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**Promotion and protection of human rights: human rights
situations and reports of special rapporteurs
and representatives**

**Letter dated 3 November 2015 from the Chargé d'affaires a.i. of
the Permanent Mission of the Islamic Republic of Iran to the
United Nations addressed to the Secretary-General**

I have the honour to attach herewith the text of a written response by the High Council for Human Rights of the Islamic Republic of Iran regarding the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran contained in document [A/70/411](#) (see annex).

I would be most grateful if you could arrange to have the text of the present letter and its annex circulated as a document of the seventieth session of the General Assembly, under agenda item 72 (c).

(Signed) G. Hossein **Dehghani**
Ambassador
Chargé d'affaires a.i.



**Annex to the letter dated 3 November 2015 from the
Chargé d'affaires a.i. of the Permanent Mission of the Islamic
Republic of Iran to the United Nations addressed to the
Secretary-General**

**Summary of the substantive review of the report of the Special
Rapporteur on the situation of human rights in the Islamic
Republic of Iran contained in document A/70/411**

Introduction

The Islamic Republic of Iran has consistently demonstrated its firm resolve to cooperate with international human rights mechanisms. To that end, Iran has taken numerous steps to promote and protect human rights at the national and international levels and considers itself fully committed to protecting and observing these rights.

The Human Rights Council was established to prevent double standards and the universal periodic review, as an evolving mechanism, has been built on the equal responsibility of all States. Hence, this universal mechanism should not be weakened by making parallel discriminatory mechanisms. Therefore, the Islamic Republic of Iran is of the opinion that appointing a Special Rapporteur on Iran, owing to the aforementioned reasons, is unacceptable. Designating a country-specific mandate for Iran, which has abided by its commitments towards its citizens and the international community, is unwarranted, meaningless and absolutely counterproductive.

However, in keeping with its principle position to cooperate with the United Nations human rights mechanisms and to provide the Special Rapporteur with reliable and authentic information, Iran's Missions in Geneva and New York as well as officials, including from the judiciary and Parliament, have met with the Rapporteur on different occasions over the last year and engagement with him will continue.

Paragraph 1

The Islamic Republic of Iran has always placed emphasis on the peaceful nature of its nuclear programme and fulfilled its international obligations. The conclusion of the recent nuclear agreement between the Islamic Republic of Iran and the P5+1 countries [China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Germany] confirms the peaceful nature of Iran's programme. The Iranian people endured the hardships and unjust sanctions unfairly imposed on them for the sake of reaching their development goals. Moreover, the 36-year history of the Islamic revolution demonstrates the continuous efforts of the Government and the people of Iran to attain their rights, such as the rights to justice, development and public welfare, which will continue in the aftermath of the agreement.

Paragraph 2

The Special Rapporteur has drawn his attention to the negative and inhumane impact of sanctions imposed on Iran. While we welcome his attention to the issue,

we believe the Special Rapporteur should have paid more serious attention to this issue from the beginning of his mandate, including by condemning such a flagrant violation of the human rights of the people of Iran, and helped to put an end to this destructive dynamic.

Paragraph 4

On the engagement of the Islamic Republic of Iran with the special procedures of the Human Rights Council, so far seven thematic rapporteurs and working groups of the Council have visited Iran. Moreover, Iran has recently invited the Special Rapporteur on the right to food to pay a visit to Iran. The invitation was welcomed by the Special Rapporteur; however, owing to her schedule, she was not able to visit the country in 2015. Based on her request, the visit will be rescheduled for 2016. Moreover, in line with the promotion of cooperation and engagement with the Office of the United Nations High Commissioner for Human Rights, the Minister for Foreign Affairs of the Islamic Republic of Iran, in his meeting with the High Commissioner, invited him for an official visit to Iran. On the issue of responding to communications of the special procedures during the period mentioned in the report, it should be noted that four communications were received in August 2015 and are still not past due, and some communications are repetitions (such as the case of Saman Nasim, regarding which it seems Iran's reply has not been distributed to the requesting procedures and therefore the original communication has been repeated by them). Responses to a number of communications are being translated and will be sent soon to questioning bodies.

Paragraphs 5 and 6

The Islamic Republic of Iran has actively participated in the second cycle of its universal periodic review and received 291 recommendations during its interactive dialogue with member and observer States of the Council. It should be noted that a large number of recommendations that received Iran's support include measures which are already in the process of implementation and fall within its national development programmes. Many countries have put forward constructive and responsible recommendations that have been welcomed by Iran, including on issues related to women's rights. The high percentage of accepted recommendations is an indication of the serious attention paid by Iran to the promotion of human rights through cooperation and dialogue.

Iran emphasizes its support for the universal periodic review mechanism since, as it was mentioned in the constitutive resolution of the Human Rights Council, this mechanism is based on the principles of universality, non-selectivity and equal treatment of all countries through dialogue, engagement and the constructive cooperation of States Members of the United Nations, which could provide an effective instrument for the promotion and protection of all human rights.

Paragraph 7

Unfortunately, the Special Rapporteur has not paid adequate attention to the previous reasonable and substantiated responses of the Islamic Republic of Iran. By using unreliable sources, he continues to disregard the code of conduct of the United Nations mandate holders contained in resolution 5/2 of the Human Rights Council. It is expected that the Special Rapporteur, in his report, include Iran's previous

reports as well as the present response. It is also necessary that the Special Rapporteur, in his report, in accordance with the code of conduct of the special procedures, include Iran's response at the end of each related paragraph. It is also expected that the Special Rapporteur, in line with the expansion of cooperation and engagement with the United Nations mechanisms, avoid using general and obscure claims and accusations. He also should avoid hasty judgement about the content of draft bills and laws which have not yet been finalized in Iran.

