INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING
PERSECUTION OF LGBTQ INDIVIDUALS IN ISLAMIC REPUBLIC OF IRAN

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<td>“The law criminalizes consensual same-sex sexual activity, which is punishable by death, flogging, or a lesser punishment. The law does not distinguish between consensual and nonconsensual same-sex intercourse, and NGOs reported this lack of clarity led to both the victim and the perpetrator being held criminally liable under the law in cases of assault. The law does not prohibit discrimination based on sexual orientation and gender identity. According to international and domestic media reports, there was at least one case during the year in which an alleged criminal was executed for sodomy-related charges.” (<em>pp. 49–50</em>)</td>
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<td>“Security forces harassed, arrested, and detained individuals they suspected of being LGBTI. In some cases security forces raided houses and monitored internet sites for information on LGBTI persons. Those accused of ‘sodomy’ often faced summary trials,</td>
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and evidentiary standards were not always met. The Iranian LGBTI activist group 6Rang noted that individuals arrested under such conditions were traditionally subjected to forced anal or sodomy examinations—which the United Nations and World Health Organization stated can constitute torture—and other degrading treatment and sexual insults.” (p. 50)

• “LGBTI activists expressed concern that the government executed LGBTI individuals under the pretext of more severe, and possibly specious, criminal charges such as rape. In June the foreign minister appeared to defend executions of LGBTI persons for their status or conduct. After being asked by a journalist in Germany why the country executes ‘homosexuals,’ the foreign minister stated, ‘Our society has moral principles. And we live according to these principles. These are moral principles concerning the behavior of people in general. And that means that the law is respected and the law is obeyed.’” (p. 50)

• “NGOs reported authorities pressured LGBTI persons to undergo gender reassignment surgery. According to a July report by the NGO 6Rang, the number of private and semigovernmental psychological and psychiatric clinics allegedly engaging in ‘corrective treatment’ or reparative therapies of LGBTI persons continued to grow. The NGO 6Rang reported the increased use at such clinics of electric shock therapy to the hands and genitals of LGBTI persons, prescription of psychoactive medication, hypnosis, and coercive masturbation to pictures of the opposite sex. According to the NGO 6Rang, one such institution is called The Anonymous Sex Addicts Association of Iran, with branches in 18 provinces.” (p. 51)

• “On December 13, Radio Farda reported that Rezvaneh Mohammadi, a gender-equality activist, was sentenced to five years in prison by Branch 28 of the revolutionary court in Tehran, presided over by Judge Mohammad Moghiseh, under the charge of ‘collusion against national security by seeking to normalize homosexual relations.’” (p. 50)

• “Significant human rights issues included executions for crimes not meeting the international legal standard of ‘most serious crimes’ . . . ; harsh and life-threatening prison conditions . . . ; harsh governmental restrictions on the rights of women and minorities; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; [and] criminalization of LGBTI status or conduct . . . .” (p. 2)

• “The government censored all materials related to LGBTI status or conduct.” (p. 50)

• “Despite repeated calls from the international community, including the United Nations, the government effectively took no steps to investigate, prosecute, punish, or otherwise hold accountable officials who committed [human rights] abuses, many of which were perpetrated as a matter of government policy.” (p. 2)

• “Hate-crime laws or other criminal justice mechanisms do not exist to aid in the prosecution of bias-motivated crimes.” (p. 50)
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<td>“[T]he law also provides for the death penalty in cases of conviction for ‘attempts against the security of the state,’ ‘outrage against high-ranking officials,’ moharebeh (which has a variety of broad interpretations, including ‘waging war against God’), fisad fil-arz (corruption on earth, including apostasy or heresy) . . . , consensual same-sex sexual conduct, and ‘insults against the memory of Imam Khomeini and against the supreme leader of the Islamic Republic.’” (p. 4)</td>
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<td>“The government continued to execute . . . individuals accused of committing offenses that do not meet the international legal standard of ‘most serious crimes.’” (p. 3)</td>
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<td>“The government’s human rights record remained extremely poor and worsened in several key areas. Human rights issues included . . . harsh governmental restrictions on the rights of women and minorities; criminalization of lesbian, gay, bisexual, transgender, and intersex (LGBTI) status or conduct; crimes involving violence or threats of violence targeting LGBTI persons.” (p. 2)</td>
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• “According to international and local media reports, on April 13 at least 30 men suspected of homosexual conduct were arrested by IRGC agents at a private party in Isfahan Province. The agents reportedly fired weapons and used electric Tasers during the raid. According to the Canadian-based nonprofit organization Iranian Railroad for Queer Refugees, those arrested were taken to Dastgerd Prison in Isfahan, where they were led to the prison yard and told they would be executed. The Iranian LGBTI activist group 6Rang noted that, following similar raids, those arrested and similarly charged were subjected to forced ‘anal’ or ‘sodomy’ tests and other degrading treatment and sexual insults.” (p. 42)

• “Security forces harassed, arrested, and detained individuals they suspected of being gay or transgender. In some cases security forces raided houses and monitored internet sites
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<td>for information on LGBTI persons. Those accused of ‘sodomy’ often faced summary trials, and evidentiary standards were not always met.” (p. 42)</td>
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<td>“The most significant human rights issues included a high number of executions for crimes not meeting the international legal standard of ‘most serious crimes’ and without fair trials of individual . . . ; disappearances by government agents; torture; harsh and life-threatening prison conditions; arbitrary detention and imprisonment . . . LGBTI status and/or conduct remained criminalized and subject to the death penalty and LGBTI persons faced arrest, official harassment, and intimidation, as well as cruel and degrading treatment by security officials.” (p. 1)</td>
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<td>“The Basij, a volunteer paramilitary group with local organizations across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country’s strict moral code, without formal guidance or supervision from superiors. The supreme leader holds ultimate authority over all security agencies.” (p. 9)</td>
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<td>“‘The Iranian Penal Code (IPC), originally adopted in 1991 and amended in 2013, is the primary body of law related to the administration of justice in Iran. Contained within its five books are the collection of articles forbidding same-sex sexual relations and mandating severe punishments for citizens who violate the law.’” (p. 11)</td>
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<td>“Article 233 of the Iranian Penal Code defines Livat as ‘penetration of a man’s sex organ (penis), up to the point of circumcision, into another male person’s anus’. Article 234 of the IPC lays out the punishment for Livat and highlights the differences in treatment for the active and passive partner: ‘Article 234 - The hadd punishment for livat shall be the death penalty for the insertive/active party if he has committed livat by using force, coercion, or in cases where he meets the conditions [to be considered a man married to a permanent and pubescent wife]; otherwise, he shall be sentenced to one hundred lashes. The hadd punishment for the receptive/passive party, in any case (whether or not he meets the conditions for ihsan) shall be the death penalty.’” (p. 13)</td>
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<td>“Article 238 of the IPC defines musaheqeh as ‘where a female person puts her sex organ on the sex organ of another person of the same sex’. Article 239 of the IPC states that the punishment for musaheqeh is one hundred lashes. Article 240 indicates that there is no variance in punishment between active or passive parties, between Muslim and non-Muslims or married or unmarried individuals. Furthermore, there is also no difference in punishment for people who have been forced into engaging in the sexual act.” (pp. 13-14)</td>
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|     | “Article 235 of the IPC defines tafkhiz as ‘putting a man’s sex organ (penis) between the thighs or buttocks of another male person’. A proviso to Article 235 states that if penetration does not reach the point of circumcision, the sex act is considered to be tafkhiz. The punishment for tafkhiz is laid out in Article 236 of the IPC. . . . If found guilty of tafkhiz, both partners shall be sentenced to one hundred lashes. However, the only exception to this is when the active partner is a non-Muslim and the passive partner
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<td>is a Muslim. When this is the case the non-Muslim active partner will be sentenced to death.” (p. 13)</td>
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<td>• “Article 136 of the IPC states that any person convicted for the fourth time of any crime in the hadd category will be sentenced to death, provided that after each conviction he or she has been accordingly flogged. With the exception of the passive partner in sodomy, who will be executed after the first punishment, Article 136 means that an active partner in sodomy, a man convicted of tafkhiz, and a woman convicted of mosaheqeh may be put to death after their fourth conviction. This repeat-offender scheme, however, does not apply to those convicted of ‘other same-sex sexual acts’ such as kissing and touching for pleasure.” (p. 14)</td>
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<td>• “According to [Article 237 of the IPC], in addition to sodomy and tafkhiz, other homosexual acts such as kissing and touching for pleasure are forbidden as well.‘[…]’ they are punishable by 31 to 74 lashes. This provision applies to both men and women. Shari’a law does not specify punishments for crimes falling under this category.” (p. 14)</td>
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| • “Homosexuality continues to be illegal and punishments can range from 100 lashes to the death penalty for both men and women. In July, 19 year old Hassan Afshar was hanged after he was convicted of forced male to male anal intercourse when he was 17.” (p. 39) |

**INTER-GOVERNMENTAL SOURCES**


| • “[A]n activist for lesbian, gay, bisexual and transgender rights and for gender equality and who had spent 19 days in solitary confinement in ward 209 at Evin Prison informed the Special Rapporteur that she was kept in a cell measuring 2m by 3m and could not talk to her family or the outside world for the first 15 days of her detention. She was not allowed to have any books. In the bathroom, only hot water was available, and in her cell the lights were on 24 hours a day. She developed an anxiety disorder that caused panic attacks . . . .” (p. 16) |
| • “The Special Rapporteur continues to receive reports of discrimination against minorities and women, and is concerned about the lack of legal protections for vulnerable groups, including children.” (p. 2) |


| • “The Islamic Penal Code criminalizes same-sex relations between consenting adults, and the country remains one of a handful that imposes the death sentence penalty as a |
punishment, under certain circumstances. People who engage in acts of affection between members of the same sex can be subjected to punishments, which include lashing.” (p. 18)

- “[T]he Special Rapporteur has received reports, including in the course of her missions, of the continued discrimination, harassment, arbitrary arrest and detention, punishment, and denial of rights of lesbian, gay, bisexual, and transgender (LGBT) and intersex persons in line with the concerns raised by her predecessor in 2013. Such concerns were persistently documented by human rights groups in previous years.” (p. 17)
- “The reported treatment of [LGBT and intersex] individuals violates their rights to liberty, fair trial, integrity, privacy, dignity, equality before the law, non-discrimination and the absolute prohibition on torture and other cruel, inhuman and degrading treatment and punishment, as enshrined in international law.” (p. 18)


- “The Committee is . . . concerned that lesbian, gay, bisexual, transgender and intersex (LGBTI) children continue to face discrimination because of their real or perceived sexual orientation or identity and that the same-sex sexual behaviour of adolescents above the current age of criminal responsibility is criminalized and punished with penalties ranging from flogging to the death penalty.” (p. 6)
- “[The Committee] is concerned at the reports that LGBTI children are subjected to electric shocks and the administration of hormones and strong psychoactive medications for the purpose of ‘curing’ them.” (pp. 9-10)
- “The Committee is also concerned that LGBTI children have no access to information about gender identity or sexual orientation and that transgender persons are forced to undergo surgical treatment.” (p. 13)
- “The Committee is concerned about: . . . Harassment, bullying and expulsion of LGBTI children from schools for failing to observe social expectations of femininity or masculinity . . . .” (p. 14)

NON-GOVERNMENTAL SOURCES


- “Iranian law considers acts such as “insulting the prophet,” “apostasy,” same-sex relations, adultery, and certain non-violent drug-related offenses as crimes punishable by death. The law also prescribes the inhumane punishment of flogging for more than 100 offenses . . . .” (p. 3)
- “Iranian law vaguely defines what constitutes acts against morality, and authorities have long prosecuted hundreds of people for such acts, as well as for consensual extramarital sex.” (p. 6)
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<td>• “In February, Iranian activist Rezvaneh Mohammadi was prosecuted and charged with ‘collusion against national security by normalising same-sex relations.’ As 6Rang reports, she was interrogated for 26 days and later transferred to a women's ward. This appears to be the first time that an activist faces such an accusation in Iran with the possibility of being sentenced to up to five years imprisonment.” (p. 16)</td>
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<td>• “The human rights situation in Iran severely deteriorated . . . . Torture and other ill-treatment were widespread and committed with impunity . . . . The authorities sanctioned pervasive discrimination and violence based on gender, political opinion, religious belief, ethnicity, sexual orientation, gender identity, and disability.” (p. 23)</td>
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<td>• “Judicial authorities continued to impose and carry out, including in public, cruel and inhuman punishments amounting to torture.” (p. 25)</td>
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<td>• “The judiciary continued to execute individuals at a high rate . . . . Human rights groups reported that Iran executed at least 476 individuals as of November 27, 2017, including five individuals who were sentenced to death for crimes they allegedly committed as children.” (p. 1)</td>
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<td>• “On September 14, Nasser Atabati, [prosecutor] of Ardebil province, told media that six people have been arrested in Ardebil for promoting homosexuality on the Telegram messaging platform.”</td>
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<td>• “The May 2015 country report of the Netherlands Ministry of Foreign Affairs (BZ) notes that the social acceptance of homosexuality in Iranian society is low. The general social attitude towards LGBT persons is ‘don’t ask, don’t tell.’ The report goes on to note that due to social stigma, homosexual persons have a greater fear of how they are treated by their immediate surroundings than of their treatment by the authorities. If a family member reports a person as being homosexual, this could result in the person’s dismissal from work or university.” (p. 185)</td>
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<td>• “It is known that homosexuality is more heavily penalized in smaller towns and peripheral regions because of the more conservative values that prevail outside the large cities.” (p. 180)</td>
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<td>• “[F]orced marriage is a common practice inflicted upon hundreds of young bisexual and lesbian women in Iran and Dena was not an exception! She gave in to the pressures from her family and married a man, against her wish and most importantly, against her sexual orientation.” (p. 2)</td>
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<td>• “As a lesbian woman, staying in a heterosexual marriage without love and affection soon became a violent and abusive situation for Dena. Very soon after the marriage, she tried to convince her husband to divorce; yet, her husband refused. Things became more complicated for Dena, when she found out that she was with child. Her husband started to threaten to take the full custody of their son if she would file for divorce.” (p. 2)</td>
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<td>• “As trying legal channels to divorce eventually became an impossibility, Dena moved to her parents’ house with expectations of living a peaceful life with her son. Yet, she found herself in another abusive situation. Her family blamed Dena for bringing shame upon the family; since divorce is still considered a taboo in the eyes of many traditional families. Dena had to live under the controlling eyes of her parents, brother, and even her extended family members, who did not let her work, and prohibited her from seeing other people since they were suspicious of her sexual orientation.” (p. 2)</td>
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<td>• “The Iranian authorities have consistently failed to take action on vital reforms that would put its laws, policies and practices into conformity with international human rights law and standards. This includes women’s rights, the rights of the child, minority rights, the rights of lesbians, gays, bisexual, transgender and intersex persons . . . , protection from torture and other ill-treatment, the right to life, [and] due process and fair trial guarantees . . . . This is despite the numerous and repeated calls from UN human rights mechanisms, and despite continued popular demand for such reforms in Iran . . . .” (p. 1)</td>
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<td>• “[T]he risks facing LGBTQ people span both online and offline worlds. Alongside the Iranian Penal Code, which explicitly criminalises same-sex conduct, the Computer Crimes Law outlaws the sharing of any content deemed by the state to be ‘obscene’, or that ‘disseminates lies’. These laws continue to be deployed against LGBTQ people by the state: for example, a number of LGBTQ Telegram channel administrators have been detained on the basis of these laws.” (p. 6)</td>
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<td>• “The Iranian state’s hostility to LGBTQ people is not only enshrined in law, but also permeates the length and breadth of the country’s politics in the form of anti-LGBTQ fearmongering and widespread demonisation of the country’s LGBTQ community.” (p. 28)</td>
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**SUMMARY**

- “The transformation of LGBTQphobia into state orthodoxy is part of a drive to expel so-called ‘Western’ influences from Iranian society. In casting LGBTQ Iranians as the ‘other’, and Western states as the community’s champions, the state is attempting to cast emerging LGBTQ identities as the result of an insidious foreign invasion, and roll back the trend of social liberalisation that has been ongoing since the presidency of Mohammad Khatami.” (p. 28)
- “[A] majority of LGBTQ people surveyed did not have access to sexual health resources, and did not know where they could access appropriate services and resources in the event that they needed them. These findings also hold true for mental health support services, with many psychotherapists hostile to notions of minority sexual and gender identities.” (p. 7)


- “The Iranian authorities have consistently rejected the recommendations of international human rights organizations and the UN calling on them to abolish the use of the death penalty for consensual same-sex sexual relations and to end human rights abuses against LGBT people. Ali Larijani, the Speaker of the Parliament, has justified the use of the death penalty for consensual same-sex sexual conducts, and stated that this punishment ‘is effective in keeping society safe from perversion.’” (p. 13)
- “Conviction for the fourth time for ‘same-sex sexual conduct between men without penetration’ (tafkiz – Articles 236 and 136) and conviction for the fourth time for ‘same-sex sexual conduct between women’ (mosaheqeh - Articles 238 and 136) are also punishable by the death penalty.” (p. 12)
- “[H]ateful attitudes towards homosexual people are often advocated and promoted by high-level state officials, including the Supreme Leader. They are also propagated by individuals who must, in theory, promote and protect human rights, and ensure that the country’s public education, health care and social welfare systems are inclusive and equitable.” (p. 7)
- “Mehrdad Bazrpash, a former Member of Parliament and a former deputy to President Mahmoud Ahmadinejad, said in March 2012, ‘it is a great honour for the Islamic Republic to violate the rights of homosexuals.’” (p. 13)
- “Homosexual persons are regularly depicted in official statements and state media outlets as ‘unnatural’, ‘deviant’, ‘immoral’, or ‘diseased’. They are also accused of collusion in Western-orchestrated conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.” (p. 7)
- “Seyed Ebrahim Raisee, the former deputy of the head of the judiciary and 2017 presidential candidate, and former president Mahmoud Ahmadi Nejad, are among other state officials who have said that homosexuality is ‘nothing but savagery’ and a ‘grossly heinous’ act.” (p. 15)
- “Ayatollah Abdolali Namazi, the representative of the Supreme Leader and the Friday prayer leader of Kashan Province, stated in his speech during Friday prayers, ‘Europeans are infected with immorality and homosexuality; this corruption and sexual perversion does not even exist amongst the animals.’” (p. 18)
• “In addition to criminalizing homosexuality, the Iranian authorities also take various measures to prevent access to materials that provide affirmative and accurate materials on homosexuality. Article 14 of Iran’s Computer Crimes Law states, ‘Whoever uses computer systems, telecommunications systems or data carriers to publish or distribute immoral content, or produces or store them with the intention of corrupting the society, will be sentenced to imprisonment for between 91 days to 2 years or will be fined . . . or both.’” (p. 13)

• “Assembly of Experts member Mohsen Heidary said: ‘[United Nations guidance on the implementation of the Sustainable Development Goal on education] provides that those from vulnerable groups shall be protected but . . . by vulnerable groups it actually means homosexuals.’ As such, he warned, ‘this document will ensure that in 13 years from now, the children of Iran and other Muslim countries will be driven away from Quran and spirituality, and become wholly occupied with hamjensbazi [faggotry] and sexual teachings.’” (pp. 5-6)

• “[A] prominent Shia cleric also took issue with the expressed [United Nations] goal to provide safe, non-violent and inclusive environments for all students. He claimed, ‘by forbidding [the authorities] from using violence to confront students [who engage] in hamjensbazi [faggotry] . . . and masturbation, [the United Nations guidance] facilitates the promotion of hamjensbazi [faggotry].’” (p. 6)

• “The Iranian authorities do not allow individuals to freely define and express their gender identity. Individuals must obtain a diagnosis of ‘Gender Identity Disorder’ and undergo invasive and irreversible medical procedures including hormone therapy and sterilization before they may present their gender through dress, hairstyles and mannerisms that are stereotypically associated with their opposite sex.” (p. 14)

• “6rang has documented the cases of many lesbian, gay and transgender individuals, including teenagers, in Iran who have been subjected to pseudo-medical interventions including psychiatric treatments, hormone therapy, unnecessary medication and electroshock therapies, in order to suppress their sexual arousal patterns or modify gender expressions.” (pp. 19-20)

• “6Rang . . . expressed concern that medical procedures aimed at ‘curing homosexuality’ in Iran are often carried out without informed consent.” (p. 20)


• “Lesbians face arbitrary arrest and detention, and they suffer further human rights violations at the hand of police while in detention, ranging from homophobic assaults to physical torture.” (p. 3)

• “In her interview with OutRight, Azadeh described the abuse she sustained during [a force course that was designed to make lesbians heterosexuals]: During the three days that I was forced to attend the ‘reorientation course,’ I was tortured. Before the course started, my father made me take a virginity test and filed the results of the tests with the authorities . . . . [T]he interrogators tortured me by pouring boiling water on my skin and beating me, especially on the head. More than physical torture, I was subjected to verbal abuse. They kept telling me that I was a ‘pussy licker.’” (p. 17)
• “The combination of homophobic laws and anti-LGBTIQ attitudes by many law enforcement agents have made it extremely difficult, if not impossible, for Iranian lesbians who have been subjected to discrimination and abuse to seek justice.” (p. 25)

• “The legal discrimination faced by lesbians and other members of the LGBTIQ community also contributes to the lack of acceptance of lesbians by society at large, rendering lesbians and other members of the LGBTIQ community vulnerable to harassment, abuse, and violence by both state and private actors. Many Iranian lesbians interviewed by OutRight said they feared reporting harassment, abuse, and sexual- or gender-based violence committed by private actors, including members of their families, to law enforcement officials because they feared prosecution or being “outed” to their friends and family.” (p. 13)

• “Discriminatory laws and practices against those perceived to be homosexual, and government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against lesbians, who are portrayed as criminals and sick because of their sexual orientation.” (p. 3)

• “Laleh, a 25-year-old lesbian . . . , suffered sexual violence, threats and assaults by a man for nine years. Laleh told us that the man began blackmailing her as soon as he discovered her sexual orientation when she was only 16 years of age. He knew Laleh would feel she had no choice other than to submit to his sexual demands and do what he asked of her . . . Laleh says over the years the man repeatedly raped her and tried to coerce her into marrying him. Laleh eventually ran away and left Iran instead of marrying her torturer and rapist, but the man followed her to Turkey and unsuccessfully tried to forcibly return her to Iran.” (p. 34)

• “Bahareh, a 23-year-old from Ahar, spoke with us about the violence she and her partner endured at the hands of her family: My family beat up my girlfriend, who was visiting us, and gave her a bloody nose. Then they called the police and filed a complaint against her. My family told my girlfriend’s neighbors that she is a faggot who had seduced their daughter. My uncle even threatened to throw acid on my girlfriend’s face. These abuses continued to the point where I took a bunch of pills to kill myself and ended up in the hospital.” (p. 29)

• “Maryam A., an Iranian lesbian from Tehran, was forced to marry her first cousin, who was 22 years her senior, when she was only 14 years of age. From the beginning, Maryam had no physical or emotional attraction to her husband. In response, her frustrated husband became increasingly verbally and physically abusive, and even forced Maryam to see a doctor and take medications to cure what he considered to be her lack of sexual stamina. Maryam told OutRight that the medications caused her to become depressed and develop psychological problems. Finally, after several years of enduring abuse, violence, and marital rape, Maryam managed to convince her husband to divorce her.” (p. 15)

• “Under Article 238 of the IPC, the mandatory punishment for mosaheqeh, or the rubbing of female genitalia between two or more women, is 100 lashes.” (p. 13)

• Explicit criminalization of same-sex relationships has paved the way for the authorities, including Iran’s judiciary, to prosecute or restrict the activities of individuals perceived to be promoting same-sex conduct or non-heteronormative values under the guise of prohibiting “moral corruption,” “indecency,” or other haram acts. (p. 36)
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<td>“Restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance . . . force many Iranian lesbians to ‘go underground’ and lead secret lives out of fear of being targeted by the police or being subjected to prosecution.” (p. 12)</td>
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<td>“Despite the reportedly widespread occurrence of bullying in Iran’s schools, very few resources are available to address this phenomenon and protect potential victims . . . . Bullying of lesbians and other members of the LGBTIQ community in schools is exacerbated by the stigma surrounding discussions about sexual orientation, harassment and other relevant topics. The stigma, in turn, results in a lack of awareness among school staff and officials regarding how to address issues related to sexual orientation, gender-non-conformist behavior, and bullying. It is no surprise, therefore, that gay and lesbian students often do not see school as a safe environment.” (pp. 32-33)</td>
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<td>“The prevailing view among healthcare professionals in Iran is that homosexuality is a psycho-sexual illness. This view is systematically promoted by medical schools and universities, and complements the government’s official position that homosexuality is a scourge that must be addressed, and that homosexual acts violate the Sharia law and must be accordingly punished.” (p. 18)</td>
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<td>“The situation of lesbian rights in Iran is particularly complex, since compared to gay men, Iranian lesbians face double discrimination—first as women and then as lesbians. Women’s rights are restricted in terms of their freedom of movement and expression, and the strictly patriarchal structure allows fathers, brothers, and husbands to assert direct control over women and girls . . . . Discrimination against lesbian women is more extreme with the intersection of gender and sexuality, leaving Iranian lesbians highly vulnerable to exploitation and abuse.” (pp. 1–2)</td>
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<td>“Amnesty, which has been carrying out extensive research into the situation of child offenders on death row in Iran, found that Hassan Afshar, 19, was hanged in Arak’s Prison in Markazi Province on 18 July, after being convicted of ‘lavat-e be onf” (forced male-to-male anal intercourse) in early 2015. The execution went ahead even though Iran’s Office of the Head of the Judiciary had promised his family that they’d review the case on 15 September.” (p. 2)</td>
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<td>“Afshar maintained that the sexual acts were consensual and that the complainant’s son had willingly engaged in same-sex sexual activities before.” (p. 2)</td>
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<td>“In Iran, men and boys who engage in same-sex anal intercourse face different punishments under Iranian criminal law depending on whether they’re the “active” or “passive” partners and whether their conduct is characterised as consensual or non-consensual.” (p. 2)</td>
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| •  | “If deemed consensual the ‘passive’ partner faces a death sentence. The ‘active’ partner, however, is sentenced to death only if he is married or if he is not a Muslim and the ‘passive’ partner is a Muslim. If the intercourse is deemed non-consensual, the ‘active’ partner receives the death penalty but the ‘passive’ partner is exempted from punishment and treated as a victim. This legal framework risks creating a situation where a willing
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<td>‘passive’ partner of anal intercourse may feel compelled, when targeted by the authorities, to characterise their consensual sexual activity as rape in order to avoid the death penalty.” (p. 2)</td>
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<td>‘Hassan Afshar was a 17-year-old high school student when he was arrested. He had no access to a lawyer and the judiciary rushed through the investigation and prosecution, convicting and sentencing him to death within two months of his arrest as though they could not execute him quickly enough.’ (p. 3)</td>
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<td>“The Iranian trans community faces pressure from both state and non-state actors, ranging from hostile public attitudes to acts of extreme violence, risk of arrest, detention, and prosecution.” (p. 2)</td>
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<td>“Many trans individuals who spoke to OutRight told us that they suffered sexual harassment and assault but felt that they could not report their experiences to authorities, or discuss them with their loves ones, for fear of being blamed or punished.” (p. 54)</td>
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<td>Members of the trans community in Iran are also targeted by the state on the basis of alleged engagement in vaguely defined acts prohibited under the state’s interpretation of Sharia law. Pursuant to Article 638 of the IPC, which criminalizes haram (acts generally considered sinful or prohibited by Sharia law), authorities can arbitrarily harass, arrest, detain, and prosecute anyone perceived to have committed sinful acts in public. Individuals convicted under this article can spend between 10 days and 2 months in prison, or be subjected to 74 lashes. (p. 24)</td>
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<td>“Trans men are often arrested for not wearing the mandatory hijab, and trans women for ‘cross-dressing in public,’ wearing heavy makeup, or generally dressing in a manner perceived to be inconsistent with the strict government-enforced dress code. This harassment and targeting by the police can occur even when trans individuals have secured an official letter from the LMO certifying a [gender identity disorder] diagnosis.” (p. 31)</td>
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<td>“Yavar, a 34-year-old from Tehran who identifies as queer, told OutRight that he and three of his friends who identified as cross-dressers were arrested, prosecuted, and flogged for engaging in gender non-conforming behavior. They were arrested by law enforcement agents in the Shahراك-e Gharb district of Tehran and kept for ten days without trial in the same jail.” (p. 32)</td>
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<td>“Shiva, a 45-year-old trans woman from the northwestern city of Tabriz, was arrested by the police for cross-dressing in public. She was beaten by the police prior to standing trial. After an appearance in court that did not last more than a few minutes, she was sentenced to 30 lashes for public cross-dressing, a punishment that was implemented within three days of her arrest. She had no access to a lawyer and no contact with her family while she was in detention. She was sent to court after spending two days in a men’s prison without any food.” (pp. 32-33)</td>
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|     | “Families who do not accept the trans identity of their child, especially their trans sons, sometimes resort to forcing them into marriage in order to ‘hide the problem’ or ‘straighten out’ their loved ones. Akbar, a 23-year-old trans man from Sanandaj in Iran’s
Kurdistan province, said he was subject to constant physical and mental abuse by his family. When his family tried to pressure him into getting married, Akbar fled the country. He was nineteen at the time. He says his family was constantly embarrassed because of his masculine appearance and believed he brought shame and dishonor to them. His father physically and emotionally abused him because of this.” (p. 56)

- “Ghazal Zaferani, an Iranian lawyer who has represented dozens of trans clients, summarizes the abuse and violence many trans individuals experience at home: Unfortunately, because of prevailing cultural misconceptions among Iranians, many consider transgender individuals to be perverts and either ostracize them or treat them with hostility . . . Many family members of trans individuals disown them and cause them heartbreak. In some cases, I have seen trans individuals who are killed by family members who see them as sexual perverts.” (p. 52)

- “Sharareh [(a 26 year-old Iranian trans woman)] continues: My parents would take me to see a kind of shaman . . . who would say prayers for me. They would all say prayers together and make me drink “holy water” and do lots of other things. [When none of those things worked], my family started beating me up with belts or water hoses, punching and kicking me, and physically hurting me to force me to change.” (p. 53)

- “The criminalization of same-sex acts can negatively impact both the public and private lives of trans individuals who decide not to undergo medical and legal transition, whose applications are pending, or those who are denied permission to transition by government agencies overseeing [sex reassignment surgery]. These trans individuals risk being apprehended as the gender assigned to them at birth, and therefore risk the harassment, arrest, detention and prosecution for which those perceived to be engaging in consensual sexual relations are liable.” (pp. 23-24 )

- “[T]rans individuals in Iran who do not wish to pursue medical transition processes, who cannot afford such processes, or who wish to pursue some forms of medical gender transition but not others, are wholly deprived of legal identity recognition and face severe barriers to maintaining and pursuing education, to accessing housing and employment, and to moving freely and safely through society. The law does not recognize such trans individuals, nor does it provide space or legal recognition for individuals who identify across or outside of the gender binary.” (p. 9)

- “The social discrimination, domestic violence, and legal harassment experienced by trans individuals often starts at a young age and continues throughout their lives, regardless of whether they choose to pursue medical transition or legal gender recognition.” (p. 50)

- “Gender segregation in schools is based on the gender marker on an individual’s national ID card. This means that trans girls are generally required to attend all-male primary and secondary schools. The same holds true for trans boys. Under these circumstances, it is quite common for young trans boys and girls to be bullied, or physically and sexually harassed at school.” (p. 73)

- ‘Trans individuals have a difficult time finding a job . . . Many employers fire them as soon as they find out they are trans.’ (p. 57)

- “Ghazal Sadat Asadiyan, a trans woman who was preparing for [gender confirmation surgery], told the official publication of the [State Welfare Organization] about how she was thrown out of a religious service during the high Shia holiday of Ashura because of her effeminate look, even though she was dressed as a man.” (p. 51)
• “Since the state and many members of the medical community see being trans as a disease, they regard trans experience as a condition to be ‘cured’ through medical transition processes such as hormone replacement therapy and surgery.” (p. 22)

• “In 2005, two trans individuals filed a complaint with Iran’s Islamic Human Rights Commission (IHRC), reporting systematic abuse and discrimination on the basis of gender identity. The IHRC declared that transgender rights are not adequately respected in Iran and noted the absence of any legislation protecting the community. Yet, no specific legal protections have thus far been adopted.” (p. 10)

• ‘Fifty percent of the families of children with GID oppose their child’s [sex reassignment surgery]. Twenty to twenty-five percent of them are only willing to accept their child’s condition with certain stipulations.’ (p. 51)

MEDIA SOURCES


• “On a regular basis, local police or regime-sanctioned thugs in Iran arrest, beat, torture and, in most cases, hang or even stone individuals who are suspected or found to be involved in homosexual activity. The on-going executions of gays and lesbians in Iran are a mere footnote in the 41-year horrific history of unspeakable human rights abuse and killings carried out by Iran’s current regime against LGBT people living in that country.” (p. 2)

• “Perhaps the most disturbing aspect of the Iranian regime’s four-decade campaign against gays and lesbians in Iran comes from the regime’s official laws. The regime follows Sharia law or Islamic law that strictly prohibits any type of sexual activity outside the realm of heterosexual marriage and homosexuality is considered ‘a violation of the supreme will of God.”’ (p. 2)

• “Often times gay couples in Iran are not seen together in public and often keep their sexuality behind closed doors since they have been popularly stereotyped as being sex-obsessed child molesters or rapists having AIDS or other sexually-transmitted diseases.” (pp. 2-3)


• “[The Iranian Foreign Minister Javad Zarif] . . . responded [to a question about why homosexuals are executed in Iran] that his ‘society has principles’ . . . . ‘And that means that the law is respected and the law is obeyed.’” (pp. 1-2)

• “While there are no official statistics, many officials contend that thousands have been executed for their sexuality since the 1979 revolution.” (p. 3)

• “Homosexuality is currently outlawed in Iran and the court system is known to use accusations of male rape and gay sex to trigger death penalty sentences, despite protests from human rights activists who claim that suspicions over one’s sexuality or even an
### SUMMARY

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<th>attempt to intimidate or embarrass a heterosexual person are often the real reason they are arrested and charged.” (p. 3)</th>
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<td>• “Both men, women, and juveniles are also issued lashes or life imprisonment for convictions of homosexual offenses.” (p. 3)</td>
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<td>• “Iran is just one of 73 countries where homosexuality is criminalized, and one of eight nations – alongside Afghanistan, Brunei, Mauritania, Sudan, Nigeria, Yemen, Saudi Arabia, Qatar, and Somalia – where it is classified as an offense punishable by death.” (p. 3)</td>
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|     | • “The Islamic Republic of Iran publicly hanged a 31-year-old Iranian man after he was found guilty of charges related to violations of Iran’s anti-gay laws, according to the state-controlled Iranian Students’ News Agency.” (p. 2) |
|     | • “The unidentified man was hanged on January 10 in the southwestern city of Kazeroon based on criminal violations of “lavat-e be onf” – sexual intercourse between two men, as well as kidnapping charges, according to ISNA. Iran’s radical sharia law system prescribes the death penalty for gay sex.” (p. 2) |
|     | • “According to a 2008 British WikiLeaks dispatch, Iran’s mullah regime executed ‘between 4,000 and 6,000 gays and lesbians’ since the Islamic Revolution in 1979.” (p. 2) |
|     | • “In 2011, Iran’s regime executed three Iranian men after being found guilty of charges related to homosexuality.” (p. 3) |
|     | • ‘Iran is one of the worst states for the persecution of LGBTI. The state publicly and regularly boasts of the execution of gay men. The ability to influence the Iranian regime regarding inhuman violations of human rights is very limited because of the isolated situation in the country. Therefore, our foundation calls for increased efforts by the international community to help LGBTI people escape and provide safe asylum.’ (p. 3) |


<p>|     | • “Nahal [(an Iranian transgender woman)] recalled how she had hardly started high school before being forced to leave over her classmates’ insistence she dress as a man.” (p. 1) |
|     | • “In the ruling clerics’ view, gender reassignment surgery aims to cure a “disease” and re-fit a person into a recognized binary of straight male or straight female. Those who choose not to undergo surgery and get new documents can face arrest by police for dressing in a way that contradicts their government-recognized gender.” (p. 3) |</p>
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<td>“[T]he general public still harasses and abuses [transgender people], and families often shun them. Discrimination in the workplace has forced some into prostitution and others to kill themselves.” (p. 2)</td>
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<td>“Perhaps the worst abuse transgender people face is in the home. Families still find it difficult to accept their loved ones. Many transgender women end up being kicked out of homes or being threatened by family members.” (p. 5)</td>
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<td>“Human rights activist and gay German Green Party MP Volker Beck told The Jerusalem Post on Thursday that, not only does the Iranian regime advocate annihilation of Israel, ‘but also its persecution and policy of annihilation against homosexuals makes the Iranian regime an enemy of human rights. Such a country cannot be a partner of our community of values.’” (pp. 2-3)</td>
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<td>“The Islamic Republic of Iran arrested more than 30 men suspected of being homosexuals at a private party last week in the Esfahan province . . . .” (p. 2)</td>
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<td>‘[The prominent Canadian NGO Iranian Railroad for Queer Refugees] received several reports in the last few days and we were able to confirm that police attacked guests and physically beat them. Police detained the men, ages 16 to 30, at the Basij [Revolutionary Guard Militia] Station and then transferred them to Esfahan’s Dastgerd Prison. A few people managed to escape and we received reports that there were several heterosexual individuals among those arrested,’ the human rights NGO wrote on its website Thursday.’ (p. 2)</td>
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<td>‘After a few days, all the families were informed by Basij that their sons were arrested for sodomy. A special prosecutor has been assigned to their cases and they were charged with sodomy, drinking alcohol and using psychedelic drugs. It was reported that prisoners will be sent to Esfahan’s Medical Jurisprudence Department for anal examination in order to provide evidence of homosexual acts to the court.’ (p. 2)</td>
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<td>“Capital punishment is the penalty dictated in the Hadiths, the religious writings in Islam second only to the Koran, which only mandates punishment for homosexuals but does not specify in what the manner.” (p. 2)</td>
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<td>26.</td>
<td>Neha Thirani Bagri, “‘Everyone treated me like a saint’—In Iran, there’s only one way to survive as a transgender person,” Quartz (Apr. 19, 2017), available at: <a href="https://qz.com/889548/everyone-treated-me-like-a-saint-in-iran-theres-only-one-way-to-survive-as-a-transgender-person/">https://qz.com/889548/everyone-treated-me-like-a-saint-in-iran-theres-only-one-way-to-survive-as-a-transgender-person/</a></td>
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<td>“She was a good student, but in high school, when puberty hit and gender roles grew starker, Sarah began to have difficulty coping with schoolwork and dropped out. ‘I had to deal with sexual harassment from my classmates and from other people in society on a daily basis, from everyone that thought that [I] was a girlish boy, a sissy boy,’ she says. ‘My life as a teenager was total hell.’” (p. 4)</td>
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<td>“[T]rans issues are not openly discussed in Iran. And because the government heavily censors material available on the internet (a 2013 analysis found that nearly half of the</td>
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500 most popular sites on the internet are blacklisted in Iran) Sarah couldn’t research what it means to be transgender or connect with others in the community.” (p. 4)

- “When people do approach doctors in Iran about being transgender, the experience is not always pleasant or helpful. Amir, a 26-year-old trans man from Shiraz, Iran, told OutRight that when he approached a medical professional about his condition, the doctor tried to intimidate him . . . .” (p. 6)

- “[I]n 2015 the country cracked down on ‘homosexual’ and ‘devil worshiping’ hairstyles along with tattoos, sunbed treatments, and plucked eyebrows for men.” (p. 11)

- “Hasti, a 30-year-old Iranian trans woman from Khansar, told OutRight that she was frequently harassed by Iranian police for her feminine appearance and makeup. ‘The [police] would lift up my dress, look at my ID card and ask me if I was a man or a woman,’ she said. ‘In the end they would force me to sign a pledge letter [to promise that I would no longer dress as a woman] and then release me.’” (p. 11)

- ‘Almost all of the trans people who have operations in Iran are suffering from many side effects that disable their body. Every trans person I have met in the past 10 years, they have a lot of pain because of the surgery and they cannot have normal or pleasurable intercourse.’ (p. 13)


- “In Iran, Zigorat's doctor pushed him towards medication for what was described as his ‘condition’ and recommended sex reassignment surgery, a legal option in a country where being gay is illegal, and often considered the same as being transgender. When he refused to renounce his sexual orientation and LGBT activism, he was arrested and sentenced to death in 2013.” (p. 2)


- “[I]n Iran, committing homosexual acts can incur the death penalty, and being gay can put severe strain on family relationships.” (p. 1)

- “Once I saw a counsellor and she started swearing at me. ‘Why don't you understand that even cows know how to have normal sex?’ she asked. She told me that I was breaking nature's law.” (p. 2)

- “In Iran, being transsexual is considered a medical condition that can be treated, but it is illegal to be gay here. People are sometimes encouraged to have surgery so they don't ‘fall into sin’ and live as homosexuals.” (p. 2)

- “I worried that if they stopped me and searched my mobile, and found pictures or saw my text messages to my partner, they might put me in prison or confiscate my passport, even execute me.” (p. 3)
Dated: [DATE]
[CITY, STATE]

Respectfully submitted,

[FIRM]
_Pro Bono Counsel for Respondent___________

By: _________________________
[NAME]
[FIRM]
[ADDRESS]
[PHONE NUMBER]
[FAX NUMBER]
TAB 1
IRAN 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Islamic Republic of Iran is an authoritarian theocratic republic with a Shia Islamic political system based on *velayat-e faqih* (guardianship of the jurist). Shia clergy, most notably the *rahbar* (supreme leader), and political leaders vetted by the clergy dominate key power structures. The supreme leader is the head of state. The members of the Assembly of Experts are nominally directly elected in popular elections. The assembly selects and may dismiss the supreme leader. The candidates for the Assembly of Experts, however, are vetted by the Guardian Council (see below) and are therefore selected indirectly by the supreme leader himself. Ayatollah Ali Khamenei has held the position since 1989. He has direct or indirect control over the legislative and executive branches of government through unelected councils under his authority. The supreme leader holds constitutional authority over the judiciary, government-run media, and other key institutions. While mechanisms for popular election exist for the president, who is head of government, and for the Islamic Consultative Assembly (parliament or *majles*), the unelected Guardian Council vets candidates, routinely disqualifying them based on political or other considerations, and controls the election process. The supreme leader appoints half of the 12-member Guardian Council, while the head of the judiciary (who is appointed by the supreme leader) appoints the other half. Parliamentary elections held in 2016 and presidential elections held in 2017 were not considered free and fair.

