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Report of the Working Group on the Universal Periodic Review*

Islamic Republic of Iran

Addendum


Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1. The Islamic Republic of Iran considers the universal periodic review as a valuable and unique mechanism which could provide States with an appropriate opportunity for better cooperation through constructive engagement and exchange of experiences in order to support, promote and protect human rights. Impartiality, equal footing and respect for the sovereignty of States, while contributing to the improvement and protection of human rights as well as addressing the challenges at the national level are other characteristics of the UPR mechanism. Against this backdrop, the Islamic Republic of Iran has actively participated in and substantially contributed to the third cycle of UPR, and reiterates its commitment and support for this mechanism¹.

2. Having consulted with all the relevant national parties, of the 329 recommendations submitted by the UN Member States, the Islamic Republic of Iran supports 143 recommendations in full. Many of such recommendations include issues which have been either implemented previously or are under implementation and/or have been considered within the framework of national development plans and are therefore on the agenda. 45 recommendations are partly supported. Some of such recommendations are being noted for their substantive important objectives, despite having been presented with indecent wordings and flawed assumptions and some others are being supported partially as they may contradict with the laws of the Islamic Republic of Iran which have been originated from the values and norms accepted by the people of Iran. Some 123 recommendations are not being supported by the Islamic Republic of Iran as they openly conflict with the laws of Iran or because they have been submitted with inappropriate language based on unfounded allegations. Such recommendations are also in contradiction with the promoting human rights objectives stipulated in Resolution 5/1 of the Human Rights Council and would negatively influence the spirit of constructive cooperation. The Islamic Republic of Iran would also note recommendations 26.2, 26.3, 26.4, 26.20, 26.22, 26.25, 26.44, 26.62, 26.63, 26.65, 26.67, 26.143, 26.265, 26.274, 26.278, 26.283, 26.307 and 26.328.

3. The Islamic Republic of Iran reiterates its commitments to pursuing and implementing the third cycle recommendations under circumstances, in which the Government is grappling with unlawful unilateral coercive measures by the United States and their repercussions. Such unlawful measures have targeted the fundamental human rights of individuals as well as the life of citizens in Iran especially the most vulnerable people, in particular children and the patients. Despite the challenges posed by the economic terrorism of the United States against Iranian people, the Islamic Republic of Iran is determined to continue to protect and promote human rights including economic, social and cultural rights.

4. The recommendations submitted by Saudi Arabia are entirely rejected. These recommendations shall not be accepted due to the illegal behaviours and treatments of the recommending State in contravention of the fundamental principles of human rights and violation of international laws and norms. The Islamic Republic of Iran has decided to reject these recommendations with a view to neutralizing and confronting such systematic behaviours which are in violation of human rights and international rules and principles. Additionally, most of these recommendations are based on unsubstantiated allegations aimed at insulting the Iranian nation.

5. As with recommendations, 26.105, 26.110, 26.114 and 26.118, it should be noted that the deprivation of life has been considered as a punishment only for the most serious crimes in accordance with Article 6 of the International Covenant on Civil and Political Rights. Conforming to the recent amendments made in the laws of Iran, the maximum punishment for children shall not exceed five years of detention in correctional facilities. The deprivation of life as a punishment shall be proposed but not enforced in case the culprit with the age of criminal responsibility has not perceived the nature of the crime and therefore lacks mental maturity and perfection, based on the expert assessment and judgement of the competent court.

6. Concerning recommendations 26.140, 26.142 and 26.143, it should be emphasized that, in accordance with Article 7 of the International Covenant on Civil and Political Rights, and in conformity with Article 38 of the Constitution of the Islamic Republic of Iran, as well as Article 169 of the Islamic Penal Code (2013), Article 587 of the Islamic Penal Code (Ta'zirat), Article 60 and the last part of Article 195 of the Criminal Procedure Code (2015), Article 169 of Executive Regulation of the Organization for Prisons, Security and

Correctional Measures, and Paragraph 9 of the single article of the Law to Respect Legitimate Freedoms and Protection of Citizenship Rights (adopted in 2004), torture and any mistreatment as well as forced and coerced confession are forbidden in the Islamic Republic of Iran and such confessions are considered invalid and unsubstantiated. Accordingly, the perpetrators shall be prosecuted by law while facing severe punishment. Notwithstanding, the prosecutors, through judges stationed in prisons as well as the Secretariat of the Protection of Citizenship Rights and provincial supervisory boards, conduct regular inspections and investigate any reports or complaints in this respect.

