



# International Covenant on Civil and Political Rights

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## Human Rights Committee

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Item 4 of the provisional agenda

Consideration of reports submitted by States parties  
under article 40 of the Covenant

## Replies of the Islamic Republic of Iran to the list of issues in relation to its fourth periodic report\*

[Date received: 2 June 2023]

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\* The present document is being issued without formal editing.



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

### Reply to paragraph 1 of the list of issues (CCPR/C/IRN/Q/4)

1. On fulfilment of the country's obligations under Article 2 of the Covenant, The Islamic Republic of Iran (IRI) does not intend to invoke internal norms as justification for any failure to fulfil its obligations under the Covenant; we do commit ourselves to our international obligations as well as our Islamic commitments. IRI ratified the Convention in 1975 and thus it is an integral part of our legal system. As per Article 9 of the Civil Code, any international instrument which is ratified by IRI shall be treated as domestic laws.
2. However, in case of possible disparities between obligations contained in the Covenant and those of domestic laws it is necessary to examine the obligations of the Covenant on a case-by-case basis, and compare each obligation with other domestic laws.
3. The IRI has developed various mechanisms to protect and promote human rights: Interior Ministry's Religious Minorities Committee, Majlis Human Rights Committee, Majlis Article 90 Committee (for people to file complaints against State organs), Judiciary Citizen Rights Protection Supervision Board, Presidential Advisor in Religious Minorities and Ethnicities, State Inspectorate's Complaint Center and the Council for Human Rights in the Judiciary. To upgrade legal frameworks for protecting and promoting human rights a certain number of acts, national documents, motions and bills have been adopted during the time span of the report, an indicative list of the most significant of which is available in the mid-term report.
4. The Judiciary also supports the progress, encouraged and facilitated training workshops for judges and legal students in this regard since 2017. For public awareness, the Judiciary works collaboratively with the Ministry of Education and the Ministry of Higher Education in order to raise the public awareness regarding their rights and legal codes. In this regard, steps have been taken so far to introduce educational material in curricula for students and academics, and in form of special programs. So far, 70 special study materials are designed and await further steps. In addition, between 90 and 100 million SMS with preventive and informative content are produced and sent to ordinary people regularly in order to raise their legal awareness regarding their rights; these messages contain preventative advices. In addition to that, it makes the necessary arrangements with the Broadcasting Organization of the Islamic Republic of Iran to broadcast short clips and similar contents with the aim of improving legal awareness of citizens within the context of our legal commitments.

### Reply to paragraph 2 of the list of issues

5. To promote the independence of the Human Rights Council, adoption of vital institutional instruments such as rules of Procedure is under elaboration. Expansion of its membership, revising its structure, adoption of a Plan of Action as well as a Vision document is in its agenda.
6. The bill for establishing the National Human Rights Institution in Iran is revised by the new administration, but needs further elaboration by experts of various institutions at national level. This process is still on going.

## Fight against impunity and past human rights violations (arts. 2, 6–7 and 14)

### Reply to paragraph 3 of the list of issues

7. The alleged torture and ill-treatment of persons mentioned in the question are unfounded and thus are strongly rejected. In the legal system of the IRI, torture is prohibited and the Articles 38, 570, 575, 578 and 583 of the Islamic Penal Code elaborate the domestic legal framework on prohibition of torture. With regard to the issue of reprisals, every person has the right to ask for legal remedy and access to justice.

## **Anti-corruption measures (art. 2)**

### **Reply to paragraph 4 of the list of issues**

8. The Islamic Republic of Iran has established eleven anti-corruption institutions: The National Authority of the Anti-Corruption Convention, Transparency and Smart City Committee of Tehran City Council, Centre for Studies and Researches on Administrative Soundness and Fight Against Judicial Corruption, Anti-Money Laundering Administration in Banks, Council of National Supervisory Authorities, Supreme Council for Countering and Preventing Crimes Money Laundering and Financing of Terrorism, Committee on Administrative Soundness and Protection of People's Rights, Commission for Publishing and Free Access to Information, Coordination Headquarters for Combating Economic and Financial Corruption, Committee for Combating Corruption, Fraud and Money Laundering of the Supreme Audit Court of Iran, and Supreme Supervisory Boards.

9. The Islamic Council plays a key role in drafting anti-corruption laws. The country's intelligence agency also has an important task in detection of corruption. For this purpose, an online reporting system called Whistle Blower has been created, through which reports on corruption could be directly conveyed to the judiciary, the intelligence agency including the IRGC, the Ministry of Economy and the Ministry of Labour. In order to protect safety of the whistle blowers, they may report with or without registering their identity information, thus anonymous reporting is possible. Reports containing identity information shall remain confidential and only the responsible authority will have access to that information. Regardless of the fate of the report, the whistle-blowers will be immediately protected. The guidelines' protections and encouragements apply to anonymous whistle-blowers at every stage of whistleblowing. The Islamic Republic is determined to fight against corruption. For example, the special court for economic crimes was opened in 2018 and handled 18,239 cases in just one year of operation. Time management and accelerating the follow-up process, issuing definitive and fair judgments and specialized and technical proceedings are other features of the anti-corruption courts.

## **Non-discrimination (arts. 2, 20 and 26)**

### **Reply to paragraph 5 of the list of issues**

10. The Constitution of the Islamic Republic of Iran provides for an independent chapter entitled "The Rights of the Nation", which recognizes the legitimate and legal rights and freedoms of various social classes, including linguistic, religious and racial groups.

11. The article 19 of the Constitution explicitly rejects any discrimination and emphasizes the equality and equal rights of all Iranian people including all ethnicities and tribes, regardless of colour, race, language or the like. All citizens, men and women, enjoy equal protection of civil, political, economic, social and cultural rights. In many principles of the constitution, the title "each", "everyone", "every Iranian" and the like is entitled with rights enumerated in the Constitution and principles thereof; it recognizes the fundamental rights of all individuals and citizens of the Country and Iranian citizens. All Iranians can enjoy these rights without any discrimination.

12. Articles 10, 33, 77, 97 and 110 of the Charter of Citizenship Rights has consolidated the rights of religious minorities, ethnicities and social and political affiliations, and in this regard have banned any type of spreading hatred particularly against children, discrimination in employment, discrimination in access to information, business and knowledge against minorities, ethnic, social or political groups and the right to inter-cultural communications is also well-pronounced. Remedies, measures taken and disaggregated data would be submitted in due course of time.

### **Reply to paragraph 6 of the list of issues**

13. On application of the death penalty, the IRI as a sovereign State is fully committed to its obligations set forth under article 2 of the ICCPR and intends to limit the cases to the most serious ones. At the same time, any sexual relationships outside of marriage are forbidden in

Islam and in our domestic laws and are criminalized in the Islamic Penal Code of Iran. 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 counselling, financial and insurance services to them through relevant laws, competent authorities and social institutes. As a remedy and according to the law, transgender people can apply for gender identity redetermination surgery through competent courts.

## Gender equality (arts. 3 and 25–26)

### Reply to paragraph 7 of the list of issues

14. Actions Taken or Planned to Achieve Gender Equality: The existing laws that have been approved in order to protect women against any discrimination and create equal rights between women and men are as follows. The Law of the Sixth Plan of Economic, Social and Cultural Development of the Islamic Republic of Iran (2017/2023 corresponding to 1396/1401) obliges all the government's executive bodies to fulfil the goals stated in Article 10, Article 20, and Article 21 of the Constitution of the Islamic Republic of Iran.

15. The objectives of the Vision Document of the Islamic Republic of Iran, which emphasizes on eliminating discrimination, as well as the general policies of the 6th Development Plan, which are to strengthen the institution of the family and the status of women (as considered in the Law on Youthful Population & protection of Family-Enacted on 16 October 2021) and to fulfil the legal and religious rights of women in all fields, the constructive role of women and the benefit from women's human capital in the process of sustainable development, and strengthening the organizational status of women and the family, and considering gender justice based on Islamic principles in all policies, programs and plans, and evaluating decisions based on the indicators announced by the National Headquarter of Women and Family of the Supreme Council of the Organization of Cultural Revolution. The Office of Deputy President for Women and Family Affairs is required to continuously monitor the promotion of gender justice in all the concerned agencies through the evaluation of the policies, programs and plans of the executive units and then submit its report annually to the Parliament (Islamic Consultative Assembly) and the Cabinet of Ministers. Under Vision document of the Islamic Republic of Iran in the horizon of 1404 (SH), which refer to certain objectives that the government of Iran must realize and done by 2025(1404), specifies the creation of equal opportunities for men and women and emphasize on the eradication of discrimination.

