



# Country Overview

February 2008

# IRAN



**The Equal Rights Trust**

## **The Islamic Republic of Iran**

### **I. Facts and Comments**

#### **1. Background<sup>1</sup>**

Iran is the largest country in the Middle East with 70,472,846 people, placing it 17<sup>th</sup> in the world. Its territory extending over 1,648,195 km<sup>2</sup> is larger than the UK, France, Spain and Germany put together. More than 7 million people live in central Tehran, the capital, and the greater metropolitan area around it is home to a further 7 million. Shi'a Islam is the official state religion and Farsi (Persian) the official language. There are two minority Shia sects (Akhbari and the Shaykhi), which have been persecuted since the 1979 Islamic revolution by the majority Usuli ruling sect. 9% of the population are Sunnis, mainly ethnic Kurds in the north-west, but also Baluchis, who live in the South-east and Turkmen in the North-east. There are also several Sufi sects. The non-Muslim population comprises of 300,000 Baha'is, between 100,000 to 300,000 Christians and small numbers of Zoroastrians, Hindus, Jews (20,000 to 30,000 thousand each) and local religions practiced by tribal minorities. Iran is ethnically diverse, with many ethno-linguistic minorities, like Azeris, Kurds, Arabs, Baluchis, Turkmen, Armenians, Assyrians, and Georgians, as well as tribal groups, like the Bakhtiaris, Khamseh, Lurs and Qashqai. According to Western sources (the validity of which is disputed in Iran), ethnicity breaks down as follows: Persian 51%, Azeri 24%, Gilaki and Mazandarani 8%, Kurd 7%, Arab 3%, Lur 2%, Baluch 2%, Turkmen 2%, other 1%. There is a large population of refugees from Iraq and Afghanistan and an estimated 4 million Iranians live abroad.

The political system ever since the 1979 revolution has been characterized by an Islamic state in which the highest authority stems from the Supreme Leader Ayatollah Ali Khamenei. He is the head of the armed forces and responsible for supervising the general policy and direction of the republic. He personally appoints the top level of the judiciary, directors of state radio and television networks, police and army commanders, as well as half of the 12-member Council of Guardians (the other half is appointed by the Parliament). The Supreme Leader is in theory elected and dismissed by an Assembly of Experts (composed of high-level clerics), who also oversee the Supreme Leader's performance. The next highest

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<sup>1</sup> [http://en.wikipedia.org/wiki/Judicial\\_system\\_of\\_Iran](http://en.wikipedia.org/wiki/Judicial_system_of_Iran)

authority is the President, who is elected for a term of four years. Any candidate must be approved by the Council of Guardians to ensure their loyalty to the Ayatollahs, the self-appointed guardians of the Islamic revolution. The President exercises executive power in all matters except those related to the Supreme Leader. He appoints the Council of Ministers, Iran's government, which must be approved by the legislature. The Parliament is unicameral and elected for a four-year term. All candidates running for the Parliament must obtain approval from the Council of Guardians. The mandate of the Council of Guardians is similar to that of a Constitutional Court and includes the power to veto proposed laws. In case of a dispute between the Council and the Parliament, the Expediency Council under the Supreme Leader's direction mediates a compromise.

Iran is a regional power, which occupies an important position in the world economy, especially due to its large petroleum natural reserves, second largest in the world. Gross Domestic Product (GDP) *per capita* is US\$8,900, which is lower than that of most of its neighbours in the Middle East. Its Human Development Index<sup>2</sup> of 0.746 ranks Iran in 96<sup>th</sup> place in the world. Literacy rate is 79%. In recent years it has become a major transit country for drugs from Afghanistan and Pakistan to Turkey and Europe. Drug abuse is a serious social problem.

## 2. Disadvantaged groups

Iran is one of only six countries in the world that still administer capital punishment to **children** under the age of 18, in violation of its obligations under the International Convention on Civil and Political Rights and the Convention on the Rights of the Child, which it has ratified. In 2005, two youths aged 16 and 18, Mahmoud Asgari and Ayaz Marhoni, were executed by hanging in the main square of the city of Mashhad, after being convicted of rape and alcohol consumption.

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<sup>2</sup> The HDI is a common measure of development used by the United Nations to rank countries. It incorporates measures of GDP per capita, life expectancy at birth and educational attainment.

