



International Covenant on Civil and Political Rights

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Human Rights Committee

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List of issues to be taken up in connection with the consideration of the third periodic report of the Islamic Republic of Iran (CCPR/C/IRN/3)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please state whether the provisions of the Covenant have ever been invoked before domestic courts. If so, please provide details on all cases in which this was done and with what results. Please indicate how article 4 of the Constitution (requiring that all civil, penal, financial, economic, administrative, cultural, military, political and other laws and regulations are based on Islamic criteria) is consistent with the provisions of the Covenant, and explain which provision takes precedence in cases of conflict.

Non-discrimination and equal rights of men and women (arts. 2, para. 1, 3 and 26)

2. Please explain: (a) why no woman may serve as president of the country, as per the Guardian Council's interpretation of the Constitution; (b) why no woman has ever been appointed to the Guardian Council or to top decision-making positions of the Expediency Council; and (c) why women cannot become presiding judges. Please also indicate which measures are being taken to increase the number of women in decision-making positions in the public sector.

3. Please indicate whether the State party has any plans to revise the Civil Code: (a) to abolish the requirement of a father's or paternal grandfather's approval to legalize a marriage; (b) to grant women the unconditional power to divorce; (c) to grant full custody rights to the mother, including after a child reaches the age of 7 or if she remarries; (d) to accord guardianship over a child to the mother in the case of the father's death; (e) to grant women the same inheritance rights as men; (f) to remove the legal obligation for a woman to be obedient to her husband; (g) to remove the requirement of a husband's approval when a woman intends to leave the country; (h) to prohibit polygamy; and (i) to remove the power of a man to prohibit his wife from entering employment. Please also provide information on plans, if any, to adopt legislation giving Iranian women the right to transmit nationality to their children.

4. Please clarify whether the State party envisages adopting legislation criminalizing domestic violence, and whether it plans to establish safe houses for victims. Please also provide information on measures taken to ensure that acts of domestic violence are effectively investigated and that perpetrators are prosecuted and sanctioned. Please explain how article 630 of the Penal Code, exempting a husband from punishment for voluntary manslaughter in the event that he murders his wife on suspicion of adultery, is consistent with the provisions of the Covenant.

5. Please provide information on the Special Protection Division within the judiciary, monitoring and reporting “moral crimes”. Please comment on the reported censorship of all materials relating to lesbian, gay, bisexual, and transgender issues. Please clarify whether members of the gay and bisexual community have been pressured to undergo gender reassignment surgery.

Right to life (art. 6)

6. Please provide information, for the years since 2005, on death sentences imposed, the number of executions carried out, the grounds for each conviction and sentence, the age of the offenders at the time of committing the crime, and their ethnic origin. Please indicate whether the State party intends to revise the Penal Code to restrict the imposition of the death penalty to only the “most serious crimes”, within the meaning of article 6, paragraph 2, of the Covenant and the Committee’s general comment No. 6 (1982) on the right to life. Please clarify whether the circular of January 2008 by the former head of the judiciary banning public executions is respected in practice. Please clarify why stoning as a method of execution continues to be handed down by courts, despite a moratorium issued by the judiciary in 2002, and explain how this method of execution is consistent with the provisions of the Covenant.

7. Please clarify as to whether further amendments are foreseen to the draft juvenile crimes investigation act and the Bill of Islamic Criminal Code with the aim of abolishing the death penalty for persons having committed a crime while under the age of 18. Please also provide statistics, as of April 2011, on the number of offenders on death row who had committed a crime while under the age of 18, and the number of executions of such offenders upheld by the Supreme Court that are awaiting final authorization by the head of the judiciary.

8. Please indicate whether plans exist to amend the Penal Code with the aim of removing the “*mahdoor-ol-dam*” (deserving of death) definition. Please also provide information on cases since 2008 in which this provision has been invoked by judicial officials in their rulings and explain how it is consistent with the terms of the Covenant.

9. Please clarify whether an impartial and independent investigation has been carried out into allegations of killings, torture and other ill-treatment during and following the 12 June 2009 presidential elections, and provide comprehensive information on findings and action taken against responsible high level officials.