7. As with recommendations 26.190, 26.297, 26.298, 26.302, 26.304, 26.305, 26.307, 26.311 and 26.318, it should be noted that according to Article 19 of the Constitution, “the people of Iran enjoy equal rights, regardless of the tribe or ethnic group to which they belong, and color, race, language, and the like do not bestow any privilege”. After all, Iran is a country with ethnic diversity. All ethnic groups constitute part and parcel of the Iranian nation and no one is considered as ethnic minority.

8. As with recommendations 26.277, 26.279 and 26.282, it should be stipulated that according to the laws of the Islamic Republic of Iran, all citizens are entitled to free marriage and family formation. Forced marriage has been prohibited under Article 1062 of the Civil Code and Article 646 of the Islamic Penal Code (Ta'zirat). In case, forced marriage is reported to the Judiciary and a judicial case is filed, the forced marriage is dissolved in accordance with the Civil Code provisions. Those who force someone into marriage are prosecuted and the offence is punishable by law in accordance with the general criminal laws. At the present time, the minimum age of marriage has been determined in Article 1041 of the Civil Code and any marriage contracted against it shall be prosecuted by law. The general policy of the State in this respect is based on raising awareness among families.

9. With regard to recommendations 26.242 and 26.243, according to Article 20 of the Constitution, all individuals such as men and women are equally protected by law. Moreover, as per Article 101 of the Sixth National Development Plan, all executive organizations are obligated to incorporate gender justice in all their plans and programs.

10. Regarding recommendations 26.155, 26.156 and 26.158, the laws of the Islamic Republic of Iran such as the Press Law shall guarantee the freedom of expression and free access to information for all. According to Articles 8 and 9 of the Law to Support the Promoters of Virtue and Preventers of Vice (adopted in 2015), individuals are entitled to the right to criticize and give notice to all the officials and staff of the government while any obstruction and impeding has been criminalized. Also, according to the international human rights instruments, especially Article 19 of the International Covenant on Civil and Political Rights, restrictions may be enforced in order to safeguard public order, ethics, morality, public health and national security as well as private rights of individuals.

Supported recommendations

11. Having consulted with all the relevant national parties, regarding the 329 recommendations submitted by the UN Member States, 143 of the recommendations which enjoyed the full support of the Islamic Republic of Iran are as follows:

26.1, 26.26, 26.43, 26.46, 26.47, 26.48, 26.49, 26.50, 26.51, 26.52, 26.53, 26.55, 26.56, 26.57, 26.58, 26.59, 26.60, 26.61, 26.64, 26.66, 26.68, 26.69, 26.70, 26.71, 26.72, 26.73, 26.74, 26.75, 26.76, 26.77, 26.78, 26.79, 26.88, 26.89, 26.90, 26.91, 26.92, 26.93, 26.94, 26.142, 26.145, 26.146, 26.147, 26.148, 26.162, 26.167, 26.170, 26.172, 26.174, 26.175, 26.178, 26.181, 26.182, 26.183, 26.184, 26.185, 26.186, 26.187, 26.188, 26.189, 26.191, 26.192, 26.193, 26.194, 26.195, 26.196, 26.197, 26.198, 26.199, 26.200, 26.201, 26.202, 26.203, 26.205, 26.206, 26.207, 26.208, 26.209, 26.210, 26.211, 26.212, 26.213, 26.214, 26.215, 26.216, 26.217, 26.218, 26.219, 26.220, 26.221, 26.222, 26.223, 26.224, 26.226, 26.227, 26.228, 26.229, 26.230, 26.231, 26.234, 26.235, 26.236, 26.237, 26.238, 26.246, 26.248, 26.249, 26.252, 26.255, 26.256, 26.257, 26.258, 26.259, 26.261, 26.262, 26.263, 26.264, 26.266, 26.269, 26.280, 26.281, 26.284, 26.285, 26.286, 26.287, 26.288, 26.289, 26.290, 26.291, 26.292, 26.293, 26.294, 26.295, 26.308, 26.310, 26.314, 26.318, 26.321, 26.322, 26.324, 26.325, 26.326, 26.329.