The supreme leader holds ultimate authority over all security agencies. Several agencies share responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security and law enforcement forces under the Interior Ministry, which report to the president, and the Islamic Revolutionary Guard Corps (IRGC), which reports directly to the supreme leader. The Basij, a volunteer paramilitary group with local organizations across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. The IRGC and the national army, or “Artesh,” provided external defense. Civilian authorities maintained effective control over the security forces.

In response to widespread protests that began November 15 after a fuel price increase, the government blocked almost all international and local internet connections for most of a week, and security forces used lethal force to end the protests, killing approximately 1,500 persons and detaining 8,600, according to
international media reports. There was no indication government entities were pursuing independent or impartial investigations into protester deaths.

Significant human rights issues included executions for crimes not meeting the international legal standard of “most serious crimes” and without fair trials of individuals, including juvenile offenders; numerous reports of unlawful or arbitrary killings, forced disappearance, and torture by government agents, as well as systematic use of arbitrary detention and imprisonment; harsh and life-threatening prison conditions; hundreds of political prisoners; unlawful interference with privacy; significant problems with independence of the judiciary, particularly the revolutionary courts; severe restrictions on free expression, the press, and the internet, including violence, threats of violence, and unjustified arrests and prosecutions against journalists, censorship, site blocking, and criminalization of libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization (NGO) laws; severe restrictions of religious freedom; restrictions on political participation through arbitrary candidate vetting; widespread corruption at all levels of government; unlawful recruitment of child soldiers by government actors to support the Assad regime in Syria; trafficking in persons; violence against ethnic minorities; harsh governmental restrictions on the rights of women and minorities; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; criminalization of LGBTI status or conduct; and outlawing of independent trade unions.

Despite repeated calls from the international community, including the United Nations, the government effectively took no steps to investigate, prosecute, punish, or otherwise hold accountable officials who committed these abuses, many of which were perpetrated as a matter of government policy. This included abuses and numerous suspicious deaths in custody from previous years. Impunity remained pervasive throughout all levels of the government and security forces.

Government officials materially contributed to human rights abuses in Syria, through their military support for Syrian President Bashar Assad and Hizballah forces; in Iraq, through aid to pro-Iran militia groups; and in Yemen, through support for Houthi rebels, who targeted civilians and civilian infrastructure in Yemen and Saudi Arabia.

Section 1. Respect for the Integrity of the Person, Including Freedom from:
a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

The government and its agents reportedly committed arbitrary or unlawful killings, most commonly by execution after arrest and trial without due process, or for crimes that did not meet the international threshold of “most serious crimes.” Media and human rights groups also documented suspicious deaths while in custody or following beatings of protesters by security forces throughout the year.

On December 23, Reuters reported that the supreme leader ordered security forces to do “whatever it takes” to end several days of protests against a hike in fuel prices on November 15. Security forces killed approximately 1,500 persons across the country in response to the demonstrations, according to the Reuters report, which was sourced to four unidentified government officials. In a December 16 report, Amnesty International cited at least 304 persons killed by security forces in the demonstrations. Authorities reportedly used firearms, water cannons, tear gas, and snipers against the largely peaceful protesters. In one incident in the city of Mahshahr, IRGC forces reportedly shot and killed up to 100 protesters who had sought refuge in a marsh, after authorities violently dispersed the initial protest in an adjacent town, according to media and NGO reporting based on witness accounts. As of December 26, there was no indication that officials were conducting impartial investigations into those deaths or, more broadly, into law enforcement officials’ use of excessive force to repress protests. Government officials asserted casualty figures in international media and NGO reports were “fake news.”

In June, Amnesty International called on authorities to investigate the suspicious circumstances surrounding the death of Benyamin Alboghbiesh, a 28-year-old Ahwazi Arab held at a detention center in Ahvaz believed to be under the control of the IRGC. Authorities initially detained Alboghbiesh, along with his brother and mother, for several months beginning in March 2018, on unspecified national security accusations. All three individuals were rearrested on May 26, and the IRGC reportedly notified Alboghbiesh’s family of his death on June 26. There was no information available on any investigation into the cause of Alboghbiesh’s death.

As documented by international human rights observers, revolutionary courts continued to issue the vast majority of death sentences, and trials lacked due process. Legal representation was denied during the investigation phase, and in most cases, no evidence other than confessions, often reportedly extracted through
torture, was considered. Judges may also impose the death penalty on appeal, which deterred appeals in criminal cases. According to the NGO Human Rights Activists in Iran, the government does not disclose accurate numbers of those executed, and as many as 60 percent of executions are kept secret. As of December 11, NGOs Iran Human Rights Documentation Center (IHRDC) and the Abdorrahman Boroumand Center reported there were more than 200 executions during the year, while the government officially announced only 62 executions in that time period. The government often did not release further information, such as names of those executed, execution dates, or crimes for which they were executed.

The Islamic penal code allows for the execution of juvenile offenders starting at age nine for girls and age 13 for boys, the legal age of majority. The government continued to execute individuals sentenced for crimes committed before the age of 18. According to Amnesty International, authorities executed seven persons in 2018 who were children at the time of their alleged crimes. In May, UN human rights experts expressed serious concerns for the up to 90 individuals on death row for alleged offenses committed when they were younger than age 18.

In May, according to widespread media and NGO reports, authorities in Adel Abad Prison in Shiraz secretly executed two 17-year-olds, Mehdi Sohrabifar and Amin Sedaghat. According to the reports, authorities arrested the two boys in 2017 when they were 15 on various accusations, including alleged rape. Reporting indicated a court convicted the two teens following a “grossly unfair” trial and that they were flogged before their execution.

According to human rights organizations and media reports, the government continued to carry out some executions by torture, including hanging by cranes. Prisoners are lifted from the ground by their necks and die slowly by asphyxiation. In addition, adultery remains punishable by death by stoning, although provincial authorities were reportedly ordered not to provide public information about stoning sentences since 2001, according to the NGO Justice for Iran.

Although the majority of executions during the year were reportedly for murder, the law also provides for the death penalty in cases of conviction for “attempts against the security of the state,” “outrage against high-ranking officials,” moharebeh (which has a variety of broad interpretations, including “waging war against God”), fisad fil-arz (corruption on earth, including apostasy or heresy), rape, adultery, recidivist alcohol use, consensual same-sex sexual conduct, and “insults against the memory of Imam Khomeini and against the supreme leader of the Islamic Republic.”
Prosecutors frequently used “waging war against God” as a capital offense against political dissidents and journalists, accusing them of “struggling against the precepts of Islam” and against the state that upholds those precepts. Authorities expanded the scope of this charge to include “working to undermine the Islamic establishment” and “cooperating with foreign agents or entities.”

The judiciary is required to review and validate death sentences.

On April 17, an appeals court ordered the release of spiritual leader and founder of the spiritual doctrine Interuniversalism and the Erfan-e Halgheh group Mohammad Ali Taheri, who had twice been sentenced to death. On April 24, Judiciary Spokesperson Gholam-Hossein Esmaili stated all outstanding sentences in Taheri’s case had been rescinded but that he was “still under certain legal and social restrictions” in proportion to his alleged crimes. Taheri had been in prison--mostly in solitary confinement--since his arrest in 2011. He was sentenced to five years in 2011 for “insulting the sanctities,” then sentenced to death in 2015 for “corruption on earth,” and sentenced to death for a second time in 2017.

As of November the overall number of executions remained low in comparison with previous years, reportedly as a result of a 2017 amendment to the 1997 Law to Combat Drugs raising the threshold for the death penalty for drug-related offenses. Under the amended law, capital punishment applies to the possession, sale, or transport of more than approximately 110 pounds of natural drugs, such as opium, or approximately 4.4 to 6.6 pounds of manufactured narcotics, such as heroin or cocaine. According to the previous law, capital punishment applied to similar offenses involving slightly more than 11 pounds of natural drugs or two-thirds of a pound of manufactured drugs. Capital punishment, however, still applies to drug offenses involving smaller quantities of narcotics, if the crime is carried out using weapons, employing minors, or involving someone in a leadership role in a trafficking ring or someone who has previously been convicted of drug crimes and given a prison sentence of more than 15 years.

Terrorist groups also committed killings during the year. On February 13, according to international and state media reporting, a suicide bomber targeted a bus transporting IRGC personnel in Sistan va Baluchestan Province, near the border with Pakistan. The bombing killed at least 27 members of the IRGC and wounded 13 others. Jaish al-Adl, a Sunni Muslim militant group, claimed responsibility for the bombing.
b. Disappearance

There were reports of politically motivated abductions during the year attributed to government officials. Plainclothes officials seized journalists and activists without warning, and government officials refused to acknowledge custody or provide information on them. In most cases the government made no efforts to prevent, investigate, or punish such acts.

In July, Amnesty International reported authorities were using incommunicado detention, as well as prolonged solitary confinement and threats against family members, to extract forced video “confessions” from women’s rights defenders detained for campaigning against the country’s mandatory hijab law. Amnesty highlighted the case of Saba Kordafshari, whose fate and whereabouts the government concealed from her family for 12 days. On August 27, a revolutionary court sentenced Kordafshari to 24 years in prison for protesting compulsory hijab.

In July, IranWire, a human rights reporting agency, reported on the case of Hamed Rezvani, a Bahai musician and teacher, who left his home in Isfahan in December 2018 and has not been heard from since. Repeated requests by Rezvani’s family members for information from police and local intelligence agents have not produced any information about his disappearance. According to IranWire, Intelligence Ministry agents also raided Rezvani’s home in 2016 under the pretext that Rezvani had spread “propaganda against the regime” through spreading the Bahai faith; he was beaten and detained for 21 days.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution prohibits all forms of torture “for the purpose of extracting confession or acquiring information,” use of physical and mental torture to coerce confessions remained prevalent, especially during pretrial detention. There were credible reports that security forces and prison personnel tortured and abused detainees and prisoners throughout the year.

Impunity remained a problem within all security forces. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. According to Tehran Prosecutor General Abbas Jafari-Dolatabadi, the attorney general is responsible for investigating and punishing security force abuses, but the process was not
transparent, and there were few reports of government actions to discipline abusers.

Commonly reported methods of torture and abuse in prisons included threats of execution or rape, forced tests of virginity and “sodomy,” sleep deprivation, electroshock, including the shocking of genitals, burnings, the use of pressure positions, and severe and repeated beatings.

Human rights organizations frequently cited some prison facilities, including Evin Prison in Tehran and Rajai Shahr Prison in Karaj, for their use of cruel and prolonged torture of political opponents, particularly Wards 209 and Two of Evin Prison, reportedly controlled by the IRGC.

Numerous human rights organizations, including the Center for Human Rights in Iran (CHRI), reported on allegations that in late 2018 Intelligence Ministry agents tortured Esmail Bakhshi, a labor activist and leading representative of Haft Tappeh Sugarcane Company workers in Khuzestan Province, and Sepideh Gholian, a journalist and human rights activist. Both Bakhshi and Gholian were forced to make confessions that the state-owned Islamic Republic of Iran Broadcasting (IRIB) broadcast. Authorities released both individuals in December 2018.

On January 4, Bakhshi posted a letter on Instagram stating he was severely beaten during his 25 days of detention following his arrest in November 2018. Bakhshi, referring to the Intelligence Ministry agents, said, “[T]hey tortured me and beat me with their fists and kicked me until I was going to die. They beat me so much I couldn’t move in my cell for 72 hours… I turned into a washed-up rat. My hands are still trembling. I still get severe panic attacks.” Gholian said she witnessed authorities severely beating Bakhshi at the time of his arrest when they were peacefully protesting unpaid wages for fellow Haft Tappeh workers. Despite demands for an investigation following Bakhshi’s disclosure, no one has been held accountable. On January 20, Bakhshi and Gholian were rearrested. BBC Persian broadcast a video of Gholian recorded prior to her second arrest saying authorities beat her with a cable to force her to confess that she was “after overthrowing the government and hijacking the demands of the laborers in Iran.” Authorities reportedly released Gholian and Bakhshi on unusually high bail amounts of nearly three billion rials (more than $70,000) on October 30. Authorities again arrested Gholian on November 17 for participating in the fuel price demonstrations (see section 1.a.) and released her on December 3 on bail of two billion rials ($47,000). According to a report by Haft Tappeh activists on the messaging app Telegram, an appellate court sentenced Bakhshi, Gholian, and five others to five years in prison.
on December 14. As of December 16, they had not been rearrested to serve these sentences.

NGOs reported that predominantly Shia prison guards tortured numerous Sunni Muslim prisoners at Ardabil Prison for their religious beliefs. Guards also reportedly retaliated against prisoners for “security issues” that occurred elsewhere in the country. According to reports, torture at Ardabil included severe beatings, being tied to flag poles for prolonged durations of time, and being forced to watch executions of fellow prisoners.

Authorities also allegedly maintained unofficial secret prisons and detention centers, outside the national prison system, where abuse reportedly occurred.

Judicially sanctioned corporal punishments continued. These included flogging, blinding, stoning, and amputation, which the government defends as “punishment,” not torture. At least 148 crimes are punishable by flogging, while 20 can carry the penalty of amputation.

According to media and NGO reports, in October authorities in Mazandaran amputated the hand of a man imprisoned for theft. According to a media report in May, 23 prisoners convicted of theft and held at the Greater Tehran Prison were awaiting hand amputation. State media reported Attorney General Mohammad Jafar Montazeri stating he regretted that international pressure had caused an alleged drop in amputations in the country.

In August, Amnesty International reported that authorities flogged Kurdish singer and prisoner of conscience Peyman Mirzazadeh on July 28. According to the report, officials flogged Mirzazadeh 100 times for a conviction of drinking alcohol, and “insulting Islamic sanctities.” The flogging, which Amnesty characterized as an “unspeakably cruel punishment,” left Mirzazadeh in agonizing pain with a severely swollen back and legs.

In May, Tehran University student Parisa Rafiei alleged in an open letter that an interrogator sent her to a medical examiner’s office for a “virginity test” after she was arrested for participating in street protests. After Rafiei told officials she would file a complaint, they reportedly withdrew the demand.

Extrajudicial punishments by authorities involving degrading public humiliation of alleged offenders were also frequently reported throughout the year. The government regularly forced alleged offenders to make videotaped confessions that
the government later televised. On January 19, a state-run television channel aired a “documentary” about labor rights in the country that included filmed “confessions” of several prominent labor activists. Two of the activists said the confessions were coerced.

**Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. Prisoner hunger strikes in protest of their treatment were frequent.

**Physical Conditions:** Overcrowding remained a problem in prisons with many prisoners forced to sleep on floors, in hallways, or in prison yards. In a 2018 local media report, Asghar Jahangir, the country’s chief prison warden, estimated the total number of prisoners at a quarter of a million, a threefold increase in 20 years.

There were reported deaths in custody and prisoner-on-prisoner violence, which authorities sometimes failed to control. In June, CHRI reported that a prisoner killed prisoner of conscience Alireza Shir Mohammad Ali in a knife attack at the Greater Tehran Central Penitentiary. Shir Mohammad Ali was serving an eight-year sentence based on content he posted on social media. He had protested being kept in a ward with prisoners convicted of violent crimes; the law requires that prisoners be separated by the type and duration of their sentence (see below). Authorities prosecuted the prisoner accused of the killing, but there was no information whether any prison officials were held accountable.

According to IranWire and human rights NGOs, guards beat both political and nonpolitical prisoners during raids on wards, performed nude body searches in front of other prisoners, and threatened prisoners’ families. In some instances, according to the Human Rights Activists News Agency (HRANA), guards singled out political prisoners for harsher treatment.

Prison authorities often refused to provide medical treatment for pre-existing conditions, injuries that prisoners suffered at the hands of prison authorities, or illnesses due to the poor sanitary conditions in prison. Human rights organizations reported that authorities used denial of medical care as a form of punishment for prisoners and as an intimidation tool against prisoners who filed complaints or challenged authorities. On July 10, eight UN officials issued a statement expressing serious concern about a consistent pattern of the government denying medical treatment to detainees. The statement cited the cases of human rights...
defenders Arash Sadeghi and Narges Mohammadi, and dual nationals Ahmadreza Djalali, Kamran Ghaderi, and Nazanin Zaghari-Radcliffe. The UN experts also cited unsafe and unsanitary detention conditions, including overcrowding, contaminated food and water, rodent and insect infestations, unhygienic facilities, and inadequate temperature controls.

Medical services for female prisoners were reported as grossly inadequate.

The human rights community and international media reported on frequent water shortages, insufficient food, intolerable heat, unsanitary living spaces, poor ventilation, infestations with cockroaches and mice, chronic overcrowding, and prisoners being forced to sleep on the floor with little bedding in prisons throughout the country. Prisoner hunger strikes occurred frequently.

In August, CHRI reported 200 inmates at Gharchak Prison for Women wrote an open letter to the State Prisons Organization chief Heshmatollah Hayatolgheyb, complaining of overcrowding, unsafe drinking water and food, unsanitary living conditions, and denial of medical treatment at the prison.

There was no indication that authorities investigated the December 2018 death of political prisoner Vahid Sayyadi-Nasiri, who had been on hunger strike since October 2018 to protest conditions at Langroud Prison in Qom.

According to Amnesty International, at least 10 Gonabadi Sufi dervish women were unjustly detained in Shahr-e Rey Prison on national security-related charges since February 2018. The women were routinely denied urgently needed medical care and kept in unsanitary, inhuman conditions. CHRI and the UN special rapporteur (UNSR) on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, reported that one of the detained women, Elham Ahmadi, who is serving a two-year sentence, was reportedly sentenced to a further 148 lashes in January for speaking out about the denial of medical treatment. In April a prisoner allegedly beat another of the detained women, Sima Entesari, after prison authorities reportedly promised the attacker a case review if she carried out the attack. The two detained women were reportedly placed in the same ward as prisoners convicted of drug-related charges, theft, and social crimes in contravention of the prison’s rules and regulations.

Authorities occasionally held pretrial detainees with convicted prisoners. According to a June report from IranWire, there was a noticeable increase over the past two years of the practice of holding political prisoners in wards with allegedly
violent and dangerous criminals, with the goal of “breaking” the political prisoners’ wills. Also, according to HRANA, juvenile detainees were held with adult prisoners in some prisons, including Saghez Central Prison in Kurdistan Province. Male juvenile detainees were held in separate rehabilitation centers in most urban areas, but female juvenile detainees and male juvenile detainees in rural areas were held alongside adults in detention facilities, according to NGO reports. Authorities held women separately from men.

In 2017 Mohammad Javad Fathi, a member of parliament’s judicial committee, was quoted in the media saying that 2,300 children lived in prisons with their incarcerated mothers. Fathi urged the Prisons Organization to provide transparent statistics on the number of imprisoned mothers. IranWire reported multiple prisons across the country held older children who lived with their incarcerated mothers without access to medical care or educational and recreational facilities.

There were numerous reports of prisoner suicides throughout the year in response to prison conditions or mistreatment. In October the local newspaper Qanun reported that a clergyman committed suicide in Evin Prison due to unspecified “hardships” faced by prisoners.

Administration: According to reports from human rights NGOs, prison authorities regularly denied prisoners access to visitors, telephone, and other correspondence privileges. Prisoners practicing a religion other than Shia Islam reported experiencing discrimination.

According to an October 24 report from CHRI, Evin Prison Director Gholamreza Ziaei appeared to target prisoners of conscience for denial of communication with family.

Authorities did not initiate credible investigations into allegations of inhuman conditions or suspicious deaths in custody. There was no further investigation into the February 2018 death of Iranian-Canadian Kavous Seyed-Emami, an environmentalist, at Evin Prison. Authorities labeled the death a suicide, but there was no independent investigation to verify the cause of death. A lawyer representing the family told CHRI in April 2018 that a preliminary state medical examiner’s report “showed evidence of an injection on his skin” as well as “bruises on different parts of the body.” Authorities placed a travel ban on Seyed-Emami’s wife, Maryam Mombeini.
Prisoners were able to submit complaints to judicial authorities but often faced censorship or retribution in the form of slander, beatings, torture, and denial of medication or furlough requests. Families of executed prisoners did not always receive notification of their scheduled executions, or if they did, it was often on very short notice. Authorities frequently denied families the ability to perform funeral rites or an impartial autopsy.

**Independent Monitoring:** The government did not permit independent monitoring of prison conditions. Prisoners and their families often wrote letters to authorities and, in some cases, to UN bodies to highlight and protest their treatment.

For more information on treatment of political prisoners, see section 1.e., Political Prisoners and Detainees.

d. Arbitrary Arrest or Detention

Although the constitution prohibits arbitrary arrest and detention, the practices occurred frequently during the year. President Rouhani’s 2016 *Citizen’s Rights Charter* enumerates various freedoms, including “security of their person, property, dignity, employment, legal and judicial process, social security, and the like.” The government did not implement these provisions. Detainees may appeal their sentences in court but are not entitled to compensation for detention.

**Arrest Procedures and Treatment of Detainees**

The constitution and law require a warrant or subpoena for an arrest and state that arrested persons should be informed of the charges against them within 24 hours. Authorities, however, held some detainees, at times incommunicado, for prolonged periods without charge or trial and frequently denied them contact with family or timely access to legal representation.

The law obligates the government to provide indigent defendants with attorneys for certain types of crimes. The courts set prohibitively high bail, even for lesser crimes, and in many cases, courts did not set bail. Authorities often compelled detainees and their families to submit property deeds to post bail, effectively silencing them due to fear of losing their families’ property.

The government continued to use house arrest without due process to restrict movement and communication. At year’s end former presidential candidates Mehdi Karroubi and Mir Hossein Mousavi, as well as Mousavi’s wife Zahra
Rahnavard, remained under house arrest imposed in 2011 without formal charges. Security forces continued to restrict their access to visitors and information. Concerns persisted over Karroubi’s deteriorating health, reportedly exacerbated by his treatment by authorities.

**Arbitrary Arrest**: Authorities commonly used arbitrary arrests to impede alleged antiregime activities. Plainclothes officers arrived unannounced at homes or offices; arrested persons; conducted raids; and confiscated private documents, passports, computers, electronic media, and other personal items without warrants or assurances of due process.

Individuals often remained in detention facilities for long periods without charges or trials, and authorities sometimes prevented them from informing others of their whereabouts for several days. Authorities often denied detainees’ access to legal counsel during this period.

International media and human rights organizations documented an increase in detentions of dual nationals--individuals who are citizens of both Iran and another country--for arbitrary and prolonged detention on politically motivated charges.

A July, 7 UNSR report estimated there were at least 30 cases of dual and foreign nationals who authorities had arrested arbitrarily and subjected to mistreatment, denial of appropriate medical treatment, or both. Several detainees were American citizens, including Xiyue Wang, arbitrarily arrested in 2016 and released December 7 after more than three years in prison. A doctoral student at Princeton University, Wang had been conducting research for his dissertation on the history of the Qajar dynasty. In 2017 a revolutionary court sentenced him to 10 years in prison on charges of “cooperating with an enemy state.” Revolutionary court judge Abolqasem Salavati presided over the case. In August 2018 the UN Working Group on Arbitrary Detention stated Wang’s detention was arbitrary and “motivated by the fact that he is a United States citizen.”

Additional cases of arbitrarily detained dual and foreign nationals continued. In January an appeals court ruled against Siamak Namazi, who challenged a 10-year prison sentence for “espionage” following a lower court trial with numerous procedural irregularities, according to international media and NGO reports. Authorities initially detained Namazi in 2015, and he remained in prison at year’s end.
The UNSR concluded the government subjected dual and foreign nationals to “sham trials which have failed to meet basic fair trial standards and convicted them of offenses on the basis of fabricated evidence or, in some cases, no evidence at all, and has attempted to use them as diplomatic leverage.” Dual nationals, like other citizens, faced a variety of due process violations, including lack of prompt access to a lawyer of their choosing and brief trials during which they were not allowed to defend themselves.

According to Human Rights Watch (HRW), since January 2018, the IRGC’s intelligence organization arbitrarily arrested at least 50 environmental activists. These included the January-February 2018 arrests of a group affiliated with the Persian Wildlife Heritage Foundation, which had been tracking the critically endangered Asiatic cheetah. The conservationists had reportedly set up camera traps to assist with tracking the animals. The IRGC claimed the detainees were gathering intelligence on missile sites. In October prosecutors dropped the charge of “corruption on Earth,” which carries the death penalty, against four of the conservationists. On November 20, the Tehran Revolutionary Court sentenced six of them--Hooman Jokar, Sepideh Kashani, Niloufar Bayani, Amirhossein Khaleghi, Taher Ghadirian, and Morad Tahbaz--to between six and 10 years in prison on charges of collaborating with an “enemy state”; two other defendants, Sam Rajabi and Abdolreza Kouhpayeh, were awaiting sentencing as of December 10. According to HRW, the judge handed down the sentences in secret, without the presence of defense lawyers, and ignored the defendants’ claims of abuse in detention.

Pretrial Detention: Pretrial detention was often arbitrarily lengthy, particularly in cases involving alleged violations of “national security” law. Authorities sometimes held persons incommunicado for lengthy periods before permitting them to contact family members. Instances of unjust and arbitrary pretrial detention were commonplace and well documented throughout the year involving numerous prisoners of conscience. According to HRW, a judge may prolong detention at his discretion, and pretrial detentions often lasted for months. Often authorities held pretrial detainees in custody with the general prison population.

e. Denial of Fair Public Trial

The constitution provides that the judiciary be “an independent power” that is “free from every kind of unhealthy relation and connection.” The court system was subjected to political influence, and judges were appointed “in accordance with religious criteria.”
The supreme leader appoints the head of the judiciary. The head of the judiciary, members of the Supreme Court, and the prosecutor general were clerics. International observers continued to criticize the lack of independence of the country’s judicial system and judges and maintained that trials disregarded international standards of fairness.

**Trial Procedures**

According to the constitution and law, a defendant has the right to a fair trial, to be presumed innocent until convicted, to have access to a lawyer of his or her choice, and to appeal convictions in most cases that involve major penalties. These rights were not upheld.

Panels of judges adjudicate trials in civil and criminal courts. Human rights activists reported trials in which authorities appeared to have determined the verdicts in advance, and defendants did not have the opportunity to confront their accusers or meet with lawyers. For journalists and defendants charged with crimes against national security, the law restricts the choice of attorneys to a government-approved list.

When postrevolutionary statutes do not address a situation, the government advised judges to give precedence to their knowledge and interpretation of sharia (Islamic law). Under this method judges may find a person guilty based on their own “divine knowledge.”

The constitution does not provide for the establishment or the mandate of the revolutionary courts. The courts were created pursuant to the former supreme leader Ayatollah Khomeini’s edict immediately following the 1979 revolution, with a sharia judge appointed as the head of the courts. They were intended as a temporary emergency measure to try high-level officials of the deposed monarchy and purge threats to the regime. The courts, however, became institutionalized and continue to operate in parallel to the criminal justice system. Human rights groups and international observers often identified the revolutionary courts, which are generally responsible for hearing the cases of political prisoners, as routinely employing grossly unfair trials without due process, handing down predetermined verdicts, and rubberstamping executions for political purposes. These unfair practices reportedly occur during all stages of criminal proceedings in revolutionary courts, including the initial prosecution and pretrial investigation, first instance trial, and review by higher courts.
The IRGC and Intelligence Ministry reportedly determine many aspects of revolutionary court cases. Most of the important political cases are referred to a small number of branches of the revolutionary courts, whose judges often have negligent legal training and are not independent.

During the year human rights groups and international media noted the absence of procedural safeguards in criminal trials, and courts admitted as evidence confessions made under duress or torture. UNSR Javaid Rehman expressed concerns about allegations of confessions extracted by torture and a lack of due process or a fair trial. According to Iran Human Rights, on August 4, authorities at Dezful Prison executed two Arab men after a court found them guilty of “waging war against God;” Amnesty International reported the men were tortured to gain confessions.

The Special Clerical Court is headed by a Shia Islamic legal scholar, overseen by the supreme leader, and charged with investigating alleged offenses committed by clerics and issuing rulings based on an independent interpretation of Islamic legal sources. As with the revolutionary courts, the constitution does not provide for the Special Clerical Court, which operates outside the judiciary’s purview. Clerical courts were used to prosecute Shia clerics who expressed controversial ideas and participated in activities outside the sphere of religion, such as journalism or reformist political activities.

In January cleric Seyed Hasan Aghamiri posted on Instagram that the Special Clerical Court had sentenced him to two years in prison and permanent defrocking for social media posts critical of the clerical establishment. He said authorities subsequently reduced the sentence to a suspended five-year sentence.

**Political Prisoners and Detainees**

Official statistics regarding the number of citizens imprisoned for their political beliefs were not available. According to United for Iran, as of December 12, there were an estimated 610 prisoners of conscience held in the country, including those jailed for their religious beliefs.

The government often charged political dissidents with vague crimes, such as “antirevolutionary behavior,” “corruption on earth,” “siding with global arrogance,” “waging war against God,” and “crimes against Islam.” Prosecutors imposed strict penalties on government critics for minor violations.
The political crimes law defines a political crime as an insult against the government, as well as “the publication of lies.” Political crimes are those acts “committed with the intent of reforming the domestic or foreign policies of Iran,” while those with the intent to damage “the foundations of the regime” are considered national security crimes. The court and the Public Prosecutor’s Office retain responsibility for determining the nature of the crime.

The political crimes law grants the accused certain rights during arrest and imprisonment. Political criminals should be held in detention facilities separate from ordinary criminals. Political criminals should also be exempt from wearing prison uniforms, not subject to rules governing repeat offenses, not subject to extradition, and exempt from solitary confinement unless judicial officials deem it necessary. Political criminals also have the right to see and correspond with immediate family regularly and to access books, newspapers, radio, and television.

Many of the law’s provisions have not been implemented, and the government continued to arrest and charge students, journalists, lawyers, political activists, women’s activists, artists, and members of religious minorities with “national security” crimes that do not fall under the political crimes law. Political prisoners were also at greater risk of torture and abuse in detention. They were often mixed with the general prison population, and former prisoners reported that authorities often threatened political prisoners with transfer to criminal wards, where attacks were more likely. Human rights activists and international media reported cases of political prisoners confined with accused and convicted violent criminals, and with criminals carrying contagious diseases such as HIV or hepatitis (see section 1.c., Physical Conditions). The government often placed political prisoners in prisons far from their families, denied them correspondence rights, and held them in solitary confinement for long periods.

The government reportedly held some detainees in prison for years on unfounded charges of sympathizing with real or alleged terrorist groups.

The government issued travel bans on some former political prisoners, barred them from working in their occupations for years after incarceration, and imposed internal exile on some. During the year authorities occasionally gave political prisoners suspended sentences and released them on bail with the understanding that renewed political activity would result in their return to prison. The government did not permit international humanitarian organizations or UN representatives access to political prisoners.
Prison authorities reportedly denied human rights defender and journalist Narges Mohammadi phone contact with her family, as well as appropriate medical treatment related to a major operation she underwent in May. Security forces arrested Mohammadi in 2016, and a revolutionary court sentenced her to 16 years in prison for “propaganda against the state,” “assembly and collusion against national security,” and establishing the illegal Step by Step to Stop the Death Penalty organization, allegedly harming national security.

Lawyers who defended political prisoners were often arrested, detained, and subjected to excessive sentences and punishments for engaging in regular professional activities. The government continued to imprison lawyers and others affiliated with the Defenders of Human Rights Center advocacy group. In 2018 the government arrested at least eight human rights attorneys in what the United Nations characterized as “increasing levels of intimidation, arrest and detention for providing legal counsel to dissenting voices.”

In January imprisoned human rights attorney Mohammad Najafi was sentenced to an additional two years in prison, bringing his total sentence to 19 years for “national security-related” charges.

On March 11, a revolutionary court sentenced human rights attorney Nasrin Sotoudeh to a cumulative 38 years in prison and 148 lashes for providing legal defense services to women charged with crimes for not wearing hijab. Sotoudeh was previously arrested in 2010 and pardoned in 2013.

On July 30, a revolutionary court upheld a 30-year prison sentence--plus 111 lashes--against Amir Salar Davoudi, a lawyer and civil rights activist.

International human rights organizations reported the arrest of several other human rights lawyers during the year because of their work. In January security agents arrested Farhad Mohammadi, a Kurdish human rights lawyer, and Masoud Shamsnejad, a lawyer and professor.

**Politically Motivated Reprisal Against Individuals Located Outside the Country**

There were credible reports that the government attempted to misuse international law enforcement tools for politically motivated purposes as reprisals against specific individuals located outside the country.
In March the government filed an INTERPOL Red Notice on Bahareh Zare Bahari, an Iranian national who had resided for several years in the Philippines, claiming she faced charges of “assault and battery” in Iran for alleged threats she made against other Iranian nationals in the Philippines. Media and NGOs noted that Bahari had publicly expressed opposition to the Iranian government, and displayed a poster of a government opponent during an international beauty pageant in which she participated. Authorities detained Bahari at the airport in Manila in October when she returned to the country after an international trip. On November 8, Philippine authorities granted Bahari refugee status in the country.

Civil Judicial Procedures and Remedies

Citizens had limited ability to sue the government and were not able to bring lawsuits through the courts against the government for civil or human rights violations.

Property Restitution

The constitution allows the government to confiscate property acquired illicitly or in a manner not in conformity with Islamic law. The government appeared to target ethnic and religious minorities in invoking this provision.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution states that “reputation, life, property, [and] dwelling[s]” are protected from trespass, except as “provided by law.” The government routinely infringed on this right. Security forces monitored the social activities of citizens, entered homes, offices, and places of worship, monitored telephone conversations and internet communications, and opened mail without court authorization. The government also repeatedly detained the family members of activists as a form of intimidation and reprisal.

A semi-official news agency in Iran reported December 24 that authorities arrested approximately 10 family members of Pouya Bakhtiari, a protester reportedly killed by security forces in the city of Karaj during the November fuel price-hike demonstrations. The detained persons reportedly included Bakhtiari’s 11-year-old nephew and two of his elderly grandparents. According to other family members,
security forces detained these individuals to prevent them from holding a traditional memorial service for Bakhtiar 40 days after his death.