16. The Law on provision of homeless women and children approved in 1992 (1371) and executive Bylaw approved in 1995(1374). This law aims to provide financial, cultural and social support to its beneficiaries, which include widows, widowed women, and homeless women (vocational education, consulting services, etc.).

17. The Judicial Reform Document which has been approved in 2020 (1399) by the Head of the judicial branch, has taken into consideration the following measures for the realization of women's rights: - Obligation to create a "comprehensive system of legal assignments" by July 2022, in order to publicly and comprehensively publish legal assignments and corrective proposals and ranking of administrative organs in order to strengthen the implementation of laws and regulations related to the field of women and Family. - Compilation of instructions related to dealing with the abandonment of legal duties by directors and employees, or any neglect and negligence in the implementation of laws and regulations, and determining punishments for the authorities and directors of the administrative organs and agencies with priority to the issues related to women and family. (2022/1401) In order to promote and empower women in all aspects, the Office of Deputy President for Family and Women's Affairs has taken several measures: Approval of gender justice indicators approved by the Government Cabinet in 2017; The Letter of Approval of the Supreme Administrative Council (2016), which stipulates that by the end of the 6th Development Plan, the share of women in management and key positions in the country will increase by 30%. 1121 female judges are active in the judiciary system.) Following up the resolution related to the organization of higher educational institutions of the Supreme Council of the Cultural Revolution

Organization (2021) and detailed planning for the strengthening of higher educational institutions for women and the recruitment of women as academic staff in these institutions. (Women's share of membership in university faculties has increased by more than 33.3%).

## **Violence against women, including domestic violence (arts. 2–3, 6–7 and 26)**

### **Reply to paragraph 8 of the list of issues**

18. In the framework of protecting women against violent actions, the following measures have been adopted: In the field of "providing personal and social security for citizens", especially vulnerable persons in different physical, psychological, emotional and social dimensions are considered as one of the most important tasks of any government. A Bill on promotion of Security & Protection of Women against Harm, for protecting dignity of women vis-à-vis violence developed in 2023. This Bill concentrates on the following issues: Anticipating specialized duties for the governmental agencies, regarding prevention of violence against women and supporting and protecting women; Criminalization of forms of violence against women; Provision of special proceedings to deal with cases of violence against women; The Letter of Approval of the National Programs of the Government Cabinet dated 2018, regarding general training for marriage (before, during and after marriage) and the Letter of Approval of the national programs of the Government Cabinet approved in 2018 regarding the promotion of vitality and well-being and good health through sports, and increase the communication skills among family members and reduce and prevent the occurrence of violence. The Family Protection Law approved in 2013 has criminalized instances of violence committed by husband against wife and also cases such as: not registering a marriage; not registering a divorce; or preventing a meeting between mother and child as well as denial of services by both couples, are criminalized. To protect women against violent behaviours, the following measures have been adopted:

- "Providing personal and social security for citizens", especially vulnerable persons in different physical, psychological, emotional and social dimensions is one of the most important tasks of the current administration in Iran. To achieve this end, the Office of Deputy President for Family and Women's Affairs has adopted a bill to i.e. prevent women from being harmed and to improve their security against any misbehaviour. This bill intends to provide a set of measures to deal with prevention, control, and reduction of behaviours committed in the form of actions or omissions against women. The bill also includes protective and growth-oriented measures and devises preventive measures to criminalize misbehaviours against women. In doing so, in an effective manner, the bill requires i.e. applying innovative technologies on the Internet platforms and establishment of a certain number of legal mechanisms to support women and children against violence.
- Compiling the Bill on promotion of Security & Protection of Women against Harm, for protecting dignity of women vis-à-vis violence. This Bill concentrates on the following issues: Assigning specialized duties for the governmental agencies regarding prevention of violence against women and supporting and protecting women; Criminalization of various forms of violence against women; Provision of special proceedings to deal with cases of violence against women;
- The Letter of Approval of the National Programs of the Government Cabinet dated 2018, regarding general training for marriage (before, during and after marriage) and the Letter of Approval of the national programs of the Government Cabinet approved in 2018 regarding the promotion of vitality, well-being and good health of women i.e. through encouraging and facilitation of sports, increasing communication skills amongst family members as well as reducing and preventing occurrence of violence.

## **Voluntary termination of pregnancy and sexual and reproductive rights (arts. 6–8)**

### **Reply to paragraph 9 of the list of issues**

19. In order to secure the health of mothers and innocent foetuses, the law of Supporting Family and Population Youthfulness was adopted by the Parliament of the Islamic Republic of Iran. Obviously, with regard to Sharia Law and the Law of Supporting Family and Population Usefulness, the Ministry of Health, Treatment and Medical Education of the Islamic Republic of Iran opposes abortion and considers it against Human Rights and humanity while believing that lip services and literatures — such as voluntary termination of pregnancy — cannot hide this gross crime. The new law intends to protect families who despite their interest in having children do not have a child for various reasons, including economic problems.

20. Iran has always sought to ensure and protect the health of women and mothers. In addition, in the new Law, the right of the foetus has been taken into considerations more than before. Moreover, in order to control the health situation of mother and foetus, periodic screenings are carried out at different stages of pre-pregnancy to pregnancy to ensure their well-being. In the new law, the ultimate goal is to increase screening accuracy and reduce chances of errors. According to the available statistics, screenings with low accuracy may lead to the loss of a large number of healthy embryos.

## **Right to life (art. 6)**

### **Reply to paragraph 10 of the list of issues**

21. Formulating and presenting the Discretionary Penalty Bill: In Iran's criminal system and for the crimes bearing discretionary punishments which constitute the bulk of criminal behaviours, it was felt that there is a need to review and compile a comprehensive and structured law on the grounds of demographic dispersion, disproportion of the punishment with the crime, and more importantly, the lack of a consistent criminal policy in criminalization and sentencing as also the necessity of revision to reduce the types of crimes and cut down on the use of prison sentences in accordance with paragraph 14 of the system's general policies regarding judicial security. To achieve these goals, the Deputy Legal and Parliamentary Affairs Department of the Judiciary has prepared and compiled the text of the Discretionary Penalty Bill, which has been examined and evaluated by experts for years by various groups and in several drafts. The Discretionary Penalty Bill, was presented to the Head of the Judiciary in November 2022 by the Vice President of Legal Affairs and Parliamentary Affairs of the Judiciary and was then directly forwarded to the government is the result of the collective wisdom and efforts of the country's criminal law experts, including judges, especially Supreme Court judges, professors and faculty members, the academic community and other experts in the field.

22. One of the most important features of the Penalty Bill is the revision and rectifying of the criminal laws approved during the recent one-hundred-year legislative period, and in this regard the following should be noted: According to Article 422 of the Penalty Bill:

- First, the laws containing the death penalty have also been announced, with the exception of the anti-narcotics law and some other titles.
- Secondly, despite the compilation of criminal laws and crimes that are the subject of these laws in the Penalty Bill, this bill only provides for the death penalty in three

articles under the chapter on crimes against the internal and external security of the country (Articles 48,<sup>1</sup> 62<sup>2</sup> and 69<sup>3</sup>) with espionage as the most serious crime.

23. The law of adding an article to the Anti-Narcotics Law:

24. Many of the capital punishment sentences in the Islamic Republic of Iran are related to those convicted of drug and psychotropic substance trafficking crimes, which have become first-degree imprisonment with the approval of the law of adding an article to the anti-narcotics law approved in 2016. Penalties for drug offenses by children Drug offenses fall under discretionary punishments. And so, the punishment for drug offenses by children is set in accordance with Article 88 of the Islamic Penal Code. According to this Article, regarding children and adults who commit punishable offenses, with ages between 9-15 years (full solar year) old at the time of committing the crime, the court shall make one of the following decisions, depending on the case:

- (a) Surrender to the parents or legal guardian, by obtaining their commitment to discipline and educate the child or adolescent and to see to it that they are well-behaved;
- (b) Note- Should the court deem it expedient, it may, depending on the case, obtain from the persons mentioned in this Clause a commitment to carry out such matters as the following, and to notify the result thereof to the court within the prescribed deadline;
- (c) Taking the child or adolescent to a social worker or psychologist or other professionals, and cooperating with them;
- (d) Sending the child or teenager to an educational institution for the purpose of studying or vocational training;
- (e) Taking the necessary measures for the child or adolescent's treatment or drug rehabilitation under the supervision of a doctor;
- (f) Preventing the child or adolescent from communicating or associating with harmful persons, as determined by the court;
- (g) Preventing the child or adolescent from going to certain places;
- (h) Surrender to other persons, natural or legal, which the Court deems to be in the best interests of the child or adolescent, subject to commitment to carry out the mandates set forth in Clause (a), in the event of parental incompetence or that of the legal guardian of the

<sup>1</sup> Article 48: Any person who takes an effective action with the intention of dividing, separating or surrendering the territory of Iran' to the enemy or foreigners or their forces, or colludes with them for such purposes will be executed. However, if their action is not effective, they will be sentenced to first degree imprisonment.