Specific explanations and observations on the supported recommendations

1. Recommendation 26.145

12. The Executive Regulation of the “Organization for Prisons, Security and Correctional Measures” would guarantee comprehensive rules and regulations on the conditions of prisons particularly concerning the necessary health precautions and measures (Articles 102 and 103). In some cases, they go beyond the Nelson Mandela Rules. All the health services are offered free of charge to the prisoners while they could be provided with medical services outside the prison as decided by the prison’s clinic.

2. Recommendation 26.208

13. Out of 14 million students in Iran, 48.35 percent are girls. 98.5 percent of eligible students, including refugee children, are offered education, free of charge. Various measures have been taken to return the children dropped out of school to education, especially girls in rural and nomad areas. Such measures continue to be taken in spite of the dire consequences of unlawful unilateral coercive measures imposed on Iran.

Partially supported recommendations

14. **45 recommendations are partially supported.** These recommendations are as follows:

26.5, 26.23, 26.34, 26.35, 26.37, 26.39, 26.40, 26.41, 26.42, 26.54, 26.81, 26.86, 26.114, 26.118, 26.140, 26.151, 26.154, 26.156, 26.157, 26.161, 26.165, 26.169, 26.176, 26.177, 26.180, 26.190, 26.204, 26.225, 26.233, 26.245, 26.250, 26.251, 26.260, 26.267, 26.268, 26.271, 26.273, 26.277, 26.282, 26.296, 26.297, 26.298, 26.302, 26.309, 26.323.

Specific explanations and observations on partially supported recommendations

1. Recommendations 26.81 and 26.86

15. Although this specific right is not stipulated in the international human rights instruments, which Iran has accepted, it should be noted that under Iran’s laws, all individuals are equal before the law and are entitled to equal rights. Regarding the transgender people, a special support-oriented approach has been adopted by the government which tries to offer counseling, financial and insurance services to them through relevant laws, competent authorities and social institutes. According to the law, transgender people can apply for gender identity redetermination surgery through competent courts.

2. Recommendation 26.177

16. The Judicial and Legal Commission of the Islamic Consultative Assembly of Iran (Parliament) amended the note of Article 48 of the Criminal Procedure Law in May 2019, and it is to be finalized soon.

3. Recommendations 26.165 and 26.169

17. As per Articles 24 and 27 of the Constitution, individuals and members of the civil society shall not be prosecuted by law for peacefully exercising their rights in accordance with the related rules and regulations.

4. Recommendations 26.251 and 26.282

18. Violence against women and children has been criminalized in the current laws of the Islamic Republic of Iran. According to several judicial bills, currently under consideration for adoption, such as “the bill to support children and juveniles” and “the bill to protect, dignify and provide security for women against violence”, all types of violence and

mistreatment against women, girls and children have been criminalized and punishments have been intensified, while stronger mechanisms are anticipated in the law for greater intervention and supervision on implementation. Moreover, genital mutilation of women and girls is criminalized as per Articles 664 and 706 of the Islamic Penal Code adopted in 2013.