According to international human rights organizations, the Ministry of Intelligence arrested and intimidated BBC employees’ family members, including elderly family members, based in Iran. The government also froze and seized assets of family members, demoted relatives employed by state-affiliated organizations, and confiscated passports. The government also compelled family members of journalists from other media outlets abroad to defame their relatives on state television.

In January a revolutionary court sentenced Nasrin Sotoudeh’s husband, Reza Khandan, to six years in prison for “conspiring against national security” and “propaganda against the system” related to publicly expressing his support for his detained wife, according to his lawyer. Khandan filed an appeal, and as of November, authorities had not detained him to serve the sentence. In September, Amnesty International reported that authorities arrested three family members of women’s rights activist and founder of anticompulsory hijab movement Masih Alinejad--her brother, Alireza Alinejad, and siblings of her former husband, Hadi and Leila Lotfi. NGOs expressed concern they were potentially being held in solitary confinement. Authorities reportedly released Hadi Lotfi after interrogation.

### g. Abuses in Internal Conflicts

**Syria:** The government directly supported the Assad regime in Syria, primarily through the IRGC, and recruited Iraqi, Afghan, and Pakistani Shia fighters, which contributed to prolonging the civil war and the deaths of thousands of Syrian civilians during the year. According to HRW, the IRGC since 2013 allegedly recruited thousands of undocumented Afghans living in Iran to fight in Syria, threatening forced deportation in some cases. The Syrian Network for Human Rights attributed 89 percent of civilian deaths in Syria since the beginning of the conflict to government forces and Iranian-sponsored militias. Hackers linked to Iran continued cyberattacks against Syrian opposition groups in an effort to disrupt reporting on human rights violations.

**Child Soldiers:** In a 2017 report, HRW asserted that the IRGC had recruited Afghan children as young as age 14 to serve in the Fatemiyoun Brigade, reportedly an Iranian-supported Afghan group fighting alongside government forces in Syria, and noted that at least 14 Afghan children had been killed fighting in the Syrian
conflict. In an August 2018 interview by IranWire, a Fatemiyoun Brigade commander confirmed Afghan minors as young as 15 served in his unit.

Iraq: The Iranian government directly supported certain pro-Iran militias, including terrorist organization Kata’ib Hizballah, which reportedly was complicit in summary executions and other human rights abuses of civilians in Iraq.

In October and November, there were reports that Iran-backed militia groups operating in Iraq shot and killed protesters and engaged in abductions and targeted killings of civil society activists, journalists, and human rights defenders. On October 17, Reuters reported that Kata’ib Hizballah member Abu Zainab al-Lami directed sniper shootings of peaceful Iraqi demonstrators.

Yemen: Since 2015 the Iranian government has provided hundreds of millions of dollars in support to the Houthi rebels in Yemen and proliferated weapons that exacerbated and prolonged the conflict. On November 25, a vessel off the coast of Yemen was interdicted carrying a significant cache of sophisticated weapons and missile parts apparently of Iranian origin. Houthi rebels used Iranian funding and weapons to launch attacks against civilians and civilian infrastructure both within Yemen and in Saudi Arabia.

According to a Bahai International Community report in April 2018, Iranian authorities directed authorities in Houthi-controlled areas of Yemen to harass and detain Bahais because of their religious affiliation. On October 10, a judge in Yemen reportedly urged authorities to deport Bahais, ban their entry to the country, and seize the assets of the Bahai National Assembly.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, except when words are deemed “detrimental to the fundamental principles of Islam or the rights of the public.” According to the law, “anyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations shall be sentenced to three months to one year of imprisonment.”

The Charter on Citizens’ Rights acknowledges the right of every citizen to freedom of speech and expression. The charter grants citizens the right to seek, receive,
publish, and communicate views and information, using any means of communication; however, it has not been implemented.

The law provides for prosecution of persons accused of instigating crimes against the state or national security or “insulting” Islam. The government severely restricted freedom of speech and of the press and used the law to intimidate or prosecute persons who directly criticized the government or raised human rights problems, as well as to bring ordinary citizens into compliance with the government’s moral code.

Freedom of Expression: Authorities did not permit individuals to criticize publicly the country’s system of government, supreme leader, or official religion. Security forces and the judiciary punished those who violated these restrictions, as well as those who publicly criticized the president, cabinet, and parliament. A July UN report noted “increasing restrictions” on freedom of expression.

The government monitored meetings, movements, and communications of its citizens and often charged persons with crimes against national security and for insulting the regime, citing as evidence letters, emails, and other public and private communications. Authorities threatened arrest or punishment for the expression of ideas or images they viewed as violations of the legal moral code.

In June and August, two dozen civil society activists circulated two separate letters calling on the supreme leader to step down and begin a process to develop a new constitution. Authorities arrested nearly all of the signatories to these letters and charged them with “propaganda against the state” and “collusion against national security.” Their trials continued before a revolutionary court.

Press and Media, Including Online Media: The government’s Press Supervisory Board issues press licenses, which it sometimes revoked in response to articles critical of the government or the regime, or it did not renew them for individuals facing criminal charges or incarcerated for political reasons. During the year the government banned, blocked, closed, or censored publications deemed critical of officials.

The Ministry of Culture and Islamic Guidance (Ershad) severely limited and controlled foreign media organizations’ ability to work in the country. The ministry required foreign correspondents to provide detailed travel plans and topics of proposed stories before granting visas, limiting their ability to travel within the country, and forced them to work with a local “minder.” According to the
Washington Post, the ministry temporarily stopped issuing permits to any foreign correspondents during the summer.

Under the constitution private broadcasting is illegal. The government maintained a monopoly over all television and radio broadcasting facilities through IRIB, a government agency. Radio and television programming, the principal source of news for many citizens, particularly in rural areas with limited internet access, reflected the government’s political and socioreligious ideology. The government jammed satellite broadcasts as signals entered the country, a continuous practice since at least 2003. Satellite dishes remained illegal but ubiquitous. Those who distributed, used, or repaired satellite dishes faced fines up to 90 million rials (approximately $2,100). Police, using warrants provided by the judiciary, conducted periodic campaigns to confiscate privately owned satellite dishes throughout the country.

Under the constitution the supreme leader appoints the head of the Audiovisual Policy Agency, a council composed of representatives of the president, judiciary, and parliament. The Ministry of Culture reviews all potential publications, including foreign printed materials, prior to their domestic release and may deem books unpublishable, remove text, or require word substitutions for terms deemed inappropriate.

Independent print media companies existed, but the government severely limited their operations.

In June, Judge Mohammad Moghiseh, presiding over Tehran’s Revolutionary Court Branch 28, sentenced Masoud Kazemi, editor in chief of the monthly political magazine Sedaye Parsi, to four and one-half years in prison followed by a two-year ban from working as a journalist for national security charges of spreading misinformation and insulting the supreme leader. In November 2018 authorities arrested Kazemi for reporting on corruption in the Ministry of Industry.

Violence and Harassment: The government and its agents harassed, detained, abused, and prosecuted publishers, editors, and journalists, including those involved in internet-based media, for their reporting. The government also harassed many journalists’ families.

According to information provided by Journalism is not a Crime, an organization devoted to documenting freedom of the press in the country, at least 38 journalists or citizen-journalists were imprisoned as of December.
Authorities banned national and international media outlets from covering demonstrations throughout the year in an attempt to censor coverage of the protests and to intimidate citizens from disseminating information about them. On May 4, authorities arrested Marzieh Amiri, a journalist for Shargh, a leading reformist newspaper, at a protest outside the parliament building in Tehran. In reaction to Amiri’s arrest, member of parliament Mohammad-Ali Pourmokhtar reportedly said to state media, “[J]ournalists don’t have the right to report on anything they want. They are the problem.” Pourmokhtar noted there was nothing wrong with Amiri’s arrest since she had been exposing important information to enemy states. Amiri posted bail of one billion rials ($23,000) and was released from Evin Prison in late October.

In July, Amnesty International called for the release of three reporters for Gam (Step), a Telegram app news channel covering labor issues. According to Amnesty International’s report and other reporting from human rights organizations, authorities arrested Amirhossein Mohammadifard, Gam’s editor in chief; his wife Sanaz Allahyari, a reporter; and Amir Amirgholi, a Gam staff reporter, in January. The journalists reportedly faced national security charges connected to their reporting on workers’ rights protests in Khuzestan Province. Authorities released the journalists on bail in late October.

Censorship or Content Restrictions: The law forbids government censorship but also prohibits dissemination of information the government considers “damaging.” During the year the government censored publications that criticized official actions or contradicted official views or versions of events. “Damaging” information included discussions of women’s rights, the situation of minorities, criticism of government corruption, and references to mistreatment of detainees.

In July the Huffington Post reported that the government had set conditions for the BBC not to share reporting materials it gathered inside the country with BBC Persian, its Persian language channel. According to the report, the agreement was made in exchange for the government to allow a BBC correspondent into the country.

Officials routinely intimidated journalists into practicing self-censorship. Public officials often filed criminal complaints against newspapers, and the Press Supervisory Board, which regulates media content and publication, referred such complaints to the Press Court for further action, including possible closure, suspension, and fines. The Islamic Republic News Agency determined the main
topics and types of news to be covered and distributed topics required for reporting directly to various media outlets, according to the IHRDC.

**Libel/Slander Laws:** The government commonly used libel laws or cited national security to suppress criticism. According to the law, if any publication contains personal insults, libel, false statements, or criticism, the insulted individual has the right to respond in the publication within one month. By law “insult” or “libel” against the government, government representatives, or foreign officials while they are in the country, as well as “the publication of lies” with the intent to alter, but not overthrow, the government are considered political crimes and subject to certain trial and detention procedures (see section 1.e.). The government applied the law throughout the year, often citing statements made in various media outlets or on internet platforms that criticized the government, in the arrest, prosecution, and sentencing of individuals for crimes against national security.

**National Security:** Authorities routinely cited laws on protecting national security to arrest or punish critics of the government or to deter criticism of government policies or officials. In January authorities charged three members of the Iran Writer’s Association with national-security-related crimes, reportedly for publishing information opposing censorship of art and literature, according to CHRI.

**Internet Freedom**

The government restricted and disrupted access to the internet, including fully blocking access for almost one week during nationwide protests in November. There were reports the government again slowed internet access on December 25, which media and NGO reports noted would correspond to approximately 40 days after the protests began, when the government may be concerned that families of those killed would organize new protests surrounding memorial ceremonies for the victims. Authorities also monitored private online communications and censored online content. Individuals and groups practiced self-censorship online.

The Ministries of Culture and of Information and Communications Technology are the main regulatory bodies for content and internet systems. The Supreme Leader’s Office also includes the Supreme Council of Cyberspace, charged with regulating content and systems. The government collected personally identifiable information in connection with citizens’ peaceful expression of political, religious, or ideological opinion or beliefs.
The government continued to implement the National Information Network (NIN, also known as SHOMA). As described by Freedom House, SHOMA enabled the government to reduce foreign internet connection speeds during politically sensitive periods, disconnect the network from global internet content, and disrupt circumvention tools. According to widespread media and NGO reports, the government shut down nearly all internet access in the country for five days following the outbreak of protests over fuel price increases on November 15. The BBC noted that authorities controlled the country’s two internet connections to the outside world, the state telecommunications firm and the Institute for Physics and Mathematics. Oracle’s internet-monitoring service called it “the largest internet shutdown ever observed in Iran.” Access to mobile networks in parts of the country remained heavily restricted for several weeks after the demonstrations began to diminish.

NGOs reported the government filtered content on the internet throughout the year to ban access to particular sites and to filter traffic based on its content. The law makes it illegal to distribute circumvention tools and virtual private networks, and Minister of Information and Communications Technology Jahromi was quoted in the press stating that using circumvention tools is illegal.

The Ministry of Culture and Islamic Guidance must approve all internet service providers. The government also requires all owners of websites and blogs in the country to register with the agencies that compose the Commission to Determine the Instances of Criminal Content (also referred to as the Committee in Charge of Determining Unauthorized Websites or Committee in Charge of Determining Offensive Content), the governmental organization that determines censoring criteria. These agencies include the Ministry of Culture and Islamic Guidance, Ministry of Information and Communications Technology, the Intelligence Ministry, and the Tehran Public Prosecutor’s Office.

Ministry of Information and Communications Technology regulations prohibit households and cybercafes from having high-speed internet access.

Authorities continued to block online messaging tools, such as Facebook, YouTube, and Twitter, although the government operated Twitter accounts under the names of Supreme Leader Khamenei, President Rouhani, Foreign Minister Zarif, and other government-associated officials and entities, including after shutting down most of the country’s internet access during the November demonstrations.
Government organizations, including the Basij Cyber Council, the Cyber Police, and the Cyber Army, which observers presumed to be controlled by the IRGC, monitored, identified, and countered alleged cyberthreats to national security. These organizations especially targeted citizens’ activities on officially banned social networking websites such as Telegram, Facebook, Twitter, YouTube, and Flickr, and they reportedly harassed persons who criticized the government or raised sensitive social problems.

The popular messaging app Telegram remained blocked during the year, although it continued to be accessed using circumvention tools.

Bloggers, social media users, and online journalists continued to be arrested. In April authorities warned citizens they could be prosecuted for posting pictures of major flooding in the country’s southwest under the charge of “disturbing public opinion.” On October 5, authorities reportedly arrested Instagram user Sahar Tabar for “blasphemy” and “encouraging youths to corruption” for posts on her account depicting results of her numerous plastic surgeries. Several weeks later, she appeared to express regret for her actions in a state television broadcast that observers described as a “forced confession.” CHRI reported in August that authorities detained at least 14 Instagram “celebrities” in the previous three months and ordered them to stop their online activities.

Academic Freedom and Cultural Events

The government significantly restricted academic freedom and the independence of higher education institutions. Authorities systematically targeted university campuses to suppress social and political activism by banning independent student organizations, imprisoning student activists, removing faculty, preventing students from enrolling or continuing their education because of their political or religious affiliation or activism, and restricting social sciences and humanities curricula.

In April, according to a CHRI report, the Supreme Cultural Revolution Council’s Committee for the Islamization of Universities passed an amendment to the country’s academic disciplinary regulations, according to which university students could be punished for engaging in online activities deemed as “unethical.” Jamsb Nozari, director of the state-run Academic Affairs Organization, stated in an interview with Iranian Students News Agency (ISNA), “Publishing unethical photos or committing immoral acts in cyberspace and on information-sharing networks will result in disciplinary action against students.”
Authorities barred Bahai students from higher education and harassed those who studied through the unrecognized online university of the Bahai Institute for Higher Education. According to a HRANA report in September, authorities denied university admission to at least 22 Bahai students solely based on their religious affiliation despite they passed the national admissions test (see the Department of State’s International Religious Freedom Report at https://www.state.gov/religiousfreedomreport/).

The government maintained control over cinema, music, theater, and art exhibits and censored those productions deemed to transgress Islamic values. The government censored or banned films deemed to promote secularism, non-Islamic ideas about women’s rights, unethical behavior, drug abuse, violence, or alcoholism.

According to the IHRDC, the nine-member film review council of the Ministry of Culture and Islamic Guidance, consisting of clerics, former directors, former parliamentarians, and academics, must approve the content of every film before production and again before screening. Films may be barred arbitrarily from screening even if all the appropriate permits were received in advance.

In July, CHRI reported that a court sentenced filmmaker Mohammad Rasoulof to one year in prison for the content of his films. According to Rasoulof, the accusations made against him in court focused on films he made examining the government’s persecution of members of the Bahai faith. Since 2017 authorities have banned Rasoulof from leaving the country and making films. Similarly, film director Jafar Panahi has been barred from traveling since 2010, when he was charged with generating “propaganda against the Islamic Republic.”

Officials continued to discourage teaching music in schools. Authorities considered heavy metal and foreign music religiously offensive, and police continued to repress underground concerts and arrest musicians and music distributors. The Ministry of Culture must officially approve song lyrics, music, and album covers as complying with the country’s moral values, although many underground musicians released albums without seeking such permission.

In July a revolutionary court sentenced in absentia Nikan Khosravi and Arash Ilkhani of the metal band Confess to more than 14 years in prison and 74 lashes for “insulting the sanctity of Islam,” among other charges.

b. Freedoms of Peaceful Assembly and Association
The government severely restricted freedoms of peaceful assembly and association.

**Freedom of Peaceful Assembly**

The constitution permits assemblies and marches of unarmed persons, “provided they do not violate the principles of Islam.” To prevent activities it considered antiregime, the government restricted this right and closely monitored gatherings such as public entertainment and lectures, student and women’s meetings and protests, meetings and worship services of minority religious groups, labor protests, online gatherings and networking, funeral processions, and Friday prayer gatherings.

According to activists, the government arbitrarily applied rules governing permits to assemble, as proregime groups rarely experienced difficulty, while groups viewed as critical of the regime experienced harassment regardless of whether authorities issued a permit.

Protests against government corruption and economic mismanagement continued throughout the year, as did labor-sector protests. Protests against the country’s compulsory hijab laws also increased.

On May 13, Basij militia and progovernment plainclothes vigilante groups forcibly dispersed a student demonstration at the University of Tehran, in which hundreds of students peacefully protested the country’s mandatory hijab laws. Videos showed clerics, vigilante groups, and Basij members chanting Islamic slogans, calling for the students to respect the law or leave the university. The vigilante groups later reportedly physically attacked the students after they had retreated to the university auditorium.

On November 14, the government announced a fuel subsidy cut that substantially increased the cost of gasoline. The cut sparked days of protests in nearly three-quarters of the country’s provinces and increasingly included broader expressions of frustration regarding the country’s leadership, according to media and NGO reports. Security forces responded with lethal force, killing approximately 1,500 protesters, according to international media reports (see section 1.a.). Authorities also arrested 8,600 demonstrators. Government officials described the protesters as “rioters” and did not indicate any intent to investigate protester deaths, calling the casualty figures “disinformation.”
There were no government investigations into the killings of at least 20 demonstrators during protests in 2017-18, nor were there any government investigations into the forcible dispersal of February 2018 protests by the Gonabadi Sufi dervish community, during which security forces killed numerous dervishes. Between March 9 and 12, an appeals court upheld convictions of 23 dervishes arrested at the 2018 demonstrations and confirmed sentences ranging from six to 26 years in prison, lashings, social media bans, and travel bans. Dozens of members of the Gonabadi Sufi community remained imprisoned at year’s end.

**Freedom of Association**

The constitution provides for the establishment of political parties, professional and political associations, and Islamic and recognized religious minority organizations, as long as such groups do not violate the principles of freedom, sovereignty, national unity, or Islamic criteria, or question Islam as the basis of the country’s system of government. The government limited the freedom of association through threats, intimidation, the imposition of arbitrary requirements on organizations, and the arrests of group leaders and members (see section 7). The government continued to broaden arbitrarily the areas of civil society work it deemed unacceptable, to include conservation and environmental efforts (see section 1.d.).

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at [https://www.state.gov/religiousfreedomreport/](https://www.state.gov/religiousfreedomreport/).

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions, particularly concerning migrants and women. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) with regard to refugees from Afghanistan and Iraq.

**In-country Movement:** Judicial sentences sometimes included internal exile after release from prison, which prevented individuals from traveling to certain provinces. Women often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for traveling alone.
Foreign Travel: The government required exit permits for foreign travel for all citizens. Citizens who were educated at government expense or received scholarships had either to repay the scholarship or receive a temporary permit to exit the country. The government restricted the foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields.

Numerous journalists, academics, opposition politicians, human and women’s rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during the year. Married women were not allowed to travel outside the country without prior permission from their husbands.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

According to UNHCR, the government granted registration to 951,142 Afghans under a system known as Amayesh, through which authorities provide refugees with cards identifying them as de facto refugees. The cards enable refugees to access basic services and facilitate the issuance of work permits. The most recent Amayesh XIV renewal exercise started on May 28. In addition to registered refugees, the government hosted some 450,000 Afghans who hold Afghan passports and Iranian visas and an estimated 1.5 to 2.0 million undocumented Afghans. The country also hosted 28,268 Iraqi refugees.

Abuse of Migrants, Refugees, and Stateless Persons: HRW and other groups reported the government continued its mistreatment of many Afghans, including physical abuse by security forces, deportations, forced recruitment to fight in Syria, detention in unsanitary and inhuman conditions, forced payment for transportation to and accommodation in deportation camps, forced labor, forced separation from families, restricted movement within the country, and restricted access to education or jobs.

Refoulement: According to activist groups and NGOs, authorities routinely arrested Afghans without Amayesh cards and sometimes threatened them with deportation. According to the International Organization for Migration, from the beginning of the year to August, more than 219,254 undocumented Afghans
returned to Afghanistan, with many claiming they were pressured to leave. More than 273,089 were deported there throughout the year.

**Access to Asylum:** The law provides for the granting of asylum or refugee status to qualified applicants. While the government reportedly has a system for providing protection to refugees, UNHCR did not have information regarding how the country made asylum determinations. According to HRW, the government continued to block many Afghans from registering to obtain refugee status.

Afghans not registered under the Amayesh system who had migrated during past decades of conflict in their home country continued to be denied access to an asylum system or access to register with the United Nations as refugees. NGOs reported many of these displaced asylum seekers believed they were pressured to leave the country but could not return to Afghanistan because of the security situation in their home provinces.

**Freedom of Movement:** Refugees faced certain restrictions on in-country movement and faced restrictions from entering certain provinces, according to UNHCR. They can apply for laisserz-passer documents allowing them to move between those provinces where Afghans were allowed to go.

**Employment:** Only refugees with government-issued work permits were able to work. NGO sources reported Amayesh cards were difficult to renew and were often prohibitively expensive for refugees to maintain, due to steep annual renewal fees.

**Access to Basic Services:** Amayesh cardholders had access to education and health care, including vaccinations, prenatal care, maternal and child health, and family planning from the Ministry of Health. All registered refugees can enroll in a basic health insurance package similar to the package afforded to citizens, which covered hospitalization and paraclinical services (medicine, doctor’s visits, radiology, etc.). During the year UNHCR covered the insurance premium for 92,000 of the most vulnerable refugees, including refugees who suffer from special diseases and their families. The remaining refugee population can enroll in health insurance by paying the premium themselves during four enrollment windows throughout the year.

The government claimed to grant Afghan children access to schools. More than 480,000 Afghan children were enrolled in primary and secondary schools, in addition to 103,000 undocumented Afghan children. According to media
reporting, however, Afghans continued to have difficulty gaining access to education.

Most provinces’ residency limitations on refugees effectively denied them access to public services, such as public housing, in the restricted areas of those provinces.

g. Stateless Persons

There were no accurate numbers on how many stateless persons resided in the country. Stateless persons included those without birth documents or refugee identification cards. They were subjected to inconsistent government policies and relied on charities, principally domestic, to obtain medical care and schooling. Authorities prohibited stateless persons from receiving formal government support or travel documents.

In October the Guardian Council approved an amendment to the civil code granting Iranian citizenship to the children of Iranian women married to foreign men. Previously, female citizens were not able to transmit citizenship to their children or to noncitizen spouses, and their dependents could not apply for citizenship until they lived in Iran for at least 18 years. The children and spouses of Iranian men were granted citizenship automatically. Under the new law, women must still apply for nationality for their children, and children who turn 18 can apply for nationality themselves. Human rights activists noted concern that the amended law requires the Intelligence Ministry and the Intelligence Organization of the IRGC to certify that no “security problem” exists before approving citizenship for these specific applications, and this vaguely defined security provision could be used arbitrarily to disqualify applicants if they or their parents are seen as critical of the government. According to media reports, between 400,000 and one million persons lacked Iranian nationality despite having an Iranian citizen mother, due to prior limitations on citizenship transmission (see section 6, Children).

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose the president, as well as members of the Assembly of Experts and parliament, provided all have been vetted and approved by the Guardian Council. Elections are based on universal suffrage. Candidate vetting conducted by unelected bodies, however, abridged this right in all instances. Reported government constraints on freedom of expression and the
media; peaceful assembly; association; and the ability freely to seek, receive, and impart information and campaign also limited citizens’ right to choose freely their representatives in elections.

The Assembly of Experts, which is composed of 86 popularly elected clerics who serve eight-year terms, elects the supreme leader, who acts as the de facto head of state and may be removed only by a vote of the assembly. The Guardian Council vets and qualifies candidates for all Assembly of Experts, presidential, and parliamentary elections based on criteria that include candidates’ allegiance to the state and adherence to Shia Islam. The council consists of six clerics appointed by the supreme leader and six jurists nominated by the head of the judiciary (who is appointed by the supreme leader) and approved by parliament.

The supreme leader exerted significant influence over the activities of elected officials. For example, on November 17, according to press reports, the supreme leader’s office sent a letter to parliament urging members of parliament to end debate on fuel rationing and pricing, which spurred major countrywide protests two days earlier.

Elections and Political Participation

Recent Elections: Presidential and local council elections were held in 2017. The country’s electoral system continued to fall short of international standards for free and fair elections primarily because of the Guardian Council’s controlling role in the political process, including determining which individuals could run for office and, in certain instances, arbitrarily removing winning candidates.

In 2017 the Guardian Council approved six Shia male candidates for president from a total candidate pool of 1,636 individuals. Voters re-elected Hassan Rouhani as president.

Candidates for local elections were vetted by monitoring boards established by parliament, resulting in the disqualification of a number of applicants. Observers asserted that reformist candidates such as Abdollah Momeni, Ali Tajernia, and Nasrin Vaziri, previously imprisoned for peacefully protesting the 2009 election, were not allowed to run due to their political views.

Political Parties and Political Participation: The constitution provides for the formation of political parties, but the Interior Ministry granted licenses only to parties deemed to adhere to the “governance of the jurist” system of government
embodied in the constitution. Registered political organizations that adhered to the system generally operated without restriction, but most were small, focused around an individual, and without nationwide membership. Members of political parties and persons with any political affiliation that the regime deemed unacceptable faced harassment and sometimes violence and imprisonment. The government maintained bans on several opposition organizations and political parties. Security officials continued to harass, intimidate, and arrest members of the political opposition and some reformists (see section 1.e.).

Participation of Women and Minorities: Women faced significant legal, religious, and cultural barriers to political participation. According to the Guardian Council’s interpretation, the constitution bars women, as well as persons of foreign origin, from serving as supreme leader or president, as members of the Assembly of Experts, the Guardian Council, or the Expediency Council, and as certain types of judges.

The Guardian Council disqualified all 137 women who registered as candidates for the 2017 presidential election. Almost 18,000 female candidates, or 6.3 percent of all candidates, were permitted to run for positions in the 2017 local elections.

All cabinet-level ministers were men. A limited number of women held senior government positions, including that of vice president for legal affairs and vice president for women and family affairs. According to the World Bank, women make up 6 percent of members of parliament.

Practitioners of a religion other than Shia Islam are barred from serving as supreme leader or president, as well as from being a member in the Assembly of Experts, Guardian Council, or Expediency Council. The law reserves five seats in parliament for members of recognized minority religious groups, although minorities may also be elected to nonreserved seats. The five reserved seats were filled by one Zoroastrian, one Jew, and three Christians. There were no non-Muslims in the cabinet or on the Supreme Court.

In 2018 the Expediency Council, the country’s highest arbiter of disputes between state branches, amended the Law on the Formation, Duties, and Election of National Islamic Councils to affirm the right of constitutionally recognized religious minorities to run in local elections.

Section 4. Corruption and Lack of Transparency in Government
The law provides criminal penalties for official corruption, but the government implemented the law arbitrarily, sometimes pursuing apparently legitimate corruption cases against officials, while at other times, bringing politically motivated charges against regime critics or political opponents. Officials continued to engage in corrupt practices with impunity. Many expected bribes for providing routine services or received bonuses outside their regular work, and individuals routinely bribed officials to obtain permits for otherwise illegal construction.

Endowed religious charitable foundations, or bonyads, accounted for one-quarter to one-third of the country’s economy, according to some experts. Government insiders, including members of the military and clergy, ran these tax-exempt organizations, which are defined under law as charities. Members of the political opposition and international corruption watchdog organizations frequently accused bonyads of corruption. Bonyads received benefits from the government, but no government agency is required to approve their budgets publicly.

Numerous companies and subsidiaries affiliated with the IRGC engaged in trade and business activities, sometimes illicitly, including in the telecommunications, mining, and construction sectors. Other IRGC entities reportedly engaged in smuggling pharmaceutical products, narcotics, and raw materials. The domestic and international press reported that individuals with strong government connections had access to foreign currency at preferential exchange rates, allowing them to exploit a gap between the country’s black market and official exchange rates.

Corruption: The judiciary continued an anticorruption campaign that observers viewed as motivated by several factors, including political infighting and replacing lost revenue due to economic challenges. The supreme leader approved a request from the head of the judiciary in 2018 to set up special revolutionary courts to try individuals for economic crimes, seeking maximum sentences for those who “disrupted and corrupted” the economy. He was quoted saying that punishments for those accused of economic corruption, including government officials and those from the military, should be carried out swiftly. Amnesty International criticized the courts’ lack of fair trial and due process guarantees.

In October a court reduced a seven-year prison sentence handed down in May to Hossein Fereydoun, the brother of President Rouhani, to five years. The exact nature of the charges was unclear, but he was convicted of receiving bribes. Some
observers asserted the case was motivated by retribution sought by hardline political and judicial figures.

In November, Radio Farda reported that as a part of the judiciary’s drive against corruption, a number of employees of the State Deeds and Properties Organization were arrested on charge including “taking huge bribes, forgery, and cooperation with profiteers to appropriate public and private property.” These arrests came in tandem with the arrest of the Rudehen City Council chairman, Manouchehr Hemmat Najafi, on charges of embezzlement and bribery, and of 25 other individuals in connection to a case of unlicensed construction projects. As of December 9, details of the number of arrested employees and their positions have not been disclosed.

Financial Disclosure: Regulations require government officials, including cabinet ministers and members of the Guardian Council, Expediency Council, and Assembly of Experts, to submit annual financial statements to the government inspectorate. Little information was available on whether the government effectively implemented the law, whether officials obeyed the law, or whether financial statements were publicly accessible.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government restricted the operations of and did not cooperate with local or international human rights NGOs investigating alleged violations of human rights. The government restricted the work of domestic activists and often responded to their inquiries and reports with harassment, arrests, online hacking, and monitoring of individual activists and organization workplaces.

By law NGOs must register with the Ministry of Interior and apply for permission to receive foreign grants. Independent human rights groups and other NGOs faced harassment because of their activism, as well as the threat of closure by government officials, following prolonged and often arbitrary delays in obtaining official registration.

During the year the government prevented some human rights defenders, civil society activists, journalists, and scholars from traveling abroad. Human rights activists reported intimidating telephone calls, threats of blackmail, online hacking attempts, and property damage from unidentified law enforcement and government officials. The government summoned activists repeatedly for questioning and
confiscated personal belongings such as mobile phones, laptops, and passports. Government officials sometimes harassed and arrested family members of human rights activists. Courts routinely suspended sentences of convicted human rights activists, leaving open the option for authorities to arrest or imprison individuals arbitrarily at any time on the previous charges.

In his July report, UNSR Rehman expressed concern about the arrest, arbitrary detention, and sentencing of human rights defenders, journalists, and lawyers. He noted acts of intimidation and reprisals in detention, including torture and mistreatment, as well as reports of reprisals against human rights defenders and journalists for engaging the UNSR and cooperating with other UN mechanisms.

According to NGO sources, including HRW and Amnesty International, the government’s rights record and its level of cooperation with international rights institutions remained poor. The government continued to deny requests from international human rights NGOs to establish offices in or to conduct regular investigative visits to the country. The most recent visit of an international human rights NGO was by Amnesty International in 2004 as part of the EU’s human rights dialogue with the country.

The United Nations or Other International Bodies: During the year the government continued to deny repeated requests by the UNSR on the situation of human rights in Iran to visit the country.

On November 15, for the seventh consecutive year, the UN General Assembly adopted a resolution expressing serious concern about the country’s continuing human rights violations. The resolution repeated its call for the country to cooperate with UN special mechanisms, citing the government’s failure to approve any request from a UN thematic special procedures mandate holder to visit the country in more than a decade. It drew attention to the government’s continued failure to allow the UNSR into the country to investigate human rights abuses despite repeated requests. The most recent visit by a UN human rights agency to the country was in 2005.

Government Human Rights Bodies: The High Council for Human Rights, headed by Mohammad Javad Larijani, is part of the judicial branch of the government and lacks independence. The council continued to defend the imprisonment of high-profile human rights defenders and political opposition leaders, despite domestic and international pressure. Larijani continued to call for an end to the position of
the UNSR. There was no information available on whether the council challenged any laws or court rulings during the year.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape is illegal and subject to strict penalties, including death, but it remained a problem. The law considers sex within marriage consensual by definition and, therefore, does not address spousal rape, including in cases of forced marriage. Most rape victims likely did not report the crime because they feared official retaliation or punishment for having been raped, including charges of indecency, immoral behavior, or adultery, the last of which carries the death penalty. Rape victims also feared societal reprisal or ostracism.

For a conviction of rape, the law requires four Muslim men or a combination of three men and two women or two men and four women, to have witnessed a rape. A woman or man found making a false accusation of rape is subject to 80 lashes. In January, IranWire reported the suspicious death of Zahra Navidpour, a woman who had accused Salman Khodadadi, chairman of the parliament’s Social Affairs Committee and a former IRGC commander, of raping her. On January 6, Navidpour was found dead at her home; after her body was rushed to the hospital, the medical examiner provided no reason for the woman’s death, leading to speculation that she had either committed suicide or been killed. Navidpour died while Khodadadi was on trial for having an illegitimate affair; the court sentenced him to two years’ exile, a two-year ban on serving in public office, and 99 lashes; however, the Supreme Court dismissed the lower court’s verdict.

In May local and international media reported that Mohammad Ali Najafi, a former vice president and mayor of Tehran, had confessed to shooting to death one of his two wives. Najafi resigned as mayor of Tehran in 2018 after he was criticized for attending a dance performance by young girls. He was sentenced to death for the murder, but his wife’s family reportedly waived the death penalty, as allowed by law. He also received a two-year jail sentence for possessing an illegal firearm.

The law does not prohibit domestic violence. Authorities considered abuse in the family a private matter and seldom discussed it publicly. In July, according to a HRANA report, the head of the medical examiner’s officer of Tehran Province announced that more than 16,420 cases of domestic violence had been reported to the office, a rise from 2018.
Female Genital Mutilation/Cutting (FGM/C): The law criminalizes FGM/C and states, “the cutting or removing of the two sides of female genitalia leads to diyeh (financial penalty or blood money) equal to half the full amount of diyeh for the woman’s life.”

Little current data was available on the practice inside the country, although older data and media reports suggested it was most prevalent in Hormozgan, Kurdistan, Kermanshah, and West Azerbaijan Provinces.

Other Harmful Traditional Practices: There were no official reports of killings motivated by “honor” or other harmful traditional practices during the year, although human rights activists reported that such killings continued to occur, particularly among rural and tribal populations.

The law reduces punitive measures for fathers and other family members who are convicted of murder or physically harming children in domestic violence or “honor killings.” If a man is found guilty of murdering his daughter, the punishment is between three and 10 years in prison rather than the normal death sentence or payment of diyeh for homicide cases.

On October 23, the Guardian Council reportedly approved a bill increasing sentences for perpetrators of “acid attacks,” in which the perpetrators throw acid generally on women victims for perceived violations of social norms that discriminate against women.

Sexual Harassment: The law addresses sexual harassment in the context of physical contact between men and women and prohibits physical contact between unrelated men and women. There was no reliable data on the extent of sexual harassment, but women and human rights observers reported that sexual harassment was the norm in many workplaces. There were no known government efforts to address this problem.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution provides for equal protection for women under the law in conformity with its interpretation of Islam. The government did not enforce the law, and provisions in the law, particularly sections dealing with family and property law, discriminate against women. Judicial harassment, intimidation,
detention, and smear campaigns significantly challenged the ability of civil society organizations to fight for and protect women’s rights.

In October the Guardian Council approved an amendment to the country’s civil code that allows Iranian women married to foreign men to transmit citizenship to their children (see section 2.f.). Ahmad Meidari, the deputy of the Ministry of Social Welfare, was reported estimating in January that 49,000 children would benefit if the legislation were enacted. The government does not recognize marriages between Muslim women and non-Muslim men, irrespective of their citizenship. The law states that a virgin woman or girl wishing to wed needs the consent of her father or grandfather or the court’s permission.

The law permits a man to have as many as four wives and an unlimited number of sigheh (temporary wives), based on a Shia custom under which couples may enter into a limited-time civil and religious contract, which outlines the union’s conditions.

A woman has the right to divorce if her husband signs a contract granting that right; cannot provide for his family; has violated the terms of their marriage contract; or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. The law recognizes a divorced woman’s right to part of shared property and to alimony. These laws were not always enforced.

The government actively suppressed efforts to build awareness among women of their rights regarding marriage and divorce. According to a CHRI report, in September 2018 the IRGC Intelligence Organization arrested Hoda Amid, a human rights attorney, and Najmeh Vahedi, a sociologist and women’s rights activist, three days before they were supposed to host a workshop about the country’s marriage laws, which they had organized with a legal permit. One of the purposes of the workshop was to teach women how to expand their rights with legally binding prenuptial contracts.

The law provides divorced women preference in custody for children up to age seven, but fathers maintain legal guardianship rights over the child and must agree on many legal aspects of the child’s life (such as issuing travel documents, enrolling in school, or filing a police report). After the child reaches the age of seven, the father is granted custody unless he is proven unfit to care for the child.

Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences. Islamic law retains provisions that equate a
woman’s testimony in a court of law to one-half that of a man’s and value a woman’s life as one-half that of a man’s. According to the law, the diyeh paid in the death of a woman is one-half the amount paid in the death of a man, with the exception of car accident insurance payments. According to a CHRI report, in July the government declared equality between men and women in the payment of blood money. Per the Supreme Court ruling, the amount paid for the intentional or unintentional physical harm to a woman will still be one-half the blood money as that paid for a man, but the remaining difference will now be paid from a publicly funded trust.

Women have access to primary and advanced education. Quotas and other restrictions nonetheless limited women’s admissions to certain fields and degree programs.

The Statistical Center of Iran reported during the year that the jobless rate among women ages 15 to 19 was 35 percent. All women’s participation in the job market remained as low as 16 percent. Women reportedly earned 41 percent less than men for the same work. Unemployment among women in the country was twice as high as it was among men.

Women continued to face discrimination in home and property ownership, as well as access to financing. In cases of inheritance, male heirs receive twice the inheritance of their female counterparts. The government enforced gender segregation in many public spaces. Women must ride in a reserved section on public buses and enter some public buildings, universities, and airports through separate entrances.