<sup>2</sup> Article 62: Any employee of government institutions or executive bodies who is responsible for the protection of maps, documents, objects, information or secret data or has access to them or has been made available to them according to their duties, and makes them accessible for a foreigner or enemy or informs about their contents is considered corrupt on the earth and sentenced to death, unless they could prove that they had no intention of subverting the Islamic Republic of Iran or disrupting the country's security, in which case they will be imprisoned (second degree incarceration) in addition to receiving permanent dismissal from public and government service. If the mentioned cases are confidential, the perpetrator will be sentenced to fourth-degree imprisonment and fifth-degree dismissal from government and public services.

Note: If the perpetrator provides plans, documents, information objects or confidential data to unauthorized persons or informs them of their contents, they shall be imprisoned in the fourth degree and dismissed from public and public services in the fifth degree, and if it is confidential, to imprisonment and dismissal from government and public service.

<sup>3</sup> Article-69: Any person who identifies and hides a spy with the intention of disrupting the security of the country or helps a foreigner or the enemy, or causes them to hide, shall be sentenced to fifth degree imprisonment, and in cases where the legal punishment for espionage is death, imprisonment shall be aggravated by one degree. If the perpetrator is an employee of government institutions or executive bodies and commits the aforementioned behaviors by abusing their job position and hold the rank of director general or higher, their punishment will be increased by two degrees, otherwise by one degree.

child or adolescent, or lack of access to them, and in compliance with the provisions of Article (1173) of the Civil Code;

(i) Note- Surrender of the child to qualified persons shall be subject to their consent;

(j) Word of advice by the judge presiding over the court;

(k) Warning, admonition, or obtaining a written commitment not to repeat the offense;

(l) Detention in a juvenile correction & rehabilitation center for three months to one year, for offenses with discretionary punishments of first to fifth degree;

(m) Court proceedings for drug-related offenses by children under the age of 18;

(n) According to Articles 315 and 304 of the Criminal Procedure Code, it shall be carried out in the Juvenile Court. The trial shall be held in the presence of a consultant judge who will be selected from among specialists in educational sciences, psychology, criminology, social workers, academics and teachers familiar with the psychological and educational issues of children and adolescents.

(o) As documented in Articles 90-94 of the Islamic Penal Code, the court may, in light of reports received on the condition of the child or adolescent and his/her conduct at the correction & rehabilitation center, revise its verdict once and reduce the detention time to one-third of its original period, or to convert the detention to the surrendering of the child or adolescent to his/her legal guardian. It should be noted that criminal convictions for children and adolescents do not appear in criminal records. Commutation for drug offenses.

(p) According to Article 38 of the Amendment to Anti-Narcotics Law, the court may commute a sentence by half if there are mitigating circumstances. In cases where a person has been sentenced to life imprisonment, the court may reduce his sentence to 15 years, and if he has been sentenced to death, a request for commutation and pardon shall be sent to the Pardon Commission, and the said Commission shall deal with it with due consideration and compassion.

(q) Furthermore, under the Iranian Law if convicts of drug offenses, after the verdict has been issued, cooperate with the police or the enforcement agency, in any way, and their actions lead to the discovery of networks, the issuing court may, upon the request of the police or the enforcement agency, based on the relevant documents, amend the previous verdict and reduce his sentence by half.

(r) Regarding the death penalty for people under the age of 18 it is worth mentioning the following points:

(s) First, the Islamic Penal Code approved in 2012 has provided for a gradual age of responsibility in determining the punishment for punishable crimes committed by underage boys and girls. Articles 88 through 95 of this law are dedicated to punishments and security and educational measures for children and adolescents with the explanation that in general, children under 18 years of age are classified into four age groups:

(t) The first group includes children under 9 years of age who are not criminally liable. The second group includes children between 9 and 12 years old, who, according to Article 88, the court will take “educational measures” against them in case of committing punishable crimes. The third group is children 12 to 15 years of age, who will not be sentenced to criminal punishment in case of committing punishable crimes according to Article 88, and “security and educational measures” will be applied to them. The fourth group is children 15 to 18 years of age who, according to Article 89, in case of committing punishable crimes, are sentenced to punishments such as fines and detention in a juvenile correctional center for a maximum of 5 years. As a result, according to the mentioned articles, the punishment of death and whipping is not provided for the punishment of children and adolescents (at any level).

(u) Secondly, the Islamic Penal Code approved in 2013 has adopted a differential policy towards people under the age of 18 who have committed crimes bearing punishment or retribution (Qisas). In its Article 91, this Code specifies that when adults under the age of

18 and juveniles have failed to understand the “nature” of the crime or its “sanctity” or there is doubt about the “growth” and “adequate maturity” of their intellectual faculties, the punishment of Hudud and retribution will not be applied to them, and depending on the age, preventive and educational punishments will be applied. As per the note of Article 91, the court can refer the case to a medicinal examiner to determine the growth and maturity of an adult less than 18 years of age or resort to any other method it deems appropriate to verify the growth and maturity of the person in question. According to the judicial practice regarding the crimes triggering Hudud, the vast majority of judges replace such punishment with educational measures or the punishments prescribed in articles 88 and 89. As far as Qisas is concerned, Article 91 has been able to reduce many cases of retaliation in kind.

(v) Thirdly; regarding the executions mentioned in the Anti-Narcotics and Psychotropic Law, according to the law of adding an article to the Anti-Narcotics and Psychotropic Law approved in 2017, the sentence for these punishments in the case of children should be in compliance with Article 91 of the Islamic Penal Code. The Legal Department of the Judiciary has emphasized this according to the advisory theory No. 24/7 dated 9/12/2013. Given the addition of an article to the anti-narcotics law approved in 2017, which stipulates that “the perpetrators of crimes punishable by death or life imprisonment are considered spreader of corruption on Earth and are sentenced to death accordingly if one of the following conditions are met.” Currently, penal servitude and life imprisonment for crimes related to narcotic drugs and psychotropic substances are prohibited, and the death penalty has been replaced by Hudud punishment for spreading corruption on earth. In the assumption of inquiry that an adolescent is guilty of such a crime, if the perpetrator is not mature enough, the punishment should be determined according to Article 91 of the Islamic Penal Code of 2013.

#### **Reply to paragraph 11 of the list of issues**

25. In Iran there are strict laws regarding the carrying and use of weapon even for law enforcement. Firearms and cold weapon are only available to military, law enforcement and armed security forces, except specific and limited cases. Under the Law on the Use of Weapon by Officers of the Armed Forces in Necessary Cases, law enforcement officers have the eligibility to use weapon only in 10 highly specific circumstances, and is only enforceable by highly trained officers. Not to mention, the law covers all the police and security forces in all divisions of the system, and even applied for the special cases that obtained the certificate of use for the firearm.

26. The training of the Police is carried out according to Disciplinary Code of the Armed Forces that is in line with citizen’s rights and legitimate freedoms. This regulation also contains the disciplinary mechanism of Police for any potential violations.

27. According to the Regulation Regarding the Security of Legally Authorized Assemblies, Police is responsible for ensuring the security of such gatherings with observance of the aforementioned laws and regulations especially regarding the use of firearms. According to the law regarding the use of firearms, the use of all types of weapon is anyway not prioritized even for the illegal gatherings, except with the realization of the difficult conditions envisioned by the law.

28. The mechanisms in place to receive and investigate complaints regarding any violation of aforementioned law and regulation are two direct call number (116 & 197), referring to any local office of E-Judicial Service, or referring directly to the local Court Martial.

29. As per the report of the Fact Finding Commission of the Iran Consultative Assembly Regarding the Case of Mahsa Amini, her case is not anyway related to the use of force of any type, not even physical assaults during any stages of her interactions with law enforcements.

