world, sex change operations are legal in Iran for anyone who can afford the minimum £2,000 cost and satisfy interviewers that they meet necessary psychological criteria. As a result, women who endured agonising childhood and adolescent experiences as boys, and – albeit in fewer numbers – young men who reached sexual maturity as girls, are easy to find in Tehran. Iran has even become a magnet for patients from eastern European and Arab countries seeking to change their genders. [16f] (p1)
- 21.50 According to the ACCORD report of 2001: “... There are also a large number of transvestites walking around in North Tehran. Furthermore, sex changes are permitted in Iran and operations are frequently and openly carried out.” [3c]
- 21.51 Another *Guardian* article dated 25 September 2007 reported that:

“When Mahmoud Ahmadinejad, Iran’s ever-combative president, provoked his latest controversy in New York this week by asserting that there were no homosexuals in his country, he may have been indulging in sophistry or just plain wishful thinking. While Mr Ahmadinejad may want to believe that his ideal of an Islamic society is exclusively non-gay, it is undermined by the paradox that transsexuality and sex changes are tolerated and encouraged under Iran’s theocratic system.

“Iran has between 15,000 and 20,000 transsexuals, according to official statistics, although unofficial estimates put the figure at up to 150,000. Iran carries out more gender change operations than any other country in the world besides Thailand.

“Sex changes have been legal since the late Ayatollah Ruhollah Khomeini, spiritual leader of the 1979 Islamic revolution passed a fatwa authorising them nearly 25 years ago. While homosexuality is considered a sin, transsexuality is categorised as an illness subject to cure.

“The government seeks to keep its approval quiet in line with its strait-laced stance on sexuality, but state support has actually increased since Mr Ahmadinejad took office in 2005. His government has begun providing grants of £2,250 for operations and further funding for hormone therapy. It is also proposing loans of up to £2,750 to allow those undergoing surgery to start their own businesses.” [16h]

21.52 An article on the BBC website titled ‘Iran’s ‘diagnosed transsexuals’, dated 25 February 2008, reported:

“Sex changes have been legal in Iran since Ayatollah Khomeini, the spiritual leader of the 1979 Islamic revolution, passed a fatwa - a religious edict - authorising them for ‘diagnosed transsexuals’ 25 years ago.

“Today, Iran carries out more sex change operations than any other nation in the world except for Thailand.

“The government even provides up to half the cost for those needing financial assistance and a sex change is recognised on your birth certificate.

“‘Islam has a cure for people suffering from this problem. If they want to change their gender, the path is open,’ says Hojatol Islam Muhammad Mehdi Kariminia, the religious cleric responsible for gender reassignment.

“He says an operation is no more a sin than ‘changing wheat to flour to bread’.

“Yet homosexuality is still punishable by death.

“‘The discussion is fundamentally separate from a discussion regarding homosexuals. Absolutely not related. Homosexuals are doing something unnatural and against religion,’ says Kariminia. ‘It is clearly stated in our Islamic law that such behaviour is not allowed because it disrupts the social order.’” [21ag]

The article continued:

“Like many young people in Iran, Anoosh [a 21 year old transsexual] struggled to reconcile his sexual identity with the wishes of family, community and culture. He says he was continuously harassed and threatened with arrest by Iran’s morality police before he had his sex change.

“His boyfriend was also keen for him to go ahead with the sex change because 90% of the people they passed in the street said something nasty.

“When he goes out in female clothes and has a female appearance it is easier for me to persuade myself that he is a girl. It makes the relationship better,’ he says.” [21ag]

The article continued:

“Documentary film maker Tanaz Eshaghian spent weeks filming Anoosh, Ali and other transsexuals in Iran. She thinks that part of what is driving many of the boys to operate is the desire to avoid shame.

“If you are a male with female tendencies, they don’t see that as something natural or genetic. They see it as someone who is consciously acting dirty.’

“Being diagnosed as a transsexual makes it a medical condition, not a moral one.

“Once a doctor has made a diagnosis - and an operation is in the pipeline - the transsexual can get official permission from his local government official to cross-dress in public.” [21ag]

- 21.53 The Advisory Panel on Country Information (APCI) review of the COI Service’s Iran COI Report of Augst 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that:

“Once a transgender individual has undergone gender reassignment, that person legally becomes the proper gender- male, in the case of transgender men, and female, in the case of transgender women. To obtain legal permission for sex-change operations and new birth certificates, applicants must provide medical proof of gender-identity disorder. There are now several clinics staffed by psychiatrists and clinical psychologists who are authorised to provide a clinical assessment of the patients requesting a sex change operation. After the operation, all legal documents, including birth certificates and passports, are changed accordingly.” [6a] (p54)

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DISABILITY

22.01 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated that:

“Discrimination against persons with disabilities was prohibited by law. The law also provided for state-funded vocational education for persons with disabilities, but according to domestic news reports, vocational centers were confined to urban areas and unable to meet the needs of the entire population of persons with disabilities. Building accessibility for persons with disabilities remained a widespread problem.” [4a] (Section 5)

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WOMEN

OVERVIEW

- 23.01 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that Iran has not ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). [10a] (p12) The report continues to state that:

“According to the United Nations Development Programme Human Development Report 2007/2008, the Islamic Republic of Iran ranks ninety-fourth on the gender development index among the 177 countries surveyed and eighty-seventh on the gender empowerment measures. Gender disparities remain among geographical regions in the country.

“The Islamic Republic of Iran is reported to have made important achievements in women’s education and health since 1990 ... For instance, the female-to-male literacy ratio in the 15-to-24 age group has increased from 87.9 per cent to 98.6 per cent. The girls’ primary, secondary and tertiary education enrolment ratio has markedly increased, from 79.2 per cent to 94.3 per cent, with female students constituting 64 per cent of all college students. Access to health care, including reproductive health care, has become nearly universal. As noted previously, maternal and infant mortality rates have also declined sharply.” [10a] (p12)

- 23.02 The Amnesty international Annual Report 2009, covering events in 2008, released in May 2009, stated:

“Women faced continuing discrimination in law and in practice, and those campaigning for women’s rights were targeted for state repression. Parliament debated legislation that, if implemented, would limit women’s access to university education of their choice by imposing new residency restrictions. Controversial articles relating to marriage in draft legislation were dropped under pressure from women’s rights campaigners. The authorities closed the journal Zanan (Women), blocked women’s rights websites and disrupted peaceful gatherings of women’s rights activists, such as members of the Campaign for Equality which demands an end to legal discrimination against women.

“In February the UN Special Rapporteur on violence against women, its causes and consequences reported that the government had not responded to a single communication made in 2007. In November the Rapporteur criticized Iran for its repression of women’s rights defenders.

“Dozens of women’s rights campaigners were detained, interrogated and some tried for their peaceful activities, including up to 10 who were sentenced by lower courts to prison terms and, in at least two cases, flogging.” [9h].

- 23.03 The Center for Iranian Studies, in a September 2007 overview of Ahmadinejad’s gender policy observed that:

“Ever since his election as president of the Islamic Republic of Iran in 2005, Mahmud Ahmadinejad’s attention-grabbing statements have aroused public wrath not merely internationally, but in Iran as well. Some of his most controversial domestic declarations have been related to the country’s gender policies.

“Overall, Ahmadinejad has tried to demonstrate open-mindedness towards women’s affairs. During his presidential campaign he even pledged not to initiate crackdowns on women’s dress. Yet Ahmadinejad’s promises pale in the face of the authorities’ current seasonal crackdowns on women’s dress, the mixing of men and women in public and women’s rights activists.” [94a]

- 23.04 According to the Human Rights Annual Report 2008, issued by the United Kingdom Foreign and Commonwealth Office (FCO) in April 2009: “Women continue to face widespread discrimination in law and practice, despite President Ahmadinejad’s claims that Iranian women are the ‘freest in the world’. Gender inequality is widespread and sustained by Iranian law. ... Judicial officials often discriminate between the sexes, and sentences of stoning to death for adultery are disproportionately handed down to women.” [26b]

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LEGAL RIGHTS

- 23.05 The US State Department Country Report on Human Rights Practices 2008, released on 25 February 2009, (USSD report for 2008) stated that:

“The constitution nominally provides women with equal protection under the law and all human, political, economic, social, and cultural rights in conformity with Islam; however, provisions in the Islamic civil and penal codes, in particular sections dealing with family and property law, discriminate against women. Shortly after the 1979 revolution, the government repealed the 1967 Family Protection Law that provided women with increased rights in the home and workplace and replaced it with a legal system based largely on Shari’a practices.” [4a] (Section 5)

- 23.06 The USSD report for 2008 noted that women may receive disproportionate punishment for crimes, including death sentences. [4t] (Section 5) For example, a man could escape punishment for killing a wife caught in the act of adultery if he was certain she was a consenting partner; the same rule does not apply for women. [4t] (Section 5)
- 23.07 According to the Berlin European COI Information Seminar Report 2001, women suffer discrimination in the legal code, [3c] (p102) particularly in family and property matters. This is the area that affects women most badly. It is difficult for many women, particularly those living outside large cities, to obtain legal redress. According to a UN report of 1998, under the legal system, women are denied equal rights of testimony and inheritance. [10j] (p3) The law provides women preference in custody for children up to seven years of age; thereafter, the father is entitled to custody. After the age of seven, in disputed cases custody of the child was to be determined by the court. (USSD, 11 March 2008) [4t] (Section 5) A woman’s testimony is worth

less than that of a man's, making it difficult for a woman to prove a case against a male defendant. (AI, 25 January 2008) [9aad] (p6)

23.08 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, mentions a draft family protection bill which would reverse the rights of women in the family. [10a] (p13) A campaign by around 100 women leaders and activists from women's groups including the One Million Signatures Campaign, Meydaan Zanan and Kanoon Zanan Irani, along with Shirin Ebadi and Simin Behbahani met with members of the majles and expressed their opposition to the bill, leading to the removal of "the two most contested articles of this bill, Articles 23 and 25 and postponing the bill's floor discussion indefinitely. In addition, Iran's parliament will send the bill back to the Parliamentary Judicial Committee for further revisions." (Women News Network, 23 September 2008) [136a] Article 23 authorises "polygamous marriages contingent upon the financial capacity of the man", without the need for consent from the first wife and "Article 25 imposes a tax on the Mehr (dowry) paid to the wife." (See [Mehriyeh](#) section). (Women's Learning Partnership, 1 September 2008) [137a]

23.09 According to the Berlin European COI Information Seminar Report 2001, the question of passport issuance still requires the husband's permission:

"With regard to passports, the requirements are usually checked when a person wanting to leave applies for a passport. If the criteria, one of them being the husband's permission, are not fulfilled the passport will not be issued. Once you are at the airport you should not have a problem. There does not seem to exist a special written permission by the husband for a woman to leave the country." [3c] (p102)

23.10 In addition to the position of women regarding evidence of witness, inheritance, retribution and judgement in civil and penal codes, the continued arranged marriages of young girls by fathers and grandfathers was noted. (UN, 28 January 1998) [10b] On 10 May 2004, it was reported in a BBC News report that Iran's outgoing reformist parliament had approved a bill which would grant women equal inheritance rights to men. [21cp] However, according to the UN Office for the Coordination of Humanitarian Affairs in a news report dated 22 June 2004 "...the reformists have little chance of passing the bill." [75a]

23.11 Amnesty International, in a news update of 23 August 2007 reported that:

"Women in Iran face widespread discrimination under the law. They are excluded from key areas of political participation and do not have equal rights with men in marriage, divorce, child custody and inheritance." [9aaa]

The report continued:

"Activists campaigning for gender equality in Iran are unable to exercise their rights to freedom of expression and association, as shown by a number of recent arrests.

"Many of those arrested are supporters of the Campaign for Equality, a network which works to end legal discrimination against women." [9aaa]

- 23.12 The International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), in the framework of their joint programme, the Observatory for the Protection of Human Rights Defenders, reported that as of 3 September 2007, 42 women's rights activists are being or have been prosecuted for their involvement in the defence of women's rights. [56g] (p1)
- 23.13 The USSD report for 2008 states that: "The government enforced gender segregation in most public spaces, including medical care, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances." [4a] (Section 5)

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POLITICAL RIGHTS

- 23.14 The US State Department *Country Report on Human Rights Practices 2007*, Iran, released on 11 March 2008, stated that:
- "Women cannot serve as president or as certain types of judges (women can be consultant and research judges without the power to impose sentences). The constitution requires that Assembly of Experts candidates have a certain religious qualification. Citing this requirement, some religious leaders gave qualified support for the candidacy of women in the Assembly of Experts elections. In December 2006 two women took the religious qualification exam, but neither passed." [4t] (Section 5)
- 23.15 There are numerous women in parliament and other political offices, though they are barred from the presidency and the more powerful, clerical post of supreme leader. (*International Herald Tribune*, 4 September 2008) [135a] However, women's representatives in Parliament constitute only 4.1 per cent, and women's participation in governance and decision-making positions remains limited. (UN, 1 October 2008) [10a] (p13) Although Iranian women currently hold seats in parliament, they do not enjoy the same political rights as men. (FH, 2008) [112c]
- 23.16 There were no female cabinet ministers, although one of the nine vice presidents was a woman and several women held high-level positions. There were 13 women serving in the Majles during the year. (USSD, 11 March 2008) [4t] (Section 3)
- 23.17 It was noted in the Center for Iranian Studies (CIS) report of September 2007 that:
- "In September 2005, soon after he came into office, Ahmadinejad nominated Nasrin Soltankhah, a member of Tehran's City Council, as his advisor for women's affairs and a non-ministerial member of his cabinet. Soltankhah was also named the new director of the Center for Women and Family Affairs. Difficulties in approving his nominees by the parliament (Majlis) and demands by women organizations have also encouraged Ahmadinejad to appoint another woman as a non-ministerial cabinet member. Fatemeh Javadi was nominated as vice president to head the Department of Environment.

“Upon these nominations Ahmadinejad has stated that ‘Iranian women symbolize freedom and chastity’ and that they are able to effect political, social and cultural decision-making. Yet he neglected to mention that women are consistently overlooked for ministerial posts and they are still not eligible for the presidency. Ahmadinejad also neglected to mention that in the elections to the seventh Majlis in 2004, women did not manage to increase their numbers. Merely eleven women legislators were elected to the current parliament (comprised of 290 representatives), in comparison with 13 women MPs in the previous body.” [94a]

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SOCIO-ECONOMIC RIGHTS

23.18 Women may work or study although, according to the CIRB paper on Women in the Islamic Republic 1994, some areas of study are closed to women, female students are segregated from male teachers, and social constraints inhibit their opportunities. [2d]

23.19 In August 2002, the authorities banned women, as well as youths under 25, from smoking the middle-eastern water pipe, or Narguileh, in Tehran’s restaurants and cafés, as part of a bid to maintain ‘social discipline’. (Reuters, 11 August 2002) [5ap] It was announced in early January 2003 that a Tehran football club - Paykan - had started to allow women into its stadium to watch games. (Keesings, January 2003) [17e]

23.18 According to the USSD report for 2007:

“The government enforced gender segregation in most public spaces and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances.” [4t] (Section 5) (However, the BBC reported in November 2002 on the first woman bus driver taking to the road in 2002. [21be])

23.20 The USSD report for 2007 continued:

“During the year, the government intensified its crackdown on ‘un-Islamic dress’ or ‘bad hijab’. In June, according to deputy police chief Hossein Zolfaghri, the government brought a total of 2,265 cases, against men and women, to the judiciary for trial on the charge of noncompliance with the Islamic dress code. According to a domestic press report, during the year the government warned more than 527,000 persons and arrested more than 20,000 persons, who were then released conditionally. Police denied the use of force in these instances, but there were reports that force was used...” [4t] (Section 1f)

23.21 The USSD report for 2008 stated that:

“The government enforced gender segregation in most public spaces, including medical care, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved

section on public buses and enter public buildings, universities, and airports through separate entrances.” [4a] (Section 5)

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Marriage

23.22 The USSD Report 2008 noted “The government does not recognize marriages between Muslim women and non-Muslim men or Baha’i marriages.” [4a] (Section 5)

23.23 According to the USSD report for 2008:

“Although a male can marry at age 15 without parental consent, the law states that a virgin female needs the consent of her father or grandfather to wed, or the court's permission, even if she is older than 18. The country's Islamic law permits a man to have as many as four wives and an unlimited number of sigheh, based on a Shia custom in which a woman may become the wife of a Muslim male after a simple religious ceremony and a civil contract outlining the union's conditions. Such wives were not granted rights associated with traditional marriage. The government does not recognize marriages between Muslim women and non-Muslim men or Baha’i marriages.” [4a] (Section 5) **See Temporary Marriage**

23.24 A BBC News article dated 10 June 2008 reported that being married is a job requirement in some areas despite economic difficulties leading many people to postpone marriage. [21f]

‘Sigheh’ or temporary marriage

23.25 An article in the *Guardian* dated 4 June 2007 stated: “The custom of sigheh, which allows couples to establish unions lasting from a few minutes to 99 years, is permitted under Shia Islam but has been likened in Iran to prostitution ... Sigheh children are classed as legitimate.” [16j]

23.26 An Inter Press News Agency article dated 26 June 2007 explained temporary marriage in the following terms:

“Under temporary marriages, practiced largely by Shiites and banned by most Sunni sects, there are no limits as to the number of temporary wives a man can take. Unlike in Sunni communities, having multiple permanent wives is quite rare among Iranian Shiites. A temporary marriage does not have to have witnesses or be registered anywhere, although it is always possible to register a marriage with a notary.

“Just an agreement between the parties involved and a few sentences uttered in Arabic, or even in one’s own language, are enough for the temporary marriage to be done. The husband has the exclusive right to terminate the marriage at any point he wishes, even before the term is over and without the wife’s consent.

“Widely practised in Iran by married and more rarely by single men, temporary marriages are largely looked down upon by traditional Iranian society, even among the very religious. In nearly all cases, women who enter into temporary marriages are divorcees or widows. Virgin women need have permission from their father or paternal grandfather to enter into such a marriage, and temporary marriages involving young unmarried women are quite uncommon except among the extremely needy.

“Unlike the usual marriage, a temporary marriage does not create any financial obligations for the man, who is only obliged to pay an agreed amount of money as dowry to the woman at the time of marriage, upon being asked during the marriage or at the time of its termination.” [100a]

- 23.27 On 28 January 2005 it was reported by the UNHCR Ankara Country of Origin Information team in its ‘Chronology of Events in Iran’, revised March 2005, that the UN Committee on the Rights of the Child:

“...expressed deep concern over the fact that the age of majority in Iran is 15 for boys and 9 for girls, which implies that [children] are not protected by the Convention above these ages. This could also result in ‘forced, early and temporary marriages,’ the committee said.” [3k]

- 23.28 The USSD report for 2007 states:

“The country’s Islamic law permits a man to have up to four wives and an unlimited number of temporary partnerships (sigheh), based on a Shi’a custom in which a woman may become the wife of a Muslim male after a simple religious ceremony and a civil contract outlining the union’s conditions. Temporary marriages may last for any length of time and are used sometimes by prostitutes. Such wives were not granted rights associated with traditional marriage.” [4t] (Section 5)

- 23.29 The USSD report for 2008 states:

“Prostitution is illegal, but it took place under the legal cover of “sigheh,” or temporary marriage. International press reports described prostitution as a widespread problem. The problem appeared aggravated by difficult economic conditions and rising numbers of drug users and runaway children. In March authorities arrested Tehran police chief Reza Zarei after he was discovered in a brothel during a police raid.” [4a] (Section 5)

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Mehriyeh

- 23.30 A response to an information request, dated 28 October 2004, by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) lists the variations of mehriyeh as Mahr / Mehr / Mehryeh / Mahrieh and Mahriyeh. [133a]
- 23.31 The same source states mehriyeh is similar to a dowry except that a husband pays it to his wife. The money belongs to the wife who can claim it

at any time during the marriage and the husband has to pay or go to prison. (ACCORD, 28 October 2004) [133a]

23.32 According to the article, 'A Wedding, Tehrani Style' by B. Bagheri:

"One of the most important details to be agreed upon is to set a 'mehriyeh'. This is the amount of monetary compensation that the future husband will have to pay his wife in the unfortunate case of a divorce. Mehriyeh has proven to be a fairly effective insurance policy for the women in a society where there are limited options after a divorce. The process of setting the mehriyeh amount is sometimes the subject of much controversy and business-like negotiations, occasionally causing one side (or both) to call the whole thing off! For many aristocratic and modern Iranian families, a high mehriyeh is a status symbol, while many religious and orthodox families, as well as the intellectual types, express their confidence and faith in the future strength of the new marriage by setting the mehriyeh to be a very small token amount or simply a copy of the holy book of Ghoraan (The Moslem holy book of Qoran) and a couple of pieces of Iranian crystal sugar rocks! The sugar is to symbolise the sweetness and joy that is intended and sought from the marriage." [51]

23.33 It was reported in the *Sunday Times* on 17 May 1998, that following the 1979 revolution in Iran, Islamic leaders told the populace to procreate and produce an army of 20 million. The population subsequently grew by up to four per cent per annum. However, the clerics now support the notion of contraception with teachings from the Koran, and the population growth rate has halved. [15a]

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Adultery

23.34 According to a CIRB report of 1995, under the Islamic Penal Code adopted by the Majlis in November 1995, those found guilty of adultery (the 'Burden of Proof', this either by confession or the testimony of four just men or three just men and two just women, is outlined in more detail at [50]), are subject to execution by stoning. If a husband discovers his wife in an adulterous act he may kill her and her partner without legal consequence; a wife who discovers her husband with another woman does not have the same right. [2b] There have been several reports of execution for adultery in recent years. (FH, 2008) [112c] According to a BBC News report of 27 December 2002, it was announced that there would be a moratorium on stoning as a punishment for adultery. [21ay] However, according to the USSD report for 2007, stoning remained a legal form of punishment. There was a reported case of execution by stoning during the year, despite a judiciary moratorium on the practice. [4t] (Section 1a)

23.35 The USSD report for 2007 noted that:

"The penal code includes provisions for stoning persons convicted of adultery, although judges were instructed in 2002 to cease imposing such sentences. During the year, authorities carried out the sentence against one man, Jafar Kiani. Rights groups reported that at least nine people – mostly women – remained sentenced to death by stoning in the country. In addition

a man could escape punishment for killing a wife caught in the act of adultery if he was certain she was a consenting partner; the same rule does not apply for women.”