Paragraphs 9 to 16

Based on the principles and working method of the universal periodic review mechanism, Member States can, according to their national law and programmes, accept voluntarily recommendations made by other countries. Hence, the Islamic Republic of Iran has accepted more than 65 per cent of the recommendations it received during the second cycle of its universal periodic review, which is an indication of its high level of cooperation and intention to further promote human rights in the country. Moreover, according to the previously mentioned working method, it is normal that States do not accept some recommendations or do not make them a priority. Certainly, the principles of fair trial and due process of law have always been observed in judicial dossiers, in particular those cases related or leading to the death penalty, and this issue has been re-emphasized by the acceptance of relevant recommendations by Iran.

Owing to the extent and severity of drug-related crimes, which more often than not involve armed traffickers closely linked with terrorist groups, the domestic laws of Iran consider drug-related crimes as the most serious crimes.

In accordance with the laws and regulations of the Islamic Republic of Iran, capital punishment is limited to the most serious crimes, which include extensive and armed trafficking of narcotics. Such crimes are very carefully considered by courts, in which the representative of the prosecutor, the accused and his/her lawyer must be present. Subsequently, sufficient numbers of sessions are held in which the case is heard fairly and a sentence is handed down. Such cases can only be prosecuted in the presence of a lawyer. Sessions in which a lawyer is not present are not considered official and the resulting verdicts and sentences have no legal force and may be quashed by the Supreme Court. Article 32 of the amended Drug Control Code (dated 1997) states that death sentences that are handed down in accordance with this code must be endorsed by the Chief Justice of the Supreme Court and the State Prosecutor General. Thus, the margin of error has been minimized, for if any of the aforementioned officials deem the sentence in violation of sharia or legal parameters, they have the authority to ask for a review or to quash the sentence. This protocol provides the accused with his/her full rights. Furthermore, based on the new Criminal Procedural Code (with effect from 22 June 2015), provincial appellate courts or the Supreme Court can review issued verdicts, which is indicative of the caution exercised in the Iranian legal system.

On the allegations relating to the death sentence for offenders under the age of 18, Iran exercises a high degree of flexibility for offenders under 18 years of age. They are tried in special courts and, in light of their age and other circumstances, are given minimum sentences. Only the cases of intentional homicide committed by offenders who have reached the age of maturity but are under the age of 18 are tried in provincial criminal courts in the presence of five judges. According to the law,

punishment for the offense of intentional homicide is *qisas* (retribution). The function of the judiciary in cases relating to intentional homicide is just to prove prior intention. Execution of the death penalty is the right of the immediate family of the victim. According to existing practice, even after the issuance of the sentence and approval of the Supreme Court, extensive efforts are made by the Reconciliation Commission to seek forgiveness from the heirs of the victims and revoke the death penalty sentence. As a result, in recent years many have been pardoned by the victim's family. The principled policy of the Islamic Republic of Iran in dealing with such cases is to encourage reconciliation — even by providing financial aid to offenders to enable them to pay *diah* (blood money). The judiciary has now established a working group to help prevent the imposition of capital punishment. The working group is affiliated to the Tehran province prosecutor general's executive committee on the protection of child and adolescent rights. The goal of the commission is to promote reconciliation and prevent the implementation of *qisas*. Members of the committee include the representative of the national focal point for the implementation of the Convention on the Rights of the Child, a psychiatrist attached to the juvenile rehabilitation centre, a social worker attached to the juvenile rehabilitation centre, the manager of the rehabilitation centre, a lawyer with child and juvenile experience, the secretary of the executive committee on child and juvenile rights protection (Tehran Department of Justice). The committee is also staffed by volunteers, such as artists, representatives of non-governmental organizations (NGOs), child experts and donors. The working group functions in the following way:

- (a) The working group is notified by the prosecutor's office, the court, the head of the Tehran provincial correction centres or the police of the arrival in the judicial system of adolescents who have been charged with crimes that may carry the death penalty;
- (b) The psychological status of the accused person is checked by a social worker and psychologist;
- (c) Home visits are carried out by a social worker;
- (d) An attorney meets with the defendant and the family of the victim;
- (e) An attorney meets with the judge hearing the case;
- (f) A report of the working group meeting is drafted;
- (g) Decisions are made on the next steps in the committee meeting;
- (h) If necessary, influential people and elders are invited to help with the reconciliation effort;
- (i) The victim's family is invited and meetings between the family, members of the committee and the judge are organized.

According to articles 88 and 89 of the Penal Code, for all other crimes, offenders receive lenient sentences, which include either juvenile training centres or pecuniary penalties.

According to article 91 of the Penal Code, in offenses eligible for *hodood* and *qisas*, if persons under the age of 18 do not understand the nature and consequences of the crime, punishments other than the death penalty should be applied to them.

These are new developments in the judicial system of Iran for the purpose of exercising maximum leniency and justice for offenders under the age of 18.

Paragraph 9

International figures show that efforts made by the Islamic Republic of Iran and the resoluteness of the judiciary and law enforcement in combating drug trafficking have had tremendous success in containing such crimes. The prohibition of serious punishments, including the death penalty for drug traffickers (after the entrance of Western forces) in Iran's eastern borders in the past 14 years has led to an increase of 333 per cent in drug production (from 1,800 tons in 2001 to 6,000 tons in 2014). It has also led to the surge of inhumane drug-related felonies. Additionally, other countries which consider narcotics as a serious threat to their security and social well-being are also considering using capital punishment in such cases. The Islamic Republic of Iran has repeatedly announced its readiness to engage in regional and international efforts to uproot the production and trafficking of narcotics. In this regard, the United Nations Office on Drugs and Crime has repeatedly commended Iran's measures in combating narcotic drugs, and various country programmes have been implemented. The new country programme for 2015-2019 is being finalized.

Furthermore, to explain its positions in combating narcotics and to take advantage of the most advanced possible experiences, the Islamic Republic of Iran has put the subject on the agenda of bilateral human rights dialogues and cooperation with other countries. This includes submission of a comprehensive plan to boost regional cooperation (multidimensional cooperation on relevant cultural, economic and technical issues) with some European countries. Despite lengthy negotiations, unfortunately, little seriousness has been shown by other parties. In addition, in the last meeting with the Special Rapporteur, Iran proposed that dialogue and cooperation on this subject should be included in the next meeting with him.