**People of different sexual orientation** are legally and routinely discriminated against, as the law does not recognise the concept of sexual orientation. Iran is one of only seven countries in the world that impose the death penalty for adults engaging in consensual same-sex relations. Gay men are often publicly flogged and threatened with execution. Crimes like treason, apostasy, murder, rape and child molestation are always punished by death. Adultery is also in theory punishable by life imprisonment or death (for men). The law does not allow any public discussion of homosexuality or gay rights, and there are no civil society organizations or political parties that support people of different sexual orientation or gender identity. According to some human rights campaigners over 4,000 lesbian women and gay men have been executed since the Ayatollahs seized power in 1979.<sup>3</sup>

There are also serious concerns about the practice of sexual reassignment surgery which is legally available. Although the government provides up to half of the cost for those needing financial assistance and the sex change is recognised on the birth certificate, concerns persist as it appears that surgery is socially encouraged for individuals whose appearance or conduct is perceived not to conform to traditionally prescribed gender roles.<sup>4</sup> Some reports indicate that people, who may be involved in homosexual relationships and may not be transgender, are pressured into undergoing a sex-change operation in order to avoid being prosecuted and otherwise socially harassed and ostracised.<sup>5</sup> Moreover, not all transgender people wish to change their biological sex through surgery.

In 2002, Hashem Aghajari, a university professor and a war veteran, was sentenced to death for the crime of apostasy, but after widespread protests the sentence was reduced to a three-year prison term. Iran's laws directly discriminate against atheists, people of no religion and all the adherents of non-recognised religions. Apostasy is understood as either directly renouncing one's birth religion or criticizing clerical rule, converting from or defaming Islam and a number of other acts. However, this applies only to people "of the book" – Jews, Christians and Zoroastrians, the only recognized religions. Others, such as adherents of the Baha'i faith, are considered apostates at birth. The Government fuels anti-Baha'i sentiment by claiming that the Baha'is are not religious community, but a political organization, which is against the Iranian Revolution and engages in espionage. Only four ethnic minorities in the

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<sup>3</sup> <http://www.sodomylaws.org/world/iran/iran.htm>

<sup>4</sup> See Safra Project, Resource Project for LGBTQ Muslim Women, Country Report: Iran, London 2004, available at [http://www.safraproject.org/Reports/SP\\_Country\\_Information\\_Report\\_Iran.pdf](http://www.safraproject.org/Reports/SP_Country_Information_Report_Iran.pdf)

<sup>5</sup> See BBC Iran's "diagnosed transexuals", 25 February 2008, available at [http://news.bbc.co.uk/1/hi/world/middle\\_east/7259057.stm](http://news.bbc.co.uk/1/hi/world/middle_east/7259057.stm)



country have reserved seats in the Parliament: two seats for the Armenians, and one each for the Assyrians, Jews and Zoroastrians. Other minorities have only a slight chance in getting elected. Members of religious minorities are denied employment in the judiciary and public sector, and government employees are strictly monitored for observing Islam and its rituals. The law prohibits non-Muslims from holding officer positions in the armed forces and in practice ethnic minorities are severely under-represented in the police and security services. All university applicants must pass a test of their knowledge of Islamic theology, and study it for the entire duration of their education. The government is highly suspicious of any proselytizing of Muslims by non-Muslims, and there have been numerous charges against Baha'is and evangelical Christians. Even though article 14 of the Iranian constitution guarantees protection for non-Muslims, "the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights", in practice their rights are often violated.

The **Baha'is** are possibly the most commonly persecuted religious group. Since 1979 more than 200 have been killed and a further 15 have disappeared. They face routine discrimination in all areas of life.<sup>6</sup> They are subject to arbitrary arrests and detention, as well as imprisonment solely on the grounds of belief. Some are tried in Islamic Revolutionary Courts, often criticised for their ruthlessness and lack of accountability. For instance, in 1998 two Baha'is, Sirus Zabihi-Moghaddam and Hadayat Kashefi-Najafabadi, were tried and sentenced to death by such a court in Mashad for practicing their faith, though their sentences were reduced to imprisonment in 2000. Baha'i property is often confiscated and housing denied, and Baha'i students are not admitted to any higher education institutions. The government also reportedly fosters mistrust and hatred among the population by printing and disseminating false allegations against Baha'is and their rituals, so that its members face discrimination in their day-to-day interactions with the majority.<sup>7</sup>