## **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)**

### **Reply to paragraph 12 of the list of issues**

30. In the legal system of Iran, there are many laws prohibiting torture and ill-treatment of people who are imprisoned or under surveillance and in detention, some of which are as follows: - Prohibition of torture according to Article 38: - The guarantees provided to ensure the implementation of this principle in regular laws are significant:

- Article 578 of the Islamic Penal Code (approved in 1996) in particular and articles 570, 575 and 583 of the same law;
  - The Law on Respecting Legitimate Freedoms and Protecting Citizens' Rights approved in 2002, all of its clauses are aimed at guaranteeing the rights of detained and imprisoned persons, and clause 9 that specifically prohibits the torture of the accused;
  - Article 169 of the Islamic Penal Code approved in 2013;
  - Articles 60, 189, and 195 of the Code of Criminal Procedure approved in 2012 prohibiting misbehavior, torture, duress, and coercion in interrogation and investigation and determining punishment for these behaviors;
  - The Law of the Sixth Development Program of the Prisons and Security and Educational Measures Organization obliges the relevant officials to improve the condition of prisons, develop the necessary infrastructure with the cooperation of non-governmental and public organizations, and help reduce the number of criminals by ten percent annually by benefiting from the new provisions including stay of prosecution or execution of punishment, postponement of sentencing, paroles and alternative punishments to imprisonment.
  - The applicable By-law of the Prisons and Protective and Educational Measures Organization prepared in the Deputy Legal and Parliamentary Affairs of the Judiciary approved in 2021 and sanctioned by the Head of the Judiciary and its corrective texts presented in 2022 is often in line with guaranteeing the rights of detained persons and prisoners. One of the most important features of this by-law is the promotion of the rights of juveniles who are kept in juvenile detention centers. Carrying out periodical inspections and oversight of prisons by prosecutors, carrying out periodical inspections of prisons and detention centers by the Civil Rights Monitoring Board, providing all health and treatment facilities for prisoners, providing psychological counseling and support facilities, providing access to a lawyer and benefiting from legal counseling services, improving communication facilities for prisoners outside of prison and the possibility of face-to-face and private telephone meetings, increasing educational facilities in prisons and providing the possibility of education, employment and vocational training for prisoners, providing re-education facilities for convicts and enabling them to re-integrate with the society is one of the things that has been accompanied by a significant change compared to the previous regulations.
31. The following measures are taken to protect the rights of the accused and prisoners:
- Dedicating a chapter of the Discretionary Penalties Bill containing twenty articles to crimes against the nation's constitutional rights and expanding the number of criminal behaviors that violate the fundamental rights specified in the Constitution, including the innovative provisions of the Discretionary Penalties Bill.
  - Among the behaviors that have been criminalized in this chapter are: mistreating the accused and convicted, depriving the people unlawfully of their rights, removing the evidence or tools or effects of a crime from another body by forcibly taking blood, performing any surgery or ingesting or injecting any substance to another or placing any device such as a tracker in the body, clothes or other belongings of people without complying with the regulations, violating the rights stipulated in the legal process such as denying the right to have a lawyer, translator or expert and the likes for witnesses, informants or litigants, entry, inspection or frisking of persons, objects, houses, places

of residence, workplaces or closed or shut-down places belonging to another, torture and physical or mental harassment of other persons in order to obtain a confession or testimony or take an oath or obtain information or investigate opinions on the basis of discrimination, imposing harsher conditions or actions on a person than what is prescribed in the laws and regulations or in the verdict or decision of the judicial authority, issuing a criminal prosecution order, arresting or detaining people against the law or without a warrant from a competent authority, seizing, detaining or imprisoning a person or hiding him, refusing to implement the written order of a judicial authority to release a person, taking into custody a person and committing them to prisons and detention centers without the order of a judicial authority, refusing to hand over a person who has been deprived of their freedom to a competent authority or official, or not acknowledging someone's appeal or its prevention, etc.

- The Bill of Citizenship and Public Rights is being reviewed and formulated in the Legal and Judicial Affairs Department of the Parliament. This bill, which was prepared with the cooperation of the Attorney General's Office, also deals with the rights of people under observation, in custody and in prison.

#### **Reply to paragraph 13 of the list of issues**

32. In this regard, the following measures have been taken:

- Omission of flogging punishment from the Punishment Bill compiled by the Deputy Legal and Parliamentary Affairs of the Judiciary. In this bill which contains 422 articles, one hundred titles of existing criminal laws have been removed in a way that not even one paragraph of flogging punishment is provided in the text of the new bill. Instead, social and alternative punishments have come to replace the imprisonment as the first-line punishment.<sup>4</sup>
- Regardless of the difficulty of proving the occurrence of the crimes that bear stoning which is almost impossible, stoning is replaced by flogging according to Article 225 of the Islamic Penal Code approved in 2013 and depending on the case as well as the method of establishment of a crime. As it is not possible to prove this crime by eyewitnesses, the death penalty will also be eliminated in practice.

#### *Violence against children*

33. According to Article 3 of the Law on the Protection of Children and Adolescents, if a child is placed in a perilous situation, it is possible to take legal action for "intervention" and "support" purposes. According to this article, a perilous situation is when a child is a victim of a crime or their physical, mental, social, moral, security, or educational status is compromised.

34. According to Article 10 of the Law on the Protection of Children and Adolescents, any harassment, sexual abuse, sexual exploitation, and forcing a child or adolescent to engage in pornography or sexual abuse by prohibited degrees (immediate family) or other persons is considered a crime and is punishable by law. Articles 7 to 16 of the aforementioned law have criminalized other instances of violence and misbehavior towards children.

<sup>4</sup> Article 9: Social punishments are divided into the following degrees as the main punishment:

A - Probation period up to six months for grade eight, six months to one year for grade seven, more than one year to two years for grade six, and more than two years to five years for grade five convicts  
 B - Community services up to two hundred and seventy hours for grade eight, more than two hundred and seventy to five hundred and forty hours for grade seven, more than five hundred and forty to one thousand and eighty hours for grade six, more than one thousand eighty to two thousand one hundred and sixty hours for grade five convicts

C - Daily fine up to one hundred and eighty days for grade eight, more than one hundred and eighty to three hundred sixty days for grade seven, more than three hundred sixty to seven hundred and twenty days for grade six and more than seven hundred and twenty to one thousand four hundred and forty days for grade five.

35. According to Article 32 of the Law on Protection of Children and Adolescents, if welfare social workers are informed that a child is in a dangerous situation, they can invite the parents, legal guardians, or other persons related to the said child to conduct investigations and adopt the necessary measures or visit the child's place of employment and education or other related places for investigation.

36. According to Article 33 of the Law on the Protection of Children and Adolescents, whenever the child is in serious and imminent danger or the child is in a dangerous situation and a crime could be committed against them, the welfare social workers or the judicial support unit and law enforcement officers are obliged to take the necessary measures immediately, to remove the risk of harm and adopt crime prevention measures and, if necessary, take the child away from the dangerous environment and transfer them to the welfare centers or other related centers and report their actions to the prosecutor within a maximum period of 12 hours.

*Corporal punishment*

37. According to Articles 3, 8, 9, and 10 of the Law on the Protection of Children and Adolescents and the concept of Article 158 of the Islamic Penal Code, any misbehavior, neglect, and negligence towards children is prohibited. Also, any "corporal punishment" that goes beyond the scope of disciplining and protecting children and falls under the criminal headings listed in the Islamic Penal Code is prohibited and subject to punishment. Also, according to Article 77 of the Students Disciplinary Regulations approved in 2000, it is forbidden to apply any punishment such as insults, corporal punishment and assigning homework for punishment.

## **Liberty and security of person (arts. 9 and 11)**

### **Reply to paragraph 14 of the list of issues**

38. In the implementation of Article 270 of the Executive Regulations of the Prisons Organization, people who are less than 18 years of age at the time of committing a crime, even if they are over this age at the time of trial and sentencing are only admitted to the juvenile detention centers in compliance with all the relevant laws and regulations.

39. People over 18 years old will be kept in the youth section of the centers. Convicts who are over 23 years of age are transferred to the youth center in the detention center or public penitentiary. According to paragraph A of Article 24 of the executive regulations of the prisons organization and the classification regulations of prisoners, accused and convicted are kept separately.

40. At present, more than 99% of convicts and defendants are segregated and kept separately in prisons. In order to improve the health and medical conditions of prisons, subordinate centers and police and security detention centers are under the management of the country's prisons organization, For example, in the implementation of articles 118 to 138 of the executive regulations of the prisons organization and in order to maintain and improve the health of prisoners, comprehensive health and medical programs have been formulated and implemented.

41. According to the notes one and two of article 139 of the executive regulations of the prisons organization, in all prisons with less than 500 prisoners, the presence of a nurse or emergency room is mandatory, and a doctor is also present round the clock. In prisons with more than 500 to 3,000 prisoners, the daily presence of a doctor stationed during office hours and in prisons with more than 3,000 prisoners, the presence of doctors around the clock in three shifts is mandatory. Currently, 134 clinics, 46 laboratories, 499 general physicians, 262 specialist doctors and 682 nurses are active round the clock in the country's prisons, and if there is a need to use the services of medical centers outside the prison, immediate action would be taken.