The law provides that a woman who appears in public without appropriate attire, such as a cloth scarf veil (hijab) over the head and a long jacket (manteau), or a large full-length cloth covering (chador), may be sentenced to flogging and fined. Absent a clear legal definition of “appropriate attire” or of the related punishment, women (and men) were subjected to the opinions of various disciplinary and security force members, police, and judges.

In May, CHRI reported that authorities arrested 30 individuals, including both men and women, who were practicing yoga inside a home in the city of Gorgan. The individuals were accused of wearing “inappropriate clothing” and engaging in “indecent activities.” Several individuals reported such arrests were not uncommon but that public officials rarely acknowledged them.
Protests, beating, and arrests continued as security forces cracked down on peaceful nationwide protests against dress restrictions. CHRI reported that since 2018 at least 44 women had been arrested for peacefully protesting the mandatory dress code. According to media reports in June, the government introduced 2,000 new morality police units to manage what officials called “increasing defiance” of the compulsory hijab law.

In April security forces arrested Yasaman Aryani, her mother Monireh Arabshahi, and Mojgan Keshavarz after they posted a video for International Women’s Day. In the video the women are seen walking without headscarves through a Tehran metro train, handing flowers to female passengers.

Numerous news outlets reported that in August a revolutionary court sentenced Arabshahi, Aryani, and Keshavarz to 16, 16, and 23 years in prison, respectively, for “spreading propaganda against the system” and “inciting corruption and prostitution.”

In May, CHRI reported that authorities had released Vida Movahedi eight months after she was arrested for peacefully protesting the hijab law. Movahedi was initially arrested in October 2018 after she stood on a utility box on Revolution Street in Tehran, removed her headscarf, and waved it on a stick in defiance.

On June 22, according to a video posted to Instagram by activist Masih Alinejad, plainclothes police violently dragged a 15-year-old girl into a police car for not obeying a directive to put on a hijab. Tehran police confirmed the arrest two days later, stating that the girl and four of her friends “insulted the agents” after refusing to respect “public moral and civil codes.”

According to international media reports, in June security guards attacked women trying to enter a stadium in Tehran to watch a men’s soccer match between Iran and Syria. In September, Sahar Khodayari, known as “Blue Girl,” died from severe burns caused by self-immolation after police arrested and later released her from Qarchak Prison on bail on charges of “improperly wearing hijab” and defying the country’s ban on female spectators from viewing soccer and other sports in public stadiums. Following Khodayari’s suicide and under pressure from the world soccer governing body (FIFA), the government permitted approximately 3,500 women to attend the October 10 World Cup qualifier match between Iran and Cambodia at Azadi Stadium, which has an estimated capacity of 78,000. Amnesty International labelled the government’s last-minute permission a “cynical publicity stunt” to “whitewash their image” following the death of Khodayari.
As noted by the former UNSR and other organizations, female athletes have been traditionally barred from participating in international tournaments, either by the country’s sport agencies or by their husbands. There were, however, cases throughout the year of female athletes being permitted to travel internationally to compete.

**Children**

**Birth Registration:** Prior to October only a child’s father could convey citizenship, regardless of the child’s country of birth or mother’s citizenship. Legislation passed and approved in October provides Iranian mothers the right to apply for citizenship for children born to fathers with foreign citizenship (see section 2.f. and section 6, Women). The new law also includes a stipulation of obtaining a security clearance from the security agencies prior to receiving approval. Birth within the country’s borders does not confer citizenship, except when a child is born to unknown parents. The law requires that all births be registered within 15 days.

**Education:** Although primary schooling until age 11 is free and compulsory for all, media and other sources reported lower enrollment in rural areas, especially for girls.

Children without state-issued identification cards are denied the right to education. In her March 2018 report, former UNSR Jahangir noted that in Sistan va Baluchestan Province, the Cabinet of Ministers requested the Ministry of Education to issue a special card for children without birth certificates so they could attend school. As a result, more than 20,000 children who had received such cards registered for school, and 19,000 were allowed to attend. In his February report, current UNSR Rehman expressed concern over access to education for minority children, including references to high primary school dropout rates for ethnic minority girls living in border provinces.

**Child Abuse:** There was little information available on how the government dealt with child abuse. The law states, “Any form of abuse of children and juveniles that causes physical, psychological, or moral harm and threatens their physical or mental health is prohibited,” and such crimes carry a maximum sentence of three months in confinement or a fine of 10 million rials ($230).

**Early and Forced Marriage:** The legal minimum age of marriage for girls is 13, but girls as young as nine years old may be married with permission from a court and
their fathers. In 2018 UNICEF reported that 17 percent of girls in the country were married before reaching age 18 and that approximately 40,000 were married before 15. In March 2018 former UNSR Jahangir stated this number was likely higher, as thousands of underage marriages were not reported. The issue became a subject of national debate in February when a charity group reported on the case of “Raha,” an 11-year-old girl who was reportedly raped by a nearly 50-year-old man she was forced to marry. Authorities reportedly arrested the man on February 11 and nullified the marriage.

Sexual Exploitation of Children: The legal age requirements for consensual sex are the same as those for marriage, as sex outside of marriage is illegal. There are no specific laws regarding child sexual exploitation, with such crimes either falling under the category of child abuse or sexual crimes of adultery. The law does not directly address sexual molestation nor provide a punishment for it.

According to CHRI, the legal ambiguity between child abuse and sexual molestation could lead to child sexual molestation cases being prosecuted under adultery law. While no separate provision exists for the rape of a child, the crime of rape, regardless of the victim’s age, is potentially punishable by death.

Displaced Children: There were reports of thousands of Afghan refugee children in the country, many of whom were born in Iran but could not obtain identity documents. These children were often unable to attend schools or access basic government services and were vulnerable to labor exploitation and trafficking.

UNHCR stated school enrollment among refugees was generally higher outside the 20 settlements, where more resources were available and where 97 percent of the refugees reside.


Anti-Semitism

The law recognizes Jews as a religious minority and provides for their representation in parliament. According to the Tehran Jewish Committee, the population includes approximately 9,000 Jews. Members of the Iranian Jewish
community are reportedly subject to government restrictions and discrimination. Government officials continued to question the history of the Holocaust, and anti-Semitism remained a pervasive problem. In May, President Rouhani implied Jewish control over various Western interests, saying that speeches by foreign officials criticizing Iran were “written by Zionists word for word.” Cartoons in state-run media outlets repeatedly depicted foreign officials as puppets of Jewish control.

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [https://www.state.gov/trafficking](https://www.state.gov/trafficking).

**Persons with Disabilities**

In 2018 parliament adopted the Law for the Protection of the Rights of Persons with Disabilities. According to HRW, the law increases pensions and extends insurance coverage to disability-related health-care services, but it does not explicitly prohibit discrimination. No information was available regarding authorities’ effectiveness in enforcing the law. The law prohibits those with visual, hearing, or speech disabilities from running for seats in parliament. While the law provides for government-funded vocational education for persons with disabilities, domestic news reports noted vocational centers were located only in urban areas and unable to meet the needs of the entire population.

In October, HRW and CHRI reported persons with disabilities remained cut off from society, a major obstacle being a mandatory government medical test that can exclude children from the public school system. They continued to face stigma and discrimination from government social workers, health-care workers, and others. Many persons with disabilities remained unable to participate in society on an equal basis. The law provides for public accessibility to government-funded buildings, and new structures appeared to comply with these standards. There were efforts to increase access for persons with disabilities to historical sites. Government buildings that predated existing accessibility standards remained largely inaccessible, and general building accessibility, including access to toilets, for persons with disabilities remained a problem. Persons with disabilities had limited access to informational, educational, and community activities. CHRI reported in 2018 that refugees with disabilities, particularly children, were often excluded or denied the ability to obtain the limited state services provided by the government.
National/Racial/Ethnic Minorities

The constitution grants equal rights to all ethnic minorities, allowing minority languages to be used in the media. The law grants the right of citizens to learn, use, and teach their own languages and dialects. In practice, minorities did not enjoy equal rights, and the government consistently barred use of their languages in school as the language of instruction.

The government disproportionately targeted minority groups, including Kurds, Ahwazis, Azeris, and Baluchis, for arbitrary arrest, prolonged detention, disappearances, and physical abuse. These ethnic minority groups reported political and socioeconomic discrimination, particularly in their access to economic aid, business licenses, university admissions, job opportunities, permission to publish books, and housing and land rights.

Another widespread complaint among ethnic minority groups, particularly among Ahwazis, Azeris and Lors, was that the government diverted and mismanaged natural resources, primarily water, often for the benefit of IRGC-affiliated contractors. According to reports from international media and human rights groups, these practices devastated the local environment on which farmers and others depended for their livelihoods and well-being, resulting in forced migration and further marginalization of these communities.

The law, which requires religious screening and allegiance to the concept of “governance by the jurist,” not found in Sunni Islam, impaired the ability of Sunni Muslims (many of whom are also Baluch, Ahwazi, or Kurdish) to integrate into civic life and to work in certain fields.

Human rights organizations observed that the government’s application of the death penalty disproportionately affected ethnic minorities. Authorities reportedly subjected members of minority ethnicities and religious groups in pretrial detention repeatedly to more severe physical punishment, including torture, than other prisoners, regardless of the type of crime of which they were accused.

The estimated eight million ethnic Kurds in the country frequently campaigned for greater regional autonomy. The government continued to use the law to arrest and prosecute Kurds for exercising their rights to freedom of expression and association. The government reportedly banned Kurdish-language newspapers,
journals, and books and punished publishers, journalists, and writers for opposing and criticizing government policies.

Authorities suppressed legitimate activities of Kurdish NGOs by denying them registration permits or bringing security charges against persons working with such organizations. Authorities did not prohibit the use of the Kurdish language in general but did not offer education in Kurdish in public schools. UNSR Rehman stated in his July report concern regarding the reported persecution of Kurdish language teachers, including Zara Mohammadi, arrested and detained by authorities on May 23 for giving private Kurdish lessons without a permit in Sanandaj.

According to the same UN report, in the first six months of the year, 115 Kurdish citizens were arrested for charges related to membership in Kurdish political parties and 84 for participating in civic activities such as organizing Nowruz celebrations or managing networks on social media. International human rights observers, including the IHRDC, stated that the country’s estimated two million Ahwazi Arabs, representing 110 tribes, faced continued oppression and discrimination. Ahwazi rights activists reported the government continued to confiscate Ahwazi property to use for government development projects, refusing to recognize the paper deeds from the prerevolutionary era.

According to UNSR Rehman’s July report, his office received information that the IRGC was involved in redirecting floodwater in the spring towards local farms to preserve oil reserves and equipment in Khuzestan Province. In April media and NGOs reported that police arrested social media users and Arab flood relief volunteers and charged them with “broadcasting distracting news and flood rumors.” They remained detained in Khuzestan.

Ahwazi human rights groups reported the government rounded up hundreds of Ahwazis following the September 2018 attack on a military parade in Ahwaz (estimates reported in November 2018 ranged from 600 to more than 800 arrests), while the state-run Tasnim news agency reported the arrest of 22 persons in connection with the attack (see section 1.a.). Ahwazi human rights groups also reported instances of torture of detainees in the Intelligence Ministry detention center in Ahwaz.

Ethnic Azeris, who number more than 18 million, or approximately 23-25 percent of the population, were more integrated into government and society than other ethnic minority groups and included the supreme leader. Azeris reported the
government discriminated against them by harassing Azeri activists or organizers and changing Azeri geographic names.

UNSR Rehman stated in his July report that there were 82 Azeris arbitrarily detained on national security-related charges with sentences of up to six years. This figure includes activists and supporters of the soccer club Tiraxtur who were arrested and detained on May 2 for leading pro-Azeri chants at a soccer match at Sehend Stadium in Tabriz.

According to reports, the government tried to prevent thousands of mostly Azeri speaking activists from meeting every year at Babak Fortress to celebrate peacefully the birthday of a historic figure, Babak Khorramdin. The annual gathering has general overtones of Azeri nationalism. Amnesty and HRANA reported that Azeri law student and activist Ebrahim Nouri was arrested on 30 occasions, including at Babak Fortress, and accused of promoting propaganda against the government and “separatism in Azerbaijan.”

Local and international human rights groups alleged discrimination during the year against the Baluchi ethnic minority, estimated at between 1.5 and two million persons. Areas with large Baluchi populations were severely underdeveloped and had limited access to education, employment, health care, and housing; Baluchi activists reported that more than 70 percent of the population lived below the poverty line.

According to activist reports, the law limited Sunni Baluchis’ employment opportunities and political participation. Activists reported that throughout the year, the government sent hundreds of Shia missionaries to areas with large Sunni Baluch populations to try to convert the local population. According to Baluchi rights activists, Baluchi journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity, which is punishable by death, flogging, or a lesser punishment. The law does not distinguish between consensual and nonconsensual same-sex intercourse, and NGOs reported this lack of clarity led to both the victim and the perpetrator being held criminally liable under the law in cases of assault. The law does not prohibit discrimination based on sexual orientation and gender identity. According to international and domestic
media reports, there was at least one case during the year in which an alleged
criminal was executed for sodomy-related charges. While few details were
available for specific cases, LGBTI activists expressed concern that the
government executed LGBTI individuals under the pretext of more severe, and
possibly spurious, criminal charges such as rape. In June the foreign minister
appeared to defend executions of LGBTI persons for their status or conduct. After
being asked by a journalist in Germany why the country executes “homosexuals,”
the foreign minister stated, “Our society has moral principles. And we live
according to these principles. These are moral principles concerning the behavior
of people in general. And that means that the law is respected and the law is
obeyed.”

Security forces harassed, arrested, and detained individuals they suspected of being
LGBTI. In some cases security forces raided houses and monitored internet sites
for information on LGBTI persons. Those accused of “sodomy” often faced
summary trials, and evidentiary standards were not always met. The Iranian
LGBTI activist group 6Rang noted that individuals arrested under such conditions
were traditionally subjected to forced anal or sodomy examinations—which the
United Nations and World Health Organization stated can constitute torture—and
other degrading treatment and sexual insults. Punishment for same-sex sexual
activity between men was more severe than between women.

The government censored all materials related to LGBTI status or conduct.
Authorities particularly blocked websites or content within sites that discussed
LGBTI issues, including the censorship of Wikipedia pages defining LGBTI and
other related topics. There were active, unregistered LGBTI NGOs and activists in
the country, a number of whom were arrested or charged for LGBTI-related
activities during the year.

On December 13, Radio Farda reported that Rezvaneh Mohammadi, a gender-
equality activist, was sentenced to five years in prison by Branch 28 of the
revolutionary court in Tehran, presided over by Judge Mohammad Moghiseh,
under the charge of “collusion against national security by seeking to normalize
homosexual relations.” NGOs noted this was the first time an activist had faced
such an accusation in the country. According to CHRI, authorities arrested
Mohammadi in September 2018 and held her in solitary confinement for several
weeks at Evin Prison, where they pressured her, including with threats of rape, to
confess to receiving money to overthrow the government. Hate-crime laws or
other criminal justice mechanisms do not exist to aid in the prosecution of bias-
motivated crimes.
The law requires all male citizens older than age 18 to serve in the military but exempts gay men and transgender women, who are classified as having mental disorders. New military identity cards listed the subsection of the law dictating the exemption. According to the NGO 6Rang, this practice identified gay or transgender individuals and put them at risk of physical abuse and discrimination.

NGOs reported authorities pressured LGBTI persons to undergo gender reassignment surgery. According to a July report by the NGO 6Rang, the number of private and semigovernmental psychological and psychiatric clinics allegedly engaging in “corrective treatment” or reparative therapies of LGBTI persons continued to grow. The NGO 6Rang reported the increased use at such clinics of electric shock therapy to the hands and genitals of LGBTI persons, prescription of psychoactive medication, hypnosis, and coercive masturbation to pictures of the opposite sex. According to the NGO 6Rang, one such institution is called The Anonymous Sex Addicts Association of Iran, with branches in 18 provinces.

**HIV and AIDS Social Stigma**

Despite government programs to treat and provide financial and other assistance to persons with HIV/AIDS, international news sources and organizations reported that individuals known to be infected with HIV/AIDS faced widespread societal discrimination. Individuals with HIV/AIDS, for example, continued to be denied employment as teachers.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides for freedom of association, but neither the constitution nor law specifies trade union rights. The law states that workers may establish an Islamic labor council or a guild at any workplace, but the rights and responsibilities of these organizations fell significantly short of international standards for trade unions. In workplaces where workers established an Islamic labor council, authorities did not permit any other form of worker representation. The law requires prior authorization for organizing and concluding collective agreements. Strikes are prohibited in all sectors, although private-sector workers may conduct “peaceful” campaigns within the workplace. The law does not apply to establishments with fewer than 10 employees.
Authorities did not respect freedom of association and the right to collective bargaining, and the government did not effectively enforce applicable laws. The government severely restricted freedom of association and interfered in worker attempts to organize. Labor activism is considered to be a national security offense, with severe punishments up to and including the death penalty. The law does not prohibit antiunion discrimination and does not require reinstatement of workers fired for union activity.

Antiunion discrimination occurred, and the government harassed trade union leaders, labor rights activists, and journalists during a crackdown on widespread protests. Independent trade unionists were subject to arbitrary arrests, tortured, and subjected to harsh sentences.

According to media and NGO reporting, on May 1, International Labor Day, police violently attacked and arrested at least 35 activists who had gathered for peaceful demonstrations demanding workers’ rights, organized by 20 independent labor organizations, in front of parliament. The government barred teachers from commemorating International Labor Day and Teachers’ Day. Several prominent teachers and union activists remained in prison or awaited new sentences, including Mahmoud Beheshti Langroudi (see below).

The Interior Ministry; the Ministry of Cooperatives, Labor, and Social Welfare; and the Islamic Information Organization determined labor councils’ constitutions, operational rules, and election procedures. Administrative and judicial procedures were lengthy. The Workers’ House remained the only officially authorized national labor organization, and its leadership oversaw, granted permits to, and coordinated activities with Islamic labor councils in industrial, agricultural, and service organizations with more than 35 employees.

According to CHRI, the labor councils, which consisted of representatives of workers and a representative of management, were essentially management-run unions that undermined workers’ efforts to maintain independent unions. The councils, nevertheless, sometimes could block layoffs and dismissals. There was no representative workers’ organization for noncitizen workers.

According to international media reports, security forces continued to respond to workers’ attempts to organize or conduct strikes with arbitrary arrests and violence. As economic conditions deteriorated, strikes and worker protests were numerous and widespread across the country throughout the year, often prompting a heavy police response. Security forces routinely monitored major worksites.
According to CHRI, workers were routinely fired and risked arrest for striking, and labor leaders were charged with national security crimes for trying to organize workers.

According to a CHRI report, in August 2018 security forces violently suppressed protests at the Haft Tappeh sugarcane company in the southeast. Haft Tappeh, the country’s largest sugar production plant, had been the site of continuing protests against unpaid wages and benefits for more than two years. According to CHRI, at least five workers were detained and charged with national security crimes but later released on bail following negotiations between labor representatives and judicial officials. In May the protests resurfaced in response to the announcement of a joint indictment issued against five journalists and two labor rights activists. Sepideh Gholian, Amir Hossein Mohammadifard, Sanaz Allahyari, Ali Amirgholi, Asal Mohammadi, Esmail Bakhshi, and Ali Nejati were charged with “assembly and collusion against national security,” “forming groups with the intention to disturb national security,” and “contacts with antistate organizations.”

According to NGO and media reports, as in previous years, a number of trade unionists were imprisoned or remained unjustly detained for their peaceful activism. Mehdi Farahi Shandiz, a member of the Committee to Pursue the Establishment of Labor Unions in Iran, continued serving a three-year sentence, having been convicted of “insulting the supreme leader” and “disrupting public order.” There were reports that Shandiz was beaten and tortured in Karaj Prison and kept for prolonged periods in solitary confinement.

The government continued to arrest and harass teachers’ rights activists from the Teachers Association of Iran and related unions. In March media outlets reported continued nationwide teacher strikes demanding better pay, rights to an official union, and the release of teachers’ rights activists who were jailed during protests in 2018. That same month Hashem Khashar, a teachers’ rights activist from Mashhad, was allegedly abducted by unknown individuals, resurfaced shackled to a bed at a psychiatric hospital, was released, and taken into custody.

According to a CHRI report, Mahmoud Beheshti-Langroudi, the former spokesman for the Iranian Teachers’ Trade Association (ITTA) jailed since 2017, continued a 14-year combined sentence for charges associated with his peaceful defense of labor rights. CHRI reported in July that Beheshti-Langroudi commenced another hunger strike protesting his unjust sentence, the judiciary’s refusal to review his case, and the mistreatment of political prisoners. Esmail Abdi, a mathematics teacher and former secretary general of ITTA, continued a
six-year prison sentence for labor rights activism. He was arrested in 2015 and convicted in 2016 for “propaganda against the state” and “collusion against national security.” CHRI reported in April 2018 that Abdi had written a letter from Evin Prison criticizing the judiciary’s “arbitrary and illegal rulings” and “widespread violations of the rights of teachers and workers in Iran.” He decried the “criminalization of trade unions” and demanded a public trial that he had thus far been denied.

According to reports from international media and human rights organizations, truck drivers launched nationwide strikes over low and unpaid wages and stipends throughout the year. HRANA reported that the government arrested at least 261 drivers in 19 provinces following a round of protests in the fall of 2018. The drivers were threatened with heavy sentences, and Attorney General Mohammad Jaafar Montazeri issued a public statement suggesting that those who initiated the protest should be subject to the death penalty. In October 2018 the International Transport Workers’ Federation expressed concern over the government’s harsh crackdown on labor action by truckers across the country, including the threat of the death penalty against organizers.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law and made no significant effort to address forced labor during the year. Penalties were not sufficient to deter violations. Conditions indicative of forced labor sometimes occurred in the construction, domestic labor, and agricultural sectors, primarily among adult Afghan men and boys younger than age 18. Family members and others forced children to work.

Also see the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit the worst forms of child labor. The law prohibits employment of children younger than age 15 and places restrictions on employment of children younger than 18, such as prohibiting hard labor or night work. The law does not apply to domestic labor and permits children to work in agriculture and some small businesses from the age of 12. The government did not adequately monitor or enforce laws pertaining to child labor, and child labor
remained a serious problem. Penalties for violations were not sufficient to deter violations.

The United Nations in 2016 cited a 2003 law that exempts workshops with fewer than 10 employees from labor regulations as increasing the risks of economic exploitation of children. The UN report also noted serious concerns with the large number of children employed under hazardous conditions, such as in garbage collection, brick kilns, and industrial workshops, without protective clothing and for very low pay.

There were reportedly significant numbers of children, especially of Afghan descent, who worked as street vendors in major urban areas. According to official estimates, there were 60,000 homeless children, although many children’s rights organizations estimated up to 200,000 homeless children. The Committee on the Rights of the Child reported that street children in particular were subjected to various forms of economic exploitation, including sexual abuse and exploitation by the public and police officers. Child labor also was used in the production of carpets and bricks. Children worked as beggars, and there were reports criminals forced some children into begging rings. According to ISNA, Reza Ghadimi, the managing director of the Tehran Social Services Organization, said in 2018 that, according to a survey of 400 child laborers, 90 percent were “molested.”

Also, see the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor at https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

d. Discrimination with Respect to Employment and Occupation

The constitution bars discrimination based on race, gender, disability, language, and social status “in conformity with Islamic criteria,” but the government did not effectively enforce these prohibitions. According to the constitution, “everyone has the right to choose any occupation he wishes, if it is not contrary to Islam and the public interests and does not infringe on the rights of others.”

Despite this constitutional provision, the government made systematic efforts to limit women’s access to the workplace, and their participation in the job market remained as low as 16 percent. Women reportedly earned 41 percent less than men for the same work. Unemployment among women in the country was twice as high as it was among men. Hiring practices often discriminated against women, and the Ministry of Cooperatives, Labor, and Social Welfare guidelines stated that
men should be given preferential hiring status. An Interior Ministry directive requires all officials to hire only secretaries of their own gender. Women remained banned from working in coffee houses and from performing music alongside men, with very limited exceptions made for traditional music. Women in many fields were restricted from working after 9 p.m.

Kurds, Ahwazis, Azeris, and Baluchis reported political and socioeconomic discrimination with regard to their access to economic aid, business licenses, and job opportunities.

CHRI reported that, according to the director of the State Welfare Organization, 60 percent of persons with disabilities remained unemployed.

e. Acceptable Conditions of Work

In 2018 the Supreme Labor Council, the government body charged with proposing labor regulations, agreed to raise the minimum monthly wage by 19.8 percent. There were reported complaints that the minimum wage increase was too low in light of the plunging value of the Iranian rial against the U.S. dollar, which is used to price day-to-day goods. The minimum wage is commonly below the poverty line in rural areas.

The law establishes a maximum six-day, 44-hour workweek with a weekly rest day, at least 12 days of paid annual leave, and several paid public holidays. Any hours worked above that total entitles a worker to overtime. The law mandates a payment above the hourly wage to employees for any accrued overtime and provides that overtime work is not compulsory. The law does not cover workers in workplaces with fewer than 10 workers, nor does it apply to noncitizens.

Employers sometimes subjected migrant workers, most often Afghans, to abusive working conditions, including below-minimum-wage salaries, nonpayment of wages, compulsory overtime, and summary deportation without access to food, water, or sanitation facilities during the deportation process. The government did not effectively enforce the laws related to wages and hours, and occupational safety and health. Penalties were not sufficient to deter violations.

According to media reports, many workers continued to be employed on temporary contracts, under which they lacked protections available to full-time, noncontract workers, and could be dismissed at will. Large numbers of workers employed in small workplaces or in the informal economy similarly lacked basic protections.
Low wages, nonpayment of wages, and lack of job security due to contracting practices continued to contribute to strikes and protests, which occurred throughout the year.

According to local and international media reports, thousands of teachers, truckers, and workers from a wide variety of sectors held largescale, countrywide rallies and protests demanding wage increases and payment of back wages throughout the year. During the year authorities increased pressure against these protesters through intimidation, wrongful arrests, and arbitrary charges.

Little information was available regarding labor inspection and related law enforcement. While the law provides for occupational health and safety standards, the government sometimes did not enforce these standards in either the formal or informal sectors. Workers reportedly lacked the power to remove themselves from situations that endangered their health or safety without jeopardizing their employment.

Labor organizations alleged that hazardous work environments resulted in the deaths of thousands of workers annually. In 2018 the state-run Iran Labor News Agency quoted the head of the Construction Workers Association as estimating there were 1,200 deaths and 1,500 spinal cord injuries annually among construction workers, while local media routinely reported on workers’ deaths from explosions, gas poisoning, electrocution, or similar accidents.
TAB 2
EXECUTIVE SUMMARY

The Islamic Republic of Iran is an authoritarian theocratic republic with a Shia Islamic political system based on velayat-e faqih (guardianship of the jurist or governance by the jurist). Shia clergy, most notably the rahbar (supreme jurist or supreme leader), and political leaders vetted by the clergy dominate key power structures.

The supreme leader is the head of state. The members of the Assembly of Experts are in theory directly elected in popular elections, and the assembly selects and may dismiss the supreme leader. The candidates for the Assembly of Experts, however, are vetted by the Guardian Council (see below) and are therefore selected indirectly by the supreme leader himself. Ayatollah Ali Khamenei has held the position since 1989. He has direct or indirect control over the legislative and executive branches of government through unelected councils under his authority. The supreme leader holds constitutional authority over the judiciary, government-run media, and armed forces, and indirectly controls internal security forces and other key institutions. While mechanisms for popular election exist for the president, who is head of government, and for the Islamic Consultative Assembly (parliament or majles), the unelected Guardian Council vets candidates and controls the election process. The supreme leader appoints half of the 12-member Guardian Council, while the head of the judiciary (who is appointed by the supreme leader) appoints the other half. Candidate vetting excluded all but six candidates of 1,636 individuals who registered for the 2017 presidential race. In May 2017 voters re-elected Hassan Rouhani as president. Restrictions on media, including censoring campaign materials and preventing prominent opposition figures from speaking publicly, limited the freedom and fairness of the elections.

Civilian authorities maintained effective control over the security forces.

In response to nationwide protests that began in late December 2017 and continued throughout the year, the government used harsh tactics against protesters. Human rights organizations reported at least 30 deaths of protesters during the year, thousands of arrests, and suspicious deaths in custody.

The government’s human rights record remained extremely poor and worsened in several key areas. Human rights issues included executions for crimes not meeting the international legal standard of “most serious crimes” and without fair trials of
individuals, including juvenile offenders; numerous reports of unlawful or arbitrary killings, forced disappearance, and torture by government agents; harsh and life-threatening prison conditions; systematic use of arbitrary detention and imprisonment, including hundreds of political prisoners; unlawful interference with privacy; severe restrictions on free expression, the press, and the internet, including censorship, site blocking, and criminalization of libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization (NGO) laws; egregious restrictions of religious freedom; restrictions on political participation; widespread corruption at all levels of government; unlawful recruitment of child soldiers by government actors to support the Assad regime in Syria; trafficking in persons; harsh governmental restrictions on the rights of women and minorities; criminalization of lesbian, gay, bisexual, transgender, and intersex (LGBTI) status or conduct; crimes involving violence or threats of violence targeting LGBTI persons; and outlawing of independent trade unions.

The government took few steps to investigate, prosecute, punish, or otherwise hold accountable officials who committed these abuses, many of which were perpetrated as a matter of government policy. Impunity remained pervasive throughout all levels of the government and security forces.

The country materially contributed to human rights abuses in Syria, through its military support for Syrian President Bashar Assad and Hizballah forces there; in Iraq, through its aid to certain Iraqi Shia militia groups; and in Yemen, through its support for Houthi rebels and directing authorities in Houthi-controlled areas of Yemen to harass and detain Bahais because of their religious affiliation.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

The government and its agents reportedly committed arbitrary or unlawful killings, most commonly by execution after arrest and trial without due process, or for crimes that did not meet the international threshold of “most serious crimes.” Media and human rights groups also documented numerous suspicious deaths while in custody or following beatings of protesters by security forces throughout the year.
Following the January protests, according to a Center for Human Rights in Iran (CHRI) report, at least two detainees died in detention--Sina Ghanbari in Evin Prison, and Vahid Heydari in the 12th Police Station in Arak. According to the report, the bodies of the detainees were quickly buried without an investigation or autopsy, and officials claimed the deaths were suicides. Witnesses reportedly saw evidence of a severe blow to Heydari’s skull, as though struck by an axe. The government made few attempts to investigate allegations of deaths that occurred after or during torture or other physical abuse, after denying detainees medical treatment, or during public demonstrations. In August Human Rights Watch (HRW) reported at least 30 persons had been killed in protests since January. HRW reported there was no indication that officials conducted impartial investigations into those deaths or, more broadly, into law enforcement officials’ use of excessive force to repress protests.

As noted by the late UN special rapporteur (UNSR) on the situation of human rights in the Islamic Republic of Iran, Asma Jahangir, and documented by international human rights observers, Revolutionary Courts continued to issue the vast majority of death sentences in the country, and trials lacked due process. Legal representation was denied during the investigation phase, and in most cases, no evidence other than confessions, often reportedly extracted through torture, was considered. Judges may also impose the death penalty on appeal, which deterred appeals in criminal cases. According to the NGO Human Rights Activists in Iran, the government does not disclose accurate numbers of those executed during a year, and as many as 60 percent of executions are kept secret.

The NGO Iran Human Rights Documentation Center (IHRDC) reported there were 215 executions as of mid-November, while the government officially announced only 73 executions in that time period. For many of those executions, the government did not release further information, such as names, execution dates, or crimes for which they were executed.

The Islamic penal code allows for the execution of juvenile offenders starting at age nine for girls and age 13 for boys, the legal age of majority. The government continued to execute individuals sentenced as minors as well as individuals accused of committing offenses that do not meet the international legal standard of “most serious crimes.” According to the former UN high commissioner for human rights, Zeid Ra’ad al Hussein, 85 juvenile offenders were on death row as of June. The government executed at least five juvenile offenders during the year, including Abolfazi Chezani Sharahi, who was executed in June. Sharahi was arrested in
2013 at age 14 and sentenced to death for allegedly stabbing his friend. A CHRI report noted serious concerns with the handling of Sharahi’s case.

According to human rights organizations and media reports, the government continued to carry out some executions by torture, including hanging by cranes. Prisoners are slowly lifted from the ground by their necks and die slowly by asphyxiation. In addition, adultery remains punishable by death by stoning, although provincial authorities have reportedly been ordered not to provide public information about stoning sentences since 2001, according to the NGO Justice for Iran.

Authorities continued to carry out executions for crimes not meeting the international legal standard of “most serious crimes.” Although the majority of executions were reportedly for murder during the year, the law also provides for the death penalty in cases of conviction for “attempts against the security of the state,” “outrage against high-ranking officials,” moharebeh (which has a variety of broad interpretations, including “waging war against God”), fisad fil-arz (corruption on earth, including apostasy or heresy), rape, adultery, recidivist alcohol use, consensual same-sex sexual conduct, and “insults against the memory of Imam Khomeini and against the supreme leader of the Islamic Republic.”

Prosecutors frequently used “waging war against God” as a capital offense against political dissidents and journalists, accusing them of “struggling against the precepts of Islam” and against the state that upholds those precepts. Authorities expanded the scope of this charge to include “working to undermine the Islamic establishment” and “cooperating with foreign agents or entities.” The judiciary is required to review and validate death sentences.

The overall number of executions decreased in comparison with 2017, reportedly as a result of an amendment passed in August 2017 by parliament to the 1997 Law to Combat Drugs to raise the threshold for the death penalty for drug-related offenses. The law went into effect in November 2017. Under the amended law, capital punishment applies to the possession, sale, or transport of more than approximately 110 pounds of natural drugs, such as opium, or approximately 4.4 to 6.6 pounds of manufactured narcotics, such as heroin or cocaine. According to the previous law, capital punishment applied to similar offenses involving slightly more than 11 pounds of natural drugs or two-thirds of a pound of manufactured drugs. Capital punishment, however, still applies to drug offenses involving smaller quantities of narcotics, if the crime is carried out using weapons, employing minors, or involving someone in a leadership role in a trafficking ring.
or someone who has previously been convicted of drug crimes and given a prison sentence of more than 15 years.

In January Judiciary Chief Saeed Larijani ordered judges to halt the death sentences of drug offenders potentially affected by this change to the law while their cases were reviewed. In July state media quoted Tehran’s Prosecutor General Abbas Jafari-Dolatabadi announcing that of the 3,000 requests the government had received from death-row prisoners and from those sentenced to life imprisonment, 1,700 sentences had been reviewed and most of those sentences had been reduced, while 1,300 cases remained to be reviewed.

Mohammad Salas, a Gonabadi Sufi bus driver, was executed by hanging at Rajai Shahr Prison on June 18. Salas was convicted of killing three police officers during clashes between members of the Gonabadi Sufi dervishes and security forces in Tehran in February. Salas and his supporters maintained his innocence throughout a trial that Amnesty International called “grossly unfair,” stating he had been tortured into a forced confession and that key defense witnesses who could have testified that Salas was already in custody at the time of the police officers’ deaths were dismissed.

International and national media reported on a terrorist attack on a military parade in Ahwaz, the capital of Khuzestan Province, on September 22. According to reports, at least 29 military personnel and civilians were killed in the attack, with more than 70 wounded. A separatist group called the Ahwaz National Resistance, as well as the Islamic State, claimed responsibility for the attack.

b. Disappearance

There were reports of politically motivated abductions during the year attributed to government officials. Plainclothes officials often seized journalists and activists without warning, and government officials refused to acknowledge custody or provide information on them. In March NGO PEN International reported the enforced disappearance of poet Mohammad Bamm following his arrest by security forces in December 2017. According to the report, Bamm was released on March 19 after being held in solitary confinement and allegedly tortured in Ahwaz Prison while his whereabouts were unknown. He was accused of causing harm to public order and security, participating in the leadership of illegal demonstrations, and insulting the supreme leader.
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution prohibits all forms of torture “for the purpose of extracting confession or acquiring information,” use of physical and mental torture to coerce confessions remained prevalent, especially during pretrial detention. There were credible reports that security forces and prison personnel tortured and abused detainees and prisoners throughout the year.

Commonly reported methods of torture and abuse in prisons included threats of execution or rape, forced tests of virginity and “sodomy,” sleep deprivation, electroshock, burnings, the use of pressure positions, and severe and repeated beatings. Former UNSR Jahangir highlighted reports of prisoners subjected to physical abuse, as well as to blackmail.

Human rights organizations frequently cited some prison facilities, including Evin Prison in Tehran and Rajai Shahr Prison in Karaj, for their use of cruel and prolonged torture of political opponents, particularly Wards 209 and Two of Evin Prison, reportedly controlled by the Islamic Revolutionary Guards Corps (IRGC).

In September the Human Rights Activists News Agency (HRANA) reported the case of at least seven detainees subjected to torture by the IRGC’s Saravan Intelligence Unit. Saravan, located in Sistan va Baluchestan Province, is home to the Baloch ethnic minority community. According to the report, the prisoners were religious seminary students who were lashed with electrical wires and shocked with electricity, causing them to be unable to walk. IRGC-run detention centers reportedly used a technique called the “miracle bed,” which includes tying detainees to a bed frame and repeatedly flogging and electrocuting them until they “confess.”

NGOs reported that prison guards tortured Sunni Muslim prisoners at Ardabil Prison for their religious beliefs; numerous inmates at the prison were Sunni Muslims, while the guards were predominantly Shia. Guards also reportedly retaliated against prisoners there for “security issues” that occurred elsewhere in the country. According to reports, torture at Ardabil included severe beatings, being tied to flag poles for prolonged durations of time, and being forced to watch executions of fellow prisoners.

Authorities also allegedly maintained unofficial secret prisons and detention centers outside the national prison system where abuse reportedly occurred.
Judicially sanctioned corporal punishments continued. These included flogging, blinding, stoning, and amputation, which the government defends as “punishment,” not torture. At least 148 crimes are punishable by flogging, while 20 can carry the penalty of amputation.

In January Amnesty International reported that authorities amputated the hand of a man sentenced for stealing livestock. The amputation by guillotine, which Amnesty characterized as “unspeakably cruel,” took place at the central prison in Mashhad, Razavi Khorasan Province.