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<sup>6</sup> [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.79.Add.25.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.79.Add.25.En?Opendocument)

<sup>7</sup> [http://en.wikipedia.org/wiki/Status\\_of\\_religious\\_freedom\\_in\\_Iran](http://en.wikipedia.org/wiki/Status_of_religious_freedom_in_Iran)

**Sunni Muslims** enjoy equal rights under the law, but some indications point to discrimination, as they are underrepresented in positions of power, and denied freedom of worship. There is not a single Sunni mosque in Tehran, the capital. Most Sunnis are also members of an ethnic minority, so they face discrimination on multiple grounds.<sup>8</sup> Amnesty International reported about the arrest of more than 1,000 Nematollahi Sufis for engaging in a peaceful protest in February 2006.<sup>9</sup>

**Women** are discriminated against in Iran due to having a completely different personal status than men. Large numbers of women participated in the 1979 revolution, but unfortunately it has done little for their emancipation. There are discriminatory provisions in many laws, including the civil code, penal code, marriage laws and others. Article 906 of the Civil Code states: "If the dead man has no offspring, the totality of the inheritance belongs to his parents. If both parents are alive, the mother receives a third and the father two thirds of the inheritance. If the mother has a *hojab*, (a relative with legal entitlements to the woman) her share of the inheritance is reduced according to Article 886 of the Civil Code which, is reduced to a sixth.

Other discriminatory provisions of the Civil Code state that: "If the dead man's heirs are brothers and sisters of the parents or of the father, the part of the inheritance belonging to the men is twice that belonging to the women." (Article 920) "When there are multiple children, the inheritance of the sons is twice that of the daughters." (Article 907) "For grandchildren, the inheritance is divided according to the 1 to 3 ratio between grand-sons and grand-daughters." (Article 911) In penal law, a woman's life is worth half the life of a man. If a woman is raped, it is considered her fault by default, unless there are four Muslim male witnesses to confirm her story. A woman risks arrest if she goes out in public uncovered or practices sports in public. Women are segregated from men in public transportation and need permission from their father or husband to travel away from their place of residence.<sup>10</sup> Abortion is illegal though sometimes practiced to save the mother's life. Various other provisions of the Shari'a law are also discriminatory in their nature.

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<sup>8</sup> <http://www.freedomhouse.org/template.cfm?page=22&country=6756&year=2005>

<sup>9</sup> <http://thereport.amnesty.org/eng/Regions/Middle-East-and-North-Africa/Iran>

<sup>10</sup> [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.79.Add.25.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.79.Add.25.En?Opendocument)

**Members of ethnic minorities**, who comprise almost half of the population, are subject to both legal and actual discrimination, despite the constitutional provisions guaranteeing equality. Amnesty International lists several discriminatory laws and practices affecting members of ethnic minorities, including property confiscation, denial of employment in the public sector and restrictions on social, cultural, linguistic and religious rights. Kurds and small minorities face huge economic disparities when compared to other groups, as well as difficulties in enjoying their rights to education, work, travel, housing and cultural activities.<sup>11</sup> Some Kurdish dissident groups are brutally suppressed, such as the Democratic Party of Iranian Kurdistan, which claims that two of its leaders were executed by the authorities. The Iranian government denies discrimination by pointing to the successful political careers of some members of ethnic minorities, including the country's Supreme Leader Ali Khamenei, who is an Azeri. However, ethnic discrimination remains widespread according to non-governmental organizations and UN reports.

## II. Law

### 1. International Law

Of the existing UN human rights Conventions, Iran has ratified only the International Covenant for Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights (last submitted reports in 1992), and the International Convention on the Elimination of All Forms of Racial Discrimination, all of them ratified before 1979. The Islamic Republic only ratified the Convention on the Rights of the Child in the 1990s. Iran is also party to the 1951 Convention relating to the Status of Refugees and its Protocol. Since 1995 the UN General Assembly has adopted 10 resolutions regarding the human rights situation in Iran, each recommending to the government to fulfil its failed obligations under international law.<sup>12</sup>

The country has ratified 13 ILO Conventions, including C111, the Discrimination (Employment and Occupation) Convention of 1958.<sup>13</sup>

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<sup>11</sup> [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1993.7.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1993.7.En?Opendocument)