“On July 5, officials in the Qazvin province carried out a death sentence by stoning against Jafar Kiani, defying a 2002 moratorium on the practice put in place by Judiciary Chief Ayatollah Shahrudi. ... On September 30, Secretary of the Human Rights Committee Mohammad Javad Larijani, appointed by Supreme Leader Khamenei, called the stoning a ‘judicial mistake’, but stated his view that the practice of stoning is neither torture nor disproportionate punishment.” [4t] (Section 1a)

23.36 The USSD report for 2008 noted that:

“A man could escape punishment for killing a wife caught in the act of adultery if he was certain she was a consenting partner; the same rule does not apply for women whose husbands committed adultery. Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences. The law provides that a victim of stoning is allowed to go free if he or she escapes; however, it is much harder for women to escape, as they are buried to their necks, whereas men are buried to their waists.” [4a] (Section 5)

23.37 According to an article in the *Daily Mail*, dated 8 February 2008, the punishment for an unmarried adulterer is not death, but 100 lashes. [124a]

23.38 According to a CIRB report of 8 May 1998, the penalties for attempting to entice a married person into committing adultery could range from lashing to death depending on the judge’s discretion. The married person who is the unwilling object of such attention is not immune from legal consequences (normally lashing) and from social ostracism. [2i]

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Divorce

23.39 According to the CIRB report, ‘Women in the Islamic Republic of Iran’ (June 1994) divorce applies to permanent marriage only. A husband wishing to divorce is required to obtain court permission to register the divorce if his wife does not agree to it, but registration can only be delayed by the court, not prevented. A husband is not required to cite a reason for divorcing his wife. The conditions under which a woman may divorce depend on the year that she married, and the legislation that was in effect at the time of her marriage. [2d] In December 2002 BBC News reported that the Guardian Council had approved a bill [21bf] giving women the right to ask for divorce on 12 specific grounds e.g. addiction, imprisonment and emotional difficulties – although this does not constitute full equal rights. Divorced women, particularly in rural areas, may find themselves socially isolated and may face financial difficulty. (EU Council, 2 February 1999) [19a] (p19)

23.40 The USSD report for 2008 states: “Women have the right to divorce only if the husband signs a contract granting that right; cannot provide for his family; or is a drug addict, insane, or impotent. A husband was not required to cite a reason for divorcing his wife.” [4a] (Section 5)

- 23.41 UNHCR expanded on the legal provisions relating to the legal distinctions between cancellation of marriage and divorce in permanent marriages in their 'Comments on the Iran Country Report of April 2005' of August 2005 as follows:

"The Civil Code of the Islamic Republic of Iran makes a distinction between the cancellation of marriage and divorce concerning the dissolution of a permanent marriage (Article 1120). A permanent marriage may be cancelled by either one of the couple if the other one is proved to be 'mad' (Article 1121). A woman is entitled to cancel a marriage on the basis of the following 'defects' in a man: castration, impotency (provided that marriage is not consummated), and amputation of the male sexual organ to the extent his 'marital duty' cannot be performed (Article 1122).

"A man is entitled to cancel a marriage on the basis of the following defects: protrusion of the womb, black leprosy, leprosy, connection of vaginal and anal passages, being crippled and being blind in both eyes (Article 1123). However, such defects, except in cases specified below, should exist at the time of marriage and the other party should be ignorant of them to be able to revoke such 'defects' as a ground for canceling the marriage. If one of the parties is cognizant of the 'defects' in the other party before the celebration of the marriage, he or she loses his or her right to cancel marriage on the basis of such 'defects' (Article 1124-1126). A woman is entitled to cancel her marriage on the grounds of 'madness' or impotency even if such conditions occur in her husband after the marriage (Article 1126). Cancellation of a marriage does not necessarily follow the procedures stipulated for a divorce (Article 1132)...(p4)

"A specific regulation is made for the cases where the husband contracts a venereal disease after conducting the marriage, in which case the wife is entitled to refuse sexual intercourse with him while maintaining her right to maintenance costs (nafaqa) (Article 1127).

"According to the Iranian Civil Code, divorcing his wife is an exclusive right of the husband: 'A man can divorce his wife whenever he wishes to do so' (Article 1133).

"If the husband refuses to pay, or is unable to pay, the costs of maintenance of his wife, and if it is not possible to enforce payment of such costs by court order, the wife can seek a divorce. In such a case, the judge will compel the husband to divorce her (Article 1129).

"A wife can also seek divorce 'when it is proved to the Court that the continuation of the marriage causes difficult and undesirable conditions.' In such cases, the judge can compel the husband to divorce his wife. If this proves difficult, the judge may divorce the couple by court order (Article 1131)." [3h] (p5)

- 23.42 According to the USSD report for 2007:

"A widely used model marriage contract limited privileges accorded to men by custom, and traditional interpretations of Islamic law recognized a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony." [4t] (Section 5)

- 23.43 In the Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living in its Mission to the Islamic Republic of Iran (19–31 July 2005), dated 21 March 2006, the situation on divorce and property was expanded upon as follows:

“In [the] case of divorce, the couple’s property is divided equally between the partners only if the man files for divorce under no specific justification apart from his own will. If he presents any legal justification for divorce, the wife loses her right to her share of the assets. If a woman leaves the family house, even in [a] case of domestic violence, this may be considered abandonment of the home and can be used against her if the husband decides to file for divorce.” [10ac] (p21)

- 23.44 In the event of divorce, the father traditionally has legal custody of his children (CIRB, June 1994) [2d], unless a woman can show her spouse to be an unfit father and applies under legislation passed in November 1998 to obtain custody. [4t] (Section 5) (UN, 28 January 1998) [10b] Payvand News reported that on 8 February 2003 the arbitral Expediency Council agreed to grant divorced Iranian mothers the right to the custody of their children up to the age of seven. The Expediency Council sided with the parliament after the bill was twice quashed by the supervisory Guardians Council on the grounds that it went against the Islamic Sharia law. Divorced mothers already have the custody right to their daughters up to the age of seven and the new law incorporates the same right to their sons. [53f]

- 23.45 The USSD report for 2008 states:

“Traditional interpretations of Islamic law recognized a divorced woman’s right to part of shared property and to alimony. The law provides divorced women preference in custody for children up to seven years of age; however, divorced women who remarry are forced to give the child’s father custody. After the child reaches seven years of age, the father is entitled to custody (except in cases in which the father was proven unfit to care for the child). The court determined custody in disputed cases.” [4a] (Section 5)

- 23.46 UNHCR expanded on the legal provisions relating to custody of children in their ‘Comments on the Iran Country Report of April 2005’ of August 2005 as follows:

“According to Iranian Civil Code, custody of children belongs to the father. In the case of the dissolution of marriage or the death of the father, ‘the mother shall have a preferential right to the custody of her child in the first two years of the child’s life, after which the father shall have the custody unless the child is a girl in which case she will remain under the mother’s custody until she reaches the age of 7’ (Article 1169).

“An amendment to the legislation in November 2003 increased mothers’ custody rights, including granting the mothers to keep the custody of their sons until the age of 7 (IRNA, Iranian mothers win better child custody rights, 29 November 2003). The mother loses [sic] custody over her children when she becomes ‘insane’ or when she marries another man (Article 1170).

“While the mother may lose [sic] custody of her children if she cannot prove she is financially able to support her children (Asylum Aid, Refugee Women

and Domestic Violence: Country Studies – Iran, March 2002, p24-25). According to a report by Asylum Aid on domestic violence in Iran,

“The possibility of a woman keeping her children with her therefore depends on not only on her financial position, but also on her husband’s agreement to forgo his right to custody. In a case of domestic violence, this kind of voluntary concession is likely to be hard to obtain (Asylum Aid, March 2002, p25).” [3h] (p5)

- 23.47 The report goes on to highlight the distinction between custody and guardianship:

“Iranian Civil Code makes a distinction between custody and guardianship. Even when custody of children is with the mother, ‘natural’ guardianship remains with the father (or paternal grandfather). Therefore, mothers cannot travel outside of Iran without the permission of the father of the child even if the child is in custody of the mother (ACCORD, Iran Country Report: 7th European Country of Origin Information Seminar, June 2001).” [3h] (p5)

- 23.48 According to a CIRB report of July 1998, the position of a divorced woman and further relationships after divorce can be fraught, with accusations of ‘immoral behaviour’ and possible ‘adultery’ brought to the Ershad [The Ministry of Islamic Culture and Guidance]. [2m]

- 23.49 According to a July 2002 report in the Los Angeles Times, the phenomenon of husband killing, which is punishable by death, is on the rise in the male-dominated society; among others, abuse and restrictive divorce laws are named as factors. [128a]

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Dress code

- 23.50 “Women in Iran are required by Iranian penal law to maintain ‘Islamic dress in public’ (US 14 Sept. 2007; Denmark Apr. 2005, 12) and therefore must cover their hair and neck completely and wear clothing that does not reveal the shape of the body (ibid.; Reuters 18 Apr. 2006). Men cannot wear shorts and women cannot reveal their hair or ankles (RFE/RL 19 Apr. 2006). Sources describe violations of the dress code to include wearing colourful scarves or tight coats, men sporting ‘Western’ hairstyles (RFE/RL 2 May 2007), women wearing loose-fitting scarves or shortened trousers which expose skin (The Guardian 20 Apr. 2006; BBC 21 Apr. 2006) and women wearing makeup (US 6 Mar. 2007, Sec. 1.c).” (CIRB, 10 January 2008) [2ag]
- 23.51 “According to a report of the Danish Immigration Service, the legal basis for Iranian clothing rules is found in the penal code which ‘stipulates that women that show themselves in public places without Islamic clothing should be sentenced to from ten days to two months imprisonment or a fine’ (Denmark Apr. 2005, 12). Other sources note that people who violate the dress code may have to sign ‘statements pledging not to violate the dress code’ (RFE/RL 2 May 2007) or may receive ... lashes (Reuters 18 Apr. 2006) [and/or] fines (Reuters 18 Apr. 2006)” (CIRB, 10 January 2008) [2ag]

23.52 “While the Danish Immigration Service states that the Director for the consular office in the Iranian foreign ministry ‘reported that the clothing rules were no longer rigorously enforced’, a number of other sources describe the enforcement of rules regarding Islamic appearance since April 2006 as being ‘harsher’ than in previous years. Some sources indicate that a crackdown in advance of summer weather is common but in slight contrast, recent reports indicate that the crackdown has continued into winter months. Reports indicate that police in Tehran are targeting ‘winter fashions deemed immodest’ and that authorities have ‘launched a winter crackdown’ enforcing the dress code.” (CIRB, 10 January 2008) [2ag]

23.53 The CIRB information request, dated 10 January 2008, continued:

“Enforcement includes punishing taxi agencies and drivers who transport ‘women dressed ‘inappropriately’” (The *Guardian* 20 Apr. 2006), stores which sell certain kinds of clothing (RFE/RL 2 May 2007) and hairdressers who offer ‘western hair cuts’, who tattoo eyebrows and pluck men’s eyebrows (The *Guardian* 25 Aug. 2007; Reuters 20 May 2007).

“According to two sources, new police officers have been assigned to enforce the dress code (RFE/RL 19 Apr. 2006; BBC 21 Apr. 2006). HRW reports that the Basij militia [a government volunteer paramilitary force] are involved in enforcing the “‘morality’ campaign’ (17 May 2007). The *Guardian* reports that Amaken-e Omoomi ‘a police body for regulating businesses’ is responsible for closing down barbers and hairdressers (25 Aug. 2007).” [2ag]

23.54 According to a BBC News report of 12 November 2007, Iranian newspapers have printed a list of moral vices that the police are targeting, including wearing make-up and hats instead of headscarves. The police say they will also suppress ‘decadent’ films, drugs and alcohol. This year has seen one of the most ferocious crackdowns on un-Islamic behaviour and improper Islamic dress by the authorities for at least a decade. [21z]

23.55 According to the USSD report for 2008:

“The penal code provides that if a woman appears in public without the appropriate Islamic covering (hijab), she can be sentenced to lashings and/or fined. However, absent a clear legal definition of appropriate hijab or the punishment, women were at the mercy of the disciplinary forces or the judge. Pictures of uncovered or immodestly dressed women in the press or in films were often digitally altered.” [4a] (Section 5)

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Women in the workplace

23.56 The choice of a woman’s occupation depends on her husband, who may prevent her working if he deems it contrary to the family’s interest, although he must prove this to the Special Civil Tribunal. (CIRB, June 1994) [2d] (UNHCR, June 2001) [3c] (BBC News, 19 February 2008) [21cz] Women workers are subject to difficulties in the work place particularly as a result of entrenched cultural attitudes. (BBC News, 2 August 2003) [21bq]

23.57 In October 2003, for the first time since the revolution, over 200 policewomen graduated from the Kotar complex in Tehran, where they had been training since 1999. Aged between 17 and 25 they took intensive military courses, including judo, fencing, using firearms and laying mines. (BBC News, 4 October 2003) [21by]

23.58 In the Center for Iranian Studies (CIS) report of September 2007 it is noted that:

“... women comprise only 14 percent of the government’s work force and those who occupy top positions are usually keen supporters of the regime and occasionally related to the ruling elite ... While Iranian women are among the most highly educated in the Middle East, their unemployment rate is particularly high - 13 percent across the board and over 22 percent among women”. [94a]

23.59 However, a *Guardian* article, dated 2 January 2008, notes that:

“Katajun Amirpur, Islamic expert at the University of Cologne, points out that Iran is still a society ‘in which girls can be married at the age of nine, where women can be punished for having pre-marital sex, where they cannot become judges or presidents, they are banned from football stadiums, and where the wearing of the chador is obligatory.’

“‘At the same time, a third of the work force is female, two-thirds of students are women, there are female MPs, doctors, mayors, policewomen, taxi drivers. Karate is the most popular female sport, and 97% of women can read and write. The reality is that women are exceptionally self-confident members of Iranian society’.” [16i]

Education

23.60 The USSD report for 2008 noted that:

“Women had access to primary and advanced education. Reportedly 65 percent of university students were women; however, government officials admitted the use of quotas to limit women’s university admissions in certain fields, such as medicine and engineering. In addition, social and legal constraints limited their professional opportunities. Women were represented in many fields of the work force, including the legislature, municipal councils, police, and firefighters. According to a World Economic Forum report, the unemployment rate for women was 17 percent, compared with 10 percent for men. Women cannot serve as president or as certain types of judges. Women may be consultant and research judges without the power to impose sentences.” [4a] (Section 5)

See [Children, Education](#)

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VIOLENCE AGAINST WOMEN

23.61 According to the USSD report for 2008, the testimony of two women is equal to that of one man. The blood money paid to the family of a female crime victim is half the sum paid for a man. [4a] (Section 5) The ‘blood money’ paid

to the family of a female crime victim is half the sum paid for a man, and will remain so even if the new law passed by the Majlis equalising 'blood money' for Muslims and non-Muslims is accepted by the Guardian Council. On 27 December 2003 the bill was approved by the Expediency Council. (Payvand News, 29 December 2003) [53b] According to the USSD report 2007, all women and Baha'i and Sabeian-Mandean men remained excluded from the revised ruling. [4t] (Section 2c)

- 23.62 UNHCR reported in their 'Comments on the Iran Country Report of April 2005' of August 2005 that the:

"UN Special Rapporteur on violence against women, Yakin Erturk, urged Tehran to adopt a national action plan to promote and protect human rights which would emphasise the elimination of violence against women. Although they had seen some advances, Iranian women still face violence in and outside the home and are blocked from defending their rights by discriminatory laws and an unfair justice system, Erturk said. 'Discriminatory laws and malfunction in the administration of justice result in impunity for perpetrators and perpetuate discrimination and violence against women,' she said. Erturk issued her criticism in a preliminary report for the world body's Human Rights Commission – which holds its annual six-week session in Geneva in March and April – following a government-approved visit to the country." [3h] (p3)

"She said she was 'troubled by the widespread practice of arrest for political opinion, including of female human rights defenders, and for 'moral offences', and by the failure of the judicial system to enforce safeguards ensuring fair trials. Erturk had also seen an emerging civil society with active female lawyers, journalists and academics 'engaged in working to promote human rights and prevent violence against women.' But she said: 'In the family, women face psychological, sexual and physical violence' which existing laws did little to protect against, while divorce and custody of children were difficult for abused wives to obtain. In the wider community, victims of rape face numerous obstacles in accessing justice, she said. Women risk punishment for adultery if they fail to prove rape, and can face death for killing a rapist in self-defense (Reuters, U.N. expert criticises Iran on women's rights, executions, 8 February 2005)." [3h] (p4)

- 23.63 According to the Special Rapporteur on Violence against Women, its causes and consequences, in his report of the Mission to Iran dated 27 January 2006:

"Violence against women in Iran is ingrained in gender inequality, which is upheld and perpetuated by two factors: (a) patriarchal values and attitudes based on notions of male supremacy, and (b) a State-promoted institutional structure based on gender-biased, hard-line interpretations of Islamic principles. While the former is a universal and historically rooted phenomenon, the latter is particular to Iran and is rooted in gender politics and policies prevalent in the country. Both factors, however, represent a male-dominated society with male-empowering laws and practices. While the official ideological underpinning of the State gender discourse rests on the premise that women in the Islamic Republic have been attributed [sic] with honour and due dignity, this very ideology has served to rationalize subordinating women, discriminating against them and subjecting them to

violence. Furthermore, it is instrumental in silencing defiance and enforcing compliance.

“The ruling clergy, in their reading of the sharia that shapes both the attitudinal as well as the institutional structures, have tended towards conservative, gender-biased interpretations.

“This has been the source of divisive debates in the political arena between the hardliners and the reformists. The Sixth Majlis was reportedly a turning point for the articulation of reformist politics of gender in Iran. Within this process...some positive change has occurred in the laws and the administration of justice. However, gender-biased provisions and practices that prompt women’s vulnerability to violence in the private as well as public spheres are still the norm.” [10ad] (p10)

23.64 The USSD report for 2008 stated that:

“Rape is illegal and subject to strict penalties, but it remained a problem. Spousal rape is not illegal.