In July Amnesty International reported the public flogging of a man in Niazmand Square, Kashmar, Razavi Khorasan Province, for a sentence he had received 10 years before for consuming alcohol at a wedding when he was 14-15 years old. National media outlets posted a picture showing the man roped to a tree, lashed by a masked man and his back covered in blood, with a crowd of persons watching.

Extrajudicial punishments by authorities involving degrading public humiliation of alleged offenders were also frequently reported throughout the year. For example, Maedeh Hojabri was arrested for posting videos of herself dancing on social media, and authorities compelled her to confess to this “crime” on state television.

**Prison and Detention Center Conditions**

Prison conditions were harsh and potentially life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. Prisoner hunger strikes in protest of their treatment were frequent.

*Physical Conditions*: Overcrowding remained a problem in prisons with many prisoners forced to sleep on floors, in hallways, or in prison yards. The human rights NGO United for Iran, which closely monitored prison conditions, reported in 2017 that the prisoner population was three times the capacity of the country’s prisons and detention centers. State-run Islamic Republic News Agency (IRNA) reported that the head of the general court of Ardabil said the number of prisoners in Ardabil Prison was at three times its capacity.

There were reported deaths in custody. In March HRW reported at least five deaths in custody since December 2017. The government ruled three of the deaths--of Sina Ghanbari, Vahid Heydari, and Kavous Seyed-Emami, a prominent
Iranian-Canadian environmentalist--to be suicides, claims the deceased’s family members and human rights groups strongly contested (see section 1.d.).

According to IranWire and human rights groups, guards beat both political and nonpolitical prisoners during raids on wards, performed nude body searches in front of other prisoners, and threatened prisoners’ families. In some instances, according to HRANA, guards singled out political prisoners for harsher treatment.

Prison authorities often refused to provide medical treatment for pre-existing conditions, injuries that prisoners suffered at the hands of prison authorities, or illnesses due to the poor sanitary conditions in prison. Human rights organizations reported that authorities also used denial of medical care as a form of punishment for prisoners and as an intimidation tool against prisoners who filed complaints or challenged the authorities. In March CHRI reported that dozens of political prisoners were denied medical treatment and leave despite visible symptoms of their deteriorating health. The report mentioned specifically the cases of Vahed Kholousi, an education rights activist held in Rajai Shahr Prison since 2015; Alireza Golipour, held in Evin Prison since 2012 and suffering from worsening seizures and heart problems; and Mohammad Saber Malek-Raesi, a Baluchi Sunni Muslim reportedly in critical condition from repeated severe beatings by guards in Ardabil Prison.

Medical services for female prisoners were reported as grossly inadequate. Human rights groups highlighted the case of children’s rights activist Atena Daemi, serving a seven-year sentence for meeting with the families of political prisoners, criticizing the government on Facebook, and condemning the 1988 mass executions of prisoners in the country. In January Daemi was beaten and transferred from Evin Prison to Shahr-e Rey Prison (also known as Gharchak prison) in the city of Varamin, south of Tehran, which held 1,000 female prisoners in cramped, unsanitary conditions. Human rights organizations reported that prison authorities refused to allow Daemi and other prisoners access to necessary medical care.

According to Amnesty International, at least 10 Gonabadi Sufi dervish women were unjustly detained in Shahr-e Rey Prison since February. The women were routinely denied urgently needed medical care and kept in unsanitary, inhuman conditions. The report noted that prison doctors verbally abused the women and guards physically mistreated them.
The human rights community and international media reported on frequent water shortages, intolerable heat, unsanitary living spaces, and poor ventilation in prisons throughout the country.

UNSR Jahangir and others condemned the inhuman, life-threatening conditions of Rajai Shahr Prison in Karaj following the hunger strike of numerous political prisoners that began at the end of July 2017. Prisoners had protested the sudden transfer of more than 50 political prisoners, including at least 15 Bahais, whom authorities moved without notice from Ward 12 to the prison’s high security Ward 10.

Authorities reportedly deprived prisoners of medicine, adequate medical treatment, and personal belongings, and sealed prisoners’ cells with iron sheets that limited air circulation. Jahangir expressed deep alarm at the deteriorating medical conditions of the political prisoners and at reports of their continued torture following the transfer. In March CHRI reported that political prisoners at the prison continued to be subjected to inhuman living conditions as punishment for their hunger strike.

Authorities occasionally held pretrial detainees with convicted prisoners. Also, according to HRANA, juvenile detainees were held with adult prisoners in some prisons, including Saghez Central Prison in Kurdistan Province. Authorities held women separately from men.

In 2017 Mohammad Javad Fathi, a member of parliament’s judicial committee, was quoted in media saying that 2,300 children lived in prisons with their incarcerated mothers. Fathi urged the Prisons Organization to provide transparent statistics on the number of imprisoned mothers. IranWire reported that multiple prisons across the country held older children who lived with their incarcerated mothers without access to medical care or educational and recreational facilities.

There were numerous reports of prisoner suicides throughout the year in response to prison conditions or mistreatment. In August HRANA reported on the suicide attempts of five prisoners on the same day at Sanandaj Central Prison. The five prisoners tried to kill themselves either by taking pills or hanging, all reportedly in response to prison conditions and the mistreatment of the prisoners and their family members by officials. In April HRANA reported that Vahid Safarzehi, held in the Central Prison of Zahedan, ingested a razor to commit suicide after his repeated requests for furlough to accompany his sick mother to the hospital were denied. He had previously attempted suicide by drinking acid.
In August CHRI shared the report of a journalist who had been detained in the Great Tehran Penitentiary, the largest detention facility. The journalist recounted the inhuman conditions of the prison as beyond the limits of human tolerance. According to the journalist, dozens of new prisoners were admitted to the prison a day and initially kept for days in a “sewer”-like quarantine unit without ventilation or washing facilities. More than 80 percent of the prisoners in quarantine were reportedly homeless drug addicts requiring immediate medical attention; they could hardly stand, and their vomit covered the floor.

Prisoner hunger strikes occurred frequently in prisons throughout the country, and reports on prisons’ inhuman conditions continued. These included infestations with cockroaches and mice, chronic overcrowding, poor ventilation, prisoners being forced to sleep on the floor with little bedding, and insufficient food and water.

The political prisoner Vahid Sayyadi-Nasiri died on December 12 after being on hunger strike since October 13. Sayyadi-Nasiri went on hunger strike to protest inhumane prison conditions at Iran’s Langroud Prison in Qom and government authorities’ denial of his right to counsel.

Administration: According to reports from human rights NGOs, prison authorities regularly denied prisoners access to visitors, telephone, and other correspondence privileges. As noted above, prisoners practicing a religion other than Shia Islam reported experiencing discrimination while incarcerated.

Authorities did not initiate credible investigations into allegations of inhuman conditions or suspicious deaths in custody. Prisoners were able to submit complaints to judicial authorities but often faced censorship or retribution in the form of slander, beatings, torture, and denial of medication or furlough requests. Families of executed prisoners did not always receive notification of their scheduled executions, or if they did, it was often on very short notice. Authorities frequently denied families the ability to perform funeral rites or families’ request for the findings from an impartial autopsy.

Independent Monitoring: The government did not permit independent monitoring of prison conditions. Prisoners and their families often wrote letters to authorities and, in some cases, to UN bodies to highlight and protest their treatment. UNSR Jahangir reported that authorities sometimes threatened prisoners after accusing them of contacting her office.
For more information on treatment of political prisoners, see section 1.e., Political Prisoners and Detainees.

d. Arbitrary Arrest or Detention

Although the constitution prohibits arbitrary arrest and detention, the practices occurred frequently during the year. President Rouhani’s 2016 “Citizen’s Rights Charter” enumerates various freedoms, including “security of their person, property, dignity, employment, legal and judicial process, social security and the like.” The government did not implement these provisions. Detainees may appeal their sentences in court but are not entitled to compensation for detention.

Role of the Police and Security Apparatus

Several agencies shared responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security and law enforcement forces under the Interior Ministry, which report to the president, and the IRGC, which reports directly to the supreme leader. The supreme leader holds ultimate authority over all security agencies.

The Basij, a volunteer paramilitary group with local organizations across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country’s strict moral code, without formal guidance or supervision from superiors.

Impunity remained a problem within all security forces. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. According to Tehran Prosecutor General Abbas Jafari-Dolatabadi, the attorney general is responsible for investigating and punishing security force abuses, but the process was not transparent, and there were few reports of government actions to discipline abusers. In a notable exception, in November 2017 authorities sentenced former Tehran prosecutor Saeed Mortazavi to two years in prison for his alleged responsibility for the torture and death of protesters in 2009. Media reported that Mortazavi, after initial reports that he had disappeared, was taken to prison in April to commence his sentence.
Arrest Procedures and Treatment of Detainees

The constitution and law require a warrant or subpoena for an arrest and state that arrested persons should be informed of the charges against them within 24 hours. Authorities, however, held some detainees, at times incommunicado, for days, weeks, or months without charge or trial and frequently denied them contact with family or timely access to legal representation.

The law obligates the government to provide indigent defendants with attorneys for certain types of crimes. The courts set prohibitively high bail, even for lesser crimes, and in many cases, courts did not set bail. Authorities often compelled detainees and their families to submit property deeds to post bail, effectively silencing them due to fear of losing their families’ property.

The government continued to use house arrest without due process to restrict movement and communication. At year’s end former presidential candidates Mehdi Karroubi and Mir Hossein Mousavi, as well as Mousavi’s wife Zahra Rahnavard, remained under house arrest imposed in 2011 without formal charges. Security forces continued to restrict their access to visitors and information. Concerns persisted over Karroubi’s deteriorating health, reportedly exacerbated by his treatment by authorities.

**Arbitrary Arrest:** Authorities commonly used arbitrary arrests to impede alleged antiregime activities. Plainclothes officers arrived unannounced at homes or offices, arrested persons, conducted raids, and confiscated private documents, passports, computers, electronic media, and other personal items without warrants or assurances of due process.

Individuals often remained in detention facilities for long periods without charges or trials, and authorities sometimes prevented them from informing others of their whereabouts for several days. Authorities often denied detainees’ access to legal counsel during this period.

International media and human rights organizations documented an increase in detentions of dual nationals--individuals who are citizens of both Iran and another country--for arbitrary and prolonged detention on politically motivated charges. One of the environmentalists detained, Iranian-Canadian Kavous Seyed-Emami, died in custody in February in Evin Prison, in what authorities called a suicide (see section 1.c.). Dual nationals, like other citizens, faced a variety of due process
violations, including lack of prompt access to a lawyer of their choosing and brief trials during which they were not allowed to defend themselves.

In September, Human Rights Watch documented the cases of 14 dual or foreign nationals whom the IRGC’s Intelligence Organization has arrested since 2014. Several of those were American citizens, including Xiyue Wang, a doctoral student at Princeton University, who was arrested in August 2016. Wang had been conducting research for his dissertation on the history of the Qajar dynasty. In July 2017, Iranian state media reported that a Revolutionary Court had sentenced Wang to 10 years in prison on charges of “cooperating with an enemy state.” Revolutionary Court Judge Abolqasem Salavati presided over the case. In August 2018, the UN Working Group on Arbitrary Detention said Wang’s detention was arbitrary and “motivated by the fact that he is a United States citizen,” and recommended the appropriate remedy would be to release Mr. Wang immediately.

Spiritual leader Mohammad Ali Taheri, founder of the spiritual doctrine Interuniversalism and the Erfan-e Halgheh group, had been in prison--mostly in solitary confinement--since his arrest in 2011. He was sentenced to five years in 2011 for “insulting the sanctities” and then was sentenced to death in 2015 for “corruption on earth.” In August 2017 Taheri was sentenced to death for a second time. The Supreme Court subsequently rejected Taheri’s death sentence and ordered him retried. At year’s end Taheri was serving a second five-year prison sentence handed down in March. According to media and NGO reports, the IRGC also detained dozens of Taheri’s followers.

**Pretrial Detention:** Pretrial detention was often arbitrarily lengthy, particularly in cases involving alleged violations of national security law. In other cases authorities held persons incommunicado for lengthy periods before permitting them to contact family members. Instances of unjust and arbitrary pretrial detention were commonplace and well documented throughout the year involving numerous prisoners of conscience, particularly following the countrywide protests beginning in December 2017. According to HRW, a judge may prolong detention at his discretion, and pretrial detentions often lasted for months. Often authorities held pretrial detainees in custody with the general prison population.

According to HRW, since January the IRGC’s intelligence organization had arbitrarily arrested at least 50 environmental activists across the country and imprisoned them without bringing formal charges or evidence. These included several environmentalists affiliated with the Persian Wildlife Heritage Foundation who were arrested in January for espionage. They were accused of using
environmental projects as a cover to collect classified information. In July family members of Houman Jokar, Sepideh Kashani, Niloufar Bayani, Amirhossein Khaleghi, Sam Rajabi, Taher Ghadirian, Abdolreza Kouhpayeh, and Morad Tahbaz demanded their release in a published open letter, saying the environmentalists had been imprisoned for six months without a “shred of evidence.”

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:**
Detainees may appeal their sentences in courts of law but are not entitled to compensation for detention and were often held for extended periods without any legal proceedings.

**e. Denial of Fair Public Trial**

The constitution provides that the judiciary be “an independent power” that is “free from every kind of unhealthy relation and connection.” The court system was subjected to political influence, and judges were appointed “in accordance with religious criteria.”

The supreme leader appoints the head of the judiciary. The head of the judiciary, members of the Supreme Court, and the prosecutor general were clerics. International observers continued to criticize the lack of independence of the country’s judicial system and judges and maintained that trials disregarded international standards of fairness.

**Trial Procedures**

According to the constitution and law, a defendant has the right to a fair trial, to be presumed innocent until convicted, to have access to a lawyer of his or her choice, and to appeal convictions in most cases that involve major penalties. These rights were not upheld.

Panels of judges adjudicate trials in civil and criminal courts. Human rights activists reported trials in which authorities appeared to have determined the verdicts in advance, and defendants did not have the opportunity to confront their accusers or meet with lawyers. For journalists and defendants charged with crimes against national security, the law restricts the choice of attorneys to a government-approved list.
When postrevolutionary statutes do not address a situation, the government advised judges to give precedence to their knowledge and interpretation of sharia (Islamic law). Under this method judges may find a person guilty based on their own “divine knowledge.”

The constitution does not provide for the establishment or the mandate of the Revolutionary Courts. The courts were created pursuant to the former supreme leader Ayatollah Khomeini’s edict immediately following the 1979 revolution, with a sharia judge appointed as the head of the courts. They were intended as a temporary emergency measure to try high-level officials of the deposed monarchy and purge threats to the regime. The courts, however, became institutionalized and continue to operate in parallel to the criminal justice system. Human rights groups and international observers often identify the Revolutionary Courts, which are generally responsible for hearing the cases of political prisoners, as routinely employing grossly unfair trials without due process, handing down predetermined verdicts, and rubberstamping executions for political purposes. These unfair practices reportedly occur during all stages of criminal proceedings in Revolutionary Courts, including the initial prosecution and pretrial investigation, first instance trial, and review by higher courts.

The IRGC and Intelligence Ministry reportedly determine many aspects of Revolutionary Court cases. Most of the important political cases are referred to a handful of branches of the Revolutionary Courts, whose judges often have negligent legal training and are not independent.

During the year human rights groups and international media noted the absence of procedural safeguards in criminal trials. On September 8, three Kurdish men—Zaniar Moradi, Loghman Moradi, and Ramin Hossein Panahi—were executed at Rajai Shahr Prison following what Amnesty International called “grossly unfair” trials in which the men were denied access to lawyers.

Courts admitted as evidence confessions made under duress or torture. UNSR Jahangir stated that the government relied on physical and mental torture to coerce confessions from prisoners during pretrial detention and interrogations. Based on reports from numerous media and human rights groups, there was a noticeable increase during the year in the authorities’ use of torture, as well as forced videotaped confessions that the government later televised. A forced confession of a teenage girl, Maedeh Hojabri, was shown on state television on July 7, in which the girl confessed to the “crime” of posting a video of herself dancing on Instagram.
The Special Clerical Court is headed by a Shia Islamic legal scholar, overseen by the supreme leader, and charged with investigating alleged offenses committed by clerics and issuing rulings based on an independent interpretation of Islamic legal sources. As with the Revolutionary Courts, the constitution does not provide for the Special Clerical Court, which operated outside the judiciary’s purview. Clerical courts were used to prosecute Shia clerics who expressed controversial ideas and participated in activities outside the sphere of religion, such as journalism or reformist political activities.

In March Ayatollah Hossein Shirazi, son of Grand Ayatollah Sadeq Shirazi, was arrested in Qom for criticizing “governance by the jurist,” the foundational principle underpinning the supreme leader’s power, and calling the supreme leader “the pharaoh” during a lecture. The Special Clerical Court initially heard Shirazi’s case and, according to reports in the media, sentenced him to 120 years in prison. Following the eruption of protests inside the country and among Shia communities outside the country, the court reportedly withdrew the sentence and released Shirazi on bail.

**Political Prisoners and Detainees**

Official statistics regarding the number of citizens imprisoned for their political beliefs were not available. According to United for Iran, on average there were an estimated 800-900 prisoners of conscience held in the country at any given time during the year, including those jailed for their religious beliefs.

The government often charged political dissidents with vague crimes, such as “antirevolutionary behavior,” “corruption on earth,” “siding with global arrogance,” “waging war against God,” and “crimes against Islam.” Prosecutors imposed strict penalties on government critics for minor violations.

The political crimes law defines a political crime as an insult against the government, as well as “the publication of lies.” Political crimes are those acts “committed with the intent of reforming the domestic or foreign policies of Iran,” while those with the intent to damage “the foundations of the regime” are considered national security crimes. The court and the Public Prosecutor’s Office retain responsibility for determining the nature of the crime.

The political crimes law grants the accused certain rights during arrest and imprisonment. Political criminals should be held in detention facilities separate
from ordinary criminals. They should also be exempt from wearing prison uniforms, not subject to rules governing repeat offenses, not subject to extradition, and exempt from solitary confinement unless judicial officials deem it necessary. Political criminals also have the right to see and correspond with immediate family regularly and to access books, newspapers, radio, and television.

Many of the law’s provisions have not been implemented, and the government continued to arrest and charge students, journalists, lawyers, political activists, women’s activists, artists, and members of religious minorities with “national security” crimes that do not fall under the political crimes law. Political prisoners were also at greater risk of torture and abuse in detention and often were mixed with the general prison population. The government often placed political prisoners in prisons far from their families, denied them correspondence rights, and held them in solitary confinement for long periods. Human rights activists and international media also reported cases of political prisoners confined with accused and convicted violent criminals, and with criminals carrying contagious diseases such as HIV or hepatitis. Former prisoners reported that authorities often threatened political prisoners with transfer to criminal wards, where attacks were more likely.

The government reportedly held some detainees in prison for years on unfounded charges of sympathizing with real or alleged terrorist groups.

The government issued travel bans on some former political prisoners, barred them from working in their occupations for years after incarceration, and imposed internal exile on some. During the year authorities occasionally gave political prisoners suspended sentences and released them on bail with the understanding that renewed political activity would result in their return to prison. The government did not permit international humanitarian organizations or UN representatives access to political prisoners.

A revolutionary court in Tehran sentenced prominent human rights defender and journalist Narges Mohammadi, arrested in 2016, to 16 years in prison. The court charged Mohammadi with “propaganda against the state,” “assembly and collusion against national security,” and establishing the illegal Step by Step to Stop the Death Penalty organization, allegedly harming national security. Prison authorities granted Mohammadi limited medical attention for significant health problems during the year but continued to deny her family visitation and telephone calls, according to media reports. The government repeatedly rejected Mohammadi’s request for judicial review.
Seven Bahai leaders were arrested in 2008, convicted of “disturbing national security,” “spreading propaganda against the regime,” as well as “engaging in espionage,” and sentenced to 20 years in prison. Their sentences were subsequently reduced to 10 years. The last individual member of the group in prison, Afif Naeimi, was released on December 20.

Lawyers who defended political prisoners were often arrested. The government continued to imprison lawyers and others affiliated with the Defenders of Human Rights Center advocacy group. As of September the government had arrested at least eight prominent human rights attorneys during the year.

Authorities arrested human rights attorney Nasrin Sotoudeh on June 13 on national security charges, claiming she had been issued a five-year prison sentence in absentia for representing political prisoners and women who protested against the country’s compulsory hijab law. Sotoudeh was previously arrested in 2010 and sentenced to a six-year prison term for her human rights work representing activists and journalists, until receiving a pardon in 2013.

International human rights organizations reported the arrest of several other human rights lawyers during the year because of their work. On August 31, government agents arrested Payam Derafshan and Farrokh Forouzan. Earlier in the year, Arash Keykhosravi and Ghasem Sholeh Saadi were also unjustly detained. Zaynab Taheri was arrested on June 19 after publicly advocating for her client, Mohammad Salas (see section 1.a.).

**Civil Judicial Procedures and Remedies**

Citizens had limited ability to sue the government and were not able to bring lawsuits through the courts against the government for civil or human rights violations.

**Property Restitution**

The constitution allows the government to confiscate property acquired illicitly or in a manner not in conformity with Islamic law. The government appeared to target ethnic and religious minorities in invoking this provision.

**f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**
The constitution states that “reputation, life, property, [and] dwelling[s]” are protected from trespass, except as “provided by law.” The government routinely infringed on this right. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations and internet communications, and opened mail without court authorization. The government also detained the family members of activists as a form of intimidation and reprisal.

According to international human rights organizations, the government arrested and intimidated BBC employees’ family members based in Iran. Separately, the government also compelled family members of journalists from other media outlets abroad to defame their relatives on state television.

Nasrin Sotoudeh’s husband, Reza Khandan, was arrested in September for publicly expressing his support for his detained wife, according to media reports.

g. Abuses in Internal Conflicts

Syria: Iran recruited Iraqi, Afghan, and Pakistani Shia fighters to support the Assad regime and thus prolonging the civil war, leading to the deaths of hundreds of thousands of Syrian civilians. According to HRW, the IRGC since 2013 allegedly recruited thousands of undocumented Afghans living in Iran to fight in Syria, threatening forced deportation in some cases.

Child Soldiers: In an October 2017 report, HRW asserted that the IRGC had recruited Afghan children as young as age 14 to serve in the Fatemiyoun Brigade, reportedly an Iranian-supported Afghan group fighting alongside government forces in Syria, and noted that at least 14 Afghan children had been killed fighting in the Syrian conflict. Another HRW report in November 2017 documented an interview by the Islamic Republic of Iran Broadcasting (IRIB) agency with a 13-year-old Afghan boy from Iran, conducted in the Syrian border city of Abu Kamal. During the interview the boy called himself a “defender of the shrine” and expressed his desire to fight in Syria.

Iraq: Iran directly supported certain Iraqi Shia militias, including designated foreign terrorist organization Kata’ib Hizballah, which reportedly was complicit in summary executions and other human rights abuses of civilians in Iraq.
Yemen: Since 2015 Iran provided hundreds of millions of dollars in support to the Houthi rebels in Yemen and proliferated weapons that exacerbated and prolonged the conflict. Also, according to a Bahai International Community report in April, Iranian authorities were directing authorities in Houthi-controlled areas of Yemen to harass and detain Bahais because of their religious affiliation.

**Section 2. Respect for Civil Liberties, Including:**

**a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, except when words are deemed “detrimental to the fundamental principles of Islam or the rights of the public.” According to the law, “anyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations shall be sentenced to three months to one year of imprisonment.”

Article 26 of the 2016 Charter on Citizens’ Rights acknowledges the right of every citizen to freedom of speech and expression. The charter grants citizens the right freely to seek, receive, publish, and communicate views and information, using any means of communication, but it has not been implemented.

The law provides for prosecution of persons accused of instigating crimes against the state or national security or “insulting” Islam. The government severely restricted freedom of speech and of the press and used the law to intimidate or prosecute persons who directly criticized the government or raised human rights problems, as well as to bring ordinary citizens into compliance with the government’s moral code.

**Freedom of Expression:** Authorities did not permit individuals to criticize publicly the country’s system of government, supreme leader, or official religion. Security forces and the judiciary punished those who violated these restrictions, as well as those who publicly criticized the president, cabinet, and parliament.

The government monitored meetings, movements, and communications of its citizens and often charged persons with crimes against national security and of insulting the regime, citing as evidence letters, emails, and other public and private communications. Authorities threatened arrest or punishment for the expression of ideas or images they viewed as violations of the legal moral code.
Reporters harassed involved abused, Violence their Independent books including and policy Under confiscate (distribute since jamm reflected news government a Ministry of Culture and Islamic Guidance (Ershad) severely limited and controlled foreign media organizations’ ability to work in the country. The ministry required foreign correspondents to provide detailed travel plans and topics of proposed stories before granting visas, limiting their ability to travel within the country, and forced them to work with a local “minder.”

Under the constitution private broadcasting is illegal. The government maintained a monopoly over all television and radio broadcasting facilities through IRIB, a government agency. Radio and television programming, the principal source of news for many citizens, particularly in rural areas with limited internet access, reflected the government’s political and socioreligious ideology. The government jammed satellite broadcasts as signals entered the country, a continuous practice since at least 2003. Satellite dishes remained illegal but ubiquitous. Those who distributed, used, or repaired satellite dishes faced fines up to 90 million rials ($2,100). Police, using warrants provided by the judiciary, launched campaigns to confiscate privately owned satellite dishes throughout the country.

Under the constitution the supreme leader appoints the head of the audiovisual policy agency, a council composed of representatives of the president, judiciary, and parliament. The Ministry of Culture reviews all potential publications, including foreign printed materials, prior to their domestic release and may deem books unpublishable, remove text, or require word substitutions for terms deemed inappropriate.

Independent print media companies existed, but the government severely limited their operations.

Violence and Harassment: The government and its agents harassed, detained, abused, and prosecuted publishers, editors, and journalists, including those involved in internet-based media, for their reporting. The government also harassed many journalists’ families.

Reporters without Borders (RSF) reported that the government arrested an estimated 10 citizen-journalists for covering the nationwide protests that began in
December 2017. According to RSF, several citizen journalists were beaten and arrested while recording renewed protests in Tehran on June 25-26. Authorities banned national and international media outlets from covering the demonstrations in an attempt to censor coverage of the protests and to intimidate citizens from disseminating information about them.

In February, RSF reported that several employees of the Sufi news website Majzooban Nor were arrested while covering clashes between security forces and Gonabadi Dervishes. Majzooban Nor was the only independent website covering the dervishes, and most of the arrested journalists were reportedly severely beaten by police and militia members. In July and August, Majzooban Nor journalists were sentenced for lashes and prison terms of up to 26 years in connection for their work covering the dervishes’ protests.

According to CHRI, in August the Mizan News Agency, which functions as the official news website of the judiciary, published statements that human rights activists interpreted as a call for vigilante violence against BBC journalists and their families. The BBC had filed a complaint at the UN Human Rights Council in March against Iranian authorities for their campaign of harassment against BBC Persian staff.

**Censorship or Content Restrictions:** The law forbids government censorship but also prohibits dissemination of information the government considers “damaging.” During the year the government censored publications that criticized official actions or contradicted official views or versions of events. “Damaging” information included discussions of women’s rights, the situation of minorities, criticism of government corruption, and references to mistreatment of detainees.

In September media reported that General Prosecutor Mohammad Jafar Montazeri ordered the closure of Sedayeh Eslahat, a reformist newspaper, on charges of insulting Shia Islam. According to reports, the newspaper had published an article on female-to-male sex reassignment surgery, titling the article, “Ruqayyah became Mahdi after 22 years.” Ruqayyah was the daughter of Hussein, a revered Shia Imam, while Mahdi, according to Shia beliefs, is the name of the 12th Shia Imam. Montazeri also called for the punishment of the newspaper’s editor.

Officials routinely intimidated journalists into practicing self-censorship. Public officials often filed criminal complaints against newspapers, and the Press Supervisory Board, which regulates media content and publication, referred such complaints to the Press Court for further action, including possible closure,
suspension, and fines. IRNA determined the main topics and types of news to be covered and distributed topics required for reporting directly to various media outlets, according to the IHRDC.

**Libel/Slander Laws:** The government commonly used libel laws or cited national security to suppress criticism. According to the law, if any publication contains personal insults, libel, false statements, or criticism, the insulted individual has the right to respond in the publication within one month. By law “insult” or “libel” against the government, government representatives, or foreign officials while they are on Iranian soil, as well as “the publication of lies” with the intent to alter, but not overthrow, the government are considered political crimes and subject to certain trial and detention procedures (see section 1.e.). The government applied the law throughout the year, often citing statements made in various media outlets or on internet platforms that criticized the government, in the arrest, prosecution, and sentencing of individuals for crimes against national security.

**Internet Freedom**

The government restricted and disrupted access to the internet, monitored private online communications, and censored online content. Individuals and groups practiced self-censorship online.

The Ministries of Culture and of Information and Communications Technology are the main regulatory bodies for content and internet systems in the country. The Supreme Leader’s Office also includes the Supreme Council of Cyberspace, charged with regulating content and systems. The government collected personally identifiable information in connection with citizens’ peaceful expression of political, religious, or ideological opinion or beliefs.

According to the International Telecommunication Union, 60 percent of the population used the internet in 2017. According to the Ministry of Culture, 70 percent of youth between the ages of 15 and 29 used the internet. NGOs reported the government continued to filter content on the internet to ban access to particular sites and to filter traffic based on its content. The law makes it illegal to distribute circumvention tools and virtual private networks, and Minister of Information and Communications Technology Jahromi was quoted in the press stating that using circumvention tools is illegal.

The Ministry of Culture and Islamic Guidance must approve all internet service providers. The government also requires all owners of websites and blogs in the
country to register with the agencies that compose the Commission to Determine the Instances of Criminal Content (also referred to as the Committee in Charge of Determining Unauthorized Websites or Committee in Charge of Determining Offensive Content), the governmental organization that determines censoring criteria. These agencies include the Ministry of Culture and Islamic Guidance, Ministry of Information and Communications Technology, the Intelligence Ministry, and the Tehran Public Prosecutor’s Office.

Ministry of Information and Communications Technology regulations prohibit households and cybercafes from having high-speed internet access. The government periodically reduced internet speed to discourage downloading material.

According to media reports, former minister of information and communications technology Mahmoud Vaezi announced in 2017 that the government had improved methods to control the internet and had shut down a number of online platforms. The government’s decade-long project to build a National Information Network (NIN) resulted in its launch in 2016. The NIN enabled officials to allow higher speed and easier access on domestic traffic, while limiting international internet traffic. RSF reported that the NIN acted like an intranet system, with full content control and user identification. Authorities may disconnect this network from global internet content, and they reportedly intended to use it to provide government propaganda and disrupt circumvention tools. During nationwide protests in December 2017, authorities used NIN technology to cut off access to the global internet for 30 minutes.

Authorities continued to block online messaging tools, such as Facebook, YouTube, and Twitter, although the government operated Twitter accounts under the names of Supreme Leader Khamenei, President Rouhani, Foreign Minister Zarif, and other government-associated officials and entities.

Government organizations, including the Basij “Cyber Council,” the Cyber Police, and the Cyber Army, which observers presumed to be controlled by the IRGC, monitored, identified, and countered alleged cyberthreats to national security. These organizations especially targeted citizens’ activities on officially banned social networking websites such as Telegram, Facebook, Twitter, YouTube, and Flickr, and they reportedly harassed persons who criticized the government or raised sensitive social problems.
According to a report by CHRI, in May the Judiciary (the prosecutor of Branch 2 of the Culture and Media Prosecutor’s Office in Tehran) blocked the popular messaging app Telegram. Telegram, used by approximately half the population as a platform for a wide variety of personal, political, business, and cultural content, had become a primary internet platform. As a foreign-owned company with servers outside the country, Telegram was not under the control of national censors. Many officials blamed Telegram for the spread of protests in December 2017. After the ban on Telegram, the Ministry of Information and Communications Technology began to disrupt access to circumvention tools used to access blocked applications or sites.

RSF reported that several bloggers and online journalists were arrested during the year for their expression. Blogger Hengameh Shahidi was arrested in May for tweets about her previous detention. Mohammad Hossien Hidari, the editor of the Dolat e Bahar news website, was arrested in May. His families and lawyers did not know what he had been charged with, and his website was inaccessible after his arrest. Amir Hossein Miresmaili, a journalist with the daily newspaper Jahan Sanat (Industry World), was sentenced to 10 years in prison on August 22 for a tweet criticizing a mullah in Mashhad. Miresmaili’s sentence also included a two-year ban on journalistic activity on social networks after his release from prison. According to his lawyer, Miresmaili was charged with “insulting the sacredness of Islam,” “insulting government agents and officials,” “publishing false information designed to upset public opinion,” and “publishing immoral articles contrary to public decency.”

**Academic Freedom and Cultural Events**

The government significantly restricted academic freedom and the independence of higher education institutions. Authorities systematically targeted university campuses to suppress social and political activism by banning independent student organizations, imprisoning student activists, removing faculty, preventing students from enrolling or continuing their education because of their political or religious affiliation or activism, and restricting social sciences and humanities curricula.

According to a July HRW report, following the protests of December 2017 and January 2018, intelligence officers arrested at least 150 students and courts sentenced 17 to prison terms. Many of the arrested students did not participate in the protests but were preemptively detained, according to reports. HRW reported that as of mid-July, revolutionary courts had sentenced at least eight student protesters from universities in Tehran and Tabriz to prison sentences of up to eight
years. Some students were banned from membership in political parties or participating in media, including social media, for two years.

 Authorities barred Bahai students from higher education and harassed those who studied through the unrecognized online university of the Bahai Institute for Higher Education. According to a HRANA report in September, more than 50 Bahai college applicants had been denied enrollment for their religious affiliation (see the Department of State’s International Religious Freedom Report at www.state.gov/religiousfreedomreport/).

The government maintained controls on cinema, music, theater, and art exhibits and censored those productions deemed to transgress Islamic values. The government censored or banned films deemed to promote secularism, non-Islamic ideas about women’s rights, unethical behavior, drug abuse, violence, or alcoholism.

According to the IHRDC, the nine-member film review council of the Ministry of Culture and Islamic Guidance, made up of clerics, former directors, former parliamentarians, and academics, must approve the content of every film before production and again before screening. Films may be barred arbitrarily from screening even if all the appropriate permits were received in advance.

According to media reports, renowned film director Jafar Panahi was banned again from traveling to the 2018 Cannes film festival. Panahi has been barred from traveling since 2010, when he was charged with generating “propaganda against the Islamic Republic.”

Officials continued to discourage teaching music in schools. Authorities considered heavy metal and foreign music religiously offensive, and police continued to repress underground concerts and arrest musicians and music distributors. The Ministry of Culture must officially approve song lyrics, music, and album covers as complying with the country’s moral values, although many underground musicians released albums without seeking such permission.

According to media reports in February, Benyamin Bahadori, a pop singer and composer, cancelled a concert in Kerman after female members of his music group were banned from appearing on stage. In April, according to media reports, the head of the Ministry of Culture and Islamic Guidance in Mashhad was arrested for undermining public decency and disrespecting laws when videos surfaced on
social media networks showing young men and women dancing at a concert at a shopping center in the city.

b. Freedoms of Peaceful Assembly and Association

The government severely restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution permits assemblies and marches of unarmed persons “provided they do not violate the principles of Islam.” In order to prevent activities it considered antiregime, the government restricted this right and closely monitored gatherings such as public entertainment and lectures, student and women’s meetings and protests, meetings and worship services of minority religious groups, labor protests, online gatherings and networking, funeral processions, and Friday prayer gatherings.

According to activists, the government arbitrarily applied rules governing permits to assemble, with proregime groups rarely experiencing difficulty, while groups viewed as critical of the regime experienced harassment regardless of whether authorities issued a permit.

The government cracked down on small protests that began in the city of Mashhad in December 2017 and continued into 2018. These protests subsequently spread across the country and included broader economic and political grievances with the nation’s leadership. International media and human rights organizations widely covered the government’s crackdown on protests. According to media reports, at least 20 protesters were killed as of January, and thousands more were arrested throughout the year. Official government sources cited 4,970 arrested, 90 percent of whom were younger than 25 years old. Over the year, as protests arose across the country among various groups and by individuals expressing diverse grievances and demands, actions by security forces resulted in hundreds of additional arrests and further alleged deaths.

CHRI reported that authorities denied detainees access to attorneys and threatened them with charges that carried the death penalty if they sought counsel. There were multiple reports of detainees beaten while in custody. Several human rights organizations, including CHRI, reported that detainees were given pills of unknown substance, including methadone, to portray them as drug addicts.
According to CHRI, at least two detainees died under suspicious circumstances while in detention, while the death of a third detainee was labeled a “suicide” (see section 1.a.).

In February security forces violently cracked down on a group of Gonabadi Sufi dervishes in Tehran who were protesting to demand the release of a 70-year-old fellow Sufi, Nematollah Riahi, who protesters believed was unjustly detained because of his religious affiliation. According to CHRI and reports from Sufi news sites, at least 300 hundred Gonabadi Sufis were arrested and imprisoned in the Great Tehran Penitentiary and Qarchak Prison, with numerous deaths reported at the hands of security forces. Reports indicated that the government’s crackdown continued in various cities throughout the country and that Sufis were subjected to torture and forced confessions in detention centers prior to their transfer to prisons.

According to an August HRW report, revolutionary courts sentenced at least 208 Gonabadi Sufi dervishes, from the hundreds detained, in unfair trials to prison terms ranging from four months to 26 years, flogging, internal exile, travel bans, and a ban on membership in social and political groups. Authorities did not allow the defendants to choose their legal representation and repeatedly insulted and questioned their faith during trials that lasted as little as 15 minutes. More than 40 dervishes received sentences in absentia.

In August Great Tehran Penitentiary authorities conducted a “brutal” attack, according to CHRI, on Gonabadi Sufis prisoners who were peacefully protesting the harsh treatment of female Gonabadi Sufi prisoners at Qarchak Prison. According to the report, several detainees were badly injured and suffered broken bones, while female prisoners in Qarchak Prison were reportedly subjected to torture and beatings by prison officials.

**Freedom of Association**

The constitution provides for the establishment of political parties, professional and political associations, and Islamic and recognized religious minority organizations, as long as such groups do not violate the principles of freedom, sovereignty, national unity, or Islamic criteria, or question Islam as the basis of the country’s system of government. The government limited the freedom of association through threats, intimidation, the imposition of arbitrary requirements on organizations, and the arrests of group leaders and members.
The government barred teachers from commemorating International Labor Day and Teachers’ Day. Several prominent teachers and union activists either remained in prison or were awaiting new sentences, including Mahmoud Beheshti Langroudi and Esmail Abdi (see section 7.a.).