10. Please indicate what measures have been taken to investigate honour killings and effectively prosecute those responsible, especially in the Kurdistan, West Azerbaijan, Sistan and Baluchistan, and Khuzistan provinces.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of person, and treatment of persons deprived of their liberty (arts. 7, 9, 10, 12 and 13)

11. Please provide information on: (a) the total number of cases of alleged torture and cruel, inhuman or degrading treatment on the part of police officers or prison officials that have been investigated since 2005; (b) the outcome of these investigations and the action taken against those found guilty; and (c) the measures taken for the rehabilitation and compensation offered to victims.

12. Please indicate whether the State party intends to amend the Penal Code with the aim of abolishing the imposition of corporal punishment by judicial and administrative authorities, in particular amputations and flogging for a range of crimes, including theft, enmity against God (*mohareb*) and certain sexual acts. Please provide statistics on amputation and flogging.

13. Please comment on allegations of the use of general and blanket arrest warrants, which do not contain the names of the accused and are not based on a judge's review of material evidence, and explain how this is consistent with the Covenant.

14. Please specify how many individuals are currently held in pre-trial detention, as well as the average length of pre-trial detention. Please indicate whether there is any limit to the amount of time a court can order somebody to remain in detention by law enforcement officers. Please also comment on information before the Committee that individuals are held in incommunicado detention in unofficial detention centres.

15. Please respond to reports that confessions have been used as the primary evidence to obtain convictions in court. Are there safeguards in place to ensure that confessions obtained through torture or other ill-treatment are excluded as evidence in a trial?

16. Has a system been established for regular and independent monitoring of places of detention? Please provide information on cases of mistreatment of detainees that have been referred to the judicial authorities by the Office for Performance Evaluation, Inspection and Response to Complaints. Please provide information on steps taken to improve conditions of detention in Evin Prison, in particular those of sections 350, 2A, 209 and 240. Please also report on allegations of the use of solitary confinement in detention centres. Is human rights training, covering the topics of the prohibition of torture, effective interrogation techniques, conditions of detention and the treatment of detainees, a standard component of curricula in the training of law enforcement, prison and judicial officials? Please comment on the reported denial of medical treatment to many prisoners in Ward 350/Correctional Facility 3 of Evin Prison, including due to the very low daily quota for infirmary visits and to refusals for such visits.

Elimination of slavery and servitude (art. 8)

17. Please provide information on steps taken to combat and prevent the trafficking and sale of persons under 18 years of age, particularly young girls from rural areas, which is often facilitated by temporary marriages (or "*siqeh*").

18. Please provide statistics on the number of arrests and convictions under the 2004 law to combat trafficking.

Right to a fair trial (art. 14)

19. Please clarify how fair trial guarantees contained in article 14 of the Covenant are respected in practice, especially in the Revolutionary Courts and the Evin Prison Court, including: (a) the right to legal assistance of one's own choosing; (b) the right to be informed promptly of the nature and cause of the criminal charges; (c) the intervention of lawyers during the investigation stage; (d) the presumption of innocence; (e) the right to a public hearing; and (f) the right to appeal a ruling.

20. Please indicate how the independence of the judiciary is guaranteed in practice, and in this light comment on the impact of the role of the Office for Supervision and Evaluation of Judges, as well as repeated calls by senior clerics and high-ranking Government officials ahead of trials for protesters who were arrested after the 2009 elections to be dealt with harshly on charges of enmity against God (*mohareb*).

21. Please clarify whether a judge can prevent a lawyer from attending court in national security cases and confirm on what grounds a judge can make such a decision. Please also provide information on the amount of time that lawyers are given for the preparation of a defence, and whether lawyers have been asked by judges to submit written submissions instead.

Freedom of religion and belief (art. 18)

22. Over the past two years, how many evangelical Christians have been arrested and charged with proselytizing? Please clarify how many individuals who have converted from Islam have been arrested since 2005, and provide information on the crimes for which they were accused and the penalties imposed upon them. What is the status of the proposed article 225 of the draft Penal Code, aimed at making the death penalty mandatory for convicted male apostates? Does the State party intend to lift the ban on conducting Christian services in the Farsi language and to allow all citizens to attend a religious service of their own choice?