“Spousal abuse and violence against women occurred. According to a study published during the year using 2005 data, 27 percent of women reported being physically abused during the survey year. Abuse in the family was considered a private matter and seldom discussed publicly, although there were some efforts to change this attitude. Domestic violence was not specifically prohibited by law, but some nongovernmental shelters and hotlines existed to assist victims...There was a lack of reliable data on the prevalence of sexual harassment in the country; however, media reports indicated unwanted physical contact and verbal harassment occurred. There are laws addressing sexual harassment in the context of physical contact between men and women. In June, thousands of university students in Zanzan protested an alleged episode of sexual harassment of a student by a university official.” [4e] (Section 2c)

Government suppression of women rights organisations

23.65 According to the USSD report for 2007, the number of women’s NGOs has reportedly increased from approximately 130 to 450 in the past decade. [4t] (Section 5)

23.66 An Amnesty International report dated 28 February 2008 states:

“In April 2007, Minister of Intelligence Gholam Hossein Eje’i publicly accused the women’s rights movement of being part of an enemy conspiracy to bring about a ‘soft subversion’ of the Islamic Republic – a charge that women’s rights defenders roundly reject. Since that time, women’s rights groups and other NGOs that receive assistance from international donors, such as the Dutch organization Hivos, have been closed down and their directors and workers have been questioned by the Iranian security authorities about their work and financial affairs.” [9aah]

23.67 Human Rights Watch in its 2008 World Report stated that: “The government ... closed the offices of Rahi Institution, a nongovernmental organization providing legal and social aid to women victims of violence.” [8ai]

- 23.68 The Foreign and Commonwealth Office's (FCO) Human Rights Report for 2008 stated that

"We are concerned by growing repression against women's rights defenders, who are peacefully campaigning to redress gender-based discrimination in Iran. Negin Sheykholeslami, a Kurdish woman campaigning for women's rights, was recently released on bail having been detained since October and denied access to medical care. Dozens of women connected to the Campaign for Equality (which aims to collect a million signatures in Iran and calls for an end to legalised discrimination against women) face harassment and arrest for 'actions against national security' and 'propaganda against the system'. At the end of 2008, several campaign activists remained in detention without charge or trial. A student, Esha Momeni, was recently released on bail having been charged with national security offences for documenting the campaign's activities for her thesis." [26b] (p143)

- 23.69 In an article dated 29 October 2008, Human Rights Watch said that: "... the Judiciary has prosecuted more than 100 women's rights activists over the past three years and continues to detain, intimidate, and prohibit from traveling a number of other women's rights activists, particularly those involved in the One Million Signatures Campaign for Equality. [8d]

- 23.70 An article on the UN News Centre dated 27 November 2008 reported that: "Defenders of the rights of women are facing a progressively difficult situation, including harassment and intimidation in the course of their non-violent activities, the two UN Special Rapporteurs said in a joint statement. 'Peaceful demonstrators have been arrested, detained and persecuted with prison sentences having been imposed on many of them.'" [10e]

- 23.71 Radio Free Europe / Radio Liberty reported on 3 September 2008 that:

"Campaigners say close to 50 [women's rights activists] have been detained since the [One Million Signatures campaign] began in 2006, in what Western diplomats see as part of a wider crackdown on dissent. Most were freed within days." [42c]

- 23.72 Human Rights Watch, in an article dated 28 October 2008, said that:

"... the Judiciary has prosecuted more than 100 women's rights activists over the past three years and continues to detain, intimidate, and prohibit from traveling a number of other women's rights activists, particularly those involved in the One Million Signatures Campaign for Equality. The grassroots campaign aims to raise awareness of Iranian laws that sanction discrimination against women, by collecting 1 million signatures throughout the country in an effort to repeal them." [8d]

- 23.73 In an article dated 19 September 2008, the International Federation for Human Rights stated:

"On September 2, 2008, the Tehran Revolutionary Tribunal sentenced Ms. Parvin Ardalan, Ms. Nahid Keshavarz, Ms. Jelveh Javaheri, arrested on December 1, 2007 and since detained at Evin Prison and Ms. Maryam Hosseinkhah, arrested on November 18, 2007 and since detained at Evin Prison, to six months' imprisonment for 'publishing information against the

State', for having written articles for two online newspapers that defend women's rights in Iran: Zanestan and Tanir Bary Barbary. They have been released on bail after having appealed their sentences." [56a]

- 23.74 According to the USSD report for 2008, the government intensified its campaign against members of the "One Million Signatures" campaign, which activists launched in 2006 to promote women's rights and demand changes to discriminatory laws. In a report released October 20, UN secretary-general Ban Ki-Moon noted "an increasing crackdown in the past year on the women's rights movement." [4a] (Section 5). It further noted:

"Several members of the "One Million Signatures" campaign, including Parvin Ardalan, Nushin Ahmadi Khorasani, and Sussan Tahmasebi, remained under suspended prison sentences and travel bans at year's end. A court sentenced Fariba Davoudi Mohajer to one year in prison in absentia after she spoke publicly about these activists during a trip outside the country." [4a] (Section 5)

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Honour killings

- 23.75 UNHCR commented in their 'Comments on the Iran Country Report of April 2005' of August 2005 that:

"'Honour crimes' are known to be occurring in Iran. It happens among Arab, Kurdish and Azeri minorities more than Farsi ethnicity. According to an AFP report, at least 40 women were killed by their families on the grounds of 'honour crimes' only in Khuzestan over the period March to May 2003 (AFP, Over 40 women murdered in honour killings' in two months in Iran, 27 October 2003). There are no reports of suggesting availability of state protection to woman risking 'honour killings'." [3h] (p4)

- 23.75 The USSD report for 2007 stated that:

"According to a 2004 report on the country from the Independent Researchers on Women's Issues, there were no reliable statistics on honor killings, but there was evidence of 'rampant' honor killings in the western and southwestern provinces, in particular Khuzestan and Elam. The punishment for perpetrators was often a short prison sentence." [4t] (Section 5)

- 23.76 The USSD report for 2008 stated that: "According to a police official quoted in a domestic newspaper during the year, 50 honor killings were reported during a seven-month period, although official statistics were not available. The punishment for perpetrators was often a short prison sentence." [4a] (Section 5)

- 23.77 The Amnesty International report on human rights abuses against the Kurdish minority of July 2008 stated that "Self-immolation is a practice that occurs in all the areas of Kurdish settlement, where it is more common than in other parts of Iran. Some alleged suicides may have been staged to cover up 'honour' killings." [9e]

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HEALTH AND WELFARE

Abortion

- 23.78 According to a CIRB report of February 2001, the position of whether it is legal to perform abortions is unclear in law, and many doctors are reluctant to proceed. This is irrespective of a fatwa by Ayatollah Ali Khamenei that abortion may be undertaken in cases of medical necessity, such as when thalassemia has been detected. Illegal abortion clinics have been prosecuted in recent years. [2e]
- 23.79 According to a report from the Feminist Majority Foundation on 22 July 2004:
- “Iran’s parliament on Tuesday (20 July 2004) approved a draft of a bill to legalize abortion in the first four months of pregnancy. According to the bill, an abortion can be performed only when the woman’s life is in danger and/or when the fetus is malformed. According to Iran’s Payvand News, a woman will also need the consent of both parents to receive an abortion. Another parliamentary vote is still required on the draft of the bill before it is made into law. In addition, Iran’s conservative Guardian Council also has to approve the bill, as it does all legislation, before it can be made law. Abortion has been illegal on most grounds in Iran since the 1979 Islamic Revolution.” [73a]
- 23.80 According to a report in Iran Focus News dated 9 May 2005:
- “Iran’s Guardians Council, a hardline body that screens all legislation, has rejected a highly contentious law that allowed abortions in limited cases, the student news agency ISNA reported on Monday ‘It is against sharia (Islamic law) to abort children who would inflict a financial burden on the parents after birth due to mental or physical handicap,’ ISNA said, quoting parliamentary sources. Iran’s conservative-dominated parliament decided last month [12 April 2005] – in the face of opposition from religious right-to-life MPs – that abortions be allowed within four months of gestation if the foetus was mentally or physically handicapped and would inflict a financial burden on the family. At present, women in Iran can only get official approval for an abortion if their life is proven to be at risk because of a pregnancy, leading to a booming but dangerous backstreet business. According to local press reports, at least 80,000 illegal abortions are carried out in Iran each year but some believe the actual figure could be far higher. The legislation will now be referred back to parliament for amendments and if it is still opposed by the Guardians Council, Iran’s top arbitration body the Expediency Council will make a final ruling.” [76c]
- 23.81 In a BBC report of 12 April 2005 it was noted that under the draft law, not only would both parents have had to give their consent but also three doctors would have had to confirm that the foetus was damaged. Under this bill, even if a woman would have been pregnant as a result of rape she still wouldn’t have the right to an abortion. Under the existing law, the illegal abortionist and the mother in question can be sentenced to between three and ten years in jail. [21cs]

- 23.82 An article on LifeSiteNews.com dated 9 May 2005 reported that the Iranian Guardians Council rejected the draft law easing abortion restrictions, ruling: "It is against sharia (Islamic law) to abort children who would inflict a financial burden on the parents after birth due to mental or physical handicap." [57a]

See also [Medical issues](#)

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CHILDREN

OVERVIEW

24.01 The US State Department *Country Report on Human Rights Practices 2008*, released on 25 February 2009, (USSD Report 2008), noted: “There was little current information available to assess government efforts to promote the welfare of children.” [4a] (Section 5)

24.02 Iran is a signatory to the UN Convention on the Rights of the Child but has reservations upon both signature, “The Islamic Republic of Iran is making reservation to the articles and provisions which may be contrary to the Islamic Shariah, and preserves the right to make such particular declaration, upon its ratification” and ratification, “The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect.” Seven signatory countries objected to Iran’s reservations, considering them to be incompatible with the spirit of the treaty. Iran is also not a signatory to the optional protocol on the involvement of children in armed conflict. [10ah] When the 2nd Periodic Report to the Committee on the Rights of the Child (CRC) was considered by the Committee in its 38th session on 20 January 2005, they found that:

“While welcoming the ratification on 8 June 2002 by the State party of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Committee remains concerned at the large number of children below the age of 15, particularly in rural areas, who are involved in child labour, especially in the informal sector, including carpet weaving and other traditional family businesses. The Committee also notes that although article 79 of the Labour Code sets the minimum age of access to employment at 15, other legislation, including the Agricultural Code, sets that age at 12.” [10ag] (Para 68)

24.03 Iran has ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 26 September 2007 but it has not signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. [10ah]

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Basic legal information

24.04 According to the UN Report, ‘Situation of Human Rights in the Islamic Republic of Iran’, E/CN.4/2002/42, dated 16 January 2002:

“The Special Representative would note that there reportedly remain on the books two invidious provisions concerning children and the criminal law. One sets the age of penal responsibility at the age of puberty, 9 [lunar] years for girls and 15 [lunar] years for boys, which means that young people can face adult punishments. The second is that an adult who kills a minor is subject to the death penalty unless the accused is the father or grandfather of the victim, in which case the accused is subject only to the payment of diyah. The Special Representative trusts that the promised new Juvenile

Justice Act will amend both of these provisions. [Solar years are longer than lunar years by 11 days so the UK equivalent of these ages would be less than the Iranian ages of criminal responsibility[132]] ” [10p] (p21)

24.05 The UN 38th session CRC report of March 2005 stated that:

“The Committee reiterates its deep concern that the age of majority is set at pre-defined ages of puberty for boys at 15 and for girls at 9, because it implies that boys from 15 to 18 years and girls from 9 to 18 years are not covered by the provisions and principles of the Convention. The Committee notes the increase in the age of marriage for girls from 9 to 13 years (while that of boys remains at 15) and is seriously concerned at the very low minimum ages and the related practice of forced, early and temporary marriages.” [10ag] (para 22)

24.06 The USSD 2008 stated that: “The law requires court approval for the marriage of girls younger than 13 and boys younger than 15; however, it was reportedly not unusual in rural areas for parents to have their children marry before they become teenagers, often for economic reasons.” [4a] (Section 5)

24.07 Freedom House states that “Suffrage is universal in Iran, unlimited by gender or ethnicity. The minimum voting age rose to 18 in January 2007 after remaining at only 15 for many years”. [112a]

24.08 The 2008 CIA World Factbook states that military service age and obligation is 19 years of age for compulsory military service; 16 years of age for volunteers; 17 years of age for Law Enforcement Forces; 15 years of age for Basij Forces (Popular Mobilization Army). Conscript military service obligation is 18 months and women are exempt from military service. [111]

See also [Military service](#).

LEGAL RIGHTS

24.09 According to the USSD report for 2007:

“The law prohibits forced and bonded labour by children; however, child labour appeared to be a serious problem. The law prohibits employment of minors less than 15 years of age and places restrictions on the employment of minors under age 18; however, the government did not adequately enforce these laws. The law permits children to work in agriculture, domestic service, and some small businesses but prohibits employment of women and minors in hard labour or night work. There was no information regarding enforcement of these regulations.” [4t] (Section 5)

24.10 The USSD report for 2008 further stated:

“The labor code prohibits all forms of forced or compulsory labor, including by children; however, there were reports that such practices occurred. ... The law prohibits employment of minors younger than 15 years and places restrictions on the employment of minors younger than 18; however, the government did not adequately enforce laws pertaining to child labor, and child labor was a serious problem. The law permits children to work in

agriculture, domestic service, and some small businesses, but prohibits employment of minors in hard labor or night work. There was no information regarding enforcement of these regulations.

“According to government sources, 3 million children were prevented from obtaining education because their families forced them to work. Unofficial sources claimed the figure was closer to 5 million. In 2007 Tehran reportedly opened several shelters for street children. There were reportedly significant numbers of children--particularly Afghan but also Iranian--working as street vendors in major urban areas. Many Afghan children were unable to attend school because they lacked birth certificates or identification cards, which the government reportedly refused to issue in an effort to curb illegal immigration.” [4a] (Section 6)

JUDICIAL AND PENAL RIGHTS

- 24.11 According to the UN Report, ‘Situation of Human Rights in the Islamic Republic of Iran’, E/CN.4/2002/42, dated 16 January 2002:

“There continue to be positive developments in the area of juvenile justice. The Special Representative is informed that a committee was established in February 2001 to draft a new juvenile justice legislation. Over the past two years, all juvenile judges have been given training on the Convention on the Rights of the Child and on the relevant international instruments on juvenile justice. Social workers from the National Prisons Organization have participated in such courses. There are now examples of alternative sentences being issued by juvenile judges in some provinces.” [10p]

- 24.12 However the UN 38th session CRC report of March 2005 stated that:

“The Committee reiterates its serious concern at article 220 of the Penal Code, which provides that fathers who kill their child, or their son’s child, are only required to pay one third of the blood money to the mother, and are subjected to a discretionary punishment, in the event that the mother makes a formal complaint.” [10ag] (Para 31)

- 24.13 The UN 38th session CRC report of March 2005 recorded that:

“The Committee notes the various legislative measures undertaken by the State party and referred to in its response to the list of issues (CRC/C/RESP/71) and welcomes in particular the information provided by the delegation that the Bill on the Establishment of Juvenile Courts has been approved by the Council of Ministers and has been submitted to the Majlis, a bill which, inter alia, abolishes the death penalty for crimes committed by persons under 18. The Committee also notes that this Bill has yet to be approved by the Council of Guardians before it becomes law.” [10ag] (Para 8)

- 24.14 The same report went on to say:

“The Committee deeply regrets that, under existing laws, persons below the age of 18 who have committed a crime can be subjected to corporal punishment and sentenced to various types of torture or other cruel, inhuman or degrading treatment or punishment, such as amputation, flogging or stoning, which are systematically imposed by judicial authorities

and which the Committee considers to be totally incompatible with article 37(a) and other provisions of the Convention....(Para 45) The Committee continues to be concerned about legislation that provides for corporal punishment within the family. While welcoming the new Law on the Protection of Children and Adolescents (2003), which includes the prohibition of all forms of molestation and abuse of children and the obligation to report cases of child abuse, the exceptions stated therein continue to legally allow various forms of violence against children. More particularly, several articles of the Civil and Penal Code have been excluded, including article 1179 of the Civil Law and article 59 of the Penal Code, which gives parents the right to physically discipline their children within non-defined 'normal limits'. In the Committee's view, such exceptions contribute to the abuse of children inside and outside the family and contravene the principles and provisions of the Convention, in particular article 19. The Committee also notes with concern, that certain forms of sexual abuse of children or grandchildren are not explicitly prohibited." [10ag] (Para 47)

24.15 The UN report concluded:

"The Committee welcomes the efforts of the State party to improve the laws with regard to persons below 18 in conflict with the law, in particular the Bill on the Establishment of Juvenile Courts mentioned in paragraph 8 above. However, it deplores the information referred to in paragraph 29 above that, despite the statement of the delegation made during the consideration of the second periodic report that, in view of that Bill, executions, torture and other cruel, inhuman or degrading treatment or punishment of persons for having committed crimes before the age of 18 have been suspended, such executions and ill-treatment have continued since the consideration by the Committee of the State party's initial report. The Committee remains concerned at the existing poor quality of the rules and practices in the juvenile justice system, reflected, inter alia, in the lack of statistical data, the limited use of specialized juvenile courts and judges, the low age of criminal responsibility, the lack of adequate alternatives to custodial sentences, and the imposition of torture and other cruel or inhuman punishment and in particular of the death penalty. "[10ag] (Para 72)

24.16 The USSD report for 2007 stated:

"Only a few cities had a youth prison, and minors were sometimes held with adult violent offenders. According to UN Integrated Regional Information Networks (IRIN) there were 300 boys and 40 girls at the Tehran youth prison, with the average age of 14, but some were as young as age six. Children whose parents could not afford court fees were reportedly imprisoned for petty offenses including shoplifting, wearing make-up, or mixing with the opposite sex." [4t] (Section 5)

24.17 An undated article on the United Nations website states that "there are also 23 juvenile correction centers to keep people under the age of 18 separate from other prisoners." [10d]

24.18 The UN 38th session CRC report of March 2005 recorded that: "The Committee is concerned about the large number of children living in prisons with their mothers, their living conditions and the regulation of their care if they are separated from their mothers in prison." [10ag] (Para 51)

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Death penalty for children

24.19 The USSD report for 2007 noted:

“According to the civil code, persons under 18 years of age may be prosecuted for crimes as adults, without special procedures, and may be imprisoned with adults. The age of criminal responsibility is set at 15 years for males and nine years for females. As a party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, the country is obligated not to execute persons for crimes committed when they were younger than 18. However, during the year the government reportedly tried and executed at least five persons who committed crimes while under the age of 18.” **[4t] (Section 1e)**

24.20 According to the Foreign and Commonwealth Office’s Human Rights Report 2008: “Despite international condemnation, Iran continues the practice of juvenile executions, and according to Amnesty International at least 130 young offenders remain on death row in Iran’s prisons. At least seven juvenile offenders were executed in 2008, one of whom was under the age of 18 at the time of execution.” **[26b]**

24.21 The RFE/LE article dated 31 January 2008 stated:

“Lawyer Mohammad Mostafai defends young men on death row, including a boy named Said Jazi. Speaking to Radio Farda, Mostafai recalled that the execution of individuals under 18 years of age violates Iran’s own commitments as a signatory to the United Nations Convention on the Rights of Children.

“‘Article 37 of that convention clearly asserts that executing individuals under 18 is condemned,’ Mostafai said. ‘Considering due process in the parliament and in the Guardians Council, the execution of individuals who have committed a crime when they were under 18 years of age has no legal basis. But unfortunately in our country they wait for the minors to reach the legal age [and then execute them].’

“Iran’s judiciary regularly issues death sentences for minors and executes them after they turn 18, but there have also been cases where criminal offenders have been executed while they were still minors.

“Amnesty International, which opposes the death penalty around the world in all cases, counts up to 80 child offenders currently facing the death penalty in Iran. It also says five juvenile offenders have been executed there in the past year.” **[42ag]**

24.22 The Human Rights Watch report ‘Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen’ of 10 September 2008, states that the majority of juvenile executions in Iran are for hadd crimes or for intentional murder (see [Penal Code](#)). **[8c] (p8)**

24.23 The report continued to state that:

“In July 2006 the Iranian parliament gave an initial reading to a draft Juvenile Crimes Investigation Act that officials have said would end executions for juvenile offenders, but which actually still leaves judges with discretion to sentence juvenile offenders to death. Article 31(3) of the proposed law would allow but not require judges to reduce a sentence of death or life imprisonment against juvenile defendants ages 15 to 18 to a term of imprisonment ranging from two to eight years in a juvenile correctional facility. In addition, article 33 of the proposed legislation makes clear that reduction of sentences in qisas and hadd crimes shall be applied only when the judge determines that ‘the complete mental maturity of the defendant is in doubt’.” [8c] (p8-9)

- 24.24 The Hands Off Cain 2008 World Report states that in 2007, at least seven juvenile offenders were put to death with three more in 2008, as of 1 July 2008. [119c] A boy aged 17 was hanged in June 2008 followed by two more juvenile offenders in August. [21k] [21l]
- 24.25 The report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran, dated 1 October 2008, stated that:
- “... it is reported that a large number of juvenile executions are still carried out. Amnesty International reported that between 1990 and 2006, the Islamic Republic of Iran had executed 22 child offenders, constituting almost half of the total number (51) of juvenile executions worldwide during the reporting period. It was further reported that a total of 107 offenders under the age of 18 had been sentenced to death; 36 of those cases are now in the final stages. The Iranian authorities dispute those figures and point to a diminishing trend in juvenile executions over time....(p11) there is a possibility of death sentence under qisas (retribution in kind) for juvenile offenders, unless diyah is agreed or the offender is forgiven by the victim’s family. The sharia jurisprudence considers qisas a private right of the family of the victim that cannot be overruled by the decision of a judge or any other authority. In this connection, Iranian officials exclude the State’s responsibility for qisas cases.” [10a] (p11)
- 24.26 Human Rights Watch reported on 4 November 2008 that “Iran hanged a juvenile offender on October 30, 2008, the seventh this year, only two days after Iranian authorities ‘categorically denied’ that it still executes juveniles”. The report added:
- “Iranian officials repeatedly have denied executing juvenile offenders, most recently on October 28, in a statement at the United Nations during discussions of the UN secretary-general’s reports on the death penalty and on Iranian human rights abuses. Earlier in October, as the UN held its annual debate on the rights of the child, a senior official in Iran’s Judiciary announced a directive commuting death sentences for all juvenile offenders. Three days later, the same official told the Associated Press that the directive would only apply to narcotics cases and would not affect any of the juvenile offenders currently on death row.” [8g]
- 24.27 The Amnesty International Annual Report 2009, released in May 2009, covering events in 2008, stated at least eight people were executed having been sentenced for crimes committed when they were under 18. Amnesty

reported that around 133 juvenile offenders faced execution in contravention of international law. [9h].