Paragraph 10

The excessive concentration on claims regarding the use of the death penalty in Iran in paragraph 10 of the report and the recourse to estimated statistics, while ignoring reasons, threats and the special situation of the country, in particular with regard to the astounding increase in narcotic drug production in Iran's eastern borders, undermines the credibility of the report. According to the existing statistics, drug-related executions accounted for over 80 per cent of all executions in Iran in 2014.

Claims regarding unreported executions and names of convicted individuals are refuted. Iran has requested complementary information on those claims from Rapporteurs, in particular from the Special Rapporteur on Iran, but no response has yet been received. Therefore, these claims are unfounded. It is noted that all prisons in the country are run by the same procedures according to the executive code of conduct of the Prison Organization.

In this paragraph, it is claimed that details of executed persons in 2014 and the first seven months of 2015 have been provided by NGOs. However, by referring to footnote 12, it is obvious that most statistics are quoted from unofficial sources and

need to be verified. Different NGOs claim different data and figures, and such contradictions make the authenticity of the claims questionable.

Paragraph 11

It is necessary to consider that, for more than three decades, Iran has expressed concern over the risk of a sharp increase in the production and trafficking of drugs from its eastern borders. Unfortunately, the need to design a set of international measures to control and eradicate this dangerous phenomenon from the region is still neglected by international organizations as well as countries which claim advocacy for human rights. Instead of offering real help for the realization of the aforementioned measures, these countries only care to express concerns over exaggerated statistics associated with the execution of armed drug traffickers. The Islamic Republic of Iran has the world's highest number of drug seizures and has been able to significantly reduce the consequences of the uncontrolled increase of drug production and trafficking inside the country through the implementation of comprehensive multifaceted programmes.

Paragraph 12

The Islamic Republic of Iran welcomes every mutual consultation to help eradicate drug trafficking and combat its effects, in particular the possible spread of HIV/AIDS, and refers the Special Rapporteur to the list of government actions to prevent the spread of HIV/AIDS, particularly in prisons. However, the language used in this paragraph is so vague that it is not clear if the Special Rapporteur intended to appreciate legal measures taken by Iran to fight drugs or intended to criticize them. It seems that lack of attention to deep political, economic and social root causes, expansion of the production and trafficking of drugs and overlooking international commitments to fighting drug traffickers has led to a vague interpretation of the subject.

Paragraphs 15 and 16

As previously stated, Iranian laws emphasize the possibility to appeal death penalty verdicts of the courts and include possible ways to seek a pardon for condemned people, which practically reduced the use of the mentioned punishment. As mentioned in paragraph 15 of the report, several governmental and non-governmental research institutions are engaging in a dialogue and discussion regarding the search for new and more effective solutions to eradicate, control and manage the widespread and devastating phenomenon of the production and trafficking of drugs at the regional level.

Court verdicts are issued in accordance with the provisions of the Penal Code. Based on article 38 of the Constitution of the Islamic Republic of Iran, any torture is prohibited in the country and under articles 570, 578, 579 and 587 of Iran's Penal Code and article 9 of the Law on Respecting Legitimate Freedoms and Protecting Citizenship Rights, perpetrators will be subject to heavy punishment. Under Islamic law, corporal punishment has a clear definition (*hodood* and *qisas* have been determined under Islamic law). Such a definition is incompatible with the concept of torture and therefore the concerns of the Special Rapporteur in this regard are invalid.

It should be noted that verdicts involving amputation are very rare and in case such a verdict is handed down, the Enforcement Unit and, in particular, the related Amnesty Commission, try to suggest alternative penalties.

The deplorable practice of acid attacks has been strongly condemned by Iranian officials. These attacks are being seriously investigated and prosecuted by the judiciary. Meanwhile, according to the information received from the competent authorities, the allegation of 480 flogging cases is completely false.

Paragraph 17

Based on the information received from the Tehran Court, the defendant was prosecuted by branch 26 on charges of illegal interference in medical matters and in accordance with article 3 of the provisions of the law relating to medical matters. This proceeding resulted in the cancellation of the licence of cultural institution of Erfan Keihani and the payment of a fine.

The verdict was issued after hearing his defence as prepared by his attorneys Mr. Michael Ghanbari, Mr. Behzad Kazemi and Mrs. Shadi Rasadi. The appeal by the defendant and his attorneys was considered by branch 54 of the Tehran Province Appeal Court, which confirmed the initial verdict in accordance with relevant articles of the Code of Criminal Procedure.

Thus it was that the individual in question misused the licence of a cultural institution for conducting illegal medical activities and committed other felonies which were dealt with in accordance with the law. Investigations have been completed regarding his other charges of creating a devious sect that caused deep social troubles and harm which resulted in loss on both personal and family levels. Recently, a lower court issued a verdict against him, which can be appealed.

Paragraph 22

Freedom of expression has been clearly stipulated in Iran's Constitution and law. In paragraph 22, despite the claims made, no source is provided to support the claims; therefore, the entire paragraph should be deleted from the report.

It should be noted that of a thousand press activists, only a few individuals committed offenses that have been tried by competent courts in accordance with the law and in the presence of a jury. The majority of those individuals received light sentences. However, a number of individuals who abused mass media for disseminating untrue and insulting information aiming at inciting ethnic and religious hatred to undermine public morale and national security have received greater scrutiny. Such legal restrictions are in line with article 19 (3) of the International Covenant on Civil and Political Rights on respect for public morals, the dignity of the people and national security.

Paragraphs 24 and 25

According to the Justice Department of Tehran, in the case of *Atena Faraghdani*, after hearing her attorney and exhausting all legal proceedings, she was convicted in accordance with articles 500, 514, 609, and 610 of the Penal Code and article 134 of this law. It should be noted that her illegal acts have nothing to do with healthy and normal social activities. However, the verdict is subject to appeal and within legal limits. Moreover, she is currently released on bail.