42. Services and measures that have been taken in order to improve the health situation, especially during the Covid-19 pandemic in prisons:

- According to the experts in the field of communicable diseases of the Ministry of Health, Treatment and Medical Education, the prisons of the Islamic Republic of Iran have registered one of the best results and achievements in the field of treatment due to taking timely and serious measures in the implementation of the principles of prevention and control of Covid-19, not only at the regional level, but also at the global level; Despite the presence of a high percentage of high-risk people with underlying conditions, not only no deaths of prisoners happened due to covid-19 inside the prisons, but there has been a significant difference in the percentage of deaths in the country's statistical population and the mortality rate of prisoners in treatment centers outside the prisons. This proud achievement is due to the correct analysis of the current situation, the timely preparation of the health and treatment system from the beginning of the pandemic, the adoption of appropriate solutions to the conditions of the prison, the change of use of potential virus spreading spaces for continuous disinfection and sanitation, the training of prisoners and personnel, compliance with public and social distancing and coordination with the Ministry of Health, Treatment and Medical Education in the implementation of national protocols and the development of specific protocols for prisons, and most importantly, the screening of incoming prisoners, timely and early diagnosis of the infected and their rapid dispatch to special hospitals for the treatment of Covid-19.
43. Some Special measures to deal with Covid-19 epidemic in prisons are as follows:
- Symptomatic screening of all incoming prisoners in terms of covid-19 infection (including control of body temperature and pulse oximetry by the health staff).
  - Screening, diagnosis and treatment when returning from furlough).
  - Preparation and joint development of a prison-specific protocol called screening, diagnosis, care and treatment of Covid-19 in prisons is the result of joint cooperation between the Prisons Organization and the Ministry of Health and Medical Education.
  - Replacement of the rapid test for Covid-19 (as a screening test) for all incoming prisoners at the beginning of the epidemic and then implemented in accordance with the instructions of the country's disease management centre. Isolation of suspected symptomatic cases and Covid-19 patients in quarantine and isolation places in line with the instructions of the Ministry of Health, Treatment and Medical Education.
  - Disinfection of prisons twice a day.
  - In order to reduce contact and the risk of disease spreading between prisoners, the transfer of prisoners between the wards of a prison and prisons of different cities was prohibited, as it was done only between cities and provinces with white status.
  - The use of masks was made mandatory for all prison staff and officers, and disinfectant and detergent liquid were made abundantly available to everyone.
  - Provision of equipment and distribution of essential equipment and supplies despite the cruel sanctions and severe shortages. At the beginning of the pandemic, equipment such as non-contact thermometers and pulse ox meters were procured and made available for symptom screening in prisons.
  - According to the policies and plans of the Ministry of Health, and the continuous monitoring of the health and treatment office of the organization on the condition of the disease, more than twenty national video conference sessions were held from the beginning of the covid-19 pandemic, to update doctors and paramedics and to communicate disease control policies.
  - Sending a large percentage of prisoners on furloughs, with priority given to the elderly, pregnant women, lactating women, etc.
  - More than 25 protocols and directives specific to the country's prisons were compiled in the health and treatment office of the headquarters of the prisons organization and sent to prisons all over the country for implementation.

- Continuous field visits were also carried out in order to monitor compliance with the protocols and directives sent by managers and organizational experts. Statistics related to Covid-19 are collected and analysed daily in prisons across the country.

## **Treatment of persons deprived of their liberty (arts. 7 and 10)**

### **Reply to paragraph 15 of the list of issues**

44. According to the executive bylaw on the management of security detention centers and in the implementation of Article 1 of the said regulation, security detention centers are the place of detention of those suspects who are committed to such centers on security and military considerations and with the written order of the competent judicial authorities, until a final decision is taken.

45. These centers operate under the supervision of the Prisons Organization of Iran. Therefore, all the detention centers related to security and law enforcement prisoners are under the direct supervision of the Prisons Organization while high organizational officials and the General Administration of Provincial Prisons periodically visit the said detention centers to monitor their management. The officials of the detention centers related to police and security crimes and the personnel working in that complex are employed after confirming the special qualifications. The standards of maintenance, management and provision of various services such as health and treatment services and access to doctors in the said detention centers are in accordance with the executive regulations of the Prisons Organization and the directives issued by the head of the organization are binding for the said detention centers. The officials of the detention centers are obliged to inform the head of the Prisons Organization monthly and confidentially about the statistics of those detained.

46. The monitoring and inspection committees on the protection of citizens' rights periodically inspect prisons and security detention centers and law enforcement sites across the country. It is worth mentioning that in the year 2021, the supervisory and inspection boards for the protection of citizens' rights in the provinces carried out a total of 751 inspections of prisons and detention centers, as well as 1,237 inspections of law enforcement authorities. Also, in the first six months of the year 2022, 427 inspections of prisons and detention centers as well as 1,634 inspections of law enforcement authorities have been carried out by the said teams.

## **Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8, 24 and 26)**

### **Reply to paragraph 16 of the list of issues**

47. As one of the earliest signatories to UNTOC, the Islamic Republic of Iran has taken necessary steps, in line with the provisions of the Convention and the protocols thereto. UNTOC has been approved by our Parliament in 2018 and is now under consideration by the Expediency Council for its final approval.

48. At the national level, several statutory regulations concerning TIP, as well as other necessary legal tools for investigation and prosecution are in place within our legal system. To complement our efforts, the government has also approved a new Bill amending the Countering Human Trafficking Act of 2004, and submitted it to the parliament for adoption. It has been approved by the judicial commission of Islamic Consultative Assembly and is still waiting for the final stage in the open session. One of the important laws in this field is The Protection of Children and Adolescents Law which has criminalized physical and mental damage to the child at any level and sexual harassment (contact or non-contact), embark on selling, buying or trafficking the child, or sell or buy the child's organs.

49. Enjoying a set of executive and supervisory measures, the Commission on Countering Trafficking in Person has been established by the ministry of interior to, inter alia; develop policies, strategies and programs, while monitoring any behavior indicative of TIP, and submitting relative reports to the executive officials on a regular basis.

50. The Government's Social Emergency Program – which is operational in more than 350 centers across the country – tries to prevent people from being trapped in trafficking and smuggling gangs; it provides the runaways and those exposed to child abuse and domestic violence with enough support.

51. Protection of street children under 'Social Protection Comprehensive Plan' concerning the right to registration of birth, recognition of nationality, right to enjoying a suitable life standard and decent housing, right to education, freedom from violence, sexual abuse, sexual exploitation, trafficking, child labor ban, access to judicial hearing, etc. is another important practical measure.

52. Two years ago, the Police of the Islamic Republic of Iran, together with Interpol, managed to dismantle one of the most notorious gangs guilty of smuggling Iranian girls for often sexual exploitation, and arrested its ringleader, nicknamed "Alex", as well as other members inside and outside the country.

53. Moreover, the Islamic Republic of Iran cooperates with the UNODC, as demonstrated in Country Partnership Programs (CPP) and regional programs by investing efforts to prevent and combat trafficking in persons and smuggling of migrants.

54. Also Slavery is officially rejected in the Constitution and laws of Iran. In this regard, new forms of slavery are also being confronted, including in 1398(2019), the "Bill on Fighting Human and Human Organs Trafficking and punishment for illicit carriers that transport persons across the Borders of the Country" was drafted and has now been getting through the parliament. The provisions of this bill are in compliance with internationally recognized standards, in particular the Protocol to Prevent, Suppress and Punish Trafficking in persons; That is, the document is annexed to the Convention against Transnational Organized Crime.

55. In addition to the Constitution and the Civil Code to ensure strict observance of the rights of individuals in marriage, childbearing, family survival, dissolution of marriage, divorce, custody of children, special role of mothers in strengthening the family, and age of custody, there is a selection of developments in this regard:

(a) Compilation of a comprehensive document on the rights of the child (1394(2015));

(b) In order to prevent and ban violence against children, the "Law for the Protection of Children and Adolescents adopted in 1399(2020)" has been ratified, which in Article 1, any kind of abuse, economic exploitation, trade trafficking, prostitution and any sexual exploitation, any obscene, and pornographic are defined and criminalized based on Articles 10 et seq;

(c) A working group was set up to combat child abuse in June 1396(2017). Also, in order to identify cases of child abuse, the Ministry of Education designed "NAMAD" project;

(d) Special investigative branches were established in the criminal court to investigate the crimes related to child abuse in the judiciary;

(e) "Law on determining the citizenship of children born in a family includes an Iranian woman and a foreign man" approved in 1398(2019);

(f) The Law on the Protection of Children and Adolescents, which came into force in 1399 (2020), describes protective measures in the field of child labour in dangerous conditions and all forms of exploitation and violence, prohibition of employment and lower wages, and punishment of perpetrators;

(g) Establishment of the "Child Friendly Cities" by Tehran municipality in cooperation with Office of the UNICEF.