<sup>12</sup> <http://www.ohchr.org/english/countries/ir/index.htm>

<sup>13</sup> <http://www.ilo.org/ilolex/cgi-lex/countrylist.pl?country=Iran>

## **2. Regional Agreements**

Iran is a member of the Organisation of Islamic Conference, and signatory to its charter, the Cairo Declaration on Human Rights in Islam, summary of which can be found in the report on the United Arab Emirates. Iran is also a member of the Economic Cooperation Organisation, which includes Turkey, Pakistan, Kazakhstan, Afghanistan, Azerbaijan, Turkmenistan, Tajikistan, Uzbekistan and Kyrgyzstan. It aims for economic integration and regional cooperation and its members are possibly the only countries that can be expected to yield influence on the domestic human rights situation. Iran does not recognize Israel, and, since the revolution, has not had diplomatic relations with the United States.

## **3. Constitution<sup>14</sup>**

The Constitution abounds with references to Islam and verses from the Koran and has significant provisions guaranteeing equality.

Article 3 (State Goals), parts 8 and 9, of the Constitution provide for “the participation of the entire people in determining their political, economic, social, and cultural destiny” and “the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and the intellectual spheres”. Part 14 guarantees equality by: “securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as the equality of all before the law”. Article 19 contains the main anti-discrimination provision: “All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; colour, race, language, and the like, do not bestow any privilege.” Article 20: “All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.”

With regard to women’s rights, Article 21 states the following: “The government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following goals:

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<sup>14</sup> [http://www.servat.unibe.ch/law/icl/ir00000\\_.html](http://www.servat.unibe.ch/law/icl/ir00000_.html)



- 1) create a favourable environment for the growth of woman's personality and the restoration of her rights, both the material and intellectual;
- 2) the protection of mothers, particularly during pregnancy and child-rearing, and the protection of children without guardians;
- 3) establishing competent courts to protect and preserve the family;
- 4) the provision of special insurance for widows, aged women, and women without support;
- 5) the awarding of guardianship of children to worthy mothers, in order to protect the interests of the children, in the absence of a legal guardian.”

Freedom of belief is guaranteed under Article 23: “The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.” The Constitution guarantees freedom of cultural expression and linguistic diversity. School education is in Persian, but using regional languages is allowed and the second largest ethnic group, the Azeri's language and culture is studied at universities.

Article 15 states that “[t]he Official Language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts, as well as text-books, must be in this language and script. However, the use of regional and tribal languages in the press and mass media, as well as for teaching their literature in schools, in addition to Persian, is permitted”.

State support for the disadvantaged is provided by Article 29, giving everyone the right “to benefit from social security with respect to retirement, unemployment, old age, disability, absence of a guardian, and benefits relating to being stranded, accidents, health services, and medical care and treatment, provided through insurance or other means.”

#### **4. Domestic Legislation**

The legal system is firmly based on Shi'a Islamic law and most judges are members of the ruling clergy. According to Freedom House, an international non-governmental organization, the judiciary is not independent, since the Supreme Leader appoints the head of the judiciary, who in turn selects all senior judges.<sup>15</sup>

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<sup>15</sup> <http://www.freedomhouse.org/template.cfm?page=22&country=6756&year=2005>

## Labour Code<sup>16</sup>

Section 6 reiterates parts of the constitution: “Iranians, whatever their tribe or ethnic group, enjoy the same rights; skin colour, race, language and the like do not constitute any privilege or distinction; all individuals, whether men or women, are entitled to the same protection of the law; and every person has the right to freely choose an occupation, provided that such occupation is not inconsistent with Islamic principles or the public interests and does not violate other peoples' rights.” Section 38 contains an equality provision: “Equal wages shall be paid to men and women performing work of equal value in a workplace under the same conditions. Any discrimination in wage determination on the basis of age, gender, race, ethnic origin and political and religious convictions shall be prohibited.” Division IV (articles 75-78) contains provisions protecting women workers: maternity leave of 90 days (extended by two weeks if birth is given to twins), guaranteed wages and return to former work when maternity leave ends, as well as breaks every three hours in the work day for nursing mothers. Section 77 states: “Where, on the advice of a physician of the Social Security Organisation, a type of work is deemed dangerous or arduous for a pregnant worker, the employer shall, without reducing her remuneration, provide her with more suitable and easier work until the end of her pregnancy.” Section 79 prohibits the employment of anyone under the age of 15, and subsequent provisions establish protections for ‘young workers’ aged between 15 and 18.