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions, particularly concerning migrants and women. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) with regard to refugees from Afghanistan and Iraq.

In-country Movement: Judicial sentences sometimes included internal exile after release from prison, which prevented individuals from traveling to certain provinces. Women often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for traveling alone.

Foreign Travel: The government required exit permits for foreign travel for all citizens. Citizens who were educated at government expense or received scholarships had to either repay the scholarship or receive a temporary permit to exit the country. The government restricted the foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields.

Several journalists, academics, opposition politicians, human and women’s rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during the year. Married women were not allowed to travel outside the country without prior permission from their husbands.

Exile: The law does not provide for forced exile abroad. Many citizens practiced self-imposed exile to express their beliefs freely or escape government harassment.

Protection of Refugees
According to UNHCR, the government had granted registration to 950,142 Afghan and 28,268 Iraqi refugees under a system known as *amayesh*, through which authorities provide refugees with cards identifying them as legally registered refugees. The cards enable refugees to access basic services and facilitate the issuance of work permits. In addition to registered refugees, the government estimated it hosted 450,000 Afghans who hold Afghan passports and Iranian visas and 1.5 million undocumented Afghans.

HRW and other groups reported that the government continued its mistreatment of many Afghans, including physical abuse by security forces, deportations, forced recruitment to fight in Syria (see section 1.g.), detention in unsanitary and inhuman conditions, forced payment for transportation to and accommodation in deportation camps, forced labor, forced separation from families, restricted movement within the country, and restricted access to education or jobs.

**Refoulement:** According to activist groups and NGOs, authorities routinely arrested Afghans without *amayesh* cards and sometimes threatened them with deportation. According to the International Organization for Migration, from the beginning of the year to August, more than 219,254 undocumented Afghans returned to Afghanistan, with many claiming they were pressured to leave. In addition more than 273,089 were deported there throughout the year.

**Access to Asylum:** The law provides for the granting of asylum or refugee status to qualified applicants. While the government reportedly has a system for providing protection to refugees, UNHCR did not have information regarding how the country made asylum determinations. According to HRW, the government continued to block many Afghans from registering to obtain refugee status.

Afghans not registered under the *amayesh* system who had migrated in the past decades of conflict in their home country continued to be denied access to an asylum system or access to register with the United Nations as refugees. NGOs reported many of these displaced asylum seekers believed they were pressured to leave the country but could not return to Afghanistan because of the security situation in their home provinces.

**Freedom of Movement:** Refugees faced restrictions on in-country movement and faced restrictions from entering certain provinces, according to UNHCR.

**Employment:** Only refugees with government-issued work permits were able to work. NGO sources reported that *amayesh* cards were difficult to renew and were
often prohibitively expensive for refugees to maintain due to steep annual renewal fees.

Access to Basic Services: Amayesh cardholders had access to primary education and received primary health care, including vaccinations, prenatal care, maternal and child health, and family planning from the Ministry of Health. They also benefited from a universal basic health insurance package for hospitalization and paraclinical services (medicine, doctor’s visits, radiology, etc.) similar to citizens, and those with qualifying “special diseases” received comprehensive coverage.

In 2017 more than 112,000 vulnerable refugees enrolled in the Universal Public Health Insurance scheme providing coverage for 12 months, and in 2018 92,000 vulnerable refugees were expected to benefit from subsidized premium support from UNHCR.

The government claimed to grant refugees access to schools. More than 420,000 refugee children were enrolled in primary and secondary school, out of whom 103,000 were undocumented Afghan children. According to media reporting, however, Afghans continued to have difficulty gaining access to education. The government sometimes imposed fees for children of registered refugees to attend public schools.

There were barriers to marriage between citizens and displaced Afghans. Authorities required Afghans to obtain documentation from their embassy or government offices in Afghanistan to register their marriage in the country, according to media reporting. The law states, “Any foreigner who marries an Iranian woman without the permission of the Iranian government will be sentenced to two to five years in prison plus a cash penalty.” Furthermore, authorities considered children born from such unions eligible for citizenship only if the child’s father is a citizen and registers the child as his, potentially leaving many children stateless.

Most provinces’ residency limitations on refugees effectively denied them access to public services, such as public housing, in the restricted areas of those provinces.

Stateless Persons

There were no accurate numbers on how many stateless persons resided in the country. Stateless persons included those without birth documents or refugee
The influence of government policies on the provision of medical care and schooling was inconsistent. Authorities prohibited stateless persons from receiving formal government support or travel documents.

Women may not directly transmit citizenship to their children or to noncitizen spouses. Only children born to Iranian mothers and non-Iranian fathers who reside in Iran for 18 years and whose parents’ marriage is officially registered with the government are eligible to apply for citizenship. According to media reports, between 400,000 and one million persons lacked Iranian nationality despite having an Iranian citizen mother, due to limitations on citizenship transmission (see section 6, Children).

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose the president, as well as members of the Assembly of Experts and parliament, through elections based on universal suffrage. Candidate vetting conducted by unelected bodies, however, abridged this right in all instances. Reported government constraints on freedom of expression and the media; peaceful assembly; association; and the ability to freely seek, receive, and impart information and campaign also limited Iranians’ right to freely choose their representatives in elections.

The Assembly of Experts, which is composed of 86 popularly elected clerics who serve eight-year terms, elects the supreme leader, who acts as the de facto head of state and may be removed only by a vote of the assembly. The Guardian Council vets and qualifies candidates for all Assembly of Experts, presidential, and parliamentary elections based on criteria that include candidates’ allegiance to the state and adherence to Shia Islam. The council consists of six clerics appointed by the supreme leader and six jurists nominated by the head of the judiciary (who is appointed by the supreme leader) and approved by parliament.

There is no separation of state and religion, and certain clerics had significant influence in the government.

Elections and Political Participation

Recent Elections: Presidential and local council elections were held in May 2017. The country’s electoral system continued to fall short of international standards for free and fair elections because of the Guardian Council’s controlling role in the
political process, including determining which individuals could run for office, and in certain instances, arbitrarily removing winning candidates.

In 2017 the Guardian Council approved six Shia male candidates for president from a total candidate pool of 1,636 individuals (0.37 percent of total applicants). Voters re-elected Hassan Rouhani as president. The Interior Ministry announced that Rouhani won 57 percent of the votes, with a 73 percent turnout of eligible voters.

Candidates for local elections were vetted by monitoring boards established by parliament, resulting in the disqualification of a number of applicants. Observers asserted that reformist candidates such as Abdollah Momeni, Ali Tajernia, and Nasrin Vaziri, previously imprisoned for peacefully protesting the 2009 election, were not allowed to run due to their political views.

CHRI reported that on July 21, the Expediency Council, the country’s highest arbiter of disputes between state branches, voted by a two-thirds majority to amend the Law on the Formation, Duties, and Election of National Islamic Councils, thus affirming the right of constitutionally recognized religious minorities to run in local elections. As a result of this ruling, Sepanta Niknam, a member of the Zoroastrian faith, was able to reclaim his city council seat in Yazd, from which he was suspended in 2017 because of his religion. Niknam had been re-elected to the Yazd city council in May 2017 but was forced to step down in September 2017 after the local court ruled that Niknam, as member of a religious minority, could not be elected to a council in a Muslim-majority constituency.

Political Parties and Political Participation: The constitution provides for the formation of political parties, but the Interior Ministry granted licenses only to parties deemed to adhere to the “governance of the jurist” system of government embodied in the constitution. Registered political organizations that adhered to the system generally operated without restriction, but most were small, focused around an individual, and without nationwide membership. Members of political parties and persons with any political affiliation that the regime deemed unacceptable faced harassment and sometimes violence and imprisonment. The government maintained bans on several opposition organizations and political parties. Security officials continued to harass, intimidate, and arrest members of the political opposition and some reformists (see section 1.e.). In her August 2017 report, UNSR Jahangir noted a number of arrests and detentions of members of opposition parties in the months before the May 2017 elections.
Participation of Women and Minorities: Women faced significant legal, religious, and cultural barriers to political participation. According to the Guardian Council’s interpretation, the constitution bars women, as well as persons of foreign origin, from serving as supreme leader or president, as members of the Assembly of Experts, the Guardian Council, or the Expediency Council, and as certain types of judges.

The Guardian Council disqualified all 137 women who registered as candidates for the May 2017 presidential election. Almost 18,000 female candidates, or 6.3 percent of all candidates, were permitted to run for positions in the 2017 local elections.

All cabinet-level ministers were men. A limited number of women held senior government positions, including that of Vice President for Legal Affairs and Vice President for Women and Family Affairs.

Practitioners of a religion other than Shia Islam are barred from serving as supreme leader or president, as well as being a member in the Assembly of Experts, Guardian Council, or Expediency Council. The law reserves five seats in parliament for members of recognized minority religious groups, although minorities may also be elected to nonreserved seats. The five reserved seats were filled by one Zoroastrian, one Jew, and three Christians. There were no non-Muslims in the cabinet or on the Supreme Court.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government implemented the law arbitrarily, sometimes pursuing apparently legitimate corruption cases against officials while bringing politically motivated charges against regime critics or political opponents. Most officials continued to engage in corrupt practices with impunity. Many expected bribes for providing routine services or received bonuses outside their regular work, and individuals routinely bribed officials to obtain permits for otherwise illegal construction.

Endowed religious charitable foundations, or bonyads, accounted for a quarter to a third of the country’s economy, according to some experts. Government insiders, including members of the military and clergy, ran these tax-exempt organizations, which are defined under law as charities. Members of the political opposition and international corruption watchdog organizations frequently accused bonyads of
corruption. *Bonyads* received benefits from the government, but no government agency is required to approve their budgets publicly.

Numerous companies and subsidiaries affiliated with the IRGC engaged in trade and business activities, sometimes illicitly, including in the telecommunications, mining, and construction sectors. Other IRGC entities reportedly engaged in smuggling pharmaceutical products, narcotics, and raw materials. The domestic and international press reported that individuals with strong government connections had access to foreign currency at preferential exchange rates, allowing them to exploit a gap between the country’s black market and official exchange rates.

**Corruption:** In August IRNA reported that Ahmad Araghchi, an Iran Central Bank deputy in charge of foreign currency affairs, was arrested, along with six others, as part of an investigation into financial corruption. IRNA quoted Judiciary spokesperson Gholamhossein Mohseni Ejei saying the arrests were part of the country’s ongoing crackdown on graft and corruption in the foreign currency sector. According to the Mizan News Agency, at least 67 persons had been arrested as of August, accused of fraud and trying to undermine the banking system. Mohseni Ejei was quoted saying several of the individuals arrested had direct ties to the government and, charged with “corruption on Earth,” could face the death penalty. He stated more than 100 government employees had been barred from leaving the country. According to the same report, Supreme Leader Khamenei approved a request from the head of the judiciary to set up special revolutionary courts to try individuals for economic crimes, seeking maximum sentences for those who “disrupted and corrupted” the economy. Khamenei was quoted saying that punishments for those accused of economic corruption, including government officials and those from the military, should be carried out swiftly. According to a BBC report, at least three businessmen were executed for corruption after trials that human rights groups said lacked due process protections.

According to media reports, in July parliamentarian Amir Khojasteh, president of the parliament’s anticorruption caucus, claimed during an open session of parliament that $44 billion had been allocated for goods that were never imported and that $60 billion in goods were hoarded in warehouses.

**Financial Disclosure:** Regulations require government officials, including cabinet ministers and members of the Guardian Council, Expediency Council, and Assembly of Experts, to submit annual financial statements to the government inspectorate. Little information was available on whether the government
effectively implemented the law, whether officials obeyed the law, or whether financial statements were publicly accessible.

In an August televised interview, President Rouhani asserted his intent to ramp up anticorruption efforts, stating the government had no “red lines” when it came to fighting corruption. According to media reports, Rouhani earlier directed all government ministries to publish the names of individuals and entities that had received hard currency at the official exchange rate. In June the Ministry of Information and Communication Technology published the names of entities that had received foreign exchange at the official rate to import mobile phones, while the Central Bank of Iran published a similar list of entities that had received currency at the official exchange rate.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government restricted the operations of and did not cooperate with local or international human rights NGOs investigating alleged violations of human rights. The government restricted the work of domestic activists and often responded to their inquiries and reports with harassment, arrests, online hacking, and monitoring of individual activists and organization workplaces.

By law NGOs must register with the Ministry of Interior and apply for permission to receive foreign grants. Independent human rights groups and other NGOs faced continued harassment because of their activism, as well as the threat of closure by government officials following prolonged and often arbitrary delays in obtaining official registration.

During the year the government prevented some human rights defenders, civil society activists, journalists, and scholars from traveling abroad. Human rights activists reported intimidating telephone calls, threats of blackmail, online hacking attempts, and property damage from unidentified law enforcement and government officials. The government summoned activists repeatedly for questioning and confiscated personal belongings such as mobile phones, laptops, and passports. Government officials sometimes harassed and arrested family members of human rights activists. Courts routinely suspended sentences of convicted human rights activists, leaving open the option for authorities to arrest or imprison individuals arbitrarily at any time on the previous charges.
In her March report, UNSR Jahangir expressed concern about the arrest, arbitrary detention, and sentencing of human rights defenders, student activists, journalists, and lawyers. She noted acts of intimidation and reprisals in detention, including torture and mistreatment, as well as reports of reprisals against human rights defenders for engaging the UNSR and cooperating with other UN mechanisms.

According to NGO sources, including HRW and Amnesty International, the government’s rights record and its level of cooperation with international rights institutions remained poor. The government continued to deny requests from international human rights NGOs to establish offices in or to conduct regular investigative visits to the country. The most recent visit of an international human rights NGO was by Amnesty International in 2004 as part of the European Union’s human rights dialogue with the country.

The United Nations or Other International Bodies: During the year the government continued to deny repeated requests by the UNSR on the situation of human rights in Iran to visit the country.

On November 15, for the sixth consecutive year, the UN General Assembly adopted a resolution expressing serious concern about the country’s continuing human rights violations. The resolution repeated its call for the country to cooperate with UN special mechanisms, citing the government’s failure to approve any request from a UN thematic special procedures mandate holder to visit the country in more than a decade. It drew attention to the government’s continued failure to allow the UNSR into the country to investigate human rights abuses despite repeated requests. The most recent visit by a UN human rights agency to the country was in 2005.

Government Human Rights Bodies: The High Council for Human Rights, headed by Mohammad Javad Larijani, is part of the judicial branch of the government and lacks independence. The council continued to defend the imprisonment of high-profile human rights defenders and political opposition leaders, despite domestic and international pressure. Larijani continued to call for an end to the position of the UNSR. There was no information available on whether the council challenged any laws or court rulings during the year.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women
Rape and Domestic Violence: Rape is illegal and subject to strict penalties, including death, but it remained a problem. The law considers sex within marriage consensual by definition and, therefore, does not address spousal rape, including in cases of forced marriage. Most rape victims likely did not report the crime because they feared official retaliation or punishment for having been raped, including charges of indecency, immoral behavior, or adultery, the last of which carries the death penalty. Rape victims also feared societal reprisal or ostracism.

For a conviction of rape, the law requires four Muslim men or a combination of three men and two women or two men and four women, to have witnessed a rape. A woman or man found making a false accusation of rape is subject to 80 lashes. In June international media reported on the kidnapping and gang rape of at least 41 women and girls in the city of Iranshahr, Sistan va Baluchistan Province, which has a predominantly Baluchi population. According to the reports, authorities initially tried to deny the cases, leading to local protests. Reports indicated that some of the alleged perpetrators had ties to local security forces. Social media users expressed their anger and sought support for the victims online through an #Iranshahr girls campaign. Some of the social media participants, including Abdollah Bozorgzadeh, were reportedly harassed and arrested for their online activism.

The law does not prohibit domestic violence. Authorities considered abuse in the family a private matter and seldom discussed it publicly.

A 2017 CHRI report referenced a study presented at the nongovernmental Imam Ali Foundation’s May 2017 conference in Tehran on violence against women in the country, according to which 32 percent of women in urban areas and 63 percent in rural areas had been victims of domestic violence. A government official was quoted in the report saying that 11,000 cases of domestic abuse had been registered by the National Welfare Organization. In January, according to media reports, the state-run Iranian Students News Agency (ISNA) apologized after an alleged relationship expert and marriage counselor advised domestic violence victims during a television broadcast to kiss their husband’s feet, leading to a large social media backlash in the country. Some users reportedly mocked the advice and characterized it as “nonsense” and “scary.”

Female Genital Mutilation/Cutting (FGM/C): The law criminalizes FGM/C and states, “the cutting or removing of the two sides of female genitalia leads to diyeh (financial penalty or blood money) equal to half the full amount of diyeh for the woman’s life.”
Little current data was available on the practice inside the country, although older data and media reports suggested it was most prevalent in Hormozgan, Kurdistan, Kermanshah, and West Azerbaijan Provinces.

Other Harmful Traditional Practices: There were no official reports of killings motivated by “honor” or other harmful traditional practices during the year, although human rights activists reported that such killings continued to occur, particularly among rural and tribal populations.

The law reduces punitive measures for fathers and other family members who are convicted of murder or physically harming children in domestic violence or “honor killings.” If a man is found guilty of murdering his daughter, the punishment is between three and 10 years in prison rather than the normal death sentence or payment of diyeh for homicide cases.

Sexual Harassment: The law addresses sexual harassment in the context of physical contact between men and women and prohibits physical contact between unrelated men and women. There was no reliable data on the extent of sexual harassment, but women and human rights observers reported that sexual harassment was the norm in many workplaces. There were no known government efforts to address this problem.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution provides for equal protection for women under the law in conformity with its interpretation of Islam. The government did not enforce the law, and provisions in the law, particularly sections dealing with family and property law, discriminate against women. Judicial harassment, intimidation, detention, and smear campaigns significantly challenged the ability of civil society organizations to fight for and protect women’s rights.

Women may not transmit citizenship to their children or to a noncitizen spouse. The government does not recognize marriages between Muslim women and non-Muslim men, irrespective of their citizenship. The law states that a virgin woman or girl wishing to wed needs the consent of her father or grandfather or the court’s permission.
The law permits a man to have as many as four wives and an unlimited number of *sigheh* (temporary wives), based on a Shia custom under which couples may enter into a limited-time civil and religious contract, which outlines the union’s conditions.

A woman has the right to divorce if her husband signs a contract granting that right; cannot provide for his family; has violated the terms of their marriage contract; or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. The law recognizes a divorced woman’s right to part of shared property and to alimony. These laws were not always enforced.

The government actively suppressed efforts to build awareness among women of their rights regarding marriage and divorce. According to a CHRI report, in September the IRGC Intelligence Organization arrested Hoda Amid, a human rights attorney, and Najmeh Vahedi, a prominent sociologist and women’s rights activist, three days before they were supposed to host a workshop about the country’s marriage laws, which they had organized with a legal permit. One of the purposes of the workshop was to teach women how to expand their rights with legally binding prenuptial contracts.

The law provides divorced women preference in custody for children up to age seven, but fathers maintain legal guardianship rights over the child and must agree on many legal aspects of the child’s life (such as issuing travel documents, enrolling in school, or filing a police report). After the child reaches the age of seven, the father is granted custody unless he is proven unfit to care for the child.

Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences. Islamic law retains provisions that equate a woman’s testimony in a court of law to half that of a man’s and value a woman’s life as half that of a man’s. According to the law, the *diyeh* paid in the death of a woman is half the amount paid in the death of a man, with the exception of car accident insurance payments.

Women have access to primary and advanced education. According to 2017 media reports, women gaining admission to universities nationwide outnumbered men by 13 percent. Quotas and other restrictions nonetheless limited women’s admissions to certain fields and degree programs.

As domestic media reported during the year, women’s participation in the job market remained as low as 16 percent. Women reportedly earned 41 percent less
than men for the same work. Unemployment among women in the country was twice as high as it was among men.

Women continued to face discrimination in home and property ownership, as well as access to financing. In cases of inheritance, male heirs receive twice the inheritance of their female counterparts. The government enforced gender segregation in many public spaces. Women must ride in a reserved section on public buses and enter some public buildings, universities, and airports through separate entrances.

The law provides that a woman who appears in public without appropriate attire, such as a cloth scarf veil (hijab) over the head and a long jacket (manteau), or a large full-length cloth covering (chador), may be sentenced to flogging and fined. Absent a clear legal definition of “appropriate attire” or of the related punishment, women were subjected to the opinions of various disciplinary and security force members, police, and judges.

Throughout the year government and security forces cracked down on peaceful nationwide protests against dress restrictions.

In January several women in Tehran and Isfahan protested the compulsory hijab law by standing on platforms, publicly removing their headscarves, and waving them like flags. They were following the example of Vida Movahed, who performed a similar act of defiance in December 2017 on Revolution Street in Tehran. Pictures of Movahed--who disappeared for a month during detention by security forces at an unknown location--performing the act went viral online. According to reports, Movahed was sentenced in March to 24 months in prison but was released on bail.

In February authorities arrested 29 women in Tehran for peacefully protesting the mandatory dress law. Prosecutor General Mohammad Jafar Montazeri was quoted downplaying the significance of the protests, calling them “childish,” “emotionally charged,” and fomented from outside the country. One of the protesters, Narges Hosseini, a sociology student, was arrested and in March sentenced to two years in prison. Maryam Shariatmadari, a computer science student, was sentenced to one year in prison for “encouraging corruption by removing her hijab.” According to media reports and Amnesty International, Shaparak Shajarizadeh fled the country after being arrested on multiple occasions, subjected to torture and beatings, and released on bail in April; she reportedly was sentenced in absentia to 20 years in
prison for peacefully protesting. According to reports, other women and some men were arrested throughout the country for similar activities.

In March, according to an HRW report, police arrested approximately 35 women who had gathered outside Azadi Stadium in Tehran seeking to watch a soccer match. In June, however, authorities allowed women and men into the same stadium to watch a live streaming of the national football team competing at the World Cup, and in October close to 100 women were allowed to attend a live match.

As noted by the former UNSR and other organizations, female athletes have been traditionally barred from participating in international tournaments, either by the country’s sport agencies or by their husbands. There were, however, cases throughout the year of female athletes being permitted to travel internationally to compete.

**Children**

The country established the National Body on the Convention on the Rights of the Child in 2012 to promote the Convention on the Rights of the Child, to which it is a signatory. The Ministry of Justice oversees the body, which reviews draft regulations and legislation relating to children’s rights.

The country last underwent a periodic panel review by the UN Committee on the Rights of the Child in 2016. The review noted many concerns, including discrimination against girls; children with disabilities; unregistered, refugee, and migrant children; and LGBTI minors.

There is a separate juvenile court system. Male juvenile detainees were held in separate rehabilitation centers in most urban areas, but female juvenile detainees and male juvenile detainees in rural areas were held alongside adults in detention facilities, according to NGO reports presented to the UN Committee on the Rights of the Child. (See section 1.c. for the situation of children held in prison with their incarcerated mothers.)

**Birth Registration:** Only a child’s father conveys citizenship, regardless of the child’s country of birth or mother’s citizenship. Birth within the country’s borders does not confer citizenship, except when a child is born to unknown parents. The law requires that all births be registered within 15 days.
Education: Although primary schooling until age 11 is free and compulsory for all, media and other sources reported lower enrollment in rural areas, especially for girls.

Children without state-issued identification cards are denied the right to education. In her March report, UNSR Jahangir noted that in Sistan va Baluchistan Province, the Cabinet of Ministers requested the Ministry of Education to issue a special card for children without birth certificates so they could attend school. As a result, more than 20,000 children who had received such cards registered for school and 19,000 were allowed to attend.

Child Abuse: There was little information available on how the government dealt with child abuse. The law states, “Any form of abuse of children and juveniles that causes physical, psychological, or moral harm and threatens their physical or mental health is prohibited,” and such crimes carry a maximum sentence of three months in confinement or 10 million rials ($235).

Early and Forced Marriage: The legal minimum age of marriage for girls is 13, but girls as young as nine years old may be married with permission from the court and their fathers. In 2017 UNICEF reported that 17 percent of girls in the country were married before reaching age 18 and that approximately 40,000 were married before 15. In her March report, UNSR Jahangir stated this number was likely higher, as thousands of underage marriages were not reported. The UNSR also previously cited statistics from the Tehran-based Association to Protect the Rights of Children, according to which 17 percent of all marriages in the country involved girls married to “old men.”

Sexual Exploitation of Children: The legal age requirements for consensual sex are the same as those for marriage, as sex outside of marriage is illegal. There are no specific laws regarding child sexual exploitation, with such crimes either falling under the category of child abuse or sexual crimes of adultery. The law does not directly address sexual molestation nor provide a punishment for it.

In July, according to media reports, a supervisor at a private boys’ school in Tehran was sentenced to 10 years in prison and 80 lashes for sexually abusing students at the school. Tehran Prosecutor Abbas Jafari Dolatabadi was reported by the press saying the parents of 15 students had complained that their children were raped or otherwise sexually abused.
According to the CHRI, the legal ambiguity between child abuse and sexual molestation could lead to child sexual molestation cases being prosecuted under adultery law. While no separate provision exists for the rape of a child, the crime of rape, regardless of the victim’s age, is potentially punishable by death.

**Displaced Children**: There were thousands of Afghan refugee children in the country, many of whom were born in Iran but could not obtain identity documents. These children were often unable to attend schools or access basic government services and were vulnerable to labor exploitation and trafficking.

In its 2016 report, the UN Committee on the Rights of the Child noted continued “allegations of abuse and ill treatment of refugee and asylum-seeking children by police and security forces.” UNHCR stated that school enrollment among refugees was generally higher outside camps and settlements, where greater resources were available.


**Anti-Semitism**

The law recognizes Jews as a religious minority and provides for their representation in parliament. According to the 2011 census, the Jewish community numbered approximately 8,700. Government officials continued to question the history of the Holocaust, and anti-Semitism remained a pervasive problem. In November President Rouhani called Israel a “cancerous tumor” and a “fake regime.”

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

**Persons with Disabilities**

In March parliament adopted the Law for the Protection of the Rights of Persons with Disabilities. According to HRW, the law increases pensions and extends
insurance coverage to disability-related healthcare services, but the new law does not explicitly prohibit discrimination. No information was available regarding authorities’ effectiveness in enforcing the law. The law prohibits those with visual, hearing, or speech disabilities from running for seats in parliament. While the law provides for government-funded vocational education for persons with disabilities, domestic news reports noted vocational centers were located only in urban areas and unable to meet the needs of the entire population.

As HRW reported, persons with disabilities remained cut off from society. They continued to face stigma and discrimination from government social workers, health-care workers, and others. Many persons with disabilities remained trapped in their homes, unable to live independently and participate in society on an equal basis. The law provides for public accessibility to government-funded buildings, and new structures appeared to comply with these standards. There were efforts to increase access for persons with disabilities to historical sites. Government buildings that predated existing accessibility standards remained largely inaccessible, and general building accessibility for persons with disabilities remained a problem. Persons with disabilities had limited access to informational, educational, and community activities. CHRI reported that refugees with disabilities, particularly children, were often excluded or denied the ability to obtain the limited state services provided by the government. CHRI also reported that, according to the director of the State Welfare Organization, 60 percent of persons with disabilities remained unemployed.

National/Racial/Ethnic Minorities

The constitution grants equal rights to all ethnic minorities, allowing minority languages to be used in the media. Article 101 of the Charter on Citizens’ Rights grants the right of citizens to learn, use, and teach their own languages and dialects. In practice minorities did not enjoy equal rights, and the government consistently barred use of their languages in school as the language of instruction.

The government disproportionately targeted minority groups, including Kurds, Ahwazis, Azeris, and Baluchis, for arbitrary arrest, prolonged detention, disappearances, and physical abuse. In its 2016 panel review on the country, the UN Committee on the Rights of the Child reported “widespread discrimination against children of ethnic minorities,” as well as “reported targeted arrests, detentions, imprisonments, killings, torture, and executions against such groups by the law enforcement and judicial authorities.”
These ethnic minority groups reported political and socioeconomic discrimination, particularly in their access to economic aid, business licenses, university admissions, job opportunities, permission to publish books, and housing and land rights.

Another widespread complaint among ethnic minority groups during the year, particularly among Ahwazis, Azeris and Lors, was that the government diverted and mismanaged natural resources, primarily water, often for the benefit of IRGC-affiliated contractors. According to reports from international media and human rights groups, these practices had devastated the local environment on which farmers and others depended for their livelihoods and well-being, resulting in forced migration and further marginalization of these communities. Throughout the year the government forcefully cracked down on environment-related protests that were largely centered in these ethnic minority communities. According to international media reports, in July the government forcefully suppressed protests over the scarcity of clean water in Khorramshahr, Khuzestan Province. Hundreds were arrested and at least four protesters were reported killed after security forces opened fire on the crowd.

The law, which requires religious screening and allegiance to the concept of “governance by the jurist,” not found in Sunni Islam, impaired the ability of Sunni Muslims (many of whom are also Baluch, Ahwazi, or Kurdish) to integrate into civic life and to work in certain fields.

Human rights organizations observed that the government’s application of the death penalty disproportionately affected ethnic minorities. Authorities reportedly subjected members of minority ethnicities and religious groups in pretrial detention repeatedly to more severe physical punishment, including torture, than other prisoners, regardless of the type of crime for which authorities accused them.

The estimated eight million ethnic Kurds in the country frequently campaigned for greater regional autonomy. The government continued to use the law to arrest and prosecute Kurds for exercising their rights to freedom of expression and association. The government reportedly banned Kurdish-language newspapers, journals, and books and punished publishers, journalists, and writers for opposing and criticizing government policies.

Authorities suppressed legitimate activities of Kurdish NGOs by denying them registration permits or bringing security charges against persons working with such
organizations. Authorities did not prohibit the use of the Kurdish language in general.

Amnesty International reported on the forced disappearances of five Kurdish men in June 2017. According to the report, Ramin Hossein Panahi, an alleged member of the Komala armed opposition group, was arrested after taking part in an armed clash with the IRGC in Sanandaj, Kurdistan Province. IRGC guards then arrested Panahi’s brother and three other relatives, none of whom were reported to be involved with the armed clashes. After Ramin Panahi was sentenced to death in January 2018, he lived under the threat of an immediate execution while imprisoned in Sanandaj Central Prison. In August CHRI reported that Panahi had sewn his lips shut and gone on a hunger strike to protest the denial of his rights by prison authorities. The UN’s special rapporteur on extrajudicial, summary, or arbitrary executions, Agnes Callamard, said that Panahi was denied access to a lawyer and a fair trial and that he was mistreated and tortured in detention. According to media reports, Panahi’s torture including severe beatings, having his fingernails removed, and his head and body subjected to electric shocks. On September 8, authorities executed Panahi, along with two cousins, Zaniar and Loghman Moradi. International NGOs widely condemned the executions, claiming the prisoners had been tortured and sentenced to death following unfair trials based on forced confessions.

In April, according to international media reports and Kurdish rights groups, there were widespread peaceful protests and demonstrations over the government’s closure of the Baneh border crossing with Iraq, a vital conduit for trade with northern Iraq’s Kurdistan region. The government had also blocked since December 2017 the passes that Kurdish porters used to carry goods back and forth across the border. Rights groups said a number of Iranian Kurds were arrested and the internet was blocked during the protests.

International human rights observers, including the IHRDC, stated that the country’s estimated two million Ahwazi Arabs, representing 110 tribes, faced continued oppression and discrimination. Ahwazi rights activists reported the government continued to confiscate Ahwazi property to use for government development projects, refusing to recognize the paper deeds of the local population from the prerevolutionary era.

In March thousands of Ahwazis gathered in Ahwaz and in cities across Khuzestan Province to protest against state-sanctioned discriminatory policies. The protests were in part triggered when IRIB excluded the community’s cultural identity in an
Iranian New Year television show that was supposed to highlight the country’s diversity. The protesters’ peaceful demands for an apology from IRIB were met by a violent crackdown from government security forces. According to reports from Ahwazi rights groups and eyewitness accounts, at least 400 Ahwazis were unjustly arrested in cities across Khuzestan Province.

Ahwazi human rights groups reported that the government rounded up hundreds of Ahwazis following the September attack on a military parade in Ahwaz (estimates reported in November ranged from 600 to more than 800 arrests), while the state-run Tasnim news agency reported the arrest of 22 in connection with the attack (see section 1.a.). Ahwazi human rights groups also reported instances of torture of detainees in the Intelligence Ministry detention center in Ahwaz.

Ethnic Azeris, who number more than 18 million, or approximately 23-25 percent of the population, were more integrated into government and society than other ethnic minority groups and included the supreme leader. Azeris reported that the government discriminated against them by harassing Azeri activists or organizers and changing Azeri geographic names.

According to international media reports and Azeri human rights groups, in July authorities arrested at least 50 Azeris days ahead of an annual gathering at Fort Babak in Eastern Azerbaijan Province and threatened others. According to reports, the government has tried to prevent thousands of Iranians, mostly Azeri speaking activists, from meeting every year at Babak Fortress to peacefully celebrate the birthday of a historic figure, Babak Khorramdin. The annual gathering has general overtones of Azeri nationalism.

Local and international human rights groups alleged discrimination during the year against the Baluchi ethnic minority, estimated at between 1.5 and two million persons. Areas with large Baluchi populations were severely underdeveloped and had limited access to education, employment, health care, and housing, and Baluchi activists reported that more than 70 percent of the population lived below the poverty line.

According to activist reports, the law limited Sunni Baluchis’ employment opportunities and political participation. Activists reported that throughout the year, the government sent hundreds of Shia missionaries to areas with large Sunni Baluch populations to try to convert the local population. According to Baluchi rights activists, Baluchi journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials. In February Baloch Activists Campaign (BAC)
told CHRI that law enforcement agents had shot and killed at least 20 ethnic Baluchis and wounded 19 while allegedly pursuing suspected traffickers in Sistan va Baluchestan Province. According to BAC, government forces acted with impunity, with little provided in terms of justification for the deaths or means of restitution provided to victims’ families.

See section 2.b. for information on mass arrests of Gonabadi Sufi dervishes.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual activity, which is punishable by death, flogging, or a lesser punishment. The law does not distinguish between consensual and nonconsensual same-sex intercourse, and NGOs reported this lack of clarity led to both the victim and the perpetrator being held criminally liable under the law in cases of assault. The law does not prohibit discrimination based on sexual orientation and gender identity.

Security forces harassed, arrested, and detained individuals they suspected of being LGBTI. In some cases security forces raided houses and monitored internet sites for information on LGBTI persons. Those accused of “sodomy” often faced summary trials, and evidentiary standards were not always met. The Iranian LGBTI activist group 6Rang noted that individuals arrested under such conditions were traditionally subjected to forced anal or sodomy examinations, which the United Nations and World Health Organization said can constitute torture, and other degrading treatment and sexual insults. Punishment for same-sex sexual activity between men was more severe than between women. UNSR Jahangir reported in March receiving reports of the continued discrimination, harassment, arbitrary arrest and detention, punishment, and denial of rights of LGBTI persons.

The government censored all materials related to LGBTI status or conduct. Authorities particularly blocked websites or content within sites that discussed LGBTI issues, including the censorship of Wikipedia pages defining LGBTI and other related topics. There were active, unregistered LGBTI NGOs in the country. Hate crime laws or other criminal justice mechanisms did not exist to aid in the prosecution of bias-motivated crimes.

The law requires all male citizens older than age 18 to serve in the military but exempts gay men and transgender women, who are classified as having mental disorders. New military identity cards listed the subsection of the law dictating the
exemption. According to 6Rang, this practice identified gay or transgender individuals and put them at risk of physical abuse and discrimination.

NGOs reported that authorities pressured LGBTI persons to undergo gender reassignment surgery.

According to a May report by 6Rang, the number of private and semigovernmental psychological and psychiatric clinics allegedly engaging in “corrective treatment” of LGBTI persons continued to grow during the year. 6Rang reported the increased use at such clinics of electric shock therapy to the hands and genitals of LGBTI persons, prescription of psychoactive medication, hypnosis, and coercive masturbation to pictures of the opposite sex. Many of these practices may constitute torture or other cruel, inhuman, or degrading treatment under international law. According to the report, one such institution is called “The Anonymous Sex Addicts Association of Iran,” with branches in 18 provinces.

**HIV and AIDS Social Stigma**

Despite government programs to treat and provide financial and other assistance to persons with HIV/AIDS, international news sources and organizations reported that individuals known to be infected with HIV/AIDS faced widespread societal discrimination. Individuals with HIV/AIDS, for example, continued to be denied employment as teachers.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides for freedom of association, but neither the constitution nor law specifies trade union rights. The law states that workers may establish an Islamic labor council or a guild at any workplace, but the rights and responsibilities of these organizations fell significantly short of international standards for trade unions. In workplaces where workers established an Islamic labor council, authorities did not permit any other form of worker representation. The law requires prior authorization for organizing and concluding collective agreements. Strikes are prohibited in all sectors, although private sector workers may conduct “peaceful” campaigns within the workplace. The law does not apply to establishments with fewer than 10 employees.
Authorities did not respect freedom of association and the right to collective bargaining, and the government did not effectively enforce applicable laws. The government severely restricted freedom of association and interfered in worker attempts to organize. Labor activism was seen as a national security offense. The law does not prohibit antiunion discrimination and does not require reinstatement of workers fired for union activity. Antiunion discrimination occurred, and the government imprisoned, harassed, and restricted the activities of labor activists.

The Interior Ministry; the Ministry of Cooperatives, Labor, and Social Welfare; and the Islamic Information Organization determined labor councils’ constitutions, operational rules, and election procedures. Administrative and judicial procedures were lengthy. The Workers’ House remained the only officially authorized national labor organization, and its leadership oversaw, granted permits to, and coordinated activities with Islamic labor councils in industrial, agricultural, and service organizations with more than 35 employees.

According to CHRI, the labor councils, which consisted of representatives of workers and a representative of management, were essentially management-run unions that undermined workers’ efforts to maintain independent unions. The councils, nevertheless, sometimes could block layoffs and dismissals. There was no representative workers’ organization for noncitizen workers.

According to international media reports, security forces continued to respond to workers’ attempts to organize or conduct strikes with arbitrary arrests and violence. As economic conditions deteriorated, strikes and worker protests were numerous and widespread across the country throughout the year, often prompting a heavy police response. Security forces routinely monitored major worksites. According to CHRI, workers were routinely fired and risked arrest for striking, and labor leaders were charged with national security crimes for trying to organize workers.