Paragraph 26

According to the Justice Department of Tehran Province, in the case of *Atena Daemi Khoshknoodhani*, the issued verdict is preliminary and not definitive yet. It should be noted that her numerous delinquencies have nothing to do with healthy and normal social activities. The verdict has been issued in accordance with the law and can be appealed in the Tehran Province Appeals Court.

Paragraph 27

The claims contained in this paragraph have many ambiguities which should be verified. The editor of the Publishing Judiciary Media Centre was not fired and is still active in his position. Refraining from concluding a contract with him as editor of legal services of Mizan is irrelevant to this subject. Additionally, Jamaran News and Bahar News are not filtered and have not stopped functioning.

Paragraph 28

The Association of Iranian Journalists started its work in 1997. Its closure came about when, in two consecutive years, its general assembly could not reach the quorum required to elect members of the board of directors. Therefore, it was dissolved in accordance with the statute of the Association.

Consequently, the Association of Iranian Journalists, in protest of this decision, lodged a complaint with the Administrative Justice Court. The Court rejected the complaint of the Association and upheld the decision of the Ministry of Cooperative, Labour and Social Welfare on the dissolution of the Association.

Based on the electoral campaign promises made by President Rouhani, the Ministry of Cooperative, Labour and Social Welfare committed to settling the problem through consensual agreement and understanding. However, the judiciary expressed its legal view that since dissolution of the Association had been decided, following the exhaustion of all legal proceedings, there was no possibility of its reopening. Furthermore, the judiciary and the Ministry of Cooperative, Labour and Social Welfare, in order to solve the problem, put forward a proposal to the members of the former Association to establish the Association of Iranian Journalists in the form of provincial associations. At the moment, efforts are being made to grant this cultural society labour guild status. Considering these efforts, the paragraph seems redundant. Investigations indicate that the Iranian Freelance Journalists' Association, which was mentioned in the latter part of this paragraph, is the same as the Association of Iranian Journalists and apparently is a repetition of the same issue.

Paragraph 29

A good number of university elites have established private companies in the field of information technology, some of which are cooperating with national projects. The Ministry of Telecommunications and Information Technology supports the private sector, in particular those companies related to advanced high technology. The Islamic Republic of Iran is committed to respect the privacy of individuals and to protect them in cyberspace. Owing to the independent and non-governmental structures of service provider companies and their obligation to respect the laws of the country, the claim concerning replicating international online

applications to provide State officials full access to transmitted content (through search engines or messaging services) is untrue.

Paragraph 31

The union's right to protest is among the recognized fundamental rights acknowledged in articles 26 and 27 of the Iranian Constitution. Also, this issue is implicitly referred to in paragraphs 142 and 143 of the Islamic Republic of Iran's Labour Law and has been emphasized through the fifth development plan of the country.

In order to implement articles 26 and 27 of the Constitution, to provide security for trade gatherings and to ensure trade union rights, the Government formulated and adopted "regulations on the management and organization of the workers' union's protests" in 2011, which has also been shared with the International Labour Organization.

Paragraphs 32 and 33

With regard to persons referred to in paragraphs 32 and 33 of the report, the following information is provided:

- *Mahmoud Salehi*. According to the Kurdistan Province Court, Mr. Mahmoud Salehi was arrested on charges of membership in groups affiliated with the Komalah terrorist group and his dossier has not been finalized so far
- *Osman Esmaeili*. According to the Kurdistan Province Court, Mr. Osman Esmaeili was arrested on charges of membership in the Komalah terrorist group. He is currently free on bail. His dossier has also not yet been finalized
- *Reza Amjadi*. According to the Kurdistan Province Court, Mr. Amjadi was prosecuted on charges of cooperation with the Komalah terrorist group and sentenced to 91 days in prison. His prison term ends on 7 September 2015
- *Farzad Moradian (Moradinia)*. According to the Kurdistan Province Court, Mr. Farzad Moradian was prosecuted by the Sanandaj Court on charges of membership in the Komalah terrorist group and sentenced to one year in prison.

Paragraphs 35 to 37

In the Constitution of the Islamic Republic of Iran, the legislative body (Parliament) is independent. It follows a precise process regarding proposals that are put before it: if required by law, the country's institutions refer the matter to the legislative power through provision of a bill or proposal. After specialized review by the relevant parliamentary committees, the issue is raised in open session and if the people's representatives vote in the affirmative, the adopted law will be sent to the Guardian Council for final approval. This proposal will be ready for implementation when its conformity with the Constitution and Islamic laws is approved by the Guardian Council. The last stage is publication of the law in the official newspaper of the country. It is expected that the Special Rapporteur avoid commenting based on his personal interpretation before the completion of the legislative process. His concerns about the drafted texts of some proposed legislation are unjustified and inappropriate.

Paragraphs 55 and 56

The Islamic Republic of Iran's Constitution and laws recognize and encourage the participation of women in elections, whether as voters or as candidates. Women's participation in elections is a social and cultural subject and has increased greatly since the establishment of the Islamic Republic of Iran. Also, the Islamic Republic of Iran has made all necessary efforts to improve women's and girls' education as a prerequisite for their political participation, which has led to the increase in the number of women attending higher education according to the existing statistics, a fact that is also recognized by international institutions. At the same time, the policy to increase the number of women as regional or provincial governors, the highest local decision makers and the government's representatives, has been followed to augment women's political participation and to assign them to decision-making positions. Finally, it is emphasized that women's educational empowerment aims at training specialist women in order to excel in Iranian society, including participation in political life and reaching decision-making positions, albeit by striking a balance between social and family responsibilities.

Paragraph 57

Accepting the majority of universal periodic review recommendations related to women's issues mentioned in the report is indicative of the serious will of the country in favour of the promotion of the rights and status of women, which should receive due attention. To increase participation of women in decision-making positions, the following programmes are under consideration and implementation:

- (a) Raising awareness about women's rights regarding political participation through public training and the media;
- (b) Increasing programmes for the empowerment of women in managerial positions;
- (c) Creating a certain quota for women in the Parliament;
- (d) Increasing the number of women in the political parties for parliamentary elections;
- (e) Increasing executive management training courses for women;
- (f) Increasing financial resources and providing opportunities for women to participate in the electoral process.