56. By enactment of the IPC and the CCP, special protections, compatible with the international obligations of the IRI towards children have been anticipated in judicial proceedings.

57. There are records of holding a series of scientific meetings of the National Reference of the Convention on the Rights of the Child of the Ministry of Justice entitled "The Role of Religious Leaders in the Prevention of Violence and subsequently the outcome of the meeting was provided to the relevant executive authorities in the form of a handbook."

58. There are several legal and administrative guarantees to prevent early or forced marriage, which are also controlled by conducting periodic inspections and legal strictures on practice. In addition, due to the importance of the family in Iranian society and the general indecency of illegitimate sexual acts outside the marriage, furthermore, no need to be mentioned that the legislature is obliged to make appropriate laws, thereby meeting the natural needs of all citizens therefore marriage of adults who are under 18 should not be denied (unlike some countries that illegalized the marriage under 18. These restrictions would encourage the youth in open sexuality and early fornication as it can be seen in some western societies. This approach would end up increasing unwanted pregnancy and abortion rate for adolescents, which would be inflicting utmost pain and hardship upon adolescents who have not even reached 18. The registration of such marriages is also done in order to protect the rights of women and children resulting from the marriage, because by declaring these cases completely illegal, the unregistered marriages that occurred based on tribal or Islamic traditions will be uplifted and eventually women and their children will be deprived of the legal protections.

59. In different countries with different climates and cultures, the age of marriage has been set differently. Even some European countries have agreed to permit marriage under the age of 18 in some occasions. It should also be noted that according to the custom of nomads and some villages, many cases of marriage at a young age are without intercourse and consummation is postponed to older ages. It should be noted that a main part of the statistics of young marriages take place in this cultural and customary framework. The judiciary systematically monitors this group of marriages in accordance with the law. These supervisions are based on Articles 646 of the Islamic Penal Code (approved in 1375(1996)), the provisions of Article 1041 of the Civil Code and Article 50 of the FPL. Also, according to Article 56 of the recent law, any official notary public who registers a marriage without obtaining a certificate or in violation of the provisions of Article 1041 of the Civil Code is sentenced to a fourth-degree deprivation of service, the subject of the IPC Article 45 of the same law states: The observance of the expedience and interests of children and adolescents is mandatory in all decisions of the courts and executive authorities, and usually the courts do not easily approve the requested marriages in order to protect the best interests of adolescents. Further, owing to the cultural, social and economic changes in the cities, the age of marriage has practically increased. The latest statistics show that this age is 25.5 years of age for girls and 28.5 years for boys.

60. Temporary marriage has no customary precedent for girls, but for widows it is also possible according to the law based on the consent of the parties and legal registration, which prevents promiscuity and its inappropriate consequences.

61. Regarding the cases of trafficking in persons during the previous reporting period and the outcomes thereof, the correspondences with relevant in-charge bodies continues and has been prolonged. Once received, the response will be reflected.

## **Right to freedom of movement (arts. 9, 12, 17 and 19)**

### **Reply to paragraph 17 of the list of issues**

62. The right to freedom of movement is recognized according to Article 12 of the International Covenant on Civil and Political Rights, which Iran has acceded. Also, since the seventh, ninth and fourteenth paragraphs of the third article of the constitution of the Islamic Republic of Iran, considers the "political and social freedoms within the limits of the law" and "providing the comprehensive rights of men and women" and "eliminating unfair discrimination and creating fair opportunities for all in all material and spiritual fields" among the duties of the government, it can be concluded that freedom of movement is one of the rights and freedoms that must be recognized for the people.

63. Also, Articles 48 and 49 of the Charter of Citizen Rights approved in 2016 contain the following:

- Article 48: “It is a right of every citizen to have freedom of movement inside the country, to exit Iran and to enter Iran, save where this right has been restricted by law.”
- Article 49: “Citizens have the right to reside and be domiciled in any point of the Iranian territory. No one may be banished from his or her place of residence, be barred from his or her place of interest or be forced to settle in a place, save in instances prescribed by law.”

64. In accordance with articles 4, 9 and 13 of the International Covenant on Civil and Political Rights, any temporary and limited deprivation of this freedom will be carried out only in specific ways and according to the procedure prescribed by law such as to maintain national security - public order, health or public morals or according to the announcement of extraordinary conditions in the country. Articles 188, 247, 509 and 292 of the Criminal Procedure Law deal with this issue in the internal laws.

65. In the context of “arbitrary bans on foreign travel” and “discriminatory restrictions” it should be stated that:

- With regard to the relevant laws of the Islamic Republic of Iran and the principle of freedom and in line with the principles of the 19th, 20th, 21st and 24th of the Constitution of the Islamic Republic of Iran, there is no ban on internal trips or international travels of members of the nation. However, since the civil status details of the people who are claimed to be deprived of the right to freedom of movement under the mentioned guilds and groups is not mentioned in the question, it is not possible to investigate the issue on a case-by-case basis and provide statistics.

#### *Exit of married women from the country*

66. Family laws, especially the Civil Code and Family Protection Law (enacted on 20 February 2013), have envisaged provisions whereby a balance between the rights of husband and wife can be struck; for example, according to paragraph 3 of Article 18 of the Passport Law (enacted on 1 March 1973 and with subsequent modifications), it is presumed that women need their husbands’ permission to exit the country but no absolute power is granted to the husband, hence in urgent cases and upon the permission of the public prosecutor, women can request for passport and exit the country; of course, it is the public prosecutor who determines this urgency. Moreover, women can include the permission to exit from the country when marriage formula is being executed at the notary public’s office, or the husband can give the wife an irrevocable power of attorney so that she can proceed with her passport and exit from the country for either a specific time period or indefinitely. The important point is that according to Article 1119 of the Civil Code, either at the time of marriage or after that, women can come to agreement with their husbands and obtain powers as to the marital duties, custody of common children, right to employment, right to divorce, right to exit from the country and freedom of movement, right to choose the residence and house, etc., hence striking a balance between their own rights and duties and those of the husband.

### **Access to justice, independence of the judiciary and right to a fair trial (art. 14)**

#### **Reply to paragraph 18 of the list of issues**

67. Thorough independence and impartiality of the judiciary, especially judges, are crucial for achieving justice. To prevent suspicions and interference from interested parties and those in power, the third paragraph of Article 158 and Article 164 of the Constitution of the Islamic Republic of Iran, as well as the Law on the Periodic Transfer of Judges stipulate that all transfers and appointments of judges must comply with the principles of independence and impartiality, with the involvement of judges’ opinions.

68. The employment and appointment of suitable candidates to become judges include participating in a national exam or specific recruitment of students and distinguished graduates from universities. All candidates go through stages such as interviews and personality psychology assessments. The intention is to guarantee equal opportunities for all candidates.

69. The department responsible for assessing personality and psychological qualifications of candidates employs modern and scientifically grounded methods, irrespective of geographical or political boundaries.

70. Selection of judges is based on several criteria, such as mental health, independence of opinion, independent decision-making ability, decisiveness, critical thinking, lack of bias, assertiveness, inferential skills, and the capacity to uphold justice.

71. The recruitment and selection processes for judges, as governed by the regulations, do not impose restrictions or allow external influences. The selection is solely based on individual and moral scientific competences, without any intervention. The recruitment process considers Islam in a broad sense, accommodating volunteers from both Shia and Sunni backgrounds, regardless of their political orientation. The criterions for Islam and religion centers are moral obligation, conscientiousness, and adherence to moral values, normality, and altruism. An example of this inclusiveness is the employment of Sunni judges in the judicial system.

72. On the other hand adoption of the new Criminal Procedure Code (enforced in 2015) has been one of the most important developments in the legal system. The Sixth National Development Plan Law, in Articles 113, 116, and 117, requires the Judiciary to increase the accuracy and speed in the provision of judicial services, to create equal opportunities for access to judicial services for all citizens, to reduce incoming files, to prevent commitment of crimes, and to reduce the criminal population, to increase the resolution of disputes through arbitration and the creation and development of arbitration institutions, to establish of an inspection system to detect violations of judges, judicial staff and etc.

73. The Code of Criminal Procedure, in Articles 3 and 93, emphasizes on the impartiality and independence of judicial authorities and judges, and in Articles 421 and 372, on the impartiality of judges. Also, Articles 576 and 577 of the Ta'zirat Bill have criminalized involvement in judicial affairs by other government departments, of any position and level; and no authority has the right to intervene in judicial affairs and to prohibit the enforcement of sentences.