See [Death penalty](#)

CHILDCARE AND PROTECTION

24.28 The USSD report for 2008 states:

“There was little information available to reflect how the government dealt with child abuse, including child labor. Abuse was largely regarded as a private family matter, and there was no evidence of progress as a result of 2005 UN Children’s Fund actions to prevent child abuse in the country. According to the UN’s Integrated Regional Information Network, child sexual abuse was rarely reported...There were reportedly significant numbers of children, particularly Afghan but also Iranian, working as street vendors in Tehran and other cities and not attending school.” [4a] (Section 5)

24.29 The UN 38th session CRC report of March 2005 stated that:

“The Committee welcomes the information, in paragraphs 95 and 96 of the State party’s report, that one of its priorities will be the development of child adoption in its lawful form and the provision of counselling services in that regard, but remains concerned at the lack of a clear legal and policy framework for various forms of alternative care, such as fostering, or kafalah. It is particularly concerned about the large number of orphaned children born out of wedlock, the large number of long-term orphans resulting from the Bam earthquake currently in institutional care, and the temporary placement of the children of drug addicts, who may be obliged to stay in institutional care for long periods, as well as the poor quality of supervision, monitoring and training of the staff of these institutions. It is also concerned about reports that a certain number of girls from these institutions are married off upon reaching the marriageable age (13 years).” [10ag] (Para 49)

24.30 Iran’s initial report (CRC/C/41/Add.5, July 1998) was considered by the United Nations Committee on the Rights of the Child at its May/June 2000 session. It stated that it “... should be noted that separation from parents against the will of children rarely takes place in the Islamic Republic of Iran due to cultural and religious attachments. Children have a special attachment to their parents and this attachment is not severed under normal circumstances, except in rare cases such as those involving abuse of the child by parents (for example), narcotics trafficking, immoral activities, or neglect by parents of their children. In such cases parentless children are placed in the institutions managed by the Welfare Organisation, NGOs and charitable bodies. The Judiciary of the Islamic Republic of Iran plans to establish institutions for the care of parentless children.” [10v]

24.31 “According to Islamic principles, if a child for whatever reason cannot remain with his or her parents, he or she is given to one of the relatives, and in (a) case (where) there is no paternal relative, there are private places where children can be placed:

“a Nursery. This is a place where parentless children from infancy to five years of age are placed and cared for on a 24-hour basis. In the 10

nurseries operating in provincial centres there are more than 465 infants and children;

- “b Day and Night Protection Services Complex. This is a place within the Urban Protection Services Complexes where children above the age of five are cared for, on the basis of separation by gender and 24-hour service, until the time they reach the legal age of maturity and are qualified to be released. The ceiling for the number of children that can be accepted in these units is nine. There are 38 such units nationwide which protect about 500 children;
- “c Independent Day and Night Centre. This is an independent institution for children from 12 years to legal age that operates under the direct supervision of the Welfare Organisation for the purpose of providing for the physical, emotional and social needs of children. The ceiling for the number of children in these 24-hour units is 30. The total number of such independent units nationwide is 19 and they cover 561 children.”
[10v]

24.32 Some families in Iran volunteer to raise and care for three to five children under the protection of the Welfare Organisation like other members of their own family. This method of foster parenting is mostly for girls up to 13 years of age who are without parents and relatives. About ten to 14 children without guardians accepted by the Welfare Organisation are placed with a committed family and can acquire their personality development within a family environment. By 1998, five houses for 51 girls had been established.
[10v]

24.33 In its response of 2 June 2000 to the Iranian Government’s report the Committee noted that whilst the State party’s report (CRC/C/41/Add.5) was prepared according to the Committee’s guidelines for reporting, the Committee regretted that the report was essentially legalistic and did not provide a self-critical evaluation of the prevailing situation of the exercise of children’s rights in the country. Moreover, the Committee noted that “the rights of the child were seen through a paternalistic lens; the child was not seen as an active subject of human rights. There were significant gaps in information relating to general measures of implementation, general principles, particularly non-discrimination and the best interests of the child, civil rights and freedoms and special protection measures.” [10w] (p1)

24.34 The UN 38th session CRC report of March 2005 stated that:

“The Committee continues to be concerned about the large number of children living and/or working in the streets, particularly in urban centres such as Tehran, Isfahan, Mashhad, and Shiraz. It regrets that the State party could not present studies on the extent and nature of the problem and is concerned that the centres known as ‘Khaneh Sabz’, ‘Khaneh Shoush’ and ‘Khaneh Reyhane’ homes, which were established to assist these children, albeit in a limited capacity, have been closed down. It is equally concerned at reports of the round-up and arrest of Afghan children in the streets despite the fact that they were registered with the authorities, and that as a ‘condition’ for their release the authorities request that their parents register for repatriation. The Committee welcomes the policy of the State party to reunite children with their families, whenever possible, and notes the

State party's assurances that these children are assembled in centres for further assistance and not arrested with police methods." [10ag] (Para 64)

- 24.35 The UN thirty-eighth session CRC Report of March 2005 stated that: "The Committee is concerned at reports that drug abuse is on the increase, that the age of addiction has decreased, that there is a lack of statistical data in this regard and that a programme initiated in 1997 does not seem to be effective." [10ag] (Para 66)

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VIOLENCE AGAINST CHILDREN

- 24.36 The Iran Human Rights Voice (IHRV) in an article dated 24 September 2008 stated that:

"Many non-governmental organizations supporting children's rights believe child abuse cases have increased at an alarming rate within the recent years. Experts see increasing poverty and a crisis in the family foundation as the main causes of the increasing trend. According to statistics published by the child protection organization Protecting the Rights of Children, in 1386 (2007), compared to previous year, child abuse increased by 3.5 percent. The statistics have been prepared by the society and are not a true reflection of the actual data on the overall condition of society. According to Saeed Madani, an expert on social issues, "in a study that was done in 1380 (2001) in Tehran, 31 percent of students in middle school had been molested sexually in some shape or form". Similar studies in other cities have shown a larger percentage of various forms of abuses. Nevertheless, people active in this area believe that the collection of reports on all forms of child abuse is overshadowed by cultural and traditional barriers." [11a]

For information about child labour see [Employment rights](#)

EDUCATION

- 24.37 The British Council's undated report on education in Iran, accessed on 24 June 2008, states:

"Primary education in Iran is compulsory under the Iranian constitution. As a general rule, primary, secondary and higher education is free, although private schools and universities do exist and are permitted to charge tuition fees. According to government figures, over 95% of Iranian children currently receive primary and secondary education. All schools are single-sex. There are over 113,000 schools throughout Iran, teaching over 18 million children. It is estimated that there are almost 1 million teachers within the education system.

"More than 50% of the country's 66m population is under the age of 25, which creates huge demand within the education system. In particular, admissions to post-secondary courses are highly competitive and university places are won through the National Entrance Examination (Konkur). There are currently well over 1 million students pursuing courses in Iranian universities, over half of these at private universities. Iran has 52 state universities and 28 medical universities, as well as a significant number of

government research institutes. There are 25 private universities, including the Islamic Azad University, which has branches all over the country.

“The academic year runs for 10 months (200 active days) from September to June. There are three terms: September-December, January-March and April-June.” [113]

24.38 And continued:

“School education in Iran is divided into the following cycles. There are qualifying examinations to pass from one educational cycle to the next and national exams are conducted at the end of each grade of the secondary cycle. Special provision is made within the educational system for gifted and special needs children, as well as for minority groups, refugees [sic] and for non-formal education.

- 1) Pre-school (1 year cycle, children aged 5)
- 2) Primary (5 year cycle, children aged 6-10)
- 3) Middle (Guidance) (3 year cycle, children aged 11-13)
- 4) Secondary (3 year cycle, students aged 14-17)
- 5) Pre-university (1 year cycle, students aged 18)

“Pre-school education: This is non-compulsory and children proceed automatically to primary education at the age of 6.

“Primary education: Children begin primary education aged 6 and are given a broad-ranging general education. There is a national exam at the end of the 5 years, which students have to pass to enter into the Guidance cycle.

“Middle/Guidance cycle: This three-year phase also provides students with general education, and encourages them to think about the options for secondary education. Students must sit a regional exam at the end of the Guidance cycle in order to proceed to secondary education level.

“Secondary education: Secondary education is divided into two branches: ‘theoretical’ studies and technical & vocational studies. The academic or ‘theoretical’ branch comprises four subject areas: literature & culture, socio-economic studies, maths & physics, experimental sciences. The technical branch is more vocational in structure and is divided into the following three sectors: technical, business & vocational, agriculture. National exams are conducted at the end of each academic year during this secondary cycle. Students complete a number of units during their three years of secondary education, and must obtain 96 units within this time in order to be awarded the High School diploma (Diplom-e Mottevasseteh).

“Pre-University education: Students wishing to enter Higher Education must take a one-year pre-university course, at the end of which they may obtain a ‘Pre-University Certificate’. This certificate then qualifies students to sit for the highly competitive National Entrance Exam (Konkur), success in which is imperative in order to gain a place at university.” [113]

24.39 According to Europa, accessed 8 December 2008, primary education is officially compulsory, and is provided free of charge for five years between six and ten years of age, although this has not been fully implemented in rural areas. Secondary education from the age of eleven lasts for up to seven years, in blocks of three and four years. [1a] (Education) The USSD

report for 2007 found that children had free education through the 12th grade (compulsory to age 11) except in isolated areas of the country. [4t] (Section 5) The British Council notes that there are discrepancies between the standard of education provided in urban and rural areas, as well between the different regions of the country. The USSD report for 2008 found that although primary schooling up to age 11 is free and compulsory, media and other sources reported lower enrollment rates for girls than boys in rural areas. [4a] (Section 5) To ease the shortage of teachers in rural areas, the Ministry of Education established specific Rural Teacher Training Centres, as well as conscripting teachers to be sent to non-urban areas. [113] All education is taught in Farsi/Persian with only the occasional and minimal use of minority languages. (UN, 16 January 2002) [10p] (p16)

24.40 The UNICEF country profile for Iran stated that:

“Developments in education have ... been positive. In 2001 the literacy rate of the population aged over six years of age has reached 80.4 per cent (85.1 per cent of men and 75.6 per cent of women). The urban-rural gap has also narrowed to about 14 per cent (86.25 per cent of urban population versus 72.4 per cent of the rural). There are, however, still noticeable differences among and within Iranian provinces. The net enrollment ratio is above 97 per cent and is almost equal among girls and boys.” [10af]

24.41 According to Europa, accessed 8 December 2008, in 2004/05, primary enrolment included 95.2 per cent of children in the relevant age group, while enrolment at secondary schools included 77.0 per cent of the appropriate age-group. [1a] (Education)

24.42 According to Europa, accessed 8 December 2008, there are 37 universities, including 16 in Tehran, with some 1,191,048 students enrolled at Iran’s public colleges and universities in 2005/06, in addition to the 1,197,521 students enrolled at the Islamic Azad University. [1a] (Education)

24.43 The USSD report for 2007 states that the Government restricted academic freedom:

“Government informers were common on university campuses. Additionally, there were reports the government maintained a broad network of student informants in Qom’s major seminaries who reported teaching counter to official government positions.... Admission to universities was politicized; all applicants had to pass ‘character tests’ in which officials eliminated applicants critical of the government’s ideology. Some seats in universities continued to be reserved for members of the Basij, regardless of their scores on the national entrance exam. To obtain tenure, professors had to refrain from criticism of the authorities.” [4t] (Section 2a)

24.44 The UN 38th session CRC report of March 2005 stated that:

“Although the Committee notes the high level of literacy in Iran and the measures taken by the State party to increase school enrolment and lower dropout rates, it remains concerned that not all children are enrolled in or graduate from primary school. Working children, children living on the streets and children without complete personal documents, particularly refugee children with binational parents, have reduced access to schools. It is also concerned that refugee children are currently only being enrolled in

schools if their parents have registered with the authorities, and that the enrolment of refugee children is not currently being offered free of charge. It is further concerned about well-documented information that a large number of Baha'i students were not admitted to university on the grounds of their religious affiliation.

“The Committee is also concerned about the disparity that continues to exist between boys and girls; the high dropout rates of girls in rural schools upon reaching puberty; the lack of female teachers in rural areas; long distances between homes and schools, which keep girls at home, particularly after primary school and the lack of mobile schools for nomadic children, as well as the remarkable differences in the personal and material equipment between schools in urban and rural areas and between the most and least developed provinces, resulting in unequal educational opportunities.” [10ag] (Paras 59-60)

- 24.45 The Iranian Minorities' Human Rights Organisation (IMHRO) reported on 18 February 2008 that education in Iran is provided only in Farsi. The organisation states that this results in many non-Farsi-speaking children leaving school before they should and the literacy rates of minorities being very low. [109a]

See also [Baha'is](#).

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HEALTH ISSUES

- 24.46 The USSD report for 2007 noted that children had the right to some form of health care which was generally regarded as affordable and comprehensive with competent physicians. [4t] (Section 5)
- 24.47 According to a 2008 estimate in the CIA World Factbook, the total fertility rate stands at 1.71 children born per woman and the total infant mortality rate is 36.93 deaths per 1,000 live births (male: 37.12 deaths per 1,000 live births; female: 36.73 deaths per 1,000 live births). [111]
- 24.48 The UNICEF country profile for Iran, accessed on 19 June 2008, stated that:
- “Immunization coverage is over 90 per cent and polio is almost eliminated. Over 85 per cent of the population has access to health services and 90 per cent of births are attended by trained health personnel. The maternal mortality rate is reported at 37 per 100,000 live births. Tetanus Toxoid coverage of women stands at approximately 80 per cent. The prevalence of moderate to severe [sic] underweight, wasting and stunting are 11 per cent, five per cent and 15 per cent respectively. About 93 per cent and 73 per cent of households had access to safe drinking water and sanitary toilet in 2000 respectively. Malnutrition remains relatively high as a result of inadequate income distribution and poor caring practices, especially in rural areas.” [10af]
- 24.49 The UNICEF country profile for Iran, updated 24 June 2009, stated that:

“The health status of Iranians has improved over the last two decades. Iran has been able to extend public health preventive services through the establishment of an extensive Primary Health Care network. As a result child and maternal mortality rates have fallen significantly, and life expectancy at birth has risen remarkably. Infant (IMR) and under-five (U5MR) mortality have decreased to 28.6 and 35.6 per 1,000 live births respectively in 2000, compared to an IMR of 122 per 1,000 and an U5MR of 191 per 1,000 in 1970.” [10af]

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TRAFFICKING

24.50 In the USSD’s Trafficking in Persons report of 4 June 2008 it is stated that:

“... Iranian children are trafficked internally and Afghan children are trafficked to Iran for the purpose of forced marriages, commercial sexual exploitation and involuntary servitude as beggars or laborers. According to non-governmental sources, Iranian women and girls are also trafficked to Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, France, Germany, and the United Kingdom for commercial sexual exploitation.” [4v]

24.51 The USSD 2008 stated that: “Female citizens were trafficked internally for the purpose of forced prostitution. Citizen children were trafficked internally, and Afghan children were trafficked to the country for the purpose of forced commercial sexual exploitation and involuntary servitude as beggars and laborers.” [4a] (section 6)

See [Trafficking](#)

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TRAFFICKING

25.01 The USSD's Trafficking in Persons report of 4 June 2008 states that:

"The government reportedly prohibits all forms of trafficking in persons through its 2004 Law on Combating Human Trafficking, which appears to prescribe severe penalties, often including death sentences for convicted traffickers. Nonetheless, the government did not publicize evidence of enforcing this law during the reporting year through arrests, prosecutions, convictions, or sentences. Previous reports have indicated that border officials may be complicit in trafficking offenses; however, Iran did not report any disciplinary action taken against government officials believed to facilitate trafficking." [4v]

25.02 According to the USSD report for 2007:

"The law prohibits human trafficking. However, according to foreign observers, women and girls were trafficked from the country to Pakistan, Turkey, Europe, and the Gulf States for sexual exploitation. Boys from Bangladesh, Pakistan, and Afghanistan were trafficked through the country to Gulf States. Afghan women and girls were trafficked to the country for sexual exploitation and forced marriages. Internal trafficking for sexual exploitation and forced labor also occurred. The government did not fully comply with the minimum standards for the elimination of trafficking." [4t] (Section 5)

25.03 The report continues to state "... there were also reports that the government arrested and punished several trafficking victims on charges of prostitution or adultery." [4t] (Section 5) The USSD's Trafficking in Persons report of 4 June 2008 adds: "The government reportedly punishes victims for unlawful acts committed as a direct result of being trafficked; for instance, victims reportedly are arrested and punished for violations of morality standards such as adultery, defined as sexual relations outside of marriage." [4v]

25.04 In the USSD's Trafficking in Persons report of 4 June 2008 it is stated that:

"Iran is a source, transit, and destination for women trafficked for the purposes of sexual exploitation and involuntary servitude. Iranian women are trafficked internally for the purpose of forced prostitution and for forced marriages to settle debts. Iranian children are trafficked internally and Afghan children are trafficked to Iran for the purpose of forced marriages, commercial sexual exploitation and involuntary servitude as beggars or laborers. According to non-governmental sources, Iranian women and girls are also trafficked to Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, France, Germany, and the United Kingdom for commercial sexual exploitation.

"The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Lack of access to Iran by U.S. Government officials prohibits the collection of full data on the country's human trafficking problem and the government's efforts to curb it. Iran did not provide evidence of law enforcement activities against trafficking, and credible reports indicate that Iranian authorities punish victims of trafficking with beatings, imprisonment, and execution." [4v]

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MEDICAL ISSUES

OVERVIEW

- 26.01 According to information from the UK Foreign and Commonwealth Office (FCO) dated January 2002, there are two types of hospitals in Iran, private and governmental. To receive treatment in the governmental hospitals, one must belong to the social security scheme whereby the employer pays the subscriptions for the employee, which then entitles them to subsidised medical treatment and medication. In Tehran and other larger cities such as Shiraz and Isfahan there are many well-reputed hospitals. These are staffed by physicians and specialists, most of whom are very experienced and internationally trained. There is an extensive range of specialist care found in Tehran, both in the private and governmental sector. For complex medical conditions where treatment is not available locally, the patients can apply to the Supreme Medical Council for financial assistance towards payment of medical expenses overseas. The Supreme Medical Council consists of a group of specialist doctors who assess and examine each case to determine whether such assistance in funding should be allocated. [26a]
- 26.02 The World Bank Country Brief of September 2006 states that:
- “Health outcomes in Iran have improved greatly over the past twenty years and now generally exceed regional averages. Key to this success has been the Government of Iran’s strong commitment to and effective delivery of primary health care. Iran’s ‘Master Health Plan’, adopted in the 1980s for the period of 1983–2000 accorded priority to basic curative and preventive services as opposed to sophisticated hospital based tertiary care, and focused strictly on the population groups at highest risk, particularly in deprived areas. Moreover, as a result of the prioritization and effective delivery of quality primary health care, health outcomes in rural areas are almost equal to those in urban areas, with outcomes in terms of infant and maternal mortality nearly identical between urban and rural areas.” [36b] (p1)
- 26.03 The World Health Organisation’s April 2006 Country Brief for Iran states:
- “Health status has improved over four decades. The Ministry of Health and Medical Education (MOHME) finances and delivers primary health care (PHC). Recent remarkable developments in the health sector, such as establishing health networks to ensure provision of PHC services, resulted in improvement in various health indicators. However, considerable disparities remain; over 8-10% of the population is not covered by any insurance scheme and has to pay directly. Restricted access and low service availability in the less developed provinces (Sistan and Baluchistan) result in poor health indices compared to the rest of the country.” [28d]
- 26.04 An article in *Iran Focus* dated 8 May 2007 reported that a 1998 parliament bill mandating segregation of the sexes in the provision of medical care was shelved partly due to insufficient numbers of qualified staff from each sex:

“The strongest protest came from male gynaecologists who said segregation would put them out of business.