Paragraphs 58 and 59

It should be noted that the quota issue of universities should not be interpreted as restriction of education. In the absence of proper policies, an imbalance is emerging between job opportunities and the number of graduates in some university majors. It should also be mentioned that the quota system is not limited to women; in some branches, such as medical science, the quota system is applied in favour of women.

The existing statistics indicate that the rate of economic participation of women in the marketplace of the Islamic Republic of Iran has increased in recent years. This rate increased from 9.1 per cent in 1999 to 13.8 per cent in 2012. Presently, about 17 per cent of all persons with occupations are female. Also, a

comparison of the rate of participation of men and women shows that in 1999 the rate of participation of men was almost six times greater than that of women. This rate has declined in recent years to 4.5 times greater, which is indicative of progress. To implement laws and programmes relating to women and the family, the following are on the agenda of the Government:

- (a) Further empowerment of women in different professions to promote their status;
- (b) Special protection by law for female recruitment into the labour markets;
- (c) Establishment of civil society institutions in support of women;
- (d) Promotion of women's cooperatives, in particular in agriculture and handicraft sections;
- (e) Increase in support to female-headed households.

Paragraphs 60 and 61

Unemployment is a worldwide phenomenon that affects men and women alike. Global statistics indicate that the prevalence of unemployment among women is higher. Furthermore, the transition period from a traditional economy to a modern economy intensifies unemployment in developing countries. The Islamic Republic of Iran is also not excluded from this trend. However, two points should be mentioned in this regard. Under Iranian law, men are obliged to support their wife and other dependent members of the family financially, and this responsibility holds even if the wife is capable of providing for herself. This is why, contrary to conditions in many other countries, Iranian women are less at risk of poverty owing to personal unemployment. Furthermore, because women are not responsible financially for family welfare from a religious, social and cultural point of view, many Iranian women consider working to be a choice, not a necessity. Years of sanctions and their direct and indirect outcomes have had a negative impact on the country's job market, have seriously violated women's economic and social rights and have made the realization of such rights extremely difficult. This issue has always been emphasized by representatives of the Islamic Republic of Iran in all international interactions regarding women's issues and deserves more attention from the Special Rapporteur, the many thematic rapporteurs and, in particular, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.

Paragraph 64

Women's presence in sport stadiums is not so much related to laws as to the social and cultural norms. Therefore, the Islamic Republic of Iran, mindful of its preventive approach to violence against women, is seeking ways to prepare a suitable social and cultural environment as well as to provide infrastructures and facilities for the security of women and girls in such environments to prevent any kinds of physical, mental or verbal violence against women.

Paragraph 67

The Islamic Republic of Iran has the serious intention to combat violence against women and condemns all forms of such violence. Iran puts special emphasis

on strengthening the family, considering it pivotal for the security of its members, especially women and children, and therefore believes that domestic violence disturbs the functioning of the family and is opposed to the inherent dignity and mental and physical health of family members. It should be mentioned that “distress and constriction” (*osr va haraj*) does not mean commitment of violence against women. Claims mentioned in paragraphs 65 and 67 are based on draft bills which have not yet been adopted by the Parliament.

Paragraph 68

Female genital mutilation has no place in the religious and cultural history of Iran. A few cases may have occurred in certain remote areas — small marginal border cities or on their outskirts — under the influence of cultures in neighbouring countries. However, these few cases are unacceptable from the viewpoint of the Islamic Republic of Iran; and articles 664, 706, 707, 708 of the Penal Code could be invoked to lodge a criminal complaint against the perpetrators. Efforts are being exerted to inform the people of these regions through health houses and by working closely with community and religious leaders. The National Authority on the Rights of the Child is also sensitive regarding this issue. Considering the impossibility of verifying the cases mentioned in the report, the authenticity of the statistics is in serious doubt. Obviously, adopting necessary criminal laws in addition to cultural activities to prevent this phenomenon would be in line with the Convention on the Rights of the Child.

Paragraph 70

On the case of Ms. Narges Mohammadi, she was summoned after her health problem was resolved to serve the remainder of the six-year prison term she received in April 2012 according to the law. The rest of the claims mentioned in this paragraph are untrue and need to be deleted. Also, on Ms. Mortazi Langroodi, she has not yet received a final verdict and her dossier is under appeal.

Paragraph 72

The right to receive education in the mother tongue has been referred to in many international documents. Article 15 of the Constitution of the Islamic Republic of Iran, by making a reference to the teaching of regional and tribal languages, has given due attention to this issue. In other words, the Constitution prescribes the teaching of regional and local languages along with Farsi. Therefore, there are no restrictions or obstacles in the way of the education of Iranian ethnic populations in their mother languages as well as the publication of their papers in their mother languages.

Paragraph 73

The strong coherence of the Persian language with other local languages, together with common cultural history, have made this language understandable and available to all Iranians. In particular, after the Islamic Revolution, the widespread literacy programmes, which unprecedentedly increased the literacy rate across the country, the spread of television coverage, the increase in the number of higher education centres and the number of educated persons has resulted in the fact that, in practice, the common language of Iran is understandable to all segments of the

Iranian population. Given the high number of admissions and even the high number of students from different cities and different ethnicities and their high level of performance in higher education entrance exams and faculty positions, it is clear that the claims mentioned in the paragraph are invalid and should be deleted.

The report indicates that more than half of the illiterate population is 50 years of age or older, which means these people have been affected by the policies of the regime that existed before the Revolution. In the Islamic Republic of Iran, with adequate spending and improved efficiency in the implementation of adopted policies, no efforts have been spared to educate people, in particular in regions largely populated by ethnic minorities.