#### **Reply to paragraph 19 of the list of issues**

74. The Code of Criminal Procedure has introduced innovations in the direction of observing the rights of individuals involved in criminal proceedings, including the accused and the victim, and elimination of the existing vacuums, such as: systematization of the principles governing prosecution and the stipulation of fair trial principles in Articles 2 to 7; the requirement of carrying an identification card for law enforcement officers during their missions (Article 30); interrogation of women and minors by women officers (Article 42); presence of lawyers in the initial detention and investigation stages (Article 48); contact of the defendants with their families after being detention (Articles 49 and 50); summoning and detention merely on the basis of a judicial authority ruling; attention to NGOs as declaring a crime (Article 66); right to silence (Article 197); compensation for the duration of arrest after acquittal from attributed charges (Articles 255 to 261); compilation of the personality file in serious crimes (Article 203); elimination of temporary detention (Articles 237 and 238); conversion of the warrant of criminality to prosecution detention warrant (Article 265); prohibition of investigation of children and adolescents by the enforcement officer (Article 285); compilation of the personality files for the children and juveniles (Article 286).

75. As for the fair trial of crimes which result in loss of life, there are different stages in the process of issuing and enforcing sentences. After the initial investigation stage, a preliminary ruling is issued in the lower court with the presence of three judges and its review by the Supreme Court (with the presence of three judges). Also, according to the Code of Criminal Procedure, the request for repetition of court proceeding and a request for one-degree amnesty and pardon are stipulated. Based on Article 477 of this law, in cases where

the sentences are definitive, the Head of the Judiciary may, under certain circumstances, request the repetition of proceedings of the final judgment of the Supreme Court.

76. The Code of Criminal Procedure has also guaranteed, in Articles 48, 190, 195, 346, 347 and 348, the presence of a defense lawyer since detention, the presence of a lawyer in the initial stage of proceedings, the possibility of reminding the prosecutor, by the lawyer, in case of posing empathic questions, the right to choose an attorney in criminal matters, the legal assistance in lack of affordability, and the prohibition on holding hearing sessions without the presence of an adopted or court-appointed lawyer in very important crimes.

77. The Sanaa Website has been launched in order to provide access to the dispute parties and their lawyers to the contents of court files and to protect the privacy of the parties and to speed up the proceedings.

### **Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 6–7, 9, 12–13 and 24)**

#### **Reply to paragraph 20 of the list of issues**

78. The government of Iran, through the General Directorate of Foreign Nationals and Immigrants Affairs of the Ministry of Interior, is responsible for registering asylum applications and also determining the status of asylum in Iran based on the following laws:

- The text of Article 180 of the Third Development Program Law;
- Executive Regulations of Article 180 of the Third Development Program Law;
- Regulations of refugees;
- The law regarding the entry and residence of foreign nationals in Iran;
- Executive Regulations of the Law on the Entry and Residence of Foreign Nationals and subsequent amendments;
- The law of intensifying the punishment of unauthorized persons crossing the border;
- Civil Law (Book II of Citizenship);
- Constitution of Iran's citizenship law and subsequent amendments;
- Marriage regulations of Iranian women with foreign nationals;
- Executive Regulations for Issuing Visas of Foreign Nationals in Free Commercial-Industrial Zones of the Islamic Republic of Iran;
- Identification of foreigners without work permit.

79. According to the Refugee Regulations, the Ministry of Interior has a committee to deal with refugee affairs. This committee is in charge of reviewing asylum requests without any discrimination with fair and timely basis and reviews all requests on a case-by-case basis and announces its opinion after obtaining the opinion of related institutions such as the Ministry of Foreign Affairs. The Committee is established to consider the status of asylum seekers after reviewing documents and qualifications thereof. Foreign nationals applying for asylum in Iran are, by virtue of Article 2 of the Regulations, obliged to register with the border police or a competent authority upon arrival. According to Article 12 of the Refugee Regulations, the foreign national can appeal if his/her application initially rejected by the committee.

80. As also documented under Islamic Republic of Iran's reply (2050/1076253) to Urgent Appeal (UA IRN 34/2021), since the US withdrew from Afghanistan, Iran has been trying to prevent the situations from deteriorating and has acquired numerous safe-conducts for fugitive former officials through diplomatic channels. Subsequent to the announcement of Amnesty for all by Taliban, hitherto Iran has not found any reliable, convincing and neutral international report on existence of systematic, pre-mediated and imminent risk of irreparable harm and grave human rights violations. The Government scrupulously gives out that if there are some countries convinced of the perpetration of the aforementioned violations in

Afghanistan, Iran will be ready to facilitate the transfer of those Afghan nationals to their territories.

81. The recent developments in Afghanistan prompted a deluge of Afghan nationals, 37,739 of whom legally entered Iran. Upon arrival, these individuals were accommodated in temporary camps in Sistan and Baluchistan and Khorasan Razavi provinces with all necessary services and assistance having been rendered thereto. A significant number of Afghan nationals have hitherto returned to their homeland either voluntarily or after receiving safe-conduct, or following submission of express written consent at the presence of a UNHCR representative. Neither of the Afghan nationals deported to country of origin thereof had applied for asylum on the strength of the existing rules and regulations of the Islamic Republic of Iran. Only 505 Afghans have applied for asylum in Iran whose applications are under consideration by the Committee.

82. Most of displaced Afghans, a considerable number of whom are aiming to move towards Europe, illegally enter Iran with the help of smugglers. These individuals are usually arrested in north-western parts of Iran and later deported to country of origin thereof. Therefore, taking a risky and perilous journey to set foot in preferred destinations via illegally entering Iran with the help of smugglers and then traversing all the way through the Country for nearly 2,000 kilometres in order to reach the north-western borders and enter Turkey all bear witness to the fact that the ultimate goal pursued by most of these Afghan nationals, has never been to apply for asylum in the Islamic Republic of Iran. The Europe-bond Afghan nationals encroaching upon the Iranian territories in fact sought illegal employment, education and treatment NOT asylum. The United Nations High Commissioner for Refugees has – in an annual report released in 2021 entitled “Border Monitoring Report” –stated that most of the Afghan nationals deported from Iran had cited livelihood, family reunion and treatment as the main reasons for entering Iran, NOT applying for asylum due to a well-founded fear of persecution for reasons of their race, religion, nationality, membership in a particular social group or political opinion in Afghanistan.

83. Islamic Republic of Iran has always treated Afghans with Islamic leniency and humanitarian lens. Thus, the allegation regarding the “death of at least 10 people” is unsubstantiated and without reference here. Islamic Republic of Iran welcomes any substantial and well-grounded evidences in this regard for further investigation. Further, Islamic Republic of Iran has never recruited or anyway intended to recruit any foreign nationals to be sent to other countries, and categorically rejects the allegations in this regard.

## **Right to privacy (art. 17)**

### **Reply to paragraph 21 of the list of issues**

84. According to the Article 4 of the Covenant, in the event of a public danger situation, the adoption of measures outside of the requirements stipulated in the Covenant is allowed for the countries that are party to this Covenant. Moreover, according to the second clause of the third paragraph of Article 19 of the Covenant, the freedom of expression (which includes the right to access the Internet), is within the legal category and in case of threat to national security, it is possible for the authorities to impose legal restrictions.

85. In this regard it is also imperative to inform that:

- Adopting the general policies for the governance of the cyberspace of the country is the responsibility of the Supreme Council of Cyberspace.
- The adoption and implementation of filtering policies is the responsibility of the Working Group which is responsible to determine criminal content and the Ministry of Communications and Information Technology is one of the members of this Working Group and is responsible to execute the orders of this Working Group.
- Restrictions on access to social networks are also decided by the order of competent institutions such as the Working Group for determining examples of criminal content, the National Security Council and the Supreme National Security Council, and for its

implementation it has to be sent to the Communications Company which is under the Ministry.

- Based on the law and regulations regarding the responsibilities and duties of the Ministry of Communication and Information Technology, this Ministry is responsible for developing and regulating the market and supporting the private sector and facilitating active businesses.

## **Right to freedom of conscience and religious belief (art. 18)**

### **Reply to paragraph 22 of the list of issues**

86. The Islamic Republic of Iran with a history of several thousand years of civilization comprised of different ethnicities and religions lived together for thousands of years. The nature of government formation in Iran has never been defined on the basis of the monopoly of a particular ethnicity and religion, and thousands of years of peaceful coexistence between Iranian ethnicities by adhering to the values stemmed from tolerance is a testament to the depth of these beliefs among the nation.