“Since the Islamic revolution, Iranian male medical students have been barred from specialising in Obstetrics and Gynaecology, meaning the only men practicing in these branches earned their qualifications abroad or before 1979.” [76e]

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DRUGS

- 26.05 According to the World Health Organisation, in 2002 most medications were available locally under various generic and company labels. [28b] A national therapeutic drug policy/essential list of drugs is present, formulated in 1988. The essential drugs list was last updated in 2001. (WHO, 2005) [28e] Generic inhibitors for HIV/AIDS are also produced. (BBC News, 13 February 2003) [21bb] According to the FCO, those medicines not available, which are approved by the US Food and Drug Administration, can be ordered through the Red Crescent Society by presenting a doctor’s prescription. The prices for medications bought in Iran are much cheaper than the UK prescription and dispensing charges. There has also been considerable development in the pharmaceutical industry in Iran during the last decade. The essential raw material for the majority of medicines is imported from overseas and then the medicine produced and packaged locally. This is again subsidised by the Government. There is also a black market for certain types of foreign medications and the cost of such medications is quite high in comparison to those readily available at pharmacies. [26a]

Drug addiction

- 26.06 According to the Centre for Harm Reduction Report 2002, drug addiction is considered a crime but the authorities are ready to consider drug use as a medical problem. Drug users who are undergoing treatment are not meant to be persecuted, nor are the specialists offering treatment. The costs of diagnoses, treatment, medicines and rehabilitation are to be paid by the addicts according to the approved tariffs but the Government will finance the costs for those unable to pay. It is up to the judge to distinguish whether the person is an addict or a trafficker, for example, a positive test for opium showed the person was an addict while possession was interpreted as being a trafficker. [34]

Illegal drugs situation

- 26.07 According to Revisiting ‘The Hidden Epidemic’ A Situation Assessment of Drug Use in Asia in the Context of HIV/AIDS, January 2002:

“Iran, which borders the largest opium producing country in world, Afghanistan, has become a major bridge linking the drug production zone to the lucrative consumer markets of the Persian Gulf, Turkey, Russia and Europe.” [34] (p100)

Further:

“Currently the major trafficking routes into Iran can be found in the provinces of Khorassan, Sistan and Baluchestan, areas with harsh climatic conditions and rugged mountainous terrain. In these areas there are numerous border skirmishes with drug smugglers and in 2000 a total of 1,532 armed confrontations occurred. In the last two decades more than 3,000 law enforcement officials have been killed and 10,000 disabled. In 2000, 142 law enforcement personnel and 904 drug traffickers have been killed in armed clashes.” [34] (p101)

- 26.08 Drug use is on the rise in Iran and the country is increasingly vulnerable. Drugs are commonly bought from street dealers and ethnographic studies show that deserted buildings, gardens or parks in the suburban areas of cities are common sites for using drugs. Opium tends to be used in the privacy of people’s homes and hashish is commonly used at parties, rolled as a cigarette and smoked. [34] (p101) According to an Amnesty International report, dated 17 September 2007, Iran is believed to have at least two million regular drug users, possibly as many as 3.5 million. According to a Deputy Health Minister, addiction is growing by around eight per cent a year. [9b]
- 26.09 According to Revisiting ‘The Hidden Epidemic’ a Situation Assessment of Drug Use in Asia in the Context of HIV/AIDS, January 2002:
- “The Anti-Narcotics Law of 1988 covers all aspects of drug control including cultivation, production, consumption, sales and distribution. In 1997 this law was amended in order to be more responsive to the internal drug problem. The age of criminal responsibility is 16 years. The possession and smuggling of opium and cannabis of up to 50 grams can result in a fine of 4 million Rials and up to 50 lashes. The penalties become harsher according to the amount that is found on the person. The death penalty may be commuted to life imprisonment and 74 lashes if the quantity does not exceed 20 kg and the perpetrator did not succeed in smuggling/distributing/selling. The execution of drug offenders is usually limited to drug lords, organised drug criminals and armed drug traffickers. Anyone who deals in, puts on sale or carries heroin or morphine is sentenced to various punishments, for example for more than five centigrams to one gram the fine is two to six million Rials in cash plus 30 to 70 lashes.” [34] (p104)
- 26.10 It is up to the judge to distinguish whether the person is an addict or a trafficker; a positive test for opium shows the person is an addict while possession is interpreted as being a trafficker. [34] (p104)
- 26.11 According to a report in Keesings Record of World Events, the United States, in December 1998, removed Iran from its list of countries perceived to contribute to the international trade in illegal drugs in the USA. However, the US continues to regard Iran as a transit point for opiates heading for Europe. [17c]
- 26.12 According to the CHR report 2002, the State Welfare Organisation, affiliated to the Ministry of Health, is in charge of treatment and rehabilitation of drug users. Until recently there were 12 treatment and rehabilitation centres in the country with one centre for women. The centres were described as having the infrastructure of an overcrowded prison. These centres have now been closed and the new approach is the introduction of out-patient treatment

centres. [34] In recent years a number of treatment facilities have been established by the private sector and are openly advertised in the press. The qualifications of the people running these clinics, and the outcomes of their activities, still remain largely untested. [34]

26.13 According to the Beckley Foundation in a report dated July 2005:

“A tough anti-drugs campaign was launched in Iran following the revolution that established the Islamic Republic in 1979. Individuals caught in possession of drugs received fines, imprisonment and corporal punishment. The death penalty was prescribed for serious drug offences. Despite these measures, drug use and drug trafficking have continued to increase, and Iran has become the principal transit country for drugs from Afghanistan. In 2002, Iran accounted for a quarter of world opiate seizures. At this time, it was officially estimated that there were between 200,000 and 300,000 drug injectors in the country, and this is widely regarded as an underestimate. The costs of Iran’s drug problem include: high levels of dependency and addiction; strains on the capacity of the criminal justice system; increases in drug related deaths; and high rates of HIV/AIDS infection among injecting drug users. There is growing recognition in Iran of the limits of enforcement, and the importance of the medical and social dimensions of drug misuse. This has resulted in improvements in drug treatment and expansion of harm reduction services.” [87a] (p1)

26.14 According to the Amnesty International report, dated 17 September 2007:

“The Iranian authorities are co-operating with the international community in attempts to curb the activities of drug-smugglers. Among other projects, a 10 feet high and three feet thick wall is being built along 700 km of Iran’s eastern border with Afghanistan and Pakistan, between Taftan and Mand. Baluchis, including in Pakistan, have criticised the project, claiming it will make it more difficult for Baluchis to maintain their family ties and conduct legitimate economic activities across the border. The authorities have pointed to gaps in the wall where ‘easement rights’ can be maintained. There are also believed to be landmines along the eastern border and in February 2006 the Ministry of Foreign Affairs stated, ‘Due to our expansive borders and problems resulting from narcotics and terrorist trafficking, our defense institutions are considering the use of landmines as a defensive mechanism’.” [9b]

The same report adds:

“In August 2006, the ... commander [Brigadier-General Qasem Reza’i, then acting commander of Iran’s Law Enforcement Force at the Rasoul-e Akram base] said that one of the main functions of the base was to stop drug-smuggling in eastern parts of Hormozgan province, and in Kerman, South Khorasan and Sistan-Baluchistan provinces. He said that ‘forward operating bases have been established in the region, paramilitary [Bassij] camps are being set up, and friendly tribes will be used’, and stressed that the authorities had ‘strengthened the intelligence system of the region.’ He also announced plans to block a 70-km stretch of the border with Pakistan with a trench that is 5m wide and 4m deep, with electronic monitoring, and with armed patrols.

"In November 2006, Antonio Maria Costa, Executive Director of the UN Office on Drugs and Crime (UNODC), while visiting the Rasoul-e Akram base announced that UNODC would make a US\$22 million contribution to Iran. He said the funds were intended to strengthen the eastern border against drug traffickers and for intelligence activities by police in that part of the country." [9b]

- 26.15 In the International Narcotics Control Strategy Report, published in March 2007, it was stated that:

"There is overwhelming evidence of Iran's strong commitment to keep drugs leaving Afghanistan from reaching its citizens. As Iran strives to achieve this goal, it also prevents drugs from reaching markets in the West. Iran claims that more than 3500 Iranian law enforcement personnel have died in clashes with heavily armed drug traffickers over the last two decades, and Iran reports that another 56 died in 2005. Iran spends a significant amount on counter drug-related activities, including interdiction efforts and treatment/prevention education. Estimates range from \$250-\$300 million to as much as \$800 million each year, depending on whether treatment and other social costs are included. Iran claims to have invested upwards of \$1 billion in its elaborate series of earthworks, forts and deep trenches to channel potential drug smugglers to areas where they can be confronted and defeated by Iranian security forces. Nevertheless, traffickers from Afghanistan and Pakistan continue to cause major disruption along Iran's eastern border. Iranian security forces have had excellent seizure results for the last several years by concentrating their interdiction efforts in the eastern provinces.

"Iran is a party to the 1988 UN Drug Convention, but its laws do not bring it completely into compliance with the Convention. The UNODC is working with Iran to modify its laws, train the judiciary, and improve the court system." [95a] (p1)

- 26.16 The Amnesty International report, 'Iran: The Last Executioner of Children', dated 27 June 2007 states regarding punishments:

"The death penalty is ... provided for crimes covered in the Anti-Narcotics Law introduced in January 1989, and amended in 1997. These crimes include smuggling or distribution of more than 5kg of hashish or opium, or more than 30g of heroin, codeine, methadone or morphine. People who commit a fourth offence of cultivation of narcotic plants, recidivist (repeated) possession of opium and hashish, and the manufacture or supply of various chemicals that can be used in the manufacture of drugs can also receive the death penalty.

"Punishments for ta'zir crimes are open to pardon – for example, Article 38 of the Anti-Narcotics law allows for death sentences imposed under this law to be sent to the Amnesty Commission 'if there are reasons by which the punishment... can be mitigated.' Moreover, repeat offenders whose cumulative possession of heroin, morphine or cocaine or their derivatives exceeds the stipulated amounts are regarded as 'corrupt on earth' and punishable by death – that is, their crimes may be regarded as falling under the hodoud section of the Penal Code and, therefore, would appear not to be open to pardon. The Anti-Narcotics Law also provides for the death penalty for armed smuggling of narcotics – from media reports about the

executions of alleged armed drug smugglers, it appears that in at least some cases, although it is not specifically stated, perpetrators are designated as ‘being at enmity with God’, a hodoud offence.” [9aac] (p8)

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.17 According to the CHR report 2002, the first AIDS case was identified in 1986. [34] Exposure to contaminated drug-injecting equipment is the main route of HIV transmission in Iran. Among HIV-positive patients at a private Tehran clinic, the key factor for HIV infection among men was the use of contaminated injecting equipment, whereas for women it was sexual intercourse with their HIV-positive husbands. [10ai]

26.18 According to the UNAIDS Global HIV/AIDS report 2007:

“Iran harbours the highest HIV prevalence in injecting drug users in the region. Almost one in four (23%) male injecting drug users tested at a Tehran drop-in centre were HIV-positive, as were 15% of those who accessed three drug treatment centres in the same city. The key factors for HIV infection were the use of contaminated injecting equipment in prison and repeated periods of incarceration.” [10ai]

And continues:

“HIV prevalence in prisons was estimated at 950 per 100 000 population in 2005. Since 2002, clinics providing prevention, treatment and harm-reduction services have been set up in most of the largest prisons of the country, and by 2005, an estimated 50 000 prisoners had undergone detoxification treatment (Parviz, 2005). Elsewhere, services such as needle and syringe-exchange projects, and methadone treatment programmes, are being implemented.” [10ai]

26.19 According to the CHR report 2002, it appears there are scant HIV prevention programmes in place among drug users or drug injectors in Iran and what is available is unlikely to be specific and/or explicit about the ways to avoid becoming HIV infected. It has been reported that there are no printed materials on HIV/AIDS for drug users and that they are a hidden population and difficult to gain access to. Efforts to distribute needles and syringes to imprisoned drug users has met with strong objections. [34] In recent times, however, harm reduction pilot programmes have been introduced by the Ministry of Health in the three provinces most affected by injecting drug use – Kermanshah, Shiraz and Tehran. [34]

26.20 Although a National Aids Policy (NAP) does exist, and HIV infections are highest among intravenous drug users (IDUs), the co-ordination of activities between the NAP and the National Drug Control Headquarters is generally lacking. Brochures have been prepared for schools and families on the issues of HIV/AIDS but none has specifically been produced for drug users. The main focus of the policy appears to be to control the nation’s blood supply and the prevention of HIV transmission through medical injections. Specific mention and/or activities aimed at drug users have been omitted. [34] The UNAIDS Global HIV/AIDS report 2007 estimated the number of HIV

cases at 86,000 for adults and children (of which 85,000 are adults, taken as aged 15 and over, and 24,000 are women) and 4,300 deaths compared to 46,000 people living with AIDS and 1,000 deaths in 2001. [10a]

26.21 According to the USSD report for 2007:

“According to health ministry statistics announced in October 2006, there were more than 13,000 registered HIV-positive persons in the country, but unofficial estimates were much higher; most were men. Transmission was primarily through shared needles by drug users, and a study showed shared injection inside prison to be a particular risk factor. There was a free anonymous testing clinic in Tehran, and government-sponsored low-cost or free methadone treatment for heroin addicts, including in prisons. The government also started distributing clean needles in some prisons. The government supported programs for AIDS awareness and did not interfere with private HIV-related NGOs. Contraceptives, including free condoms, were available at health centers as well as in pharmacies. Nevertheless, persons infected with HIV reportedly faced discrimination in schools and workplaces.” [4t] (Section 5) The USSD report for 2008 reiterated that “Persons with HIV/AIDS reportedly faced discrimination in schools and workplaces. The government supported programs for HIV/AIDS awareness and generally did not interfere with private HIV/AIDS-related NGOs.” [4a] (Section 5)

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MENTAL HEALTH

26.22 According to a report in the *Psychiatric Times* in January 2002, in Iran, a village based primary care system serves over 60 regions of the country, with village centres linked to surrounding hospitals and medical schools. The national health programme supports training in mental health care. The Government has also established four regional centres for the prevention of mental disorders. [27]

26.23 The WHO Mental Health Atlas of 2005 states that a mental health policy was formulated in 1986 along with the national mental health programme which was evaluated in 1995 and 1997 with changes made based on suggestions. In 1995, it was evaluated jointly by the WHO and the Teheran Psychiatric Institute. Other related programmes are Integration of Substance Abuse Prevention within the Primary Health Care and a Harm Reduction Programme. Mental health is a part of primary health care system. [28e]

The report continues:

“The country spends 3% of the total health budget on mental health. The primary sources of mental health financing in descending order are tax based, out of pocket expenditure by the patient or family, social insurance and private insurances. ... The country has disability benefits for persons with mental disorders. Since 2001, the disabled mentally ill patients are entitled to a stipend of about \$30 per month if they do not receive other free services. Already, about 10 000 disabled patients are receiving disability benefits and the number is increasing. Institutional care is free of charge for the disabled mentally ill.” [28e]

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FREEDOM OF MOVEMENT

- 27.01 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated::

“The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government placed some restrictions on these rights. ... The government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in short supply and who were educated at government expense, had to post bond to obtain an exit permit. The government restricted the foreign travel of some religious leaders and individual members of religious minorities and scientists in sensitive fields, and it targeted journalists, academics, and activists for travel bans and passport confiscation.... A woman must obtain the permission of her husband, father, or other male relative to obtain a passport. A married woman must receive written permission from their husbands before leaving the country.” [4a] (Section 2d)

- 27.02 A Danish report of a fact-finding mission to Iran in September 2000 recorded that:

“The delegation met Mohammad Ali Mirkhani, Head of the Passport and Visa Department of the Iranian Ministry of Foreign Affairs. The conditions for issuing Iranian passports were also discussed with the Iranian police force’s passport division (Law Enforcement Forces – LEF) at its head office in Tehran. According to Mohammad Ali Mirkhani, the Iranian police force (LEF) is the authority responsible for issuing passports. According to the LEF, the department has 9 passport issuing offices in Tehran and a further 49 offices in other cities in Iran. According to Mr. Mirkhani, any Iranian citizen above the age of 18 is entitled to an Iranian passport, but possession of such a passport does not mean that the holder is permitted to leave Iran. If it is established at the time a passport is issued that the passport applicant has matters to settle with the Iranian authorities, the person concerned will be informed accordingly. At the same time, the applicant will be requested to contact the relevant authority in order to solve the problem. Only once this has been done can the applicant be issued with a passport.

“An application form has to be completed when applying for a passport. The details provided on the form must be identical to those which appear on the applicant’s Iranian identity card, which must be presented in conjunction with the application. In addition, Iranian men must present a military logbook certifying that they have completed military service. Any Iranian citizen applying for a passport must come in person to the LEF, both to submit the application form and to collect the passport when it is ready. A passport can be issued within 48 hours of the application form being submitted. Iranian passports are valid for five years. They can be extended for a further five years. There are no periods of validity other than five years.” [86c] (p6)

- 27.03 A report from the CIRB, dated 1997, states that women must have written, notarised permission from their father, husband or legal guardian, except in certain circumstances e.g. widows. No one under 18 is issued a passport,

except under special circumstances where the minor is travelling without a parent or guardian. [2c] (p20)

- 27.04 UNHCR stated in their 'Comments on the Iran Country Report of April 2005' of August 2005 that:

"There are no specific provisions relating to the exit of a mother with minor children from the country without the consent of the father or paternal grandfather. According to the Law on Passports, authorization in writing of the guardian is required for issuance of a passport for a minor or inclusion of a minor's name in a relative's passport. According to an ACCORD report, 'if a woman has managed to obtain travel documents for her minor children, she has probably resorted to an illegal act based on which she can be sentenced upon return. For example she may have forged her husband's authorization and submitted it to the Passport Bureau and could therefore be sentenced to imprisonment from two months to up to two years' (ACCORD, June 2001, p104)." [3h] (p5)

- 27.05 According to the UNHCR European Country of Origin Information Seminar, Final Report, Berlin June 2001:

"Exit formalities have considerably relaxed since the initial years after the revolution. While previously it was very difficult to obtain a passport, in recent years it has become much easier. However, departure procedures are still such that it would be highly improbable that anyone with a forged passport in which name and number do not tally would be able to leave the country. Security officials at the airport possess lists of suspected or wanted persons and it is not unusual that passengers wishing to leave are prevented from leaving and told to refer to the security department. In general, the security checks at Tehran airport are still very strict and it is doubtful that anyone with a security record and convictions in Iran for political offences would be able to leave the country legally by air. Yet, although the degree is hard to assess, corruption certainly exists and in individual cases people may be able to bribe their way out of the airport. ... However, leaving the country across the border to Pakistan, but also to Turkey and Azerbaijan, is fairly easy and happens all the time." [3c] (p107)

- 27.06 A CIRB information request dated 3 April 2006 noted that counterfeit Iranian passports can be purchased easily on the black market with prices fluctuating according to quality, but authorities are generally adept at identifying these documents via a 'double check' mechanism in the law enforcement database which tracks passport issuance. [2x]

- 27.07 According to the CIRB and UNHCR, in May 1997 and June 2001 respectively, people seeking to leave Iran illegally do so most commonly overland through Turkey, Pakistan or Azerbaijan. [2c] (p21) [3c] The penalties for violating or attempting to violate exit regulations, such as leaving on an illegal or falsified document, range from one month to three years' imprisonment and/or a fine. [2c] (p24) The actual penalty is dependent on the individual circumstances. (FCO, 20 August 2001) [26e]

- 27.08 According to the USSD report for 2007:

“Citizens returning from abroad occasionally were subjected to searches and extensive questioning by government authorities for evidence of anti-government activities abroad. Recorded and printed material, personal correspondence, and photographs were subject to confiscation.” [4t] (Section 2d)