Paragraph 74

Unfortunately, the report, without paying attention to the development of the country, made reference to a report which absolutely does not support the claims and prejudgements of this paragraph, and therefore such claims should be deleted. A correct judgement on the performance of the Islamic Republic of Iran with regard to the promotion of the economic, cultural and social situation of areas largely populated by ethnic minorities is possible only when indicators such as poverty, discrimination, early marriage of girls and mandatory primary education are compared to the period before the Islamic Republic of Iran. International statistics confirm the increase in the promotion of economic, health and educational conditions of the country in recent decades, in particular in the country's third and fourth development plans.

Paragraph 75

The shortage of primary school teachers, the allocation of new funds and the employment of qualified teachers are being addressed.

Paragraphs 76 and 77

Kurdistan province, before the Islamic Revolution, was among the most deprived provinces of the country, and the rate of illiteracy, child mortality, poverty and poor health was very high in that province. The first decade of the revolution was spent under the shadow of the imposed war. The presence of terrorist groups and extremist movements in such a situation hindered any possibility of providing health and education services and financing for the development of this province. With the end of the imposed war, over the past 20 years, there has been significant change in the condition of this province and all development indicators, including education and health, show improvement, and various universities have been established in the province. It should be noted that Governments can only meet demands which are within the context of the Constitution of the country. In line with this, the Government of President Rouhani, in accordance with article 15 of the Iran's Constitution, planned various programmes so that the teaching of local and ethnic literature, including the Kurdish language, became possible. In addition to that, in October 2015 the branch devoted to Kurdish language and literature in Kurdistan University was established.

Paragraph 78

According to article 10 of the Iranian Press Law, requests for publication should be accepted by the Press Supervisory Board. Accordingly, establishing the public and professional qualifications of applicants is entrusted to this seven-member Board. Some requests may be rejected for professional reasons, which should not be connected to the sex, ethnicity, religion and political opinions of the applicants. Observing the number of media outlets in Iran (6,000 titles) — which is constantly updated in the comprehensive system of the State's media (erasaneh.ir) — shows that there are various publications which belong to religious minorities, ethnic groups, women and government critics. Based on the aforementioned criteria, Mr. Parviz Bahadorzahi was denied a license to run a publication. It should be noted that he sent a new request last March to the Press Supervisory Board to run another publication. His request is under consideration and will be accepted should it meet the requirements of the law.

As can be seen in previous cases, cooperation with or membership in terrorist groups are reasons for arrest and prosecution, not activities in the field of labour rights.

It is obvious that the holding of any gatherings needs a prior license from the relevant bodies. According to official statistics, there are dozens of peaceful assemblies held in private and public areas in the Islamic Republic of Iran. Therefore, legal protests and gatherings are not considered to be acting against national security.

Paragraph 79

As mentioned in the report, different segments of the country are working to promote culture and literature, including the language and literature of the Iranian ethnic populations, as these efforts promote national identity as a whole. One of the greatest contemporary poets in the Persian language is Mr. Shahryar from Tabriz, capital of West Azerbaijan province, whose mother language is Azari. It is necessary to note that Governments can accept requests which are consistent with their constitutions. During his recent provincial visits, President Rouhani unveiled the Foundation for Azari Culture, Literature and Art, which was welcomed by the literature scholars. The Islamic Republic of Iran is an inclusive society, comprising all ethnic populations, in particular in the capital city. The promotion of all native and ethnic cultures and languages is pursued, while the historical and cultural integrity of the country is preserved.

The emergence of extremist and destructive tendencies which promote ethnic sectarianism, planned from abroad, is being confronted with vigilance. According to the Justice Administration of Ardabil province, Mr. Atabak Sepehri, who disseminated propaganda to incite extremist hatred, was released on 10 February 2015 based on his written commitment and, consequently, the court issued a verdict of absolution with regard to his charge of propaganda against the system.

Paragraph 80

In the Islamic Republic of Iran, the detention of individuals is only carried out according to law, regardless of ethnicity, religion or other affiliation. The person

referred to in this paragraph was not detained at all and therefore this claim should be deleted.

Mr. Younes Asakereh, an Arabic-speaker citizen from Khorramshahr, ran a fruit stand in Khorramshahr without the permission of the municipality. When the Khorramshahr municipal government moved to close the kiosk, he immolated himself. Unfortunately, 10 days later, he passed away in a hospital. Following the complaint lodged by his family against the municipality, a judicial dossier was established and after an investigation, the municipality was found not guilty and the dossier was closed. It should be mentioned that the claim of arresting about 1,000 people who defended Mr. Asakereh is a pure lie and no independent source has reported it. Therefore, information contained in this paragraph is unsubstantiated and should be deleted. According to the existing evidence and pictures posted on the Internet, he received adequate medical treatment and his death happened owing to the gravity of his injuries. After his death, local authorities and charity NGOs took significant measures to safeguard the life and housing of his immediate family. It should be noted that many local authorities in Khorramshahr, including the mayor, are Arabic-speaking and that the law is applied regardless of the ethnicity of the violator. Therefore, the reference should be deleted from the report.

Paragraph 81

The claim regarding the arrest of a man because he was wearing traditional Arabic clothing is very strange. On the claim of continued detention of some individuals, names should be provided for further investigation.

In parts of Khuzestan, the increasing call for extremism and the incitement of people to engage in violent and terrorist activities — inspired by the extremist ideologies rooted in neighbouring countries — have come to the attention of local officials. Subsequently, different programmes have been planned and implemented to control such phenomena.

Mr. Hazbawi (Ahmad Zavari, known as Ahmad Hazbawi) was charged with incitement to provoke violence and ethnic conflict. His dossier was legally examined, which resulted in a mild verdict. He is currently out of prison. Considering the information submitted on this issue, it is obvious that the claims in this paragraph are incorrect and therefore should be deleted from the report.