87. Discrimination and negative stereotyping based on religion are unacceptable in any form and to this end Article 14 of the Constitution guarantees that the treatment of non-Muslims (the scope includes Baha'is) shall be in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This Article is as follows: “In accordance with the sacred verse; (“God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes” [60:8]), the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights.

88. It should be noted that, this principle applies to all who refrain from engaging in activities that breach public order, public safety and public Security of the Islamic Republic of Iran, including Muslims, Non-Muslims or Baha'is”.

## **Freedom of expression (arts. 19–20)**

### **Reply to paragraph 23 of the list of issues**

89. According to Article 4 of the Covenant and in the event of a public danger, the adoption of measures outside of the requirements stipulated in the Covenant, is allowed for the countries and according to the second clause of the third paragraph of Article 19 of the Covenant, the freedom of expression, is legal and in cases of threat to national security, it is possible to impose legal restrictions on it. Under the public emergency conditions in Iran, and according to Article 4 of the Covenant, the temporary suspension of this right does not conflict with the obligations. A large number of social and human rights activists work freely. Unfortunately, the term “human rights defender” is used in some cases with carelessness or for political purposes in a lopsided manner, ignoring atrocities of human rights OFFENDERS; by extension in some cases, terrorists, vandals and criminals are misrepresented as human rights defenders.

90. Freedom of expression and constructive criticism are also enshrined in the Press Law, subject of the avoidance of insults, humiliation, vandalism, defamation and violation of public and private rights. It should be noted that these restrictions also comply with Articles 18 and 19 of the ICCPR.

91. It's necessary to mention, there are currently 177 foreign media outlets in Iran with 336 active journalists, one-third of who are foreign nationals. The exchanges of knowledge and information with foreign partners have been progressive in recent years. Iran is an active member of the Asia Pacific Broadcasting Union (ABU) and makes great efforts to shatter the restrictions imposed by the worldwide news empires. Therefore, given the situation elaborated in question 1, the press operates independently and extensively in Iran.

92. During the riots of 1388(2009), according to the crisis management instructions, people were arrested at the scene of riots while committing destruction of public properties and journalists breaking the law, spreading false news with the intention to disrupt public order and public safety. Albeit, under the strict order of the head of the judiciary, individuals were immediately released if they have no criminal records and/or a minor offence was committed. A small number of those who have committed more serious offences have been sent out to the court in accordance with the law. According to the available documents, no one has been merely convicted or imprisoned in those riots just simply for being a journalist.

## **Right of peaceful assembly (art. 21)**

### **Reply to paragraph 24 of the list of issues**

93. According to the Article 46 of the Charter of Civil Rights states that it is the right of citizens to freely and in accordance with the law to organize gatherings and marches and participate in them, to enjoy the neutrality of the responsible bodies and to protect the security of communities. Several measures have been exercised to manage the properly ensure the right to peaceful assembly.

94. Then, carrying out peaceful human rights activities and exercising the right to freedom of expression and peaceful assembly is never a reason to persecute and detain individuals in Iran, on the other hand, the exercise of these rights and freedoms cannot be a pretext for committing crimes and breach of national security and public order, as is enshrined many times in the ICCPR.

95. In the IRI, freedom of opinion and expression and freedom of peaceful assembly have always been protected and the Constitution has specified such freedoms in various principles. Also, no member of civil society is excluded from the protection of the law as long as he/she observes the legal rules and does not commit illegal acts under the guise of an active member of civil society.

96. In dealing with allegations of recent riots and illegal gatherings which violated the public order, the courts have shown necessary flexibility. Iran, respects the right to peaceful assembly, except for those who carry and use weapons, vandalize, commit terrorist offences and the like; no one will be prosecuted or convicted merely for peaceful demonstration or protest. There is a clear line between peaceful protesters and those disguising their criminal activities as defending human rights. States are responsible to enforce laws, to protect national security and public order while guaranteeing all rights of the people. Any complaint of torture or violations of rights if registered in the judicial system will be dealt with in accordance with the law.

## **Freedom of association (art. 22)**

### **Reply to paragraph 25 of the list of issues**

97. According to Article 43 of the Charter of Citizen's Rights approved in 2016, citizens have the right to form, join and operate in parties, associations, social, cultural, scientific, and political and trade associations and nongovernmental organizations in accordance with the law. No-one shall be prevented from participating in or compelled to participate in one of them. Based on the Article 44, citizens have the right to participate effectively in policymaking, decision-making and law enforcement in the form of unions, associations and trade union systems. Article 45 states that civil activities in the field of civil rights are the right of citizen.

98. Based on paragraph (g) of Article (105) of the Sixth Development Plan Law, the government is obliged to design the necessary planning for political development in such a way that by the end of the Sixth Plan, political parties and organizations are supported by the legal rules approved by the Parliament. In 1396(2017) and 1397, twenty billion and six thousand million Rials have been paid to the parties and according to the legal process. In addition, according to the available statistics, about 9,500 non-governmental organizations and associations, 136 political parties and 480 trade and professional organizations are

licensed and operate freely in Iran. Out of the total number of non-governmental organizations, only 73 non-governmental organizations have ECOSOC Consultative Status, which are mainly active in the fields of health, charity, human rights, and environment. The Ministry of Interior is in charge of issuing licenses for non-governmental organization activities. Also, the Ministry of Sports and Youth, the Red Crescent Organization and the Welfare Organization are also issuing activity licenses for them. Many peaceful protests and gatherings are held in Iran every year without any problems. Peaceful Gatherings and demonstrations are free provided that demonstrators do not carry weapons.

## **Participation in public affairs (arts. 25–26)**

### **Reply to paragraph 26 of the list of issues**

99. According the Article 6 of the Constitution of Iran, administration of the country is carried out through vote of people for presidential election, or election of the representatives of the Islamic Council or city councils and also election for the Assembly of Expert. On this basis holding of any kind of transparent and free elections along political pluralism come from right to vote and the legal regulations in the electoral system of the Islamic Republic of Iran, which is according Article 25 of the International Covenant on Civil and Political Rights.

100. Based on paragraph 1/11 of the General Election Policies and the Law on the presence of candidates' representatives in polling stations, is the possibility of direct supervision of candidates in the selection process of the elections. For having legal guarantee in the election based on political pluralism in the Islamic Republic of Iran, every political trends or orientation in the Iran within the framework of the Constitution have the possibility to have a party in order to participate in the social and political activities during the process of election.

101. All people can register for the presidential election and also for the election of Islamic Consultative Assembly and Assembly of Experts. Nevertheless, the law considers the need to carefully review and study the complaints of disqualified candidates in various elections, in order to specifically consider this legal possibility for all election registrants that if they have any objections to the decision of the Guardian Council, to know the reasons for disapproval of their qualification and ask for re-examining of their case.

102. Also, the legal system of the Islamic Republic of Iran during the holding of elections and according to the seventh chapter of the Presidential Election Law and the eighth chapter of the Islamic Council of Elections has provided and anticipated regular procedures for receiving complain about the manner and process of holding the elections.

## **Rights of minorities (art. 27)**

### **Reply to paragraph 27 of the list of issues**

103. Iran is a country in which nation-building has not been in any way ethnic or religious and never based on dichotomy of majority-minority, and especially the category of ethnic discrimination and differences in this country is largely meaningless and unknown, and any attempt to portray ethnicity from Iran and the introduction of ethnicity as an issue does not correspond to the realities of Iran. Politics during 5,000 years old history have not been processed and defined based on ethnicity and due attention has been paid to the minorities.

104. According to Article 13 of the Constitution, religious minorities are free to write and teach religious textbooks based on their religious books, conduct rituals and traditions in their schools under the supervision of education. Accordingly, in the National Curriculum of the IRI, approved by the High Council of Education on 28/6/91, in the footnote of paragraph 7, special permission for religious education to the followers of official religions has been granted. Since its inception, the Literacy Movement Organization has taken a unified approach in providing services to all its audiences regardless of religion and religious affiliations.

105. According to the latest statistics, the population of the religious minorities recognized in the constitution is as follows. There are 130,145 thousand Christians, 23,109 thousand Zoroastrians and 9,826 thousand Jews. Religious minorities perform their own religious teachings freely.

106. The closure of religious places related to minorities has no place in the policies of the Islamic Republic of Iran. Obviously, in case of violation and committing a crime, they will be treated like other citizens. In matters pertaining to the national security, public order and public safety a policy of zero tolerance shall apply to all offenders, without noting their ethnicity, religion of belief. Regardless of the Baha'is background or history, they are treated fairly as non-Muslim citizens under the constitution.

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