Not supported recommendations

19. **Some 123 recommendations are not supported** by the Islamic Republic of Iran. These recommendations are as follows:

26.6, 26.7, 26.8, 26.9, 26.10, 26.11, 26.12, 26.13, 26.14, 26.15, 26.16, 26.17, 26.18, 26.19, 26.21, 26.24, 26.27, 26.28, 26.29, 26.30, 26.31, 26.32, 26.33, 26.36, 26.38, 26.45, 26.80, 26.82, 26.83, 26.84, 26.85, 26.87, 26.95, 26.96, 26.97, 26.98, 26.99, 26.100, 26.101, 26.102, 26.103, 26.104, 26.105, 26.106, 26.107, 26.108, 26.109, 26.110, 26.111, 26.112, 26.113, 26.115, 26.116, 26.117, 26.119, 26.120, 26.121, 26.122, 26.123, 26.124, 26.125, 26.126, 26.127, 26.128, 26.129, 26.130, 26.131, 26.132, 26.133, 26.134, 26.135, 26.136, 26.137, 26.138, 26.139, 26.141, 26.144, 26.149, 26.150, 26.152, 26.153, 26.155, 26.158, 26.159, 26.160, 26.163, 26.164, 26.166, 26.168, 26.171, 26.173, 26.179, 26.232, 26.239, 26.240, 26.241, 26.242, 26.243, 26.244, 26.247, 26.253, 26.254, 26.270, 26.272, 26.275, 26.276, 26.279, 26.299, 26.300, 26.301, 26.303, 26.304, 26.305, 26.306, 26.311, 26.312, 26.313, 26.315, 26.316, 26.317, 26.319, 26.320, 26.327.

Specific explanations and observations on recommendation which are not supported

1. Recommendation 26.29

20. We consider this recommendation irrelevant to the subject matter. As a committed non-nuclear-weapon State party to the NPT and consistent with its principled position on nuclear disarmament, Iran actively participated in the negotiations of the TPNW and continues to support its overall objective. We believe TPNW should be complemented by the urgent commencement of negotiations and conclusion of a comprehensive convention on nuclear weapons, leading to total elimination of all nuclear weapons in a verifiable and irreversible manner.

2. Recommendation 26.97

21. A binding and precise national law has been adopted under the title of “the Law to Combat Terrorism Financing (adopted in 2015, amended in 2018)” in order to criminalize and prevent the transfer of fund and financing of terrorist groups and institutions whose actions impede the exercise and enjoyment of individuals and societies of their fundamental human rights such as the right to safe life.

3. Recommendations 26.150, 26.155

22. As per Articles 24 and 27 of the Constitution, individuals and members of the civil society shall not be prosecuted by law for peacefully exercising their rights in accordance with the related rules and regulations.

4. Recommendation 26.173

23. The issue is currently being implemented.

5. Recommendation 26.272

24. Iran’s civil and criminal laws criminalize any sexual abuse of women and children². There is no law which permits sexual abuse and harassment. As per Article 3 of the Law to Support the Children and Juveniles adopted in 2012, any exploitation and employment of children for illegal acts are forbidden and offenders shall be prosecuted by law. According to Article 10 of the Bill to Support Children and Juveniles, which is in the final stages of adoption, any sexual abuse or harassment of children has been criminalized. In addition, Iran

is a committed party to the United Nations Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

6. Recommendation 26.315

25. The issue is currently being implemented.

7. Recommendations 26.316 and 26.319

26. According to the Constitution of the Islamic Republic of Iran, all people of Iran enjoy equal rights, irrespective of the tribe or ethnic group to which they belong.

Noted recommendations

27. The Islamic Republic of Iran would also **note 18 recommendations**. These recommendations are as following:

26.2, 26.3, 26.4, 26.20, 26.22, 26.25, 26.44, 26.62, 26.63, 26.65, 26.67, 26.143, 26.265, 26.274, 26.278, 26.283, 26.307 and 26.328.

Notes

¹ The Islamic Republic of Iran would like to appreciate the active participation of all states in its third UPR as well as the members of the troika and the Secretariat of the UPR of the Council for their cooperation and assistance.

² Article 224 of the Islamic Penal Code.