CHRI reported that following protests in previous months, in June more than 60 workers at the Iran National Steel Industrial Group in Ahwaz, Khuzestan Province, were arrested for demanding their salaries, which had not been paid in three months. The Free Workers Union of Iran characterized the actions of security forces as a “barbaric raid” in the night.

According to a CHRI report, in August security forces violently suppressed protests at the Haft Tappeh sugarcane company in the southeast. Haft Tappeh, the country’s largest sugar production plant, had been the site of ongoing protests
against unpaid wages and benefits for more than two years. Haft Tappeh’s employees, according to media reports in August, had not received any salary since May. According to CHRI, at least five workers were detained and charged with national security crimes but later released on bail following negotiations between labor representatives and judicial officials. In November, however, HRW reported that authorities had arrested all members of Haft Tappeh’s association of labor representatives, including Esmael Bakhshi and Mohsen Armand, two of the group’s prominent leaders.

According to NGO and media reports, as in previous years, a number of trade unionists were imprisoned or remained unjustly detained for their peaceful activism. Mehdi Farahi Shandiz, a member of the Committee to Pursue the Establishment of Labor Unions in Iran, continued serving a three-year sentence, having been convicted of “insulting the supreme leader” and “disrupting public order.” There were reports that Shandiz was beaten and tortured in Karaj Prison and kept for prolonged periods in solitary confinement.

The government continued to arrest and harass teachers’ rights activists from the Teachers Association of Iran and related unions. In November HRW reported on the government’s mounting crackdown against teachers participating in peaceful protests. HRW noted that the Telegram channel of the Council for Coordination among Teachers Unions reported the arrest of at least 12 teachers and the interrogation of 30 more. CHRI reported that IRGC agents arrested and beat teacher and trade union activist Mohammad Habibi in front of his students at Andisheh Technical High School in Shahriar in March. Habibi was sentenced to 10 and one-half years in prison. According to a CHRI report, Mahmoud Beheshti-Langroudi, the former spokesman for the Iranian Teachers’ Trade Association (ITTA), was incarcerated in Evin Prison in 2017 to begin serving a 14-year combined sentence for charges associated with his peaceful defense of labor rights. CHRI reported in July that Beheshti-Langroudi had commenced another hunger strike protesting his unjust sentence, the judiciary’s refusal to review his case, and the mistreatment of political prisoners.

According to reports from international media and human rights organizations, truck drivers launched nationwide strikes over low and unpaid wages throughout the year. HRANA reported that the government arrested at least 261 drivers in 19 provinces following a round of protests in September and October. The drivers were threatened with heavy sentences, and Attorney General Mohammad Jaafar Montazeri issued a public statement suggesting that those who initiated the protest should be subject to the death penalty. In October the International Transport
Workers’ Federation expressed concern over the government’s harsh crackdown on labor action by truckers across the country, including the threat of the death penalty against organizers.

Esmail Abdi, a mathematics teacher and former secretary general of ITTA, continued serving a six-year prison sentence for labor rights activism. He was arrested in 2015 and convicted in 2016 for “propaganda against the state” and “collusion against national security.” CHRI reported in April that Abdi had written a letter from Evin Prison criticizing the judiciary’s “arbitrary and illegal rulings” and “widespread violations of the rights of teachers and workers in Iran.” He decried the “criminalization of trade unions” and demanded a public trial that he had thus far been denied.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law and made no significant effort to address forced labor during the year. Conditions indicative of forced labor sometimes occurred in the construction, domestic labor, and agricultural sectors, primarily among adult Afghan men. Family members and others forced children to work.

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of minors younger than age 15 and places restrictions on employment of minors younger than 18, such as prohibiting hard labor or night work. The law does not apply to domestic labor and permits children to work in agriculture and some small businesses from the age of 12. The government did not adequately monitor or enforce laws pertaining to child labor, and child labor remained a serious problem.

In its 2016 concluding observations, the UN Committee on the Rights of the Child cited a 2003 law that exempts workshops with fewer than 10 employees from labor regulations as increasing the risks of economic exploitation of children. It also noted serious concerns with the large number of children employed under hazardous conditions, such as in garbage collection, brick kilns, and industrial workshops, without protective clothing and for very low pay.
There were reportedly significant numbers of children, especially of Afghan descent, who worked as street vendors in major urban areas. According to official estimates, there were 60,000 homeless children, although many children’s rights organizations estimated up to 200,000 homeless children. The Committee on the Rights of the Child reported that street children in particular were subjected to various forms of economic exploitation, including sexual abuse and exploitation by the public and police officers. Child labor also was used in the production of carpets and bricks. Children worked as beggars, and there were reports that criminals forced some children into begging rings. Reza Ghadimi, the managing director of the Tehran Social Services Organization, was quoted by ISNA saying that, according to a survey of 400 child laborers, 90 percent were “molested.”

In September HRANA reported a Hamedan city councilman saying 550 child dumpster divers were active in Hamedan. They were reportedly employed by contractors paid by the city and were expected to collect an average of 170 pounds of recyclables daily, while deprived of all labor rights.

d. Discrimination with Respect to Employment and Occupation

The constitution bars discrimination based on race, gender, disability, language, and social status “in conformity with Islamic criteria,” but the government did not effectively enforce these prohibitions. According to the constitution, “everyone has the right to choose any occupation he wishes, if it is not contrary to Islam and the public interests and does not infringe on the rights of others.”

Despite this constitutional provision, the government made systematic efforts to limit women’s access to the workplace. An Interior Ministry directive requires all officials to hire only secretaries of their own gender. Women remained banned from working in coffee houses and from performing music alongside men, with very limited exceptions made for traditional music. Women in many fields were restricted from working after 9 p.m. Hiring practices often discriminated against women, and the Ministry of Cooperatives, Labor, and Social Welfare guidelines stated that men should be given preferential hiring status.

e. Acceptable Conditions of Work

In March the Supreme Labor Council, the government body charged with proposing labor regulations, agreed to raise the minimum wage by 19.8 percent to approximately 11 million rials ($265) per month. There were reported complaints
that the minimum wage increase was too low in light of the plunging value of the
Iranian rial against the U.S. dollar, which is used to price day-to-day goods.

The law establishes a maximum six-day, 44-hour workweek with a weekly rest
day, at least 12 days of paid annual leave, and several paid public holidays. Any
hours worked above that total entitles a worker to overtime. The law mandates a
payment above the hourly wage to employees for any accrued overtime and
provides that overtime work is not compulsory. The law does not cover workers in
workplaces with fewer than 10 workers, nor does it apply to noncitizens.

Employers sometimes subjected migrant workers, most often Afghans, to abusive
working conditions, including below-minimum-wage salaries, nonpayment of
wages, compulsory overtime, and summary deportation without access to food,
water, or sanitation facilities during the deportation process.

According to media reports, many workers continued to be employed on temporary
contracts, under which they lacked protections available to full-time, noncontract
workers and could be dismissed at any time without cause. Large numbers of
workers employed in small workplaces or in the informal economy similarly
lacked basic protections. Low wages, nonpayment of wages, and lack of job
security due to contracting practices continued to be major drivers for strikes and
protests, which occurred throughout the year.

According to local and international media reports, thousands of teachers, truckers,
and workers from a wide variety of backgrounds and industries held largescale,
countrywide rallies and protests demanding wage increases and payment of back
wages throughout the year. Reports noted that these protests often drew a violent
response from security forces, leading to numerous arrests.

Little information was available regarding labor inspection and related law
enforcement. While the law provides for occupational health and safety standards,
the government sometimes did not enforce these standards in either the formal or
informal sectors. Workers reportedly lacked the power to remove themselves from
situations that endangered their health or safety without jeopardizing their
employment.

Labor organizations alleged that hazardous work environments resulted in the
deaths of thousands of workers annually. The state-run Iran Labor News Agency
quoted the head of the Construction Workers Association, saying every year there
were 1,200 deaths and 1,500 spinal cord injuries among construction workers,
while local media routinely reported on workers’ deaths from explosions, gas poisoning, electrocution, or similar accidents.
TAB 3
EXECUTIVE SUMMARY

The Islamic Republic of Iran is a theocratic republic with a Shia Islamic political system based on “velayat-e faqih” (“guardianship of the jurist” or “rule by the jurisprudent”). Shia clergy, most notably the “Rahbar” (“supreme jurisprudent” or “supreme leader”), and political leaders vetted by the clergy dominate key power structures.

The supreme leader is the head of state. The members of the Assembly of Experts are directly elected in popular elections, and the assembly selects and may dismiss the supreme leader. Ayatollah Ali Khamenei has held the position since 1989. He has direct or indirect control over the legislative and executive branches of government through unelected councils under his authority. The supreme leader holds constitutional authority over the judiciary, government-run media, and armed forces, and indirectly controls internal security forces and other key institutions.

While mechanisms for popular election exist for the president, who is head of government, and for the Islamic Consultative Assembly (parliament or “Majles”), the unelected Guardian Council vets candidates and controls the election process. Half of the 12-member Guardian Council is appointed by the supreme leader, while the other half is appointed by the head of the judiciary. In May voters re-elected Hassan Rouhani as president. Despite high voter turnout, candidate vetting allowed six presidential candidates to run out of 1,636 individuals who registered for the race. Restrictions on media, including censoring campaign materials and preventing prominent opposition figures from speaking publicly, limited the freedom and fairness of the elections.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included a high number of executions for crimes not meeting the international legal standard of “most serious crimes” and without fair trials of individuals, including juvenile offenders; disappearances by government agents; torture; harsh and life-threatening prison conditions; arbitrary detention and imprisonment; hundreds of political prisoners; unlawful interference with privacy; severe restrictions on freedom of expression, including criminalization of libel and suppression of virtually all expression deemed critical of the regime or its officials; severe restrictions on the press, including imprisonment of reporters, and of the internet which the government disrupted and censored, as well as on academic and cultural freedom; severe restrictions on the
rights of assembly and association to block any activity it deemed “anti-regime”, including repression of nationwide protests that began on December 28; egregious restrictions on religious freedom; refoulement of refugees; elections where the regime pre-selected the candidates and that otherwise did not meet international standards and severely limited political participation; pervasive government corruption in all branches and at all levels of government; trafficking in persons; and governmental restrictions on the rights of women and minorities. LGBTI status and/or conduct remained criminalized and subject to the death penalty and LGBTI persons faced arrest, official harassment, and intimidation, as well as cruel and degrading treatment by security officials. There were severe restrictions on independent trade unions.

The government took few steps to investigate, prosecute, punish, or otherwise hold accountable officials who committed these abuses, many of which were perpetrated as a matter of government policy. Impunity remained pervasive throughout all levels of the government and security forces.

The country materially contributed to human rights abuses in Syria, through its military support for Syrian president Bashar al-Assad and for Hizballah forces there, as well as in Iraq, through its aid to certain Iraqi Shia militia groups.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

The government and its agents reportedly committed arbitrary or unlawful killings, most commonly by execution after arrest and trial without due process, or for crimes that did not meet the international threshold of “most serious crimes.” As noted by the UN Special Rapporteur (UNSR) on the Situation of Human Rights in the Islamic Republic of Iran, Asma Jahangir, Revolutionary Courts continued to issue the vast majority of death sentences in the country, and trials lacked due process. Legal representation was denied during the investigation phase, and in most cases no evidence other than confessions, often reportedly extracted through torture, was considered.

The government made few attempts to investigate allegations of deaths that occurred after or during torture or other physical abuse or after denying detainees medical treatment. The death penalty may also be imposed on appeal, which deterred appeals in criminal cases.
In the context of the severe fair trial limitations mentioned above, there were at least 437 reported executions as of October, according to NGO Iran Human Rights Documentation Center (IHRDC). The government officially announced 70 executions through October but did not release further information on many of those executions, such as the execution dates, names of those executed, or crimes for which they were executed.

Many executions continued to be carried out in public. According to reports by the IHRDC, there were at least 26 public executions during the year at Rajai Shahr Prison in Karaj (also known as Gohardasht Prison). Reports indicated that these public executions were generally attended by hundreds of individuals, including children. The government also continued regularly to carry out mass executions. According to the NGO Iran Human Rights, at least 12 prisoners were hanged on February 15 at Rajai Shahr Prison.

The law provides for the death penalty in cases of conviction for murder, “attempts against the security of the state,” “outrage against high-ranking officials,” “moharebeh” (which has a variety of broad interpretations, including “waging war against God”), “fisad fil-arz” (corruption on earth, including apostasy or heresy), rape, adultery, drug possession and trafficking, recidivist alcohol use, consensual same-sex sexual conduct, and “insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic.”

Prosecutors frequently used moharebeh as a criminal charge against political dissidents and journalists, accusing them of “struggling against the precepts of Islam” and against the state that upholds those precepts. Authorities have expanded the scope of this to include “working to undermine the Islamic establishment” and “cooperating with foreign agents or entities.” The judiciary is required to review and validate death sentences.

The majority of executions in the country continued to be for drug-related offenses. Drug offenders, like others, continued to be executed without due process.

In August parliament passed an amendment to the 1997 Law to Combat Drugs that would raise the threshold for the death penalty for drug-related offenses. Under the amended law, capital punishment applies to the possession, sale, or transport of more than approximately 110 pounds of natural drugs, such as opium, or approximately 4.4 to 6.6 pounds of manufactured narcotics, such as heroin or cocaine. According to the old law, capital punishment applied to similar offenses.
involving slightly more than 11 pounds of natural drugs or two-thirds of a pound of manufactured drugs. Capital punishment, however, still applies to drug offenses involving smaller quantities of narcotics, if the crime is carried out using weapons, employing minors, or involving someone in a leadership role in a trafficking ring or someone who has previously been convicted of drug crimes and given a prison sentence of more than 15 years. The Guardian Council approved the law, and it went into effect on November 14.

The Islamic Penal Code allows for the execution of juvenile offenders starting at age nine for girls and age 13 for boys.

The law allows the judge to determine whether the individual understood the nature and consequences of the crime committed, potentially offering an alternative punishment to the death penalty in certain cases, although reports threw into doubt whether these alternative punishments were applied.

According to an August report by Amnesty International, 89 juvenile offenders were on death row. The government executed at least four juvenile offenders during the year, including Alireza Tajiki, who was executed in August. Tajiki was arrested in 2012 at age 15 and sentenced to death for murder. Reports noted that Tajiki’s trial was unfair and relied on “confessions” Tajiki claimed were made under duress and torture.

In August spiritual leader Mohammad Ali Taheri was sentenced to death on charges of founding a cult and “corruption on earth.” The government labelled Taheri’s movement, variously referred to as Erfan-e Halgheh or Erfan Kayhani, a “satanic” and “deviant sect.” In 2014 Taheri had been sentenced to death on similar charges, although that sentence was annulled in 2015. According to media and NGO reports, the Islamic Revolutionary Guard Corps (IRGC) also detained dozens of Taheri’s followers during the year.

Adultery remained punishable by death by stoning. According to the NGO Justice for Iran, provincial authorities have been ordered not to provide public information about stoning sentences since 2001. According to Iran Human Rights, in February a man and woman were sentenced to death by stoning by a criminal court in Lorestan Province.

Terrorist groups targeted civilians during the year. ISIS claimed responsibility for the June 7 terrorist attacks in Tehran, which killed at least 12 persons and injured
dozens more at the parliament and the mausoleum of Ayatollah Ruhollah Khomeini, the founder of the Islamic Republic of Iran.

b. Disappearance

There were reports of politically motivated abductions during the year attributed to government officials. In June, Amnesty International reported the forced disappearance on June 23-24 of five ethnic Kurdish men in Sanandaj, Kurdistan Province. Plainclothes officials often seized journalists and activists without warning, and government officials refused to acknowledge custody or provide information on them.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution prohibits all forms of torture “for the purpose of extracting confession or acquiring information,” use of physical and mental torture to coerce confessions remains prevalent, especially during pretrial detention. There were credible reports that security forces and prison personnel tortured and abused detainees and prisoners throughout the year.

Commonly reported methods of torture and abuse in prisons included threats of execution or rape, forced virginity and sodomy tests, sleep deprivation, electroshock, burnings, the use of pressure positions, and severe and repeated beatings. UNSR Jahangir highlighted reports of prisoners being subjected to blackmail, beating, and other physical abuse.

Human rights organizations frequently cited some prison facilities, including Evin Prison in Tehran and Rajai Shahr Prison in Karaj, for their use of cruel and prolonged torture of political opponents of the government, particularly Wards 209 and Two of Evin Prison, which were reportedly controlled by the IRGC. Authorities also allegedly maintained unofficial secret prisons and detention centers outside the national prison system where abuse reportedly occurred.

Judicially sanctioned corporal punishments continued. These included flogging, blinding, stoning, and amputation, which the government defends as “punishment,” not torture.

Iran Human Rights reported the case of three prisoners accused of theft having their hands amputated on September 21 at Qom Central Prison.
UNSR Jahangir reported that in January, Hossein Movahedi, a reporter in Najafabad accused of disseminating falsehoods, was flogged for inaccurately reporting the number of student-owned motorcycles impounded by the Najafabad police department.

Extrajudicial punishments involving degrading public humiliation of alleged offenders were also frequently reported throughout the year.

**Prison and Detention Center Conditions**

Prison conditions were harsh and potentially life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. Prisoner hunger strikes in protest of their treatment were frequent.

Physical Conditions: Overcrowding remained a problem in prisons with many prisoners forced to sleep on floors, in hallways, or in prison yards. The human rights NGO United for Iran, which closely monitored prison conditions, reported in June that the country’s existing prisoner population of approximately 220,000 was three times the capacity of its prisons and detention centers.

There were reported deaths in custody. The Human Rights Activists News Agency (HRANA) reported that on June 19, Fardin Faramarzi died in Sanandaj Central Prison without receiving medical care, despite repeated attempts to obtain care for an undisclosed heart condition and related severe pain.

According to IranWire, guards beat both political and nonpolitical prisoners during raids on wards, performed nude body searches in front of other prisoners, and threatened prisoners’ families. In some instances, according to HRANA, guards singled out political prisoners for harsher treatment.

Prison authorities often refused to provide medical treatment for pre-existing conditions, injuries that prisoners suffered at the hands of prison authorities, or illness due to the poor sanitary conditions in prison. Human rights organizations reported that authorities also used denial of medical care as a form of punishment for prisoners. In March the Center for Human Rights in Iran (CHRI) reported that authorities had denied medical care to Jamaloddin Khanjani and Behrouz Tavakkoli, two of the Bahai leaders imprisoned since 2008.
Medical services for female prisoners in places like Evin Prison were reported as grossly inadequate. Human rights groups highlighted the case of children’s rights activist Atena Daemi, serving a seven-year sentence in Evin Prison during the year for meeting with the families of political prisoners, criticizing the government on Facebook, and condemning the 1988 mass executions of prisoners in the country. Authorities reportedly denied Daemi treatment for kidney infections and complications from gall bladder stones, while an additional charge was brought against her for pretending to be sick.

Frequent water shortages, intolerable heat, unsanitary living spaces, and poor ventilation were regularly reported.

UNSR Jahangir and others condemned the inhuman, life-threatening conditions of Rajai Shahr Prison in Karaj following the hunger strike of numerous political prisoners that began at the end of July. Prisoners protested the sudden transfer of more than 50 political prisoners, including at least 15 Bahais, whom authorities moved without notice from Ward 12 to the prison’s high security Ward 10. Authorities reportedly deprived prisoners of medicine, adequate medical treatment, and personal belongings, and sealed prisoners’ cells with iron sheets that limited air circulation. In her statement issued on August 31, UNSR Jahangir expressed deep alarm at the deteriorating medical conditions of the political prisoners and at reports of their continued torture following the transfer.

Authorities occasionally held pretrial detainees with convicted prisoners. According to HRANA, juvenile detainees were held with adult prisoners in some prisons, including Saghez Central Prison in Kurdistan Province. Authorities held women separately from men.

Mohammad Javad Fat’hi, a member of parliament’s judicial committee, was quoted in media saying that 2,300 children were in prisons during the year with their incarcerated mothers. Fat’hi urged the Prisons Organization to provide transparent statistics on the number of imprisoned mothers. IranWire reported that multiple prisons across the country held older children who lived with their incarcerated mothers without access to medical care or educational and recreational facilities.

There were numerous reports of prisoner suicides throughout the year. According to HRANA, Saeed Naderi Gol Dareh, imprisoned in Ghezelhasar Prison in Karaj on drug-related charges, committed suicide on June 10 by ingesting chemicals.
Administration: Prisoners generally had weekly access to visitors and telephone and other correspondence privileges, but authorities often revoked these privileges. Prisoners practicing a religion other than Shia Islam reported experiencing discrimination while incarcerated. Prisoners were able to submit complaints to judicial authorities but often faced censorship and retribution.

Authorities did not initiate credible investigations into allegations of inhuman conditions. Families of executed prisoners did not always receive notification of their deaths, and authorities frequently denied them the ability to perform funeral rites.

Independent Monitoring: The government did not permit independent monitoring of prison conditions. Prisoners and their families often wrote letters to authorities and, in some cases, to UN bodies to highlight and protest their treatment. The UNSR reported that authorities sometimes threatened prisoners after accusing them of contacting her office.

In July authorities arranged a visit for representatives from numerous foreign diplomatic missions to Evin Prison. According to Amnesty International and other sources, however, the representatives were not allowed unrestricted access to the entire prison.

Prisoner hunger strikes occurred frequently at Evin Prison and elsewhere, and reports on Evin Prison’s inhuman conditions continued. These included infestations with cockroaches and mice, chronic overcrowding, poor ventilation, prisoners being forced to sleep on the floor with little bedding, and insufficient food.

For more information on treatment of political prisoners, see section 1.e., Political Prisoners and Detainees.

d. Arbitrary Arrest or Detention

Although the constitution prohibits arbitrary arrest and detention, the practices occurred frequently during the year. President Rouhani’s 2016 “Citizen’s Rights Charter” enumerates various freedoms, including “security of their person, property, dignity, employment, legal and judicial process, social security and the like.” The government has not implemented these provisions. Detainees may appeal their sentences in court but are not entitled to compensation for detention.
Role of the Police and Security Apparatus

Several agencies shared responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security and law enforcement forces under the Interior Ministry, which report to the president, and the IRGC, which reports directly to the supreme leader.

The Basij, a volunteer paramilitary group with local organizations across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country’s strict moral code, without formal guidance or supervision from superiors. The supreme leader holds ultimate authority over all security agencies.

Impunity remained a problem within all security forces. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. According to remarks from Tehran Prosecutor General Abbas Jafari-Dolatabadi, the attorney general is responsible for investigating and punishing security force abuses, but the process was not transparent, and there were few reports of government actions to discipline abusers. In a notable exception, in November authorities sentenced former Tehran prosecutor Saeed Mortazavi to two years in prison for his alleged responsibility for the torture and death of protesters in 2009.

Arrest Procedures and Treatment of Detainees

The constitution and law require a warrant or subpoena for an arrest and state that arrested persons should be informed of the charges against them within 24 hours. Authorities, however, held some detainees, at times incommunicado, for days, weeks, or months without charge or trial and frequently denied them contact with family or timely access to legal representation.

The law obligates the government to provide indigent defendants with attorneys for certain types of crimes. The courts set prohibitively high bail, even for lesser crimes, and in many cases, courts did not set bail. Authorities often compelled detainees and their families to submit property deeds to post bail, effectively silencing them due to fear of losing their families’ property.
The government continued to use house arrest without due process to restrict movement and communication. At year’s end former presidential candidates Mehdi Karroubi and Mir Hossein Mousavi, as well as Mousavi’s wife Zahra Rahnavard, remained under house arrest imposed in 2011 without formal charges. Security forces continued to restrict their access to visitors and information. In August, 79-year-old Karroubi went on a hunger strike to demand a public trial and protest the continuing presence of security guards in his house. According to reports Intelligence Ministry agents departed Karroubi’s house but continued to control access from outside. Concerns persisted over Karroubi’s deteriorating health, reportedly exacerbated by his treatment by authorities.

**Arbitrary Arrest**: Authorities commonly used arbitrary arrests to impede alleged antiregime activities. Plainclothes officers arrived unannounced at homes or offices, arrested persons, conducted raids, and confiscated private documents, passports, computers, electronic media, and other personal items without warrants or assurances of due process.

Individuals often remained in detention facilities for long periods without charges or trials, and authorities sometimes prevented them from informing others of their whereabouts for several days. Authorities often denied detainees’ access to legal counsel during this period and imposed travel bans on individuals released on bail or pending trial.

On February 23, according to a CHRI report, authorities arrested Kurdish civil rights activist Farzaneh Jalali without a warrant. They held her at an Intelligence Ministry detention center until she was released, without charge, on March 13.

Dual nationals--individuals who are citizens of both Iran and another country--continued to be targeted for arbitrary and prolonged detention on the basis of politically motivated charges during the year. Like other Iranians in similar situations, dual nationals faced a variety of due process violations, including lack of prompt access to a lawyer of their choosing and brief trials during which they were not allowed to defend themselves. In some cases courts sentenced such individuals to 10 years or more in prison, and such sentences were generally affirmed on appeal.

**Pretrial Detention**: Pretrial detention was often arbitrarily lengthy, particularly in cases involving alleged violations of national security law. In other cases authorities held persons incommunicado for lengthy periods before permitting them to contact family members. According to Human Rights Watch (HRW), a
judge may prolong detention at his discretion, and pretrial detentions often lasted for months. Often authorities held pretrial detainees in custody with the general prison population.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:**
Detainees may appeal their sentences in courts of law but are not entitled to compensation for detention and were often held for extended periods without any legal proceedings.

**e. Denial of Fair Public Trial**

The constitution provides that the judiciary be “an independent power” that is “free from every kind of unhealthy relation and connection.” The court system was subjected to political influence, and judges were appointed “in accordance with religious criteria.”

The supreme leader appoints the head of the judiciary. The head of the judiciary, members of the Supreme Court, and the prosecutor general were clerics. International observers continued to criticize the lack of independence of the country’s judicial system and judges and maintained that trials disregarded international standards of fairness.

**Trial Procedures**

According to the constitution and law, a defendant has the right to a fair trial, to be presumed innocent until convicted, to have access to a lawyer of his or her choice, and to appeal convictions in most cases that involve major penalties. These rights were not upheld.

Panels of judges adjudicate trials in civil and criminal courts. Human rights activists reported trials in which authorities appeared to have determined the verdicts in advance, and defendants did not have the opportunity to confront their accusers or meet with lawyers. The law restricts the choice of attorneys to a government-approved list for defendants charged with crimes against national security and for journalists.

When postrevolutionary statutes do not address a situation, the government advised judges to give precedence to their knowledge and interpretation of sharia (Islamic law). Under this method judges may find a person guilty based on their own “divine knowledge,” or they may issue more lenient sentences.
During the year human rights groups noted the absence of procedural safeguards in criminal trials. According to the CHRI, the government sentenced 11 Christian converts to prison during a period of less than two months in trial proceedings that lacked due process.

Courts admitted as evidence confessions made under duress or torture. In her August 14 report, the UNSR stated that the government relied on physical and mental torture to coerce confessions from prisoners during pretrial detention and interrogations. Authorities also allegedly tortured prisoners and forced them to make videotaped confessions that the government later televised.

The Special Clerical Court is headed by a Shia Islamic legal scholar, overseen by the supreme leader, and charged with investigating alleged offenses committed by clerics and issuing rulings based on an independent interpretation of Islamic legal sources. The constitution does not provide for the court, which operated outside the judiciary’s purview. Clerical courts were used to prosecute Shia clerics who expressed controversial ideas and participated in activities outside the sphere of religion, such as journalism or reformist political activities.

In November 2016 the Qom branch of the Special Clerical Court sentenced prominent cleric Hojjatoleslam Ahmad Montazeri to six years in prison for “endangering national security” and “leaking secrets of the Islamic system” after he posted audio recordings of his father, the late dissident cleric, Hossein Ali Montazeri, condemning the 1988 mass execution of political prisoners. On February 21, Montazeri was arrested to begin serving his sentence. According to reports, however, the cleric was granted furlough and released the following day, allegedly at the direction of the supreme leader.

**Political Prisoners and Detainees**

Statistics regarding the number of citizens imprisoned for their political beliefs were not available. United for Iran estimated there were 746 prisoners of conscience in the country during the year, including those jailed for their religious beliefs.

The government often charged political dissidents with vague crimes, such as “antirevolutionary behavior,” “corruption on earth,” “siding with global arrogance,” moharebeh, and “crimes against Islam.” Prosecutors imposed strict penalties on government critics for minor violations.
A 2016 political crimes law defines political crimes and provides for the treatment of political prisoners. The law defines a political crime as an insult against the government, as well as “the publication of lies.” Political crimes are those acts “committed with the intent of reforming the domestic or foreign policies of Iran,” while those with the intent to damage “the foundations of the regime” are considered national security crimes. The court and the public prosecutor’s office retain responsibility for determining the nature of the crime.

The political crimes law grants the accused certain rights during arrest and imprisonment. According to the law, political criminals should be held in detention facilities separate from ordinary criminals. They should also be exempt from wearing prison uniforms, not subject to rules governing repeat offenses, not subject to extradition, and exempt from solitary confinement unless judicial officials deem it necessary. Political criminals also have the right to see and correspond with immediate family regularly and to access books, newspapers, radio, and television.

Many of the law’s provisions have not been implemented, and the government continued to arrest and charge students, journalists, lawyers, political activists, women’s activists, artists, and members of religious minorities with “national security” crimes that do not fall under the political crimes law. Political prisoners were also at greater risk of torture and abuse in detention and often were mixed with the general prison population. The government often placed political prisoners in prisons far from their families, denied them correspondence rights, and held them in solitary confinement for long periods. Human rights activists and international media also reported cases of political prisoners confined with accused and convicted violent criminals, and with criminals carrying contagious diseases like HIV or hepatitis. Former prisoners reported that authorities often threatened political prisoners with transfer to criminal wards, where attacks were more likely.

The government reportedly held some detainees in prison for years on unfounded charges of sympathizing with alleged terrorist groups.

The government issued travel bans on some former political prisoners, barred them from working in their professional sectors for years after incarceration, and imposed internal exile on others. The government did not permit international humanitarian organizations or UN representatives access to political prisoners.
According to the CHRI, authorities sentenced Faezeh Hashemi to a six-month prison term in March for “spreading falsehoods,” “disturbing public opinion,” and “propaganda against the state,” although a final ruling was said to be pending appeal. Hashemi, the daughter of former president Akbar Hashemi Rafsanjani, is a women’s rights activist and former member of parliament.

In May 2016 a revolutionary court in Tehran sentenced prominent human rights defender and journalist Narges Mohammadi to 16 years in prison. The court charged Mohammadi with “propaganda against the state,” “assembly and collusion against national security,” and establishing the illegal “Step by Step to Stop the Death Penalty” organization, allegedly harming national security. Prison authorities repeatedly denied Mohammadi medical attention for significant health problems and denied her family visitation and telephone calls, according to media reports. In April the Supreme Court rejected Mohammadi’s request for judicial review.

The CHRI reported that on August 14, authorities sentenced women’s rights activist and photojournalist Alieh Matlabzadeh to three years in prison for participating in a women’s empowerment seminar in Tbilisi, Georgia, in 2016. Matlabzadeh, a member of the One Million Signatures for Gender Equality campaign, who made a documentary titled, Let’s Not Forget Victims of Violence against Women in Society, was arrested in November 2016 shortly after returning from Georgia.

According to the Bahai International Committee, two Bahai leaders--Mahvash Sabet and Fariba Kamalabadi--were released in September and October, respectively, after serving almost 10 years in prison. They were among seven Bahai leaders, known as the Yaran, who were arrested in 2008, convicted of “disturbing national security,” “spreading propaganda against the regime,” and “engaging in espionage,” and sentenced to 20 years in prison. Their sentences were subsequently reduced to 10 years. The other five Yaran leaders--Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli, and Vahid Tizfahm--remained imprisoned for activities related to their beliefs and the practice of their faith.

During the year authorities occasionally gave political prisoners suspended sentences and released them on bail with the understanding that renewed political activity could return them to prison. The government also tried to intimidate activists by temporarily suspending court proceedings against them, while leaving open the option of rearrest at any time. The government summoned activists
repeatedly for questioning and confiscated personal belongings such as mobile phones, laptops, and passports.

Lawyers who defended political prisoners were occasionally arrested. The government continued to imprison lawyers and others affiliated with the Defenders of Human Rights Center advocacy group. Abdolfattah Soltani, a human rights lawyer affiliated with the center, has been imprisoned since 2011, according to a recent CHRI report. He was serving a 13-year prison sentence for “being awarded the [2009] Nuremberg International Human Rights Award,” “interviewing with the media about his clients’ cases,” and “cofounding the Defenders of Human Rights Center” with Nobel Peace laureate Shirin Ebadi.

A judicial official reportedly stated that the Intelligence Ministry, as the arresting authority, opposed releasing Soltani despite his poor health and eligibility under the law for parole. Article 58 of the Islamic Penal Code specifies that prisoners may be conditionally released after serving a third of their sentence.

Civil Judicial Procedures and Remedies

Citizens had limited ability to sue the government and were not able to bring lawsuits against the government for civil or human rights violations through domestic courts.

Property Restitution

The constitution allows the government to confiscate property acquired illicitly or in a manner not in conformity with Islamic law. The government appeared to target ethnic and religious minorities in invoking this provision.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution states that “reputation, life, property, [and] dwelling[s]” are protected from trespass, except as “provided by law.” The government routinely infringed on this right. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations and internet communications, and opened mail without court authorization.

g. Abuses in Internal Conflicts
Syria: Iran, primarily through the Islamic Revolutionary Guard Corps-Quds Force, as well as Hizballah forces there, continued to support the Assad regime in Syria, thus prolonging the civil war, which has led to the deaths of hundreds of thousands of Syrian civilians. Iran provided arms, financing, and training to Syrian militias, and recruited Iraqi, Afghan, and Pakistani Shia fighters to support the Assad regime. According to HRW (see section 1.d.), the IRGC has recruited thousands of undocumented Afghans living in Iran to fight in Syria since at least 2013, allegedly both offering incentives to potential recruits, such as legal residence, and threatening forced deportation.

Child Soldiers: In an October 1 report, HRW asserted that the IRGC has recruited Afghan children as young as age 14 to fight in the Fatemiyoun Brigade, reportedly an Iranian-supported Afghan group fighting alongside government forces in Syria, and noted that at least 14 Afghan children have been killed fighting in the Syrian conflict.

Iraq: Iran directly supported certain Iraqi Shia militias, including designated foreign terrorist organization Kata’ib Hizballah, which have been complicit in summary executions and other human rights abuses of civilians in Iraq.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, except when words are deemed “detrimental to the fundamental principles of Islam or the rights of the public.” According to the law, “anyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations shall be sentenced to three months to one year of imprisonment.”

Article 26 of the 2016 Charter on Citizens’ Rights acknowledges the right of every citizen to freedom of speech and expression. The charter grants citizens the right freely to seek, receive, publish, and communicate views and information, using any means of communication, but it has not been implemented.

The law provides for prosecution of persons accused of instigating crimes against the state or national security or “insulting” Islam. The government severely restricted freedom of speech and of the press and used the law to intimidate or prosecute persons who directly criticized the government or raised human rights
problems, as well as to bring ordinary citizens into compliance with the
government’s moral code.

Freedom of Expression: Authorities did not permit individuals to criticize publicly
the country’s system of government, supreme leader, or official religion. Security
forces and the judiciary punished those who violated these restrictions, as well as
those who publicly criticized the president, cabinet, and parliament.

The government monitored meetings, movements, and communications of its
citizens and often charged persons with crimes against national security and
insulting the regime based on letters, emails, and other public and private
communications. Authorities threatened arrest or punishment for the expression of
ideas or images they viewed as violations of the legal moral code.

Former president Mohamed Khatami remained barred from giving public remarks,
and media remained banned from publishing his name or image. According to
national and international media reports, the former president was further barred in
October from making public appearances for three months, including at meetings,
theater performances, and concerts. Activists reportedly said this ban was one of
the latest signs of the continuing crackdown within the regime on reformists.

Press and Media Freedom: The government’s Press Supervisory Board issues
press licenses, which it sometimes revoked in response to articles critical of the
government or the regime, or did not renew for individuals facing criminal charges
or incarcerated for political reasons. During the year the government banned,
blocked, closed, or censored publications deemed critical of officials.

The Ministry of Culture and Islamic Guidance (“Ershad”) severely limited and
controlled foreign media organizations’ ability to work in the country by requiring
foreign correspondents to provide detailed travel plans and topics of proposed
stories before granting visas, limiting their ability to travel within the country, and
forcing them to work with a local “minder.”

Under the constitution private broadcasting is illegal. The government maintained
a monopoly over all television and radio broadcasting facilities through
government agency Islamic Republic of Iran Broadcasting. Radio and television
programming, the principal source of news for many citizens (especially in rural
areas with limited internet access), reflected the government’s political and
socioreligious ideology. The government jammed satellite broadcasts as signals
entered the country, a continuing practice since at least 2003. Satellite dishes
remained illegal but ubiquitous. Those who distributed, used, or repaired satellite dishes faced fines up to 90 million rials ($2,500). Police launched campaigns to confiscate privately owned satellite dishes throughout the country under warrants provided by the judiciary.

Under the constitution the supreme leader appoints the head of the audiovisual policy agency, a council composed of representatives of the president, judiciary, and parliament. The Ministry of Culture reviews all potential publications, including foreign printed materials, prior to their domestic release, and may deem books unpublishable, remove text, or require word substitutions for terms deemed inappropriate.

Independent print media companies existed, but the government severely limited their operations.

**Violence and Harassment:** The government and its agents harassed, detained, abused, and prosecuted publishers, editors, and journalists, including those involved in internet-based media, for their reporting. The government also harassed many journalists’ families. Reporters Without Borders (RSF) reported that the government summoned at least 10 families of foreign-based journalists during the year for interviews with intelligence officers to pressure them to “stop collaborating with enemy media.” As in previous election years, there were numerous reports of the government’s widespread crackdown on journalists in the runup to the May presidential and local elections.

In August it was widely reported that the government had frozen the assets of more than 150 BBC Persian service present-day and former staff and contributors, banning them from buying or selling property, cars, or other nonliquid assets.