Paragraph 82

According to the report of the Mahabad police on the death of Ms. Kobra (Farinaz) Khosravani, daughter of Mohammed, age 27, as a result of falling from Hotel Tara in Mahabad (Shura Boulevard), after examining the hotel cameras, the police found out that the lady had entered room No. 403, which belonged to Mr. Seyed Morteza Hashemi Vand, aged 39, from Tabriz, an engineer. Mr. Hashemi Vand was arrested and confessed that he had had relations with her for the last two weeks before the accident and intended to marry her, and that the parents of the girl were aware of the relationship. On the day of the incident, she entered the room, but in order to conceal herself from surveillance cameras as well as from the manager of the hotel, she tried to exit the room using the balcony. Unfortunately, after passing some adjacent rooms, she lost control and fell from the fourth floor of the hotel building, which led to her death. Immediately after the incident, a judge, a medical examiner and police officers arrived on the scene and, after examining the body of the

deceased person, declared that she had not been raped and that her death had occurred as a result of a broken skull. A dossier was created in branch 1 of the prosecutor's office and the necessary judicial order was issued for the investigation. Subsequently, Mr. Hashemi Vand was arrested on the charge of having had an illegitimate affair and served a sentence in the Mahabad Prison facility. He was released on bail later. On Thursday, 7 May 2015, as a result of malicious propaganda by some individuals with extremist ethnic tendencies and the incitement of young people through satellite programmes and social media, a number of opportunistic individuals gathered in front of the hotel and attacked and burned it and three private cars. Owing to the illegal actions and damages, 62 persons who masterminded the attack were arrested and were put in jail under a temporary detention decree (the majority of them were released later on bail). Fourteen people and 53 policemen were injured owing to their conflict with rioters.

Paragraph 83

The number of ordinary persons injured was 14, 11 of whom were outpatients. Three of the injured persons, named Akam Tlaj, son of Gamal, Amir Tork, son of Mohammad, and Farhad Rahimi, son of Rahim, were hospitalized in Urumia, Tabriz and Mahabad. Unfortunately, Mr. Akam Tlaj passed away owing to a bullet that hit his spinal cord. Considering the type of the bullet which hit Mr. Akam Tlaj (from a hunting gun at a distance of 5 meters), it is clear that he was shot by elements in the riots, as such guns are not used by the police. Mr. Tlaj's name was put on the list of martyrs and his family receives privileges from the Martyrdom Foundation.

Meanwhile, the death of Ms. Kobra (Farinaz) Khosravani in Mahabad province was investigated by local and judicial officials on time. According to substantiated information, the issue of rape or proposition of sex were ruled out. Mr. Hashemi Vand had no governmental position and was connected to the family of the deceased person and intended to marry her.

Paragraph 85

The position of each State regarding acceptance or rejection of universal periodic review recommendations falls within its sovereign rights. The Islamic Republic of Iran tried to implement all accepted recommendations of its first review. It is obvious that implementation of all recommendations requires adequate preparation and planning, and thus needs a longer period of time. It is, however, surprising that the report took a position concerning the non-implementation of the first universal periodic review recommendations by Iran. This paragraph should be modified to reflect these realities.

Statements contained in paragraph 85 of the report confirm the policy of Iran towards religious minorities as well as the flexibility shown by the Government towards them to perform their religious duties.

Paragraph 87

The claim in the report that there are numbers of Baha'is in prison, without paying attention to their crimes and due process, which was carried out during their prosecution, is unacceptable. Making reference to their "persecution" indicates prejudice, incorrect judgement and partiality on the part of the Special Rapporteur, and needs to be corrected. In 2010 after receiving reports about suspicious activities

involving the holding of scientific classes in different places other than official universities, the Ministry of Science, Research and Technology attempted to file a complaint in court in Tehran, which was accordingly examined.

Investigations indicated that directors of the institute, despite having knowledge of their illegal acts, insisted on continuing their activities in one way or another. Examination of the documents discovered in this institute indicates that it was established illegally and is not consistent with the higher education system of the country. Considering the presence of Baha'is in State universities, the establishment of an illegal institute was unjustified. The institution, under the guise of educational activities, was following the political and economic goals of an outlawed cult. Persons referred to in this paragraph have been prosecuted on charges of membership in this cult and carrying out illegal activities. After a fair trial and hearing their defence, each of the accused was sentenced to four years in prison, recently completed the sentence and was released.

Paragraphs 88 and 89

The only available case in Semnan province is related to Mr. Ali Khanjani (not Jamaloddin Khanjani, who has a record of activities and conviction because of his membership in the illegal Baha'i organization). Ali Khanjani requested a construction permit for a 200 square meter building in 2000. According to construction permit No. 5,200 dated 6 January 2001, the original copy of which is on file, his request for construction of 200 square meters was approved. In later years it became known that he instead constructed 400 square meters. During the investigation, he submitted a construction certificate in which construction of 400 square meters was mentioned instead of 200 meters. Considering the contradiction between the certificates he submitted and the original certificate which existed in his dossier, the authorities came to the conclusion that his construction certificate had been manipulated.

Consequently, according to the law, a complaint was filed against him on a charge of forgery. The forgery was confirmed by official experts of the judiciary, but Mr. Khanjani's involvement in the forgery was not confirmed. Therefore, an absolution verdict was issued. However, all construction papers presented by Mr. Khanjani were invalid because the signatures did not belong to experts and officials of the governor's office.

It should be noted that a construction certificate is only valid for one year, after which the certificate should be extended. He did not request an extension of the certificate. Since the certificate expired, the Article 99 Commission of the municipality ordered demolition of just 200 meters of construction. Construction violations in urban areas cannot be overlooked because of the beliefs and attitudes of violators. Measures taken in this case have absolutely nothing to do with the owner's personal beliefs. Thus, this paragraph should be deleted from the report.

Paragraph 90

There are more than 250 active, semi-active and historic churches in the country which serve the religious needs of relevant religious minorities. Bearing in mind the limited number of Armenians and Assyrians living in Iran, there seems no need to establish new churches under the names mentioned in the report. Leaders of the Christian communities in Iran are not proposing new churches and none of the established churches is willing to take responsibility for it.

According to law, all groups, associations and social, religious and political organizations must obtain necessary authorizations from authorities for their activities. Apparently, it has not been the case for the so-called house churches; therefore, their activities are considered illegal, as is the case in Shahin Shahr.