- 27.09 According to the European COI Seminar Berlin Report 2001, on the basis of the information Amnesty International receives, usually a person who returns will be asked why s/he was abroad. If the answer is along the lines of ‘I just tried to find a job’, they will most likely be allowed to go home to their families. Generally speaking, it does depend on what kind of documentation exists on the returnee and what the actual practice of the country is, in which the concerned individual applied for asylum. [3c]
- 27.10 According to the European COI Seminar Berlin Report 2001, upon return, in recent years the practice has become more liberal with regard to possession and confiscation of items purchased abroad, such as CDs from Dubai and other western products. It mostly depends on what the authorities are looking for. If they assume that a person has returned from a country like the USA, this person certainly will be questioned and undergo stringent checks, but will normally not be detained for a longer period of time. [3c]
- 27.11 It was reported by the BBC Monitoring Service on 2 September 2002 that in September 2002 the deputy foreign minister announced that Iranians who have obtained the citizenship of foreign countries with Iran’s prior agreement can, once again, become Iranian citizens and further that the question of illegal exit had been resolved. [21bg]
- 27.12 According to the FCO, in the case of returned asylum seekers it has been reported by observers that they had seen no evidence that failed claimants, persons who had illegally exited Iran, or deportees faced any significant problem upon return to Iran (although cases that gain a high profile may face difficulties). [26f] According to the CIRB in a July 1999 report:
- “Several times in the recent past, senior government officials have declared that all Iranians living abroad are welcome to return home without fear of reprisal. ... and the Foreign Ministry’s Consular Department has confirmed that applying for asylum abroad is not an offence in Iran.” [2t]
- 27.13 In contrast to this opinion, it was also stated in the same source that:
- “The only exception to this, he [a representative of the Centre for Arab and Iranian Studies (CAIS) in London, United Kingdom, who is an editor with al-Moujuz an Iran, a political scientist by training, and a member of the Association of Iranian Writers in Exile] stated, might be persons who are extremely critical and/or advocate the overthrow of the government through the use of force; he named the Mujahedin-e-Khalq Organization as an example. The representative stated that family members of these persons could face difficulties leaving the country, but added that the son of Massoud Rajavi, the leader of the Mujahedin, lives in Iran and goes to university there. And alsothat relatives of high profile refugee claimants outside Iran could face some difficulties.” [2t]

27.14 The Advisory Panel on Country Information (APCI) review of the COI Service's Iran COI Report of Augst 2008, undertaken by Dr Reza Molavi and Dr Mohammad M Hedayati-Kakhki of the Centre for Iranian Studies at Durham University, dated 23 September 2008, (APCI Report 2008) stated that:

:

“According to Article 34, any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years imprisonment, or will receive a fine between 100,000 and 500,000 Rials. In order to proceed the cases relating to illegal departure, a special court is located in Mehrabad Airport in Tehran. Its branch number is given as 1610. If an Iranian arrives in the country, without a passport or any valid travel documents, the official will arrest them and take them to this court. The court assesses the background of the individual, the date of their departure from the country, the reason for their illegal departure, their connection with any organisations or groups and any other circumstances. The judge will decide the severity of the punishment within the parameters of Article 34. This procedure also applies to people who are deported back to Iran, not in the possession of a passport containing an exit visa; in this case the Iranian Embassy will issue them with a document confirming their nationality....illegal departure is often prosecuted in conjunction with other, unrelated offences. Such a methodology appears to suggest that it is the investigation into the facts surrounding the easily observable and provable offence of illegal departure, namely the motive for such an act (as a decision to depart illegally suggests a desire to escape prosecutorial/police detection for past illegal deeds), that eventually results in the discovery of the underlying offence, leading to a combined prosecution.” [6a] (p76)

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EXILES / DISSIDENTS OUTSIDE IRAN

27.15 According to Jane's Sentinel, dated 1 April 2008:

“Iran has ... in the past assassinated Iranian opposition figures in exile, with such infamous examples as the murdering of the ex-prime minister Shapour Bakhtiar in 1991 in his Paris home and the gunning down of four prominent Iranian Kurdish activists in a Berlin restaurant in 1992 and in Vienna in 1990. Most recently, on 10 November, 2006, an Argentinian judge issued warrants of arrest against Hashemi Rafsanjani and eight other Iranian officials. The Argentinian authorities charged the former President and his former aides for ordering a terrorist attack against a Jewish cultural centre in Buenos Aires in 1994, in which 85 were killed and 300 injured. The judge ruled that Hizbullah executed the bombings on orders from the highest levels of the Iranian government. Overall, the 1990s witnessed an inconsistent Iranian foreign policy, which contained the pragmatists' efforts at détente with the West, but at the same time ... included what they considered the legitimate liquidation of 'enemies of the state'.” [125a]

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FOREIGN REFUGEES

28.01 The US State Department *Country Report on Human Rights Practices 2008*, Iran, released on 25 February 2009, (USSD Report 2008) stated:::

“The law provides means for granting asylum or refugee status to qualified applicants in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government had a system for providing protection to refugees. The government did not always provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

“On December 1, UNHCR estimated that there were 915,000 registered Afghan refugees in the country, 3,166 of whom the UNHCR repatriated to Afghanistan during the year. The government continued to postpone discussions to renew the tripartite repatriation agreement; however, at an international conference on resettlement and repatriation held in Kabul in November, the government verbally committed to permit registered Afghan refugees to stay until they voluntarily repatriate or resettle elsewhere.

“In addition to the 915,000 registered Afghan refugees, UNHCR estimated as many as 1.5 million Afghans illegally resided in the country as migrant workers. The government continued to deport illegal Afghan migrants. On March 4, the government announced it would deport all Afghans who lacked refugee documentation, and UNHCR reported that 403,000 Afghans were deported. There were reports of some registered refugees included in mass deportations during the last several years, although these reports were not officially documented. According to HRW, many of those deported received no warning that they were being deported, and many were separated from their families or had little time to collect belongings and wages. Other deportees claimed they were beaten, detained, or required to perform forced labor for several days before being deported. Among the deportees were vulnerable individuals and families who required humanitarian assistance upon arrival in Afghanistan. At the November conference on Afghan refugees in Kabul, the Iranian delegate stated that Afghan refugees would continue to be treated as ‘respected guests’ and that the two countries were discussing the issuance of 300,000 visas to Afghan workers. However, no new visa arrangement had been announced by year's end.

“Since 2007 authorities maintained approximately 19 ‘No Go Areas’ in the country for Afghan refugees, according to UNHCR. Refugees were required to register and relocate in areas the government approved; those who did not were considered unregistered and remained subject to deportation. Afghan and Iraqi refugees faced a lack of job opportunities, and the government at times failed to grant them residence or work permits, effectively preventing them from obtaining health insurance coverage.

“According to UNHCR, a total of 58,091 Iraqis were registered as refugees in the country during the year. The government's 2007 registration was open only to Iraqis who had arrived before 2005. UNHCR registered later arrivals. Voluntary repatriation by Iraqis increased over the past two years; UNHCR did not assist any Iraqi repatriations in 2006 but supported 238 in 2007 and 2,376 during the year. However, UNHCR noted that most repatriates were those who fled Iraq before 2007 and new Iraqi refugees continued to arrive

in the country. The majority of Iraqi refugees lived in urban areas, but an estimated 5,000 Iraqis lived in 12 settlements and received UNHCR and World Food Program assistance.” [4a] (Section 2d)

- 28.02 According to the United States Committee for Refugees and Immigrants World Refugee Survey 2008 (USCRI 2008) released on 19 June 2008:

“Most [Aghans] lived in towns and cities but some 25,000 lived in six camps or settlements administered by the Bureau for Alien and Foreign Immigrant Affairs (BAFIA). In February, the Office of the UN High Commissioner for Refugees (UNHCR), and the Governments of Iran and Afghanistan signed a Tripartite Agreement extending the assisted voluntary return program for refugees until March 2008. Since the beginning of the 2002 program, over 1.5 million Afghans repatriated, including 846,000 with the assistance of UNHCR. With security deteriorating in Afghanistan, only about 7,500 returned voluntarily in 2007.” [35a]

- 28.03 The USCRI 2008 survey further reported that Iran hosted 1,003,100 refugees and asylum seekers, including 914,700 Afghans and nearly 57,400 Iraqis. The Government estimated an additional 1.5 million unregistered Afghans were living illegally in the country. [35a]

- 28.05 The USCRI 2008 survey stated that Iran issued Special Identity Cards (SIDs) that provided greater privileges to Afghan refugees who were religious students, disabled in war, relatives of martyrs, or married to Iranians. Upon reaching school age, children received refugee cards. [35a]

- 28.06 A report by the Afghanistan Research and Evaluation Unit on second-generation Afghans in Iran, published in April 2008, explains the different identity cards issued by the Bureau for Aliens and Foreign Immigrants Affairs (BAFIA):

“The identification (ID) card constitutes the external layer of an individual’s identity and records the individual’s personal characteristics. Since the arrival of Afghans in the late 1970s, BAFIA has issued several identification cards in a variety of colours. For example, from 1979–92, most Afghans entering Iran were issued with ‘blue cards’ which indicated their status as involuntary migrants or mohajerin. Blue card holders were granted indefinite permission to stay in Iran legally. Until 1995, blue card holders had access to subsidised health care and food, and free primary and secondary education, but were barred from owning their own businesses or working as street vendors, and their employment was limited to low-wage, manual labour. ... ID cards are required to register children at school and to travel outside of the place of residence registered on the card. Respondents had been issued with various coloured ID cards from BAFIA (pink, red, green, gold), each colour representing a certain year of issue and period of validity. ... Characteristics of the cards listed as being held by respondents follow:

“• Amayesh identification (pink card): issued by BAFIA since 2003, the majority of Afghans in Iran are said to hold Amayesh identification.

“• Amayesh identification (gold card): issued by BAFIA, these cards accord additional rights such as the right to have a bank account in Iran, and are issued to high-ranking figures such as Afghan clergy, and those with government positions.

“• Educational passport: issued by universities and religious schools to Afghan students to indicate full-time enrolment as students.

“• Iranian identification (shenasnameh): issued by BAFIA to children aged 18 years and above, born of mixed marriages whose Afghan parent has a passport from Afghanistan.” [110] (p49)

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CITIZENSHIP AND NATIONALITY

- 29.01 According to the US Office of Personnel Management in their 2001 report on citizenship criteria, citizenship is based upon the Iranian Civil Code which stipulates that in general, birth within the territory of Iran does not automatically confer citizenship. Some instances where birth does confer citizenship is when a child is born to unknown parents; children born to non-citizens, one of whom was born within Iran; or a child born of a father of foreign nationality, if immediately after reaching the age of 18 the young person continues to live within Iran for at least one year. A child born to an Iranian father regardless of the country of birth is Iranian by descent. [32] On 24 September 2006 Iran's parliament passed a law allowing children with an Iranian mother and a foreign father to acquire Iranian nationality after they reach 18. (Gulfnews.com, 25 September 2006) [20a] According to the country's civil code, citizenship was derived from birth in the country or from the male parent. Citizenship could be acquired upon the fulfillment of the following criteria: persons were at least age 18, lived in the country for more than five years, were not military service escapees, and had not been convicted of a major crime in the country of origin or country of residence. (USSD, 11 March 2008) [4t] (Section 2d)
- 29.02 According to the US Office of Personnel Management in their 2001 report on citizenship criteria, Iranian citizenship may be acquired upon fulfilment of the following conditions: the person must have reached the full age of 18, have resided in Iran for five years, whether continuously or intermittently, not be a military service escapee and not have been convicted of a major or non-political crime in any country. [32] [68a] The wives and minor children under 18 of naturalised citizens are also considered Iranian citizens. Dual citizenship is not recognised. [32]

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FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

30.01 A CIRB report of 3 April 2006 provided the following:

“Fraudulent or counterfeit passports

“Based on consultations with UNHCR personnel in Tehran, a UNHCR official stated that, while counterfeit Iranian passports can be purchased rather easily on the black market with prices fluctuating ‘according to the quality of the counterfeit work,’ authorities are generally adept at identifying these documents via a ‘double check’ mechanism in the law enforcement database which tracks passport issuance (UN 31 Mar. 2006). Under Article 15(1) of the 1988 amended Passport Act, individuals found guilty of making fraudulent or counterfeit passports face 18 months in prison (ibid.). However, the UNHCR official also added that the ‘Islamic Penal Code prescribes other punishments for those who are involved in forgery activities’ (ibid.). For example, under Article 525(2) of the Islamic Penal Code, anyone caught using a ‘fake stamp’ in a passport can be ‘subject to one to ten years of imprisonment’ (ibid.). [2x] (p2)

See also [Exit and entry procedures](#) and [Corruption](#).

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EXIT AND RETURN

31.01 A CIRB report of 3 April 2006 provided the following:

“Passport features and procedures

“In a 2 February 2006 telephone interview, an official at the Embassy for Iran in Ottawa provided the following information about Iranian passports. Depending upon the volume of demand, it takes approximately one month to obtain a passport after the application has been made. Passports are valid for five years. In order to obtain a passport, it is important for the applicant to have a birth certificate. The applicant must apply for and pick up their passport in person.” [2x] (p1)

The report continued:

“...The Iranian police force, the Law Enforcement Forces (LEF), is the passport issuing authority in Iran and has nine passport offices in Tehran as well as forty-nine others in cities across the country (ibid.). To apply for a passport, individuals over the age of 18 years old must appear in person at the LEF passport office, complete and submit an application form and present the required identification documentation (ibid.). While obtaining a passport was more complicated for certain individuals, namely those who had ‘matters to settle with the Iranian authorities’ or married women who must first obtain permission from their husbands in order to apply for a passport, the 2000 report stated that individuals of religious and ethnic minorities did not face any difficulties in obtaining a passport (ibid.)...” [2x] (p2)

The report further continued:

“The report of the Danish Immigration Service’s 2000 fact-finding mission partially corroborated the preceding information, stating that, according to Iranian authorities at Tehran airport, passport control officers used stringent control procedures and ‘technical equipment for scrutinizing travel documents in cases of suspected forgery’ (Denmark 1 Oct. 2000). In addition, the report stated that passport control authorities at the airport and border areas had been trained to recognize false travel documentation (ibid.)...In August 2005, the director general of the Iranian Police Passport Department noted that, since the creation of a new passport application system in March 2005, there had been no reports of forged passports (*Iran Daily* 21 Aug. 2005).” [2x] (p2)

31.02 Another report from the CIRB, dated 3 April 2006, reported the following:

“Difference between exit permit and exit stamp

“In a 1 March 2006 telephone interview, an official at the Embassy for Iran in Ottawa provided the following information about the difference between exit permits and exit stamps. Iranians who wish to travel abroad must apply for an exit permit. After verification of the applicant’s background, an exit permit is stamped in the applicant’s passport indicating that the applicant is permitted to leave the country. However, the entry/exit stamp, which indicates the date of entry into and exit from Iran, is different from the exit

permit stamp. This entry/exit stamp is similar to what is used in other countries to indicate the date of departure or return of a passport holder.

“Corroborating information could not be found among the sources consulted by the Research Directorate.

“Exit permits

“According to the March 2006 Travel Information Manual (TIM) published by the International Air Transport Association (IATA), exit permits are required for:

“1. non-nationals of Iran whose entry visa – issued abroad – is not provided with a combined entry/exit permit. They must obtain an exit permit from the Foreigners Service of the Ministry of Interior. Foreigners must have registered within 48 hours after entry [into] Iran.

“2. nationals of Iran, who must obtain a passport endorsed with an exit permit from the police department. There are 3 types of exit permits: a) Green exit stamp: valid as long as passport validity; b) Blue exit stamp: valid for the period mentioned; c) Red exit stamp: valid for one exit only (TIM Mar. 2006, 228).

“Similarly, the August 2005 United States (US) Department of State Consular Information Sheet for Iran noted that

‘[a]ll Iranian nationals, including American-Iranian nationals, should have an exit permit stamped in their passports. The stamp is affixed to page 11 or 13 of the Iranian passport when it is issued and remains valid until the expiration date of the passport’ (25 Aug. 2005).

“A 2000 Danish Immigration Service report on Iran explained that all Iranian passport holders require ‘exit visa’ stamps to travel abroad (Denmark 1 Oct. 2000, 9-10). The report added that this ‘exit visa’ is stamped on page 10 of an Iranian passport (ibid.).

“In March 2006 correspondence to the Research Directorate, however, an official from the [Office of the] United Nations High Commissioner for Refugees (UNHCR) stated that exit visas were not required for Iranian nationals, but that individuals ‘who work in sensitive fields, such as atomic energy or military industries’ should apply for an exit permit ‘each time they want to leave Iran’ (31 Mar. 2006, Sec. 3). Furthermore, in applying for a passport, married women require their husband’s written consent, which also outlines the frequency of exits from Iran that he allows his wife (UNHCR 31 Mar. 2006).” [2y] (p1)

31.03 The APCI report of 23 September 2008 noted that:

“... In the past, namely prior to approximately December 2006, a separate, green stamp was physically included to the passport at the time of issue to authorise the general right to travel, leading to some confusion in terminology, calling it an ‘exit authorisation/stamp’; the current procedure of making this a precondition for the very issuance of the passport reflects more accurately the nature of this process.” [6a] (p72)

31.04 The CIRB report, dated 3 April 2006, went on to outline:

“Restrictions to certain applicants

“With regard to restrictions applied to certain categories of applicants, Country Reports 2005 claimed that ‘[t]he Government required exit permits for foreign travel for draft-age men and citizens who were politically suspect’ (8 Mar. 2006, Sec. 2.d). Moreover, the same report added that ‘[s]ome citizens, particularly those whose skills were in short supply and who were educated at government expense, must post bonds to obtain exit permits’ (Country Reports 2005 8 Mar. 2006, Sec. 2.d).” [2y] (p2)

31.05 The APCI report stated that:

“... a check is carried out, at the time of passport issue, in relation to any other outstanding security issues, such as outstanding warrants, which could prevent either a male or a female from being issued the passport. This takes place at the time of the general passport application rather than when issuing any particular ‘exit stamp’, as explained above. This is done using a specialised database, which is also the same system used at the airport when conducting the final verification of eligibility to travel at the security checkpoint, as will be explained below. Where women are concerned, this is done in addition to the marital-consent check for married women.” [6a] (p73)

31.06 The report continued:

“However, it must be clarified that, in reality, only those individuals who have been the subject of a specific Exit Ban order are ‘flagged’ on this system, rather than those who are being investigated, released on bail, summonsed to court or indeed any other stage prior to the issuing of the actual Exit Ban. ...Exit Bans are only rarely issued unless there is a very specific reason to believe the individual would attempt to depart from the country.” [6a] (p74)

31.07 In another report dated 3 April 2006, the CIRB reported on:

“Entry and exit procedures

“In 31 March 2006 correspondence to the Research Directorate, a United Nations High Commissioner for Refugees (UNHCR) official provided the following information based on consultations with UNHCR personnel in Tehran:

“Verification of passports and documentation at departure points at land borders and airports is carried out in the last phase of [the] exit procedure. This means that in airports, after the tickets are checked and the luggage is delivered to the airline and before getting into the waiting area for departure, the passports shall be checked by a Disciplinary Forces officer who verifies in [the] NAJA [law enforcement] database whether the passport is fake and whether the person standing in front of the officer is the same person whose name and photo appears on the passport.

“The UNHCR official also mentioned that passport verification is carried out in the same way at land borders (31 Mar. 2006).

“A report published in 2000 by the Danish Immigration Service provides comprehensive information on the series of checkpoints that individuals exiting the country from Mehrabad International Airport are required to pass through:

“On arrival at the airport, passengers show their passports and tickets in order to gain access to the departures area. This is done in order to ensure that the persons concerned have valid passports and tickets for the flight in question.

“Passengers then arrive at the first baggage inspection point. All baggage is screened and passengers walk through a metal detector. Passports and tickets are also shown at this inspection point.

“Once through the baggage inspection point, passengers proceed to the customs area, where baggage is checked manually. These checks aim to prevent the export of items which may not be taken out of the country. Passports are also shown at this checkpoint.

“Passengers then proceed to the airline check-in desks, where they present their passports, tickets and baggage. Once their passports and tickets have been checked, they are issued a boarding pass.

“All ticket checks are carried out by representatives of the Iranian national airline, Iran Air.

“However, in the case of flights involving other airlines, representatives of those airlines are present, and some of them carry out visa checks at the check-in desks.

“After check-in, passengers go upstairs to the first floor. Here they arrive at the last passport checkpoint, which forms the actual exit control. This is where travel documents are examined in detail. Two passport inspectors sit in each passport control booth. Each inspector normally has a separate queue to deal with. Passengers can usually stand in either queue without awaiting further instructions from an official.

“Once a passenger reaches the passport inspection booth, he gives his passport to the two passport inspectors. Married couples, however, are dealt with together. In the case of Iranian nationals, the information contained in the passport is checked against data stored in a computer system to which the inspectors have access. The data stored in the computer system cover both Iranian nationals and persons permitted to reside in Iran.

“According to the passport inspectors and the Iranian police (LEF), this system indicates whether an individual passenger has any unsettled matters with the Iranian authorities. If so, the person concerned is refused permission to leave Iran. However, a person may be permitted to leave the country even if he has an outstanding matter. In such cases he must present a written order from a judge. Whether an exit permit will be granted depends on the nature of the individual case.

“Once all formalities have been checked and found to be in order, an exit stamp is inserted in the passport and the passenger can then continue through to the transit hall, where there are tax-free shops, lounges, etc.

“There is another security check as passengers leave the transit hall and walk towards the aircraft.