Freedom of opinion and expression (art. 19)

23. Please provide information on the number of human rights defenders and defence lawyers currently in prison, as well as details of the grounds for their detention and the sentences passed in each case. Please also provide information about the number of persons who have been prosecuted for vaguely formulated crimes such as "mohareb" (enemy of God) and spreading propaganda against the establishment.

24. Please comment on reports that many newspapers and magazines have been closed by the authorities since 2008, and indicate the number and the grounds upon which they were closed. Please provide information on the number of journalists, newspaper editors, film-makers and media workers who have been arrested and detained following the 2009 elections, the grounds for their arrest, and the sentences passed. Please also clarify why journalists have allegedly been subjected to interrogations after returning from abroad.

25. Please provide information on the work of the web-crime unit, established on 17 November 2009 to monitor "Internet crimes" and "insults and lies", as well as information on its findings and subsequent action taken against those found responsible. How does the State party ensure that the monitoring of Internet use does not violate the rights to freedom of expression and privacy as defined in the Covenant? Please comment on the practices, especially since the 2009 elections, of blocking websites that carry political news and analysis, of slowing down Internet speeds, and of jamming foreign satellite broadcasts.

26. Please indicate what measures the State party is taking to investigate and prosecute those who engage in incitement to discrimination and hostility against the Baha'i faith and its adherents, in the media, in public sermons, exhibitions and other events, in published books, and in printed material distributed in public places, including in schools. Please also explain how the authorities' call in February 2011 for a rally to express hatred against the opposition movement is in line with the provisions of article 20 of the Covenant.

Freedom of assembly and association (arts. 21 and 22)

27. Please comment on the alleged use of force by security forces to break up workers' public protests. Have workers who have subsequently suffered injuries been offered compensation, and have officials responsible for such excessive use of force been held responsible?

28. Please provide information on the number of women's rights activists who have been arrested and detained since 2005, in particular volunteers and members of the One Million Signatures Campaign.

29. Please clarify why in the two and a half years prior to the 2009 presidential elections, some 200 students were detained and at least 160 students were suspended or were expelled from universities. Please report on the number of students that have been arrested and detained during and after the 2009 presidential elections.

Freedom of movement, marriage, family and measures for the protection of minors (arts. 7, 12, 23 and 24)

30. Please provide information as to whether the legal age of marriage for girls and boys will both be set at an equally higher age. Please provide information on measures taken to prevent and combat forced, early and temporary marriages.

Right to take part in the conduct of public affairs (art. 25)

31. Please clarify how the qualifications for registration in election campaigns (in particular article 28, sections 1 and 3, of the Majlis Elections Act), as well as the right of the Guardian Council to reject parliamentary candidates (as per article 3 of the Amendment to the Majlis Elections Act of 1995) are in conformity with the rights guaranteed in article 25 of the Covenant.

32. Please clarify why, regarding the tenth presidential elections in 2009, only 4 candidates were approved out of more than 450 prospective candidates. Please clarify why international observers were not allowed entry to monitor the election results. Please also comment on reported censorship and surveillance during the election campaign (including the blocking of cell phone signals and access to social networking and opposition websites), and on the harassment and arbitrary arrest of political activists, members of the country's religious and ethnic minority communities, students, trade unionists and women's rights activists during the pre-election period. Please comment on the approval of the election results by Ayatollah Khamenei, before certification by the Guardian Council, and clarify why two provinces showed a turnout of more than 100 per cent.

Rights of persons belonging to minorities (art. 27)

33. Please provide information on particular restrictions or conditions placed on the enjoyment of cultural, linguistic and religious freedoms of minorities in the State party, such as the Kurds, Arabs, Azeris and Baluch, including the use of minority languages in schools, publication of journals and newspapers in minority languages. Please also indicate the number of ethnic minority activists who have been accused of terrorism, acting against national security or treason, since 2005, and the sentences pronounced in those cases.

34. Please provide information on steps taken to protect members of the Baha'i community against arbitrary detention, false imprisonment, confiscation and destruction of property, denial of employment and Government benefits and denial of access to higher education.