The following sections protect the right to freedom of worship for Muslims. Section 67: “Every worker shall be entitled to take one full month of his paid leave or one month of unpaid leave once during his working life in order to perform the pilgrimage to Mecca.” Section 150: “All employers covered by this Code shall allocate a suitable place in the workplace for performing prayers. During the month of Ramadhan, for the purposes of religious rites and taking account of the needs of fasting workers, employers shall, in cooperation with the Islamic societies, the Islamic Labour Councils and other legal representatives of the workers, arrange working conditions and working time in such a way as to ensure that hours of work do not hinder the observance of fasting. Moreover, they should set aside part of working time for prayers, the breaking of the fast at sunset, and a meal at dawn before the commencement of fasting.”

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<sup>16</sup> [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_country=IRN&p\\_classification=01.02&p\\_origin=COUNTRY&p\\_sortby=SORTBY\\_COUNTRY](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=IRN&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY)

## Family Law

The entire family law is based on the Shari'a principles. The marriage age is defined as 'puberty', minimum is 9 years old. A woman cannot marry without a permission of her father or paternal grandfather. Muslim women are not allowed to marry non-Muslim men. Baha'i marriages are not recognized. Polygamy is allowed, but previous wife may obtain divorce if husband remarries without her permission or neglects her. A man can deny his wife permission to work in any profession "incompatible with the family interests or with his or his wife's dignity." Under the Civil Code, divorce is permitted only on the grounds of proven insanity of either spouse, the husband's castration or inability to consummate marriage, defect of the wife interfering with conjugal relations or her total blindness, contracting leprosy or becoming seriously crippled or a husband's inability to pay maintenance. Recent amendments allow women to claim for divorce also on the grounds of husband's bad behaviour, keeping bad company, or prison conviction of more than five years, as well as his incurable disease or madness, or disappearance of more than six months. Custody of children usually goes to the father, unless he is proven unfit to take care of them.<sup>17</sup>

## Penal Law

No anti-discrimination provisions can be found in the Penal Code.

### **III. The Road to Non-Discrimination**

Human rights in Iran are widely violated, especially those of the regime's critics. Silencing dissidents and activists makes it particularly hard to promote equal rights.

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<sup>17</sup> <http://www.law.emory.edu/IFL/legal/iran.htm>

Freedom of expression and association is frequently restricted, and according to Human Rights Watch, the situation is deteriorating. All publications practice extensive self-censorship for fear of being closed down and forbidden. Internet access to sites deemed unacceptable is blocked. Treatment of prisoners of conscience and detainees has worsened, with many allegations of torture. In 2007, at least two amputations were carried out and one person was sentenced to eye-gouging, and many were punished with flogging. Some death sentences were carried out by stoning in public<sup>18</sup>. Article 116 of the Penal Code states that: “[s]tones used in stoning should neither be so big as to kill the adulterous at the first or second blow, nor as small as a pebble”. As Amnesty International observed, stoning someone to death is lawful whereas using the wrong size stone is not.<sup>19</sup>

In 2006 the Center for Defense of Human Rights, led by Shirin Ebadi, the 2003 Nobel Peace Prize winner, was declared illegal and its members threatened with arrest if they continue defending human rights.<sup>20</sup>

Since the Council of Guardians is not expected to permit any credible opposition candidates to stand for election, conservative clergy is likely to monopolize political power in Iran for many years to come.<sup>21</sup> There are feelings of unrest and dissent and it seems that the broad population favours liberalization and reform. There are power struggles between hard-liners and reformists in the government itself, but since the ruling clergy is inherently conservative, reform-minded individuals are often defeated and the laws that they propose are not adopted. This does not bode well for promoting equality and non-discrimination in Iran.

*This report was last updated on 26 February 2008.*

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<sup>18</sup> <http://thereport.amnesty.org/eng/Regions/Middle-East-and-North-Africa/Iran>

<sup>19</sup> <http://www.middle-east-info.org/league/iran/iran.htm>

<sup>20</sup> <http://hrw.org/englishwr2k7/docs/2007/01/11/iran14703.htm>

<sup>21</sup> <http://www.freedomhouse.org/template.cfm?page=22&country=6756&year=2005>