“Leading up to this checkpoint there is one exit for women and one for men. Hand baggage is screened while passengers approach a booth manned by an official. Here passengers are body-searched before continuing on towards the departure lounge.

“When the flight is ready to depart, passengers go up to a desk where the airlines check passports and visas and collect boarding passes. Passengers then proceed straight to the aircraft, either via one of the four air bridges located at Mehrabad airport or on buses which ferry them out to the aircraft (Denmark 1 Oct. 2000, 11-12).

“With regard to entry procedures, the 2000 report, citing a ‘high-ranking airport official,’ noted that upon deplaning, all passengers are checked through ‘passport control’ (ibid. 15). In particular, records of Iranian nationals are verified to determine whether they ‘have any outstanding business with the Iranian authorities’ (ibid.). If found to be the case and an individual is flagged for a ‘matter to settle with the authorities,’ then said individual would face one of two actions: arrest or passport confiscation (ibid.). In either case, the Iranian national would need to settle the matter in question with [the] authorities before he or she can be freed or retrieve his or her passport (ibid.).” [2z] (p1)

31.08 In a report dated 7 December 2005, the CIRB reported that:

“Iranian women must obtain permission from their husbands in order to acquire a passport...Two human rights sources noted that the husbands permission to obtain a passport is a legal requirement stipulated under Article 18 of the country’s passport law (ibid; WFAFI 2005). Moreover, according to Country Reports 2004, permission for a woman to obtain a passport could also be provided by ‘their father, or another male relative,’ however, ‘[m]arried women must receive written permission from their husbands before being allowed to leave the country’ (28 Feb. 2005, Sec. 2.d.).” [2aa] (p1)

31.09 The APCI report of 23 September 2008 stated that:

“The authorisation which permits a woman to receive a passport and, by default, travel outside Iran unless otherwise specified by the husband, is referred to as the Consent for International Travel. However, it is a common misconception that this Consent is itself some form of visual attribute, such as a stamp, present in the passport and verifiable. In fact, as the Consent for Travel is a prerequisite for the issuance of the passport itself, the very fact of a woman’s possession of such a passport serves as an indicator to the relevant inspecting official, at the border, that she is in fact authorised to travel, without the need for a discrete ‘stamp’ as provided following a husband’s consent. The only indicator of this fact, common to both men and women, is a pre-printed notice containing a box with text (“Date of issue... The holder of this passport is authorised, to cross the national border, on a multiple-entry basis, subject to the payment of the exit fee on each occasion”) on page 6 of the new-format passports. “ [6a] (p72)

31.10 In a report dated 17 November 2005, the CIRB reported that:

“In 10 and 16 November 2005 telephone interviews with the Research Directorate, the first counsellor of the Embassy of the Islamic Republic of Iran in Ottawa provided the following information:

“A minor child can leave Iran only with the consent of his or her father. A mother cannot bring a child out of the country without the consent of her husband. If the father decides to bring the child out of the country, no further consent is required. The father's consent must be provided at the time the child obtains a passport. In order to obtain a child's passport, the father must apply in person, in which case he can grant permission to his wife to take the child out of the country. The child's passport is stamped to indicate the valid period (often five years) in which the mother can take her child out of the country. There are generally no further steps required, even at the airport, for a mother to take her child out of the country. However, the father can decide to cancel the validity of the passport stamp at any time, thereby forbidding the mother to leave Iran with her minor child.’ The counsellor could not provide further details on the procedure that must be followed by a father who wishes to cancel the validity of the passport stamp.

“...the counsellor added that minor children (under 18) of Iranian citizens require their father's permission to leave Iran, ‘even if the mother has been granted full custody by an Iranian court,’ and further added that since non-Iranian women who marry Iranian nationals must convert to Islam and acquire Iranian citizenship, they too require their husbands permission to depart the country.” [2ab] (p1)

31.11 The APCI report of 23 September 2008 stated that there was:

“(a) “...requirement for an administrative fee that must be paid in order to be enabled to leave the country. This step applies to both for men and for women regardless of marital status, is an administrative rather than a security step.

“... the contemporary procedure, in place by the end of 2006, requires the official to issue a separate receipt, on a discrete piece of paper unattached to the passport, indicating confirmation—as this is more consistent with the fact that the stamp is not a security/immigration measure but rather a levy-collection one. The individual who left legally and in compliance with this procedure would not have evidence of this payment as the receipt/confirmation is handed over to the border official to prove that payment has occurred. The payment procedure is still often mistakenly referred to as ‘stamping’ the passport for exit.” [6a] (p73)

31.12 The CIRB, in a report dated 3 April 2006, commented on:

Illegal entry and exit

“The UNHCR official in Tehran provided the following information with regard to illegal entry and exit:

“It is easier to enter into Pakistan and Afghanistan, due to the fact that Afghans and Pakistanis living in the border regions cross the border easily and continuously. The majority of the population living in the poverty-stricken

regions of the South East of Iran resort to lucrative activities such as the smuggling of goods and human beings.

“Kurds living on both sides of the border between Iran and Turkey help people to pass across the border. In this case, the fact that Kurds have always been passing through the border and also the difficulty of controlling borders in the mountainous regions of Kurdistan makes the smuggling of goods and people easier for smugglers.

“UNHCR has not received any information about moving to and from Azerbaijan, perhaps because such moves are not so prevalent.

“As to Oman and the United Arab Emirates, moving from the southern regions of Iran to those countries by using local boats is a long standing tradition. People living on both sides of the Gulf construct their own boats with minimum instruments and use them for their own shipping activities, (31 Mar. 2006).

“Apparently due to the volatility of the region, travel information websites strongly advise against overland travel between Iran and Pakistan (Canada 27 Jan. 2006; UK 9 Mar. 2006; Yahoo! Travel Guide n.d.). In addition, the website of the Lonely Planet travel guide reported that in Iran, ‘[r]oad travel can be interrupted by roadblocks at any time of year, most frequently on either side of a main city, but occasionally dotted through remote areas near the Pakistan and Afghanistan borders’ (n.d.).

“For travel by sea, ferries reportedly cross the Persian Gulf to and from the United Arab Emirates, Bahrain, Kuwait, and Qatar (Yahoo! Travel Guide n.d.). In addition, it is ‘also possible to travel across the Caspian Sea on an irregular cargo boat between the Azerbaijan capital of Baku and Bandar-é Anzali’ (ibid.).

“Much of the information about illegal entry and exit from various land and sea borders is drawn from reports about illegal migrant workers (UN 23 Dec. 2004, Para. 12; BBC 8 Sept. 2005) and human trafficking (USSD Trafficking in Persons Report 3 June 2005; *Iran Daily* 29 Jan. 2006). The 2004 United Nations (UN) Special Rapporteur’s report on the human rights of migrant workers noted that,

“[o]wing to its geographical location, a number of persons, mainly from Bangladesh, Afghanistan and Pakistan, cross the border to try to settle irregularly in Iran or to transit irregularly through Iran, the main entry points being Baloushistan Province or the Oman sea for those wishing to go to neighbouring Arab States. If caught at the border, the irregular migrants are initially detained by the police in ‘special camps’ or ‘closed camps’ prior to being deported and handed over to the authorities of the country of origin. If caught within Iran, they are brought before a judge and might face a fine prior to being deported, (23 Dec. 2004, Para. 12, 7).” [2x] (p3)

See also [Corruption](#) and [Forged and fraudulently obtained official documents](#).

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EMPLOYMENT RIGHTS

- 32.01 Freedom House's report 'Freedom of Association Under Threat – Iran', dated 21 November 2008, stated that:

"Free trade unions do not exist in Iran, despite the country's membership in the International Labor Organization (ILO) and ratification of ILO Convention 87, which calls for freedom of association and the right to organize. The right to collective bargaining is denied, and workers are not protected by the right to mediation and arbitration. Authorities rarely enforce child-labor laws, and children are forced to work in unsafe conditions. Unions that do exist are closely monitored by the state, including Workers' House, the official state union. Ahmadinejad's administration has increased surveillance of unions and has become involved in their elections. In August 2006, for example, the Ministry of Labor banned polls for the Trade Union of Journalists, though the group had conducted such elections six times previously.

"Strikes and work stoppages – most notably by transport workers, teachers, and factory employees – are common but illegal and typically suppressed. Demonstrations by Workers' House are also controlled, and the group was prohibited from holding a gathering to mark International Labor Day in 2003. The Teachers' Union has organized strikes and rallies protesting low wages for years, and a series of rallies in 2007 resulted in the arrest of the union's secretary general and numerous teachers throughout the country. Mansur Osanlu, head of the Vahed bus drivers' union, spent most of 2006 and 2007 in prison for organizing a bus drivers' strike in December 2005 that resulted in the imprisonment of hundreds of bus drivers, union organizers, and their families." [112e]

- 32.02 The US State Department Country Report on Human Rights Practices 2008, released on 25 February 2009 (USSd report 2008):

"The law provides workers the right to establish unions; in practice the government did not permit independent unions. A national organization known as Workers' House was the sole authorized national labor organization. It served primarily as a conduit for government control over workers. The leadership of Workers' House coordinated activities with Islamic labor councils in industrial, agricultural, and service organizations comprising more than 35 employees. These councils, which consisted of representatives of workers and a representative of management, also functioned as instruments of government control but nonetheless frequently blocked layoffs and dismissals in support of workers' demands. Restrictions on the ability of workers to associate continued during the year.... The law prohibits public sector strikes, and the government considered unlawful any strike deemed contrary to its economic and labor policies, including strikes in the private sector; however, strikes occurred. According to an October UNGA report, attempts to create a number of workers' associations and conduct labor strikes over wages have been met with arbitrary arrests and violence by security forces." [4a] (Section 6)

- 32.03 The same report noted "Workers did not have the right to organize independently or to negotiate freely collective bargaining agreements. According to the International Trade Union Confederation, labor legislation did not apply in export processing zones." [4a] (Section 6)

32.04 The USSD report 2008 also stated:

“The labor code prohibits all forms of forced or compulsory labor, including by children; however, there were reports that such practices occurred. Female citizens were trafficked internally for the purpose of forced prostitution. Citizen children were trafficked internally, and Afghan children were trafficked to the country for the purpose of forced commercial sexual exploitation and involuntary servitude as beggars and laborers....The law prohibits employment of minors younger than 15 years and places restrictions on the employment of minors younger than 18; however, the government did not adequately enforce laws pertaining to child labor, and child labor was a serious problem. The law permits children to work in agriculture, domestic service, and some small businesses, but prohibits employment of minors in hard labor or night work. There was no information regarding enforcement of these regulations.

“According to government sources, 3 million children were prevented from obtaining education because their families forced them to work. Unofficial sources claimed the figure was closer to 5 million. In 2007 Tehran reportedly opened several shelters for street children. There were reportedly significant numbers of children--particularly Afghan but also Iranian--working as street vendors in major urban areas. Many Afghan children were unable to attend school because they lacked birth certificates or identification cards, which the government reportedly refused to issue in an effort to curb illegal immigration.” [4a] (Section 6)

32.05 And further stated

“The law empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region. In March President Ahmadi-Nejad increased the minimum wage levels by 20 percent to 2.2 million rials (approximately \$220) per month, which labor groups stated did not provide a decent standard of living for workers and their families. There was no information regarding mechanisms to set wages, and it was not known whether minimum wages were enforced. Afghan workers, especially those working illegally in the country, often were paid less than the minimum wage.

“The law establishes a maximum six-day, 48-hour workweek, with a weekly rest day, normally Friday, and at least 12 days of paid annual leave and several paid public holidays.

“According to the law, a safety council, chaired by the labor minister or his representative, protects workplace safety and health. Labor organizations outside the country have alleged that hazardous work environments were common in the country and resulted in thousands of worker deaths annually. The quality of safety regulation enforcement was unknown, and it was unknown whether workers could remove themselves from hazardous situations without risking the loss of employment.” [4a] (Section 6)

[See Economy and Children](#)

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ANNEXES

Annex A: Chronology of events

This chronology is not designed to be a precise or comprehensive record of all events that may have occurred but rather is intended to provide a general framework which can inform further investigation as considered necessary.

- 1925** Reza Khan seized power in Persia by military coup. Subsequently elected Shah.
- 1935** Persia renamed Iran.
- 1941** British and Soviet forces occupied Iran; Shah forced to abdicate in favour of his son.
- 1946** Following end of war, occupying forces left.
- 1963** Shah launched 'White Revolution'. Reforms opposed by landlords and conservative clergy.
- 1964** Ayatollah Khomeini deported to Iraq for opposition activities.
- 1965** Prime Minister Mansur assassinated, reportedly by a follower of Khomeini.
- 1977-1978** Anti-government strikes and demonstrations.
- 1979** **January:** Shah forced to leave country.
February: Khomeini returned and took power.
April: Iran declared an Islamic republic. Supreme authority given to Walih Faqih appointed by clergy, initially Khomeini.
November: Students seized hostages in US Embassy in Tehran.
- 1980** **February:** Bani-Sadr elected President.
September: Iraq invaded Iran. Strongly resisted by Iran; outbreak of hostilities.
- 1981** **January:** US hostages released.
June: Fighting between MEK supporting Bani-Sadr and Revolutionary Guard Corps led to Bani-Sadr's dismissal and his departure at the end of July 1981, after several weeks of hiding, for France.
July: Muhammad Ali Rajaei voted President. Muhammad Javad Bahonar became Prime Minister.
August: President and Prime Minister killed in bomb attack; MEK blamed.
October: Hojatoleslam Ali Khamenei elected President; Mir Hussein Moussavi appointed Prime Minister.
- 1979-1985** Fierce repression of anti-government elements.
- 1987** Islamic Republican Party dissolved.
20 July: UN Security Council adopted Resolution 598.

- 1988** Ceasefire declared in Iran/Iraq war.
- 1989** **3 June:** Death of Ayatollah Khomeini. Replaced by Ayatollah Khamenei formerly President Khamenei.
July: Rafsanjani became President. Post of Prime Minister abolished.
- 1993** Rafsanjani re-elected with reduced margin.
- 1994** **February:** Rafsanjani survived assassination by BKO.
- 1997** **May:** Rafsanjani stood down. Seyed Mohammad Khatami won Presidential election by landslide.
June: Closure of the Iranian Embassy in Kabul, followed by a trade embargo with Afghanistan initiated by Iran.
August: Khatami inaugurated.
October: Khatami appointed former Prime Minister Moussavi as his senior adviser.
American vessels were present in the Persian Gulf to calm tension between Iran and Iraq over the September bombings in southern Iraq.
December: The Conference of the Organisation of the Islamic Conference was held in Tehran.
- 1998** **March:** The Iranian gas and oil industry was opened up to foreign investors for the first time.
June: The impeachment of the Interior Minister by the Majlis was followed by his immediate re-appointment by Khatami in a newly created Vice-President Cabinet post.
July: The former mayor of Tehran, Gholamhossein Karbaschi, was found guilty on charges of corruption and embezzlement. He was sentenced to five years imprisonment and other punishments.
The Solidarity Party of Islamic Iran was recognised and registered as a new political party.
An amnesty was issued for 1,041 prisoners sentenced by the revolutionary and public courts.
August: Iranians were permitted to visit Shi'a Muslim shrines in Iraq for the first time in 18 years.
British Airways resumed direct flights to Tehran.
Iranians, including diplomats, were captured by the Taleban in northern Afghanistan.
September: The Government of Iran gave the United Kingdom assurances that it had no intention, nor would it take any action to threaten the life of Salman Rushdie or those associated with his work, nor would it encourage or assist others to do so. They also disassociated themselves from the bounty offered to carry out the fatwa and stated that they did not support it.
October: The deaths of Iranians captured in August by the Taleban led to Iranian troops amassing at the border with Afghanistan. Exchange of mortar and artillery fire resulted.
- 1999** **February:** State and local elections held for the first time since the revolution.
July: A student demonstration for press reform resulted in a police raid on Tehran University dormitory complex. Six days of street riots followed the worst since the revolution.

- 2000** **February:** Khatami and his liberal/reformist supporters win 170 of 290 seats in the Majlis. Conservatives lose control of parliament for the first time since the revolution.
April: New Press Law adopted. Sixteen reformist newspapers banned.
August: Fatwa religious decree issued allowing women to lead religious congregations of female worshippers.
- 2001** **June:** Khatami re-elected for a second term after winning just under 77 per cent of the vote.
August: Khatami sworn in.
- 2002** **January:** US President describes Iraq, Iran and North Korea as an “axis of evil” in his State of the Union address. This is a reference to the proliferation of long-range missiles said to be under development and a perceived threat considered to be as dangerous to the US as terrorism. This statement causes offence across the Iranian political spectrum.
February: Iran rejects the proposed new UK ambassador to Tehran.
September: Russian technicians begin construction of Iran’s first nuclear reactor at Bushehr, despite strong objections from the United States. Iran accepts Britain’s nomination for a new ambassador, ending a diplomatic spat over the previous candidate’s rejection. UK Foreign Secretary, Jack Straw, is in Iran at the end of a Middle East tour for talks that are expected to focus on the Iraq crisis.
December: Richard Dalton, the new UK ambassador took up his post on 1 December 2002. Iran and Iraq consider resuming trade.
- 2003** **February:** A military aircraft crashes in the south-east of the country, killing all 302 people on board. It is Iran’s worst air disaster.
March: Local elections in Iran appear to have swung in favour of conservative candidates, in a blow to reformist President Khatami. Iran’s Revolutionary Guards renew the death sentence on British author Salman Rushdie, passed 14 years ago by the late Ayatollah Khomeini. Iranian Foreign Minister Kamal Kharrazi says his country is not taking sides in the war in Iraq.
June: Thousands attend student-led protests in Tehran against the clerical establishment.
August: Diplomatic crisis with UK over arrest of former Iranian ambassador to Argentina, sought by Buenos Aires on warrant alleging complicity in 1994 Jewish centre bombing.
September: UN nuclear watchdog gives Tehran weeks to prove that it is not pursuing atomic weapons programme.
October: Shirin Ebadi becomes Iran’s first Nobel Peace Prize winner. The lawyer and human rights campaigner became Iran’s first female judge in 1975 but was forced to resign after the 1979 revolution.
November: Iran says it is suspending its uranium enrichment programme and will allow tougher UN inspections of its nuclear facilities. International Atomic Energy Agency (IAEA) report says Iran has admitted producing high-grade plutonium for peaceful purposes, but concludes there is no evidence of a nuclear weapons programme.
December: 40,000 people are killed in an earthquake in south-east Iran; the city of Bam is devastated.

- 2004** **February:** Conservatives gain control of parliament in controversial elections. Thousands of reformist candidates were disqualified by the hardline Council of Guardians ahead of the polls.
June: Iran is rebuked by the IAEA for failing to fully cooperate with an inquiry into its nuclear activities.
Three British naval craft and their crews are impounded after allegedly straying into Iranian waters. The eight servicemen are released four days later.
November: Iran agrees to suspend most of its uranium enrichment as part of a deal with the EU.
- 2005** **February:** Amid tension with Washington over its nuclear programme, Iran forms a common “front” with Syria, another state which is under pressure from the US.
More than 400 people are killed in an earthquake in the southern province of Kerman.
June: Mahmoud Ahmadinejad, Tehran’s ultra-conservative mayor, wins a run-off vote in presidential elections, defeating cleric and former president, Akbar Hashemi Rafsanjani.
August: Tehran says it has resumed the conversion of uranium and insists the programme is for peaceful purposes. An IAEA resolution finds Iran in violation of the nuclear Non-Proliferation Treaty.
December: A military aircraft crashes in a Tehran suburb. More than 100 people are killed.
- 2006** **January:** Iran breaks IAEA seals at its Natanz nuclear research facility.
Bomb attacks in the southern city of Ahvaz the scene of sporadic unrest in recent months kill eight people and injure more than 40.
February: IAEA votes to report Iran to the UN Security Council over its nuclear activities. Iran says it has resumed uranium enrichment at Natanz.
March: Earthquakes kill scores of people and render thousands homeless in Lorestan province.
April: Iran says it has succeeded in enriching uranium at its Natanz facility.
31 August: A UN Security Council deadline for Iran to halt its work on nuclear fuel passes. The IAEA says Tehran has failed to suspend the programme.
December: Iran hosts a controversial conference on the Holocaust; delegates include Holocaust deniers.
UN Security Council votes to impose sanctions on Iran’s trade in sensitive nuclear materials and technology. Iran condemns the resolution and vows to speed up uranium enrichment work.
- 2007** **February:** IAEA says Iran failed to meet a deadline to suspend uranium enrichment, exposing Tehran to possible new sanctions.
March-April: Iran detains 15 British sailors and marines who were patrolling the mouth of the Shatt al-Arab waterway that separates Iran and Iraq. A diplomatic stand-off ends with their release two weeks later.
April: President Ahmadinejad says Iran can produce nuclear fuel on an industrial scale.
June: Protests erupt after government imposes petrol rationing amid fears of possible UN sanctions.
July: Iran agrees to allow inspectors to visit the Arak nuclear plant following talks with the IAEA.
August: The former president, Akbar Hashemi Rafsanjani, is elected head of the Assembly of Experts (the body which appoints, supervises and can

dismiss the supreme leader), a position which further solidifies the veteran politician's role within the Iranian establishment, one that is increasingly at odds with the incumbent president.