On Mr. Tamarz, according to the Tehran Justice Office, he was charged with illegal formation and running of an association. He was summoned to the judiciary and after consideration of his charges, was released on bail. No verdict has been issued for him as yet.

Paragraph 91

The care facility referred to in paragraph 91 had been an elderly care facility that had functioned for 20 years without a licence. The Welfare Organization of Iran requested this centre to obtain the necessary licence to make it possible to monitor the provision of care to the elderly according to existing standards. Despite passing the deadline, the directors of this centre did not request action by the Welfare Organization and therefore they were ordered to close the centre. Because of the nature of the work of the centre, it was dealt with leniency and the centre did not receive a cash fine for the period of illegal work. Obviously, the closure of unlicensed and non-standard locations should not be attributed to the belief of the owners or operators of such a centre.

Conclusion and recommendations

In the laws of many countries, including the Islamic Republic of Iran, there are certain crimes that may result in capital punishment. There is no global consensus on abolition of the death penalty for serious crimes. According to the laws of the Islamic Republic of Iran, the death penalty is only applied to perpetrators of very serious crimes, including armed drug traffickers linked with murder and acts of terrorism. Owing to the gravity and scope of drug-related crimes, the national laws of Iran consider them the most serious crimes.

According to article 38 of the Constitution of the Islamic Republic of Iran, torture is prohibited and extracting a confession under torture is invalid, and according to articles 570, 578, 579 and 587 of the Penal Code and article 9 of the Law on Respecting Legitimate Freedom and Protecting Citizenship Rights, perpetrators of torture are subject to heavy punishment. Under the law, corporal punishments have specific definitions which differ greatly from the concept of torture.

Freedom of expression and opinion, media activities and freedom of peaceful assembly in the Islamic Republic of Iran have always been protected. The Constitution, in its article 24, clearly stipulated freedom of the press and the Press Law adopted in 1995, with consequent modifications and annexes, has guaranteed such freedom. The Constitution, the elections law of Iran and the code of conduct of the Iranian Parliament have also guaranteed freedom of expression and the immunity of members of Parliament. The holding of elections with the widespread presence of candidates from across the political and ethnic spectrum during the last four decades demonstrates the practical commitment of the Government to observe its laws and obligations.

In the Islamic Republic of Iran, citizens, without any distinction as to race, colour, sex, language, religion, political opinion, social origin, wealth, descent or

other status, have the right to participate in social life, including the right to participate in elections within the limit of laws and regulations. The qualifications for public office have been defined by law, which are not contrary to articles 2 and 25 of the International Covenant on Civil and Political Rights.

Since its establishment, the Islamic Republic of Iran has tirelessly worked towards the advancement of women. Extensive measures have been taken to improve women's health and education, eradicate poverty, create jobs, improve security and fight violence against them. To promote and protect the rights of women, the Islamic Republic of Iran accepted 42 recommendations it had received during its second universal periodic review. In line with this, Iran attaches great importance to combating violence against women at the levels of prevention, protection and remedy. In the laws of the Islamic Republic of Iran, the infliction of any kind of injury on another person entails criminal liability, and domestic violence is no exception. Nevertheless, owing to its importance, a special bill on the safety of women has been drafted. This bill defines in legal terms all types of violence, including domestic violence and its instances, and provides for proportionate punitive measures. The adoption of new laws and the modification of existing laws to further women's rights in accordance with national and Islamic values are seriously under consideration.

It is the constant endeavour of Iran to protect and guarantee the rights of all followers of recognized religions according to the law, as extensively referred to in previous reports. In addition to their participation in political decision-making, considerable funds have been allocated for improving their general situation, including the performance of religious rituals, religious education and the renovation of their religious sites.

The proper situation of the recognized religious minorities and ethnic populations has been repeatedly reported in the framework of the substantiated reports of the Islamic Republic of Iran, to which one may refer for further information. Observing the rights of all individuals, ethnic populations and followers of different religions has always been a steadfast policy in Iran. As stated in previous reports, various economic and cultural programmes have been implemented in regions inhabited by Iranian ethnic populations to promote their living conditions, welfare and political and social participation. In law and practice, legal measures are taken based solely on the nature of the unlawful acts and the individual's ethnicity is not considered.

The new Criminal Procedure Law confirms the right of the defendant to a defence lawyer in the investigation phase. With the commencement of surveillance, the defendant can ask for the presence of a lawyer and in the investigation phase, a meeting with the lawyer is obligatory. Even the lawyer can, after his meeting with the defendant, leave his written observations in the dossier. Only when dealing with crimes mentioned in article 48 will the meeting with a lawyer be possible one week after the commencement of surveillance. This new code is an important stride towards the realization of the rights of the accused and the administration of justice.

The Islamic Republic of Iran paid attention to the recommendations submitted to it with high interest during the second cycle of universal periodic review meetings from the legal, political, economic, cultural and structural perspectives, while engaging all the related parties. Iran announced its support for about 65 per cent of received recommendations. While consulting with related governmental

institutions and members of civil society, Iran has put the implementation process of accepted recommendations on its agenda.

Final considerations

Unfortunately, the report relies on clauses of legislation still in the early stages of the legislative process whose content is not yet finalized or enforced. Hasty interpretations and conclusions should not be made on these matters and the report should thus be amended.

Following numerous calls by the Islamic Republic of Iran for the Special Rapporteur to react to the inhumane sanctions against Iranian citizens, although late, the Special Rapporteur finally referred to the harmful effects of sanctions on the human rights of Iranian citizens in the introduction of the new report. However, it is expected that the harmful effects of illegal and inhumane sanctions that affect most of Iranian citizens are clearly and thoroughly addressed, and that the offenders are denounced.

Claims mentioned that are based on prejudgements and without documentation render the report without much needed balance and impartiality, which are against the basic rules of the code of conduct of the special procedures, and should be amended.

The report, on a positive note, makes references to executive or national policies which are being implemented based on the country's needs and budgetary conditions. The report also in numerous cases has referred to the country's practical achievements and welcomed several high authorities' remarks.