October: US announces sweeping new sanctions against Iran, the toughest since it first imposed sanctions almost 30 years ago.

December: A new US intelligence report plays down the perceived nuclear threat posed by Iran.

2008 February: Iran launches a research rocket to inaugurate a newly built space centre. Washington describes the launch as "unfortunate".

March: President Ahmadinejad makes unprecedented official visit to Iraq, where he calls on foreign troops to leave. He also stresses his government's desire to help rebuild Iraq and signs a number of cooperation agreements.

Conservatives win over two-thirds of seats in parliamentary elections in which many pro-reform candidates were disbarred from standing. The conservatives include supporters of President Ahmadinejad as well as more pragmatic conservatives who oppose his confrontational foreign policy.

May: IAEA says Iran is still withholding information on its nuclear programme.

Iran's new parliament elects former nuclear negotiator Ali Larijani as its speaker.

June: EU foreign policy chief Javier Solana presents an offer of trade benefits, which Tehran says it will look at, but will reject if it demands suspension of uranium enrichment.

July: Iran test-fires a new version of the Shahab-3, a long-range missile it says is capable of hitting targets in Israel.

August: Informal deadline set by Western officials for Iran to respond to package of incentives in return for halt in nuclear activities passes without reply.

Iran says it has successfully launched a test rocket capable of carrying a satellite into space.

September: UN Security Council passes unanimously a new resolution reaffirming demands that Iran stop enriching uranium, but imposes no new sanctions. The text was agreed after Russia said it would not support further sanctions.

November: Parliament votes to dismiss the interior minister, Ali Kordan, who admitted that a degree he said he held from Oxford University was fake. The move is a blow to President Ahmadinejad ahead of next year's presidential election.

In an unprecedented move, President Ahmadinejad congratulates US president-elect Barack Obama on his election win. Mr Obama has offered to open unconditional dialogue with Iran about its nuclear programme.

December: Police raid and close the office of a human rights group led by the Nobel Peace Prize winner, Shirin Ebadi. Officials say the centre is acting as an illegal political organisation.

2009 February: Speaking on the 30th anniversary of the Islamic revolution in Iran, President Mahmoud Ahmadinejad says he would welcome talks with the US as long as they are based on "mutual respect".

March: Supreme Leader Ali Khamenei tells anti-Israel rally that US President Obama is following the "same misguided track" in Middle East as President Bush.

April: An Iranian court finds Iranian-American journalist Roxana Saberi guilty of spying for the US. She is sentenced to eight years in prison.

May: Iran rejects a US state department report saying it remains the "most active state sponsor of terrorism" in the world.

Jailed Iranian-American journalist Roxana Saberi is freed and returns to US.

June: Mr Ahmadinejad is declared to have won a resounding victory in the 12 June presidential election. The rival candidates challenge the result, alleging vote-rigging. Their supporters take to the streets, and around 20 people are killed and more than 1,000 arrested in the wave of protests that follow.

As tensions escalate, supreme leader Ayatollah Ali Khamenei throws his weight behind Mr Ahmadinejad, while the powerful Guardian Council confirms the result and rules out any annulment. The Iranian authorities claim foreign interference is stoking the unrest, and single out Britain for criticism.

(BBC News, Timeline: Iran) [21dc]

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Annex B: Political organisations

The following comprises a list of parties and movements listed by Iranian name with English translation.

a) Political parties:

- Affiliate of Nehzat-e Azadi (Liberation Movement of Iran)
- Ansar-e-Hizbollah (Helpers of the Party of God)
- Fedayin-e Khalq (Warriors of the People)
- Hezb Democrat Kordestan Iran (Democratic Party of Iranian Kurdistan)
- Hezb-e Hambastegi-ye Iran-e Islami (Islamic Iran Solidarity Party)
- Hezb-e Kargozaran-e Sazandegi (Servants of Construction Party)
- Hezb-e Komunist Iran (Communist Party of Iran)
- Hezb-e-sabz Hayeh Iran (Green Party of Iran)
- Hezbollah (Army of God)
- Jebbeh-ye Masharekat-e Iran-e Islami (Islamic Iran Participation Front)
- Komala-ye Shureshgari-ye Zahmat Keshan-e Kordestan-e Iran (Revolutionary Organisation of the Toilers of Iran)
- Majma-e Niruha-ye Khat-e Imam (Assembly of the Followers of the Imam's Line)
- Mudjahedin-e Khalq (Holy Warriors of the People)
- National Council of Resistance
- Nehzat-e Azadi (Liberation Movement of Iran)
- Do-e Khordad (Second Khordad Front)
- Rahe Azadi (Democratic People's Party of Iran)
- Rahe Kargar (Organisation of Revolutionary Workers of Iran)
- Sarbedaran (Union of Communists of Iran)
- Tudeh Party of Iran (Party of the Masses)
- Worker-Communist Party of Iran

Monarchist groups:

- Babak Khorramdin Organisation (BKO)
- Constitutionalist Movement of Iran-Front Line (CMI)
- Derafsh-e Kaviani (Organisation of Kaviani Banner)
- Iran Paad
- Movement of National Resistance (MNR)
- Negahbanane Irane Djawid (NID) (Guardians of Eternal Iran)
- Shahin
- Shora-e Saltanat-talaban-e Iran dar Kanada (Iranian Monarchist Council of Canada) (IMCC)
- Sultanat Taliban

b) Political organisations

The following comprises a list of organisations with a short description of their political leanings.

Ansar-e-Hizbollah (Helpers of the Party of God)

Formed 1995, seeks to gain access to the political process for religious militants, and includes vigilante activities. Has aligned with some members of the clergy. A public physical assault on two reformist government ministers in September 1998 was

attributed to this group. Members were instrumental in the clashes with students in July 1999.

Ahwazi Democratic Popular Front (known as Ahwazian Arab People's Democratic Popular Front until 17 January 2007)

An Arabic group which is dedicated to the autonomy/independence of the mainly Arabic province of Khuzistan in south-western Iran.

Association for the Defence of Freedom and the Sovereignty of the Iranian Nation (ADFSIN)

Affiliate of Nehzat-e Azadi.

Babak Khorramdin Organisation

Monarchist, strongly anti-clerical. Has claimed responsibility for armed attacks within Iran, including an attempt to kill President Rafsanjani in February 1993.

Baluch National Movement

Seeks greater provincial autonomy.

Fedayin-e Khalq (Warriors of the People)

Urban Marxist guerrillas. Spokesman Farrakh Negahdar. In June 1980, the Fedayin split into at least two factions, namely Fedayin-e Khalq Aksariat (Majority, Moscow-oriented and affiliated to the Tudeh Party) and Fedayin-e Khalq Aghalliat (Minority, independent from the former Soviet Union).

Fraksion-e Hezbollah

Formed 1996 by deputies in the Majlis who had contested the 1996 legislative elections as a loose coalition known as the Society of Combatant Clergy. Leader Ali Akbar Hossaini.

Hezb-e Komunist Iran (Communist Party)

Formed 1979 on grounds that Tudeh Party was Moscow-controlled. Secretary General is Azaryun.

Iran Nation Party

An unregistered party previously tolerated by the Iranian authorities. Was led by Dariush Forouhar until he and his wife Parvaneh were murdered by unknown assailants on 22 November 1998. Current leader Bahram Namazi arrested with two other activists in July 1999.

Iran Paad

A self-proclaimed monarchist support organisation within the United Kingdom and other countries outside Iran. It is based in London and claims to have thousands of members. The group conducts meetings and has held some anti-Iranian regime demonstrations, mainly in London.

Islamic Iran Participation Front

One of a number of new political parties established in 1998. A reformist political group of cultural and political figures. Founded on search for freedom of thought, logical dialogue and rule of law in social behaviour.

Islamic Republican Party (IRP)

Formed 1978 to bring about Islamic revolution under Khomeini. Disbanded 1985.

Komala, or Komaleh, or Revolutionary Organisation of the Toilers of Iran

Established 1969, merged with Union of Communist Fighters in 1983 to form Communist Party of Iran. Two members of Komala reportedly executed in 1992.

Kurdistan Democratic Party of Iran (KDPI)

Largest Kurdish opposition group. The KDPI Congress in July 2004 changed the party's demands and replaced their previous aim of 'democracy for Iran and autonomy for Kurdistan' with the aim of 'federalism for Iran and national rights for Kurds.' Based in Iraq. At present, the party is led by its Secretary-General, Moustapha Hedjri. Former Secretary General Sadiq Sharifkandeh assassinated Berlin 1992.

KDPI Revolutionary Leadership/Command (KDPI RL)

Split from KDPI in late 1980s. Engaged in military operations. Reunited in January 1997.

Majma-e Hezbollah

Formed 1996 by deputies in the Majlis who supported Rafsanjani and who had contested the 1996 legislative elections as a loose coalition known as the Servants of Iran's Construction. Leader Abdollah Nouri.

Mojahedin-e Khalq (MEK)

Otherwise People's Mojahedin of Iran. Islamist/Marxist guerrilla group formed 1965. Member of National Council of Resistance. Leaders are Masud Rajavi and Maryam Rajavi, based in Iraq since 1986 with offices in Paris.

Movement of National Resistance

Monarchist, led by late Shapur Bakhtiar, forced into exile in Revolution 1978-1979. Paris-based. No longer very active.

Nehzat-Azadi (Liberation Movement of Iran/Iran Freedom Movement)

Nehzat-e Azadi (the Iran Freedom Movement). Nehzat-e Azadi descends from the movement that, in 1951, brought to power the democratic nationalist government of Mohammad Mossadegh, which was overthrown two years later by the Shah in a CIA-backed coup d'état. In 1979, the group was at the forefront of the Islamic revolution; tolerated by the Islamic regime, although it was declared "illegal" in 1991, after applying for registration in 1989. Supports constitutional rule by political parties within an Islamic framework; does not agree with a role for clerics in government. Led by Mehdi Bazargan and Secretary General, Dr Ibrahim Yazdi. Ten members of the Freedom Movement were arrested in April 2001 in the campaigns leading up to the June elections. The Freedom Movement was banned in March 2001 and officially dissolved in July 2002.

National Council of Resistance

Formed in Paris by former president Bani-Sadr and Masud Rajavi in 1981, following failed uprising. Initially a broad coalition, including MEK, KDPI, National Democratic Front, Hoviyat Group offshoot of the minority Fedayin and several small leftist groups. Bani-Sadr left 1984. Now under control of MEK.

National Liberation Army of Iran

Armed militant wing of MEK. Established in Iraq 1985. In July 1988 briefly held Iranian towns of Kerand and Islamabad Gharb. Driven back into Iraq by Iranian troops within days. At least 2,500 political prisoners executed in Iran as a result, not all linked to MEK. No other major military encounters with Iranian army.

Organisation of Kaviyani Banner/Kaviyani Flag or Derafsh Kaviani

Changed name in 1992 to Organisation for Human Rights and Fundamental Liberties for Iran. Emerged from defunct Iranian Salvation Front. Led by Manoucher Gandji, a former minister under the Shah. Main operation consists of broadcasts from radio station "Voice of Kaviyani Banner of Iran." Claims network of resistance cells and distributes audio and videotapes within Iran. Not involved in the armed struggle.

PJAK Kurdistan Independent Life Party

Affiliated to the Turkish PKK, which reportedly began operations in 2004.

Peykar

Minor communist opposition group.

Rah-e Kargar Worker's Road

Minor communist opposition group.

Rastakhiz Party

Formed 1975 to run one-party state under Shah. Inoperative since 1979 revolution.

Sarbedaran

Minor communist opposition group.

Solidarity Party of Islamic Iran

Officially recognised on 7 July 1998. It was set up by a group of Majlis deputies and executive officials. The party was registered in accordance with the provisions of the Interior Ministry's Article 10 pertaining to political parties. The Interior Ministry has approved the party manifesto and details of its founders. Secretary General Ebrahim Asgharzadeh.

Tudeh Party

Communist. Formed 1941, banned 1949, came into open 1979, and banned 1983. First Secretary Central committee Ali Khavari.

United Baluch Organisation

Seeks greater provincial autonomy.

Jebhe Ettihad E Melli Mihani Iran (United Front of Iranian Nationalists)

A European-based political organisation (established December 1997) which is believed to be the result of the National Front Party and the National Unity Party joining forces after the revolution. It appears to be Nationalist in outlook broadly supporting democracy, gender equality, secularism and the defence of Iran's borders. It purports to have an active presence within Iran, but to date it has proved extremely difficult to obtain any corroborative evidence. It has a UK office and supports a website which claims membership both within Iran and in some other countries. It produces a magazine called *Bamdad*.

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Annex C: Prominent people: past and present

The listing as compiled is by its nature subjective and general in content and is to a degree informed by current public events and news-orientated reports. It does not purport to provide a comprehensive listing of famous Iranians.

POLITICAL LEADERSHIP

Leader of the Islamic Republic and of the Nation: Supreme Leader Ayatollah Seyyed Ali Khamenei

Head of State: President Mahmoud Ahmadinejad

President: Mahmoud Ahmadinejad

First Vice-President: Parviz Davudi

Vice-President and Head of the National Youth Organisation: Ali Akbari

Vice-President and Head of the Atomic Energy Organisation: Gholamreza Aqazadeh

Vice-President and Head of the Management and Planning Organisation: Mansur Borqei

Vice-President and Head of the Foundation for the Affairs of Martyrs and War Veterans: Brigadier General Hossein Dehqan

Vice-President and Head of the Environmental Protection Organisation: Fatemeh Javadi

Vice-President and Head of Iran's Cultural Heritage and Tourism Organisation: Esfandiyar Rahim-Mashai

Vice-President and Head of the Physical Education Organisation: Mohammad Aliabadi

Vice-President for Legal and Parliamentary Affairs: Mohammad Reza Rahimi

Vice-President for Executive Affairs: Ali Saidlu

Minister of Agricultural Jihad: Mohammad-Reza Eskandari

Minister of Commerce: Massud Mir-Kazemi

Minister of Communications and Information Technology: Mohammad Soleymani

Minister of Co-operatives: Mohammad Abbasi

Minister of Culture and Islamic Guidance: Mohammad Hossein Saffar-Harandi

Minister of Defence and Armed Forces Logistics: Mostafa Najjar

Minister of Economic Affairs: Shamseddin Hosseini

Minister of Education: Alireza Ali-Ahmadi

Minister of Energy: Parviz Fattah

Minister of Foreign Affairs: Manuchehr Mottaki

Minister of Health, Treatment and Medical Education: Kamran Baqeri-Lankarani

Minister of Housing and Urban Development: Mohammad Saidi-Kia

Minister of Industries and Mines: Ali Akbar Mehrabian

Minister of Intelligence: Gholam Hossein Mohseni-Ezhei

Minister of the Interior: Ali Kordan

Minister of Justice: Gholam-Hossein Elham

Minister of Labour and Social Affairs: Mohammad Jahromi

Minister of Oil: Gholamhoseyn Nozari

Minister of Roads and Transport: Hamid Behbahani

Minister of Science, Research and Technology: Mohammad Mehdi Zahedi

Minister of Welfare and Social Security: Abdolreza Mesri

Governor, Central Bank of Iran: Tahmasb Mazaheri

Permanent Representative to the United Nations: Mohammad Khazaei

(Jane's Sentinel, 6 October 2008) [125d]

OTHERS

Aghajari Hashem

Political activist and university lecturer.

Bani-sadr Abolhasan

President 1980-1981. Dismissed by Khomeini and exiled to France.

Batebi Ahmad

Iranian student leader who shot to prominence during the Tehran University uprising of 1999. After being pictured on the front cover of the *Economist* waving the bloodied clothing of an injured contemporary, the 21-year-old undergraduate was sentenced to death in camera by a Revolutionary Court for sullyng the name of the Islamic Republic. The tariff was subsequently commuted to 15 years in prison. Given temporary release in early 2005 following an outcry from human rights groups, Batebi skipped bail and went on the run. He was reportedly re-arrested on 27 July 2006 and taken to an undisclosed place of detention, believed to be Evin Prison in Tehran.

In 2007, Batebi was released from prison for medical treatment. When ordered to return in March 2008, he escaped to Iraq with the help of Kurdish guides and now has humanitarian parole status in the US. (New York Times, 13 July 2008) [77c]

Bazargan Dr Mehdi

Leader of Liberal Movement of Iran Nehzat-Azadi. Prime Minister in provisional government Feb-Nov 1979. Died in January 1995.

Ebadi Shirin

Awarded the Nobel Peace Prize in 2003 for her work defending the rights of Iranian women.

Ebtekar Ma'sumeh

One of seven vice presidents appointed in 1997 and the first woman appointed to such a senior government post since the Islamic Revolution.

Ganji Akbar

Jailed dissident. Journalist Akbar Ganji, who was released from jail on 17 March 2006, had become a symbol of resistance for Iran's reformists. Ganji, the state's most prominent political dissident had continued his criticism of Iran's ruling clerics from behind bars. His case had drawn international concern – and powerful allies. US President George W Bush and then UN Secretary General Kofi Annan were among those who had called for his release.

Hashemi-Shahrudi Mahmoud

Head of the judiciary and close to both the president and the supreme leader. He has promised to co-operate with President Khatami in reforming the judiciary. He is broad-minded and relatively untouched by the factionalism which affects the ruling clerics in Tehran.

Hedjri Moustapha

Secretary-General, of KDPI.

Karbaschi Gholamhossein

The former mayor, who took office in 1989, was convicted on embezzlement charges and sentenced in July 1998 to five years in prison, later reduced to two years on appeal. He was also barred from any public function. Mr Karbaschi, who was hated by Iran's conservatives, insisted that his conviction was politically motivated. His jail term began in May 1999, following a trial that was widely seen as a witch hunt by conservatives trying to settle scores with the reformist President Mohammad Khatami. The mayor's support helped the president win the election in 1997.

Kazemi Zahra

Canadian photojournalist who was beaten to death at Evin in summer 2003.

Khamenei Hojatoleslam Ali

President 1981-1989. Supreme Leader of the Islamic Revolution, Chief of State and Commander-in-Chief of the armed forces, 1989.

Kharrazi Kamal

Former Foreign Affairs Minister.

Khatami Seyed Mohammad

President August 1997-2005 following landslide election victory in May 1995.

Khomeini Ruhollah

Ayatollah. Exiled 1964-1979. Supreme leader 1979-1989. Died 3 June 1989. Traditionalist Muslim: issued fatwa against Salman Rushdie.

Montazeri Hussein Ali

He is one of Iran's highest ranking theologians and has a mass following among religious reformists. He was once nominated to succeed Ayatollah Khomeini, but was sacked by him for disagreeing on policy issues including human rights on which he took a softer line. He was put under house arrest in the holy city of Qom after criticising Ayatollah Khamenei for interfering in secular matters. He was finally freed from house arrest on January 2003 amid concern over his deteriorating health.

Moussavi Mir Hussein

Prime Minister 1981-1989; post abolished. Senior adviser to President Khatami, October 1997-2005.

Nateq-Nuri Ali Akbar

Majlis Speaker in 1997; unsuccessfully opposed Khatami in 1997 Presidential elections, despite backing of Khamenei.

Osanlu Mansur

The leader of the Syndicate Worker's of Tehran Bus Company.

Pahlavi Mohammad Reza

Shah of Iran 1941-1979. Died in Egypt, July 1980.

Pourmand Hamid

A colonel in the Iranian army from the city of Bushehr, imprisoned solely on account of his religion, stemming from legal discrimination against Christians in Iran.

Rafsanjani Ali Akbar Hashemi

President 1989-1997. One of seven vice-presidents appointed in 1997 [1997-]. In 2005 he tried to win a third term in office, but lost on the second ballot to Tehran Mayor Mahmoud Ahmadinejad in the 2005 Iranian presidential election.

Rajavi Massoud

Leader of MEK. Active in overthrow of Shah and led unsuccessful coup in 1981. Fled to France 1981.

Rahjavi Maryam

Wife of Massoud Rajavi; significant figure in MEK.

Rajani Muhammad Ali

Prime Minister 1979-1981. Elected President July 1981; assassinated late August 1981.

Soltani Abdolfattah

Jailed lawyer.

Yazdi Mohammad

The former head of the judiciary, which he turned into a bastion of the right. One of his changes was to establish general courts which gave total power to the judge and did away with many of the safeguards for the defendant. He was deputy speaker in parliament under Rafsanjani for several years. He is now a member of the powerful Council of Guardians.

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Annex D: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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