In September, RSF reported at least 50 Iranian journalists based abroad had been threatened during the year, including at least 16 who received death threats. RSF noted that alleged sources used by international media in the country continued to be targeted and harassed. Mehdi Khazali, editor of the blog *Baran*, was arrested in Tehran in August for sending “false information about the government to counterrevolutionary websites based abroad and to VOA.”

Reformist journalists Issa Saharkhiz, Ehsan Mazandarani, Afarin Chitsaz, and Saman Safarzai were originally arrested in 2015 on charges of membership in “an infiltration group connected to the United States and United Kingdom.” Saharkhiz was conditionally released from prison in April after having been sentenced to
three years in August 2016 for “insulting the supreme leader” and “propagating against the state.” In October, according to an RSF report, Saharkhiz was banned from international travel.

According to the CHRI, the government sentenced Mazandarani, a reporter for reformist daily newspaper *Etemad* and the former editor of *Farhikhtegan*, to seven years’ imprisonment in April 2016 for “assembly and collusion against national security” and “propaganda against the state.” The sentence was reduced on appeal to two years in July 2016. On February 11, Mazandarani was released from prison but subsequently detained and returned to Evin Prison in March as part of the government’s crackdown on journalists in the runup to the May elections. RSF reported his release from prison on October 31.

**Censorship or Content Restrictions:** The law forbids government censorship but also prohibits dissemination of information the government considers “damaging.” During the year the government censored publications that criticized official actions or contradicted official views or versions of events. “Damaging” information included discussions of women’s rights, the situation of minorities, criticism of government corruption, and references to mistreatment of detainees.

Officials routinely intimidated journalists into practicing self-censorship. Public officials often filed criminal complaints against newspapers, and the Press Supervisory Board, which regulates media content and publication, referred such complaints to the Press Court for further action, including possible closure, suspension, and fines. According to the IHRDC, the Islamic Republic News Agency determined the main topics and types of news to be covered and distributed topics required for reporting directly to various media outlets.

According to RSF, on October 5, the Tehran prosecutor’s office for culture and media suspended *Mostaghel* (or *Independent*), a reformist daily newspaper, for publishing a photo of former prime minister Mir Hossein Mousavi, along with photos of other prime ministers from 1979-89. This action was considered a violation of an order by the High Council for National Security and Justice banning media coverage of the leaders of the 2009 protests that followed the disputed presidential election (see section 1.d., Arrest Procedures and Treatment of Detainees).

According to international and local media reports, in the runup to the May presidential election, the country’s state television censored a documentary released by President Rouhani’s campaign that showed supporters chanting for
2009 presidential candidate Mir Hossein Mousavi, who has been under house arrest since 2011. A picture of former president Mohammad Khatami, whose name and image have been banned from use in media since 2015, was also cut from the video.

**Libel/Slander Laws:** The government commonly used libel laws or cited national security to suppress criticism. According to the law, if any publication contains personal insults, libel, false statements, or criticism, the insulted individual has the right to respond in the publication within one month. By law “insult” or “libel” against the government, government representatives, or foreign officials while they are on Iranian soil, as well as “the publication of lies” with the intent to reform (but not undermine the government) are considered political crimes and subject to certain trial and detention procedures (see section 1.e.). The government applied the law throughout the year, often citing statements made in various media outlets or internet platforms that criticized the government, to arrest, prosecute, and sentence individuals for crimes against national security.

**Internet Freedom**

The government restricted and disrupted access to the internet, monitored private online communications, and censored online content. Individuals and groups practiced self-censorship online.

The Ministries of Culture and of Information and Communications Technology are the main regulatory bodies for content and internet systems in the country. The supreme leader’s office also includes the Supreme Council of Cyberspace (SCC) charged with regulating content and systems. The government collected personally identifiable information in connection with citizens’ peaceful expression of political, religious, or ideological opinion or beliefs.

According to the International Telecommunication Union, 53 percent of the population used the internet. According to the Ministry of Culture, 70 percent of youth between the ages of 15 and 29 used the internet. NGOs reported the government continued to filter content on the internet to ban access to particular sites and to filter traffic based on its content. The law makes it illegal to distribute circumvention tools and virtual private networks, and Minister of Information and Communications Technology Jahromi was quoted in the press in September saying that using circumvention tools is illegal.
The Ministry of Culture and Islamic Guidance must approve all internet service providers. The government also requires all owners of websites and blogs in the country to register with the agencies that comprise the Commission to Determine the Instances of Criminal Content (also referred to as the Committee in Charge of Determining Unauthorized Websites or Committee in Charge of Determining Offensive Content), the governmental organization that determines censoring criteria. These include the Ministry of Culture and Islamic Guidance, Ministry of Information and Communications Technology, Intelligence Ministry, and the Tehran Public Prosecutor’s Office.

Ministry of Information and Communications Technology regulations prohibit households and cyber cafes from having high-speed internet access. The government periodically reduced internet speed to discourage downloading material.

According to media reports, former minister of information and communications technology Mahmoud Vaezi announced that the government had improved methods to control the internet and had shut down a number of online platforms. According to a CHRI report in July, Vaezi vowed to “get rid” of foreign social media and described the government’s efforts to block popular foreign products like WeChat and WhatsApp.

In a June speech, Supreme Leader Khamenei emphasized the importance of the country’s National Information Network (NIN), launched in 2016 to “allow higher speeds and easier access while eliminating threats.” RSF reported that the NIN acts like an intranet system, with full content control and user identification. Authorities may disconnect this network from World Wide Web content and reportedly intended to use it to provide government propaganda, while blocking access to independently reported news or freely gathered information.

Authorities continued to block online messaging tools, such as Facebook, YouTube, and Twitter, although the government operated Twitter accounts under the names of Supreme Leader Khamenei, President Rouhani, Foreign Minister Zarif, and other government-associated officials and entities.

During the year the social media platform Telegram was widely used by government officials, activists, media organizations, and citizens, although the government restricted access to some Telegram content. In August the SCC announced new regulations requiring that all foreign social media platforms, like Telegram, move all their data to servers inside the country or risk being closed.
Telegram users in the country were harassed throughout the year for content posted through its servers. RSF reported in June that 173,000 Telegram accounts were blocked and 94 internet users, mainly Telegram users, had been arrested since the start of the year. In April, Prosecutor General Mohammad Jafar Montazeri announced that Telegram’s new voice-call option was blocked in the country because “intelligence agencies cannot monitor it.” In March, eight Telegram administrators were arrested, with no reason provided.

Government organizations, including the Basij “Cyber Council,” the Cyber Police, and the Cyber Army, which observers presumed to be controlled by the IRGC, monitored, identified, and countered alleged cyber threats to national security. These organizations especially targeted citizens’ activities on officially banned social networking websites such as Facebook, Twitter, YouTube, and Flickr, and reportedly harassed persons who criticized the government or raised sensitive social problems.

**Academic Freedom and Cultural Events**

The government significantly restricted academic freedom and the independence of higher education institutions. Authorities systematically targeted university campuses to suppress social and political activism by prohibiting independent student organizations, imprisoning student activists, removing faculty, preventing students from enrolling or continuing their education because of their political or religious affiliation or activism, and restricting social sciences and humanities curricula.

Authorities barred Bahai students from higher education and harassed those who pursued education through the unrecognized online university of the Bahai Institute for Higher Education (see the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/)).

The government maintained controls on cinema, music, theater, and art exhibits and censored those productions deemed to transgress Islamic values. The government censored or banned films deemed to promote secularism, non-Islamic ideas about women’s rights, unethical behavior, drug abuse, violence, or alcoholism.

According to the IHRDC, the nine-member film review council of the Ministry of Culture and Islamic Guidance, made up of clerics, former directors, former parliamentarians, and academics, must approve the content of every film before
production and again before screening. Films may be barred arbitrarily from screening even if all the appropriate permits were received in advance.

In January, Minister of Culture and Islamic Guidance Reza Salehi Amiri reportedly boasted about the banning of 10 films from the Tehran Fajr International Film Festival. Amiri was quoted saying that for the first time, films with “feminist and inappropriate themes” had been removed.

Officials continued to discourage teaching music in schools. Authorities considered heavy metal and foreign music religiously offensive, and police continued to repress underground concerts and arrest musicians and music distributors. The Ministry of Culture must officially approve song lyrics, music, and album covers as complying with the country’s moral values, although many underground musicians released albums without seeking such permission.

Mehdi and Hossein Rajabian and Yousef Emadi were arrested in 2013 and sentenced to six years’ imprisonment following a 15-minute trial by a revolutionary court, which found them guilty of “insulting Islamic sanctities,” “spreading propaganda against the system,” and “illegal audio-visual activities” for the distribution of unlicensed music. Authorities shut down their website, and Amnesty International reported the three were beaten and given electric shocks in detention. In June the Rajabian brothers were released, but in September, according to a CHRI report, a revolutionary court sentenced Emadi to an additional year in prison, plus two years of internal exile, for “propaganda against the state” and his alleged dissemination of information to foreign media while in Evin Prison.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution permits assemblies and marches of unarmed persons “provided they do not violate the principles of Islam.” The government restricted this right and closely monitored gatherings such as public entertainment and lectures, student and women’s meetings and protests, meetings and worship services of minority religious groups, labor protests, online gatherings and networking, funeral processions, and Friday prayer gatherings to prevent anything it considered as antiregime.
According to activists the government arbitrarily applied rules governing permits to assemble, with proregime groups rarely experiencing difficulty, while groups viewed as critical of the regime experienced harassment regardless of whether authorities issued a permit.

In January authorities charged Baktash Abtin, a poet and senior member of the Iranian Writers Association, with “propaganda against the state.” In December 2016 authorities arrested Abtin along with three others at a peaceful gathering marking the 18th anniversary of the extrajudicial killings of dissidents. Abtin was charged in connection with posting a photo on Instagram of Mazdar Zarafshan, another board member of the Iranian Writers Association arrested in December, that illustrated physical abuse by security forces.

The government cracked down on small protests that began in the city of Mashad on December 28. These protests subsequently spread across the country and included broader economic and political grievances with the nation’s leadership. According to media reports, at least two protestors were killed and hundreds were arrested as of the end of the year. Human rights organizations and media reported that the government also throttled internet speeds and restricted some social media applications in response to the protests.

**Freedom of Association**

The constitution provides for the establishment of political parties, professional and political associations, and Islamic and recognized religious minority organizations, as long as such groups do not violate the principles of freedom, sovereignty, national unity, or Islamic criteria, or question Islam as the basis of the country’s system of government. The government limited the freedom of association through threats, intimidation, the imposition of arbitrary requirements on organizations, and the arrests of group leaders and members.

The government barred teachers from commemorating International Labor Day and Teachers’ Day. Several teachers and union activists either remained in prison or were awaiting new sentences, including Mahmoud Beheshti Langroudi, Esmail Abdi, Mohammad Reza Niknejad, Mehdi Bohlooli, and Mahmoud Bagheri (see section 7.a.). The Free Union of Workers of Iran reported that intelligence officials interrogated and warned several trade unionists not to organize gatherings on May 1.

**c. Freedom of Religion**
d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions, particularly concerning migrants and women. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) with regard to refugees from Afghanistan and Iraq.

Abuse of Migrants, Refugees, and Stateless Persons

In-country Movement: Judicial sentences sometimes included internal exile after release from prison, which prevented individuals from traveling to certain provinces. Women often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for traveling alone.

Foreign Travel: The government required exit permits for foreign travel for all citizens. Citizens who were educated at government expense or received scholarships had either to repay the scholarship or receive a temporary permit to exit the country. The government restricted the foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields.

Several journalists, academics, opposition politicians, human and women’s rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during the year. Married women were not allowed to travel outside the country without prior permission from their husbands.

Exile: The law does not provide for forced exile abroad. Many citizens practiced self-imposed exile to express their beliefs freely or escape government harassment.

Protection of Refugees

According to UNHCR, the government has granted registration to 951,000 Afghan and 28,000 Iraqi refugees under a system known as “Amayesh,” through which authorities provide refugees with cards identifying them as legally registered refugees. The cards enable refugees to access basic services and facilitate the issuance of work permits.
Additionally, approximately 1.4 million “nonrefugee” Afghans held visas under a Joint Action Plan for formerly undocumented Afghans. A large number of undocumented Afghans lived in the country and were unable to register as official refugees or visa holders.

HRW and other groups reported that the government continued its mistreatment of many Afghans in Iran, including physical abuse by security forces; deportations; forced recruitment to fight in Syria (see section 1.g.); detention in unsanitary and inhuman conditions; forced payment for transportation to and accommodation in deportation camps; forced labor; forced separation from families; restricted movement within the country; and restricted access to education or jobs.

**Refoulement:** According to activist groups and NGOs, authorities routinely arrested Afghan refugees and sometimes threatened them with refoulement. According to the International Organization for Migration, from the beginning of the year to November, more than 147,000 undocumented Afghans returned to Afghanistan, with many said to have believed they were pressured to leave, while more than 232,000 had been deported there throughout the year.

**Access to Asylum:** The law provides for the granting of asylum or refugee status to qualified applicants. While the government reportedly has a system for providing protection to refugees, UNHCR did not have information regarding how the country made asylum determinations. According to HRW the government continued to block many Afghans from registering to obtain refugee status.

Afghans not registered under the Amayesh system who had migrated to Iran in the past decades of conflict in their home country continued to be denied asylum or access to register with the United Nations as refugees for resettlement. NGOs reported many of these displaced asylum seekers believed they were pressured to leave the country but could not return to Afghanistan because of the security situation in their home provinces.

**Freedom of Movement:** Refugees faced restrictions on in-country movement and faced restrictions from entering 27 provinces, according to UNHCR.

**Employment:** Only refugees with government-issued work permits as part of the Amayesh system were able to work. NGO sources reported that cards were difficult to renew and were often prohibitively expensive for refugees to maintain due to steep annual renewal fees.
Access to Basic Services: Amayesh cardholders had access to primary education and received primary health care, including vaccinations, prenatal care, maternal and child health, and family planning from the Ministry of Health. They also benefited from a universal basic health insurance package for hospitalization and paraclinical services (medicine, doctor’s visits, radiology, etc.) similar to Iranian citizens, and those with qualifying “special diseases” got comprehensive coverage.

The government claimed to grant refugees access to schools. According to a UNHCR report in June, approximately 52,000 undocumented Afghans were enrolled in the national education system for the 2016-17 year, in addition to an estimated 360,000 documented Afghan children. According to media reporting on schools for Afghan children, however, Afghans continued to have difficulty gaining access to education. The government sometimes imposed fees for children of registered refugees to attend public schools.

There were barriers to marriage between citizens and displaced Afghans. Authorities required Afghans to obtain documentation from their embassy or government offices in Afghanistan to register their marriage in the country, according to media reporting. The law states, “Any foreigner who marries an Iranian woman without the permission of the Iranian government will be sentenced to two to five years in prison plus a cash penalty.” Furthermore, authorities only considered children born from such unions eligible for citizenship if the child’s father is a citizen and registers the child as his, leaving many children stateless.

Most provinces’ residency limitations on refugees effectively denied them access to public services, such as public housing, in the restricted areas of those provinces.

Stateless Persons

There were no accurate numbers on how many stateless persons resided in the country. Stateless persons included those without birth documents or refugee identification cards. They were subjected to inconsistent government policies and relied on charities, principally domestic, to obtain medical care and schooling. Authorities prohibited stateless persons from receiving formal government support or travel documents.

Women may not directly transmit citizenship to their children or to noncitizen spouses. Only children born to Iranian mothers and non-Iranian fathers who reside
in Iran for 18 years and whose parents’ marriage is officially registered with the government are eligible to apply for citizenship. According to media reports, between 400,000 and one million persons lacked Iranian nationality despite having an Iranian citizen mother, due to limitations on citizenship transmission (see section 6, Children).

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose the president, as well as members of the Assembly of Experts and parliament, peacefully through elections based on universal suffrage. Candidate vetting conducted by unelected bodies, however, abridged this right in all instances. Reported government constraints on freedom of expression and the media; peaceful assembly; association; and the ability to freely seek, receive, and impart information and campaign also limited Iranians’ right to freely choose their representatives in elections.

The Assembly of Experts, which is composed of 86 popularly elected clerics who serve eight-year terms, elects the supreme leader, who acts as the de facto head of state and may be removed only by a vote of the assembly. The Guardian Council vets and qualifies candidates for all Assembly of Experts, presidential, and parliamentary elections based on criteria that include candidates’ allegiance to the state and Shia Islam. The council consists of six clerics appointed by the supreme leader and six jurists nominated by the head of the judiciary and approved by parliament.

There is no separation of state and religion, and certain clerics have significant influence in the government.

Elections and Political Participation

Recent Elections: Presidential and local council elections were held in May. The country’s electoral system continued to fall short of international standards for free and fair elections because of the Guardian Council’s controlling role in the political process, including determining which individuals could run for office, and in certain instances, arbitrarily removing winning candidates.

Voters re-elected Hassan Rouhani as president. The Interior Ministry announced that Rouhani won 57 percent of the votes, with a 73 percent turnout of eligible voters. The Guardian Council approved six Shia male candidates for president from a total candidate pool of 1,636 individuals (0.37 percent of total applicants).
Candidates for local elections were vetted by monitoring boards established by parliament, resulting in the disqualification of a number of applicants. Observers asserted that reformist candidates like Abdollah Momeni, Ali Tajernia, and Nasrin Vaziri, previously imprisoned for peacefully protesting the 2009 election, were not allowed to run due to their political views.

**Political Parties and Political Participation:** The constitution provides for the formation of political parties, but the Interior Ministry granted licenses only to parties deemed to adhere to the “velayat-e faqih” system of government embodied in the constitution. Registered political organizations that adhered to the system generally operated without restriction, but most were small, focused around an individual, and without nationwide membership. Members of political parties and persons with any political affiliation that the regime deemed unacceptable faced harassment, violence, and sometimes imprisonment. The government maintained bans on several opposition organizations and political parties. Security officials continued to harass, intimidate, and arrest members of the political opposition and some reformists (see section 1.e.). In her August 14 report, the UNSR noted a number of arrests and detentions of members of opposition parties in the months before the May elections.

Hengameh Shahidi, a member of the Etemad Melli (National Trust) opposition party, was arrested in March without a warrant and without being informed of the charges. Reports in May expressed concern about Shahidi’s condition while on a hunger strike in prison. Authorities reportedly released Shahidi in August.

**Participation of Women and Minorities:** Women faced significant legal, religious, and cultural barriers to political participation. According to the Guardian Council’s interpretation, the constitution bars women and persons of foreign origin from serving as supreme leader or president, as members of the Assembly of Experts, the Guardian Council, or the Expediency Council, and as certain types of judges.

The Guardian Council disqualified all 137 women who registered as candidates for the May presidential election. Almost 18,000 female candidates, or 6.3 percent of all candidates, were permitted to run for positions in the local elections.

All cabinet-level ministers were men. A limited number of women held senior government positions, including that of Vice President for Legal Affairs, Minister
of Environmental Protection, Vice President of Women and Family Affairs, and the president’s assistant for civil rights.

Practitioners of a religion other than Shia Islam are barred from serving as supreme leader or president, as well as being a member in the Assembly of Experts, Guardian Council, or Expediency Council. The law reserves five seats in parliament for members of recognized minority religious groups, although minorities may also be elected to nonreserved seats. The five reserved seats were filled by one Zoroastrian, one Jew, and three Christians. There were no non-Muslims in the cabinet or on the Supreme Court.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government implemented the law arbitrarily, sometimes pursuing apparently legitimate corruption cases against officials while bringing politically motivated charges against regime critics or political opponents. Most officials continued to engage in corrupt practices with impunity. Many expected bribes for providing routine services or received bonuses outside their regular work, and individuals routinely bribed officials to obtain permits for otherwise illegal construction.

Endowed religious charitable foundations, or “bonyads,” accounted for a quarter to a third of the country’s economy, according to some experts. Government insiders, including members of the military and clergy, ran these tax-exempt organizations, which are defined under law as charities. Members of the political opposition and international corruption watchdog organizations frequently accused bonyads of corruption. Bonyads received benefits from the government, but no government agency is required to approve their budgets publicly.

Numerous companies and subsidiaries affiliated with the IRGC engaged in trade and business activities, sometimes illicitly, including in the telecommunications, mining, and construction sectors. Other IRGC entities reportedly engaged in smuggling pharmaceutical products, narcotics, and raw materials. The domestic and international press reported that individuals with strong government connections had access to foreign currency at preferential exchange rates, allowing them to exploit a gap between the country’s black market and official exchange rates.

Corruption: On September 13, the Financial Times reported, based on information provided by an Iranian government official, that at least a dozen IRGC members
had been arrested during the year on corruption charges, while others had been forced to pay back money gained through questionable business deals.

President Rouhani’s brother, Hossein Ferydoun, was arrested in July on undisclosed corruption charges. Many observers believed the arrest of Ferydoun, one of President Rouhani’s closest advisers, was politically motivated.

**Financial Disclosure:** Regulations require government officials, including cabinet ministers and members of the Guardian Council, Expediency Council, and Assembly of Experts, to submit annual financial statements to the government inspectorate. Little information was available on whether the government effectively implemented the law, whether officials obeyed the law, or whether financial statements were publicly accessible.

In March parliamentarian Mahmood Sadeghi, citing a report by the National Organization of Investigations, announced that the judiciary had paid more than $75 million in extra salaries and bonuses to its employees in violation of the law. The *Iran Newspaper*, which published Sadeghi’s remarks, reported in July that a court had charged the newspaper with “spreading lies with the purpose of incitement,” despite the fact that the newspaper had apparently taken the remarks from parliament’s official website. Shortly afterwards Sadeghi tweeted that he had been indicted by Tehran’s prosecutor for the speech.

**Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

The government restricted the operations of and did not cooperate with local or international human rights NGOs investigating alleged violations of human rights. The government restricted the work of domestic activists and often responded to their inquiries and reports with harassment, arrests, online hacking, and monitoring of individual activists and organization workplaces.

By law NGOs must register with the Ministry of Interior and apply for permission to receive foreign grants. Independent human rights groups and other NGOs faced continued harassment because of their activism, as well as the threat of closure by government officials following prolonged and often arbitrary delays in obtaining official registration.

During the year the government prevented some human rights defenders, civil society activists, journalists, and scholars from traveling abroad. Human rights
activists reported intimidating telephone calls, threats of blackmail, online hacking attempts, and property damage from unidentified law enforcement and government officials. Government officials sometimes harassed and arrested family members of human rights activists. Courts routinely suspended sentences of human rights activists, leaving open the option for authorities to arrest or imprison individuals arbitrarily at any time on the previous charges.

In her report and statements throughout the year, UNSR Jahangir expressed concern about the arrest, arbitrary detention, and sentencing of human rights defenders, student activists, journalists, and lawyers. She noted acts of intimidation and reprisals in detention, including torture and mistreatment, as well as reports of reprisals against human rights defenders for engaging the UNSR and cooperating with other UN mechanisms.

According to NGO sources, including HRW and Amnesty International, the government’s rights record and its level of cooperation with international rights institutions remained poor. The government continued to deny requests from international human rights NGOs to establish offices in or to conduct regular investigative visits to the country. The most recent visit of an international human rights NGO was by Amnesty International in 2004 as part of the European Union’s human rights dialogue with the country.

The United Nations or Other International Bodies: The government continued to deny repeated requests by the UNSR on the situation of human rights in Iran to visit the country during the year.

On November 14, for the 15th consecutive year, the UN General Assembly adopted a resolution expressing serious concern about the country’s continuing human rights violations. The resolution repeated its call for the country to cooperate with UN special mechanisms, citing the government’s failure to approve any request from a UN thematic special procedures mandate holder to visit the country in more than a decade. It drew attention to the government’s continued failure to allow the UNSR into the country to investigate human rights abuses despite repeated requests. The most recent visit by a UN human rights agency to the country was in 2005.

Government Human Rights Bodies: The High Council for Human Rights, headed by Mohammad Javad Larijani, is part of the judicial branch of the government and lacks independence. The council continued to defend the imprisonment of high-profile human rights defenders and political opposition leaders, despite domestic
and international pressure. Larijani continued to call for an end to the position of the UNSR. There was no information available on whether the council challenged any laws or court rulings during the year.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape is illegal and subject to strict penalties, including death, but it remained a problem. The law considers sex within marriage consensual by definition and, therefore, does not address spousal rape, including in cases of forced marriage.

Most rape victims likely did not report the crime because they feared retaliation or punishment for having been raped, including charges of indecency, immoral behavior, or adultery, the last of which carries the death penalty. Rape victims also feared societal reprisal or ostracism.

For a conviction of rape, the law requires four Muslim men or a combination of three men and two women or two men and four women, to have witnessed a rape. A woman or man found making a false accusation of rape is subject to 80 lashes.

The law does not prohibit domestic violence. Authorities considered abuse in the family a private matter and seldom discussed it publicly.

An August report by the CHRI referenced a study presented at the nongovernmental Imam Ali Foundation’s May conference in Tehran on violence against women in the country, according to which 32 percent of women in urban areas and 63 percent in rural areas had been victims of domestic violence. In March a government official was quoted saying that 11,000 cases of domestic abuse had been registered by the National Welfare Organization.

Female Genital Mutilation/Cutting (FGM/C): The law criminalizes FGM/C and states, “the cutting or removing of the two sides of female genitalia leads to ‘diyeh’ (financial penalty or blood money) equal to half the full amount of ‘diyeh’ for the woman’s life.”

FGM was reportedly most common in Hormozgan Province and also practiced in Kurdistan, Kermanshah, and West Azerbaijan provinces. According to a Radio Farda report in February, 46 percent of women in Kermanshah Province and 31
percent in West Azerbaijan Province had undergone FGM. Traditional midwives were said to perform approximately 98 percent of the mutilations.

Other Harmful Traditional Practices: There were no official reports of killings motivated by “honor” or other harmful traditional practices during the year, although human rights activists reported that such killings continued to occur, particularly among rural and tribal populations.

The law reduces punitive measures for fathers and other family members who are convicted of murder or physically harming children in domestic violence or “honor killings.” If a man is found guilty of murdering his daughter, the punishment is between three and 10 years in prison rather than the normal death sentence or payment of “diyeh” for homicide cases.

Sexual Harassment: The law addresses sexual harassment in the context of physical contact between men and women and prohibits physical contact between unrelated men and women. There was no reliable data on the extent of sexual harassment, but women and human rights observers reported that sexual harassment was the norm in many workplaces. There were no known government efforts to address this problem.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The constitution provides for equal protection for women under the law in conformity with its interpretation of Islam. The government did not enforce the law, and provisions in the law, particularly sections dealing with family and property law, discriminate against women.

Women may not transmit citizenship to their children or to a noncitizen spouse. The government does not recognize marriages between Muslim women and non-Muslim men, irrespective of their citizenship. The law states that a virgin woman or girl wishing to wed needs the consent of her father or grandfather or the court’s permission.

The law permits a man to have as many as four wives and an unlimited number of “sigheh” (temporary wives), based on a Shia custom under which couples may
enter into a limited-time civil and religious contract, which outlines the union’s conditions.

A woman has the right to divorce if her husband signs a contract granting that right; cannot provide for his family; has violated the terms of their marriage contract; or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. The law recognizes a divorced woman’s right to part of shared property and to alimony. These laws were not always enforced.

The law provides divorced women preference in custody for children up to age seven, but fathers maintain legal guardianship rights over the child and must agree on many legal aspects of the child’s life (such as issuing travel documents, enrolling in school, or filing a police report). After the child reaches the age of seven, the father is granted custody unless he is proven unfit to care for the child.

Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences. Islamic law retains provisions that equate a woman’s testimony in a court of law to half that of a man’s and value a woman’s life as half that of a man’s. According to the law, the “diyeh” (blood money) paid in the death of a woman is half the amount paid in the death of a man, with the exception of car accident insurance payments.

Women have access to primary and advanced education. According to media reports during the year, women gaining admission to universities nationwide outnumbered men by 13 percent. Quotas and other restrictions nonetheless limited women’s admissions to certain fields and degree programs.

As UNSR Jahangir reported during the year, women’s participation in the job market remained as low as 16 percent. Women were said to earn 41 percent less than men for the same work. Unemployment among women in the country was twice as high as it was among men.

Women continued to face discrimination in home and property ownership, as well as access to financing. In cases of inheritance, male heirs receive twice the inheritance of their female counterparts. The government enforced gender segregation in many public spaces. Women must ride in a reserved section on public buses and enter some public buildings, universities, and airports through separate entrances.
The law provides that a woman who appears in public without appropriate attire, such as a cloth scarf veil ("hijab") over the head and a long jacket ("manteau"), or a large full-length cloth covering ("chador"), may be sentenced to flogging and fined. Absent a clear legal definition of "appropriate attire" or of the related punishment, women were subjected to the opinions of various disciplinary and security force members, police, and judges.

February media reports stated that morality police beat and detained a 14-year-old girl for wearing ripped jeans. Authorities released the girl and her friends only after they signed pledges promising to dress modestly.

In September, according to media and reporting from human rights groups, women were barred from attending a World Cup qualifying match in Tehran between Iran and Syria. Female Syrian fans were present, and a protest outside Azadi stadium ensued.

As noted by the UNSR and other organizations, several Iranian female athletes were also barred from participating in international tournaments, either by the country’s sport agencies or by their husbands.

The ability of civil society organizations to fight for and protect women’s rights was significantly challenged by judicial harassment, intimidation, detention, and smear campaigns.

Children

The country established the National Body on the Convention on the Rights of the Child in 2012 to promote the Convention on the Rights of the Child, to which it is a signatory. The body, which reviews draft regulations and legislation relating to children’s rights, is overseen by the Ministry of Justice.

The country last underwent a periodic panel review by the UN Committee on the Rights of the Child in January 2016. The review noted many concerns, including discrimination against girls; children with disabilities; unregistered, refugee, and migrant children; and lesbian, gay, bisexual, transgender, and intersex (LGBTI) minors.

There is a separate juvenile court system. Male juvenile detainees were held in separate Rehabilitation Centers in most urban areas, but female juvenile detainees and male juvenile detainees in rural areas were held alongside adults in detention.
facilities, according to NGO reports presented to the UN Committee on the Rights of the Child.

**Birth Registration:** Only a child’s father conveys citizenship, regardless of the child’s country of birth or mother’s citizenship. Birth within the country’s borders does not confer citizenship, except when a child is born to unknown parents. The law requires that all births be registered within 15 days.

**Education:** Although primary schooling until age 11 is free and compulsory for all, media and other sources reported lower enrollment in rural areas, especially for girls.

In December 2016 Deputy Labor Minister Ahmad Meydari was quoted saying that 130,000 children had been left out of the country’s education system that year. A CHRI report in July noted that it was unclear whether the number cited by Meydari included children without Iranian citizenship. Children without state-issued identification cards are denied the right to education.

**Child Abuse:** There was little information available on how the government dealt with child abuse. The law states, “Any form of abuse of children and juveniles that causes physical, psychological, or moral harm and threatens their physical or mental health is prohibited,” and such crimes carry a maximum sentence of three months in confinement or 10 million rials ($275). The law does not directly address sexual molestation nor provide punishment for it. In March a government official stated that 12,000 cases of child abuse had been registered by the National Welfare Organization, but the time frame for the cases was not clear.

**Early and Forced Marriage:** The legal minimum age of marriage for girls is 13, but girls as young as nine years old may be married with permission from the court and their fathers. In 2016 UNICEF reported that 17 percent of girls in the country were married before reaching age 18. NGOs reported that many families did not register underage marriages, indicating the number may be higher.

In her March 17 report, UNSR Jahangir cited statistics from the Tehran-based Association to Protect the Rights of Children, according to which 17 percent of all marriages in the country involved girls married to “old men.”

**Sexual Exploitation of Children:** The legal age requirements for consensual sex are the same as those for marriage, as sex outside of marriage is illegal. There are
no specific laws regarding child sexual exploitation, with such crimes either falling under the category of child abuse or sexual crimes of adultery.

According to the CHRI, the legal ambiguity between child abuse and sexual molestation could lead to child sexual molestation cases being prosecuted under adultery law. While no separate provision exists for the rape of a child, the crime of rape, regardless of the victim’s age, is potentially punishable by death.

**Displaced Children:** There are thousands of Afghan refugee children in the country, many of whom were born in Iran but could not obtain identity documents. These children were often unable to attend schools or access basic government services and were vulnerable to labor exploitation and trafficking.

In its January 2016 report, the UN Committee on the Rights of the Child noted continued “allegations of abuse and ill treatment of refugee and asylum-seeking children by police and security forces.” UNHCR stated that school enrollment among refugees was generally higher outside camps and settlements, where greater resources were available.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s Annual Report on International Parental Child Abduction at travel.state.gov/content/childabduction/en/legal/compliance.html.

**Anti-Semitism**

The law recognizes Jews as a religious minority and provides for their representation in parliament. According to the 2011 census, the Jewish community numbered approximately 8,700. Siamak Moreh Sedgh is the Jewish member of parliament. Officials continued to question the history of the Holocaust, and anti-Semitism remained a pervasive problem.

According to human rights organizations, unidentified assailants vandalized two synagogues in the city of Shiraz on December 24-25 (see the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/).

** Trafficking in Persons**
Persons with Disabilities

The law generally prohibits discrimination by government actors against persons with disabilities but does not apply to private actors. No information was available regarding authorities’ effectiveness in enforcing the law. The law prohibits those with visual, hearing, or speech disabilities from running for seats in parliament. While the law provides for government-funded vocational education for persons with disabilities, according to domestic news reports vocational centers were only located in urban areas and unable to meet the needs of the entire population.

The law provides for public accessibility to government-funded buildings, and new structures appeared to comply with these standards. There were efforts to increase the access of persons with disabilities to historical sites. Government buildings that predated existing accessibility standards remained largely inaccessible, and general building accessibility for persons with disabilities remained a problem. Persons with disabilities had limited access to informational, educational, and community activities.

National/Racial/Ethnic Minorities

The constitution grants equal rights to all ethnic minorities, allowing minority languages to be used in the media. Article 101 of the Charter on Citizens’ Rights grants the right of citizens to learn, use, and teach their own languages and dialects. In practice, minorities did not enjoy equal rights, and the government consistently barred use of their languages in school as the language of instruction.

The government disproportionately targeted minority groups, including Kurds, Ahvazis, Azeris, and Baluchis, for arbitrary arrest, prolonged detention, and physical abuse. In its January 2016 panel review on the country, the UN Committee on the Rights of the Child reported “widespread discrimination against children of ethnic minorities,” as well as “reported targeted arrests, detentions, imprisonments, killings, torture, and executions against such groups by the law enforcement and judicial authorities.”

These ethnic minority groups reported political and socioeconomic discrimination, particularly in their access to economic aid, business licenses, university
admissions, job opportunities, permission to publish books, and housing and land rights.

The law, which requires religious screening and allegiance to the concept of “velayat-e faqih,” not found in Sunni Islam, impaired the ability of Sunni (many of whom are also Baluch, Ahvazi, or Kurdish) to integrate into civic life and to work in certain fields.

Human rights organizations observed that the government’s application of the death penalty disproportionately affected ethnic minorities. In pretrial detention authorities reportedly repeatedly subjected members of minority ethnicities and religious groups to more severe physical punishment, including torture, than other prisoners, regardless of the type of crime for which authorities accused them.

Amnesty International reported on the forced disappearances of five Kurdish men on June 23-24. According to the report, Ramin Panahi, a member of the Komala armed opposition group, was arrested after taking part in an armed clash with the IRGC in Sanandaj, Kurdistan Province. IRGC guards then arrested Panahi’s brother and three other relatives, none of whom were reported to be involved with the armed clashes.

The estimated eight million ethnic Kurds in the country frequently campaigned for greater regional autonomy. The government continued to use the law to arrest and prosecute Kurds for exercising their rights to freedom of expression and association. The government reportedly banned Kurdish-language newspapers, journals, and books and punished publishers, journalists, and writers for opposing and criticizing government policies.

Authorities suppressed legitimate activities of Kurdish NGOs by denying them registration permits or bringing security charges against persons working with such organizations. Authorities did not prohibit the use of the Kurdish language in general.

Amnesty International reported that on May 12, authorities released Mohammad Sediq Kaboudvand from Evin Prison. The government originally arrested Kaboudvand in 2007 and sentenced him to 10 years in prison for “acting against national security” and “propaganda against the state.” According to the CHRI, authorities continually denied medical treatment or furlough to Kurdish women’s activist Zeinab Jalalian, despite her need for surgery. Jalalian was serving a life sentence for “enmity against God.”
International human rights observers, including the IHRDC, stated that the country’s estimated two million Ahvazi Arabs, representing 110 tribes, faced continued oppression and discrimination. Ahvazi rights activists reported the government continued to confiscate Ahvazi property to use for government development projects, refusing to recognize the paper deeds of the local population from the prerevolutionary era.

In June, 13 activists were reportedly arrested in Ahvaz as they gathered to celebrate Eid al-Fitr on the day before an annual protest for Arab ethnic rights. The activists had planned to walk to the homes of political prisoners and the families of those who have been unjustly executed. Officials also prevented the demonstrations planned for the next day, which had been held since 2005.

Ethnic Azeris, who numbered approximately 13 million, or 16 percent of the population, were more integrated into government and society than other ethnic minority groups and included the supreme leader. Azeris reported that the government discriminated against them by harassing Azeri activists or organizers, and changing Azeri geographic names.

According to a CHRI report in February, authorities arrested four Azeris and charged them with “forming an illegal group” and “assembly and collusion against national security” for peaceful activism on International Mother Language Day. Alireza Farshi was sentenced to 15 years in prison and two years in exile, while Akbar Azad, Behnam Sheikhi, and Hamid Manafi were sentenced to 10 years in prison and two years in exile. The activists were reportedly opposing a government ban on the teaching of Turkish alongside Persian in schools.

Local and international human rights groups alleged discrimination during the year against the Baluchi ethnic minority, estimated at between 1.5 and two million persons. Areas with large Baluchi populations were severely underdeveloped and had limited access to education, employment, health care, and housing, and Baluchi activists reported that more than 70 percent of the population lived below the poverty line.

According to activist reports, the law limited Sunni Baluchis’ employment opportunities and political participation. Activists reported that throughout the year, the government sent hundreds of Shia missionaries to areas with large Sunni Baluch populations to try to convert the local population. According to Baluchi
rights activists, Baluchi journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity, which is punishable by death, flogging, or a lesser punishment. The law does not distinguish between consensual and nonconsensual same sex intercourse, and NGOs reported this lack of clarity led to both the victim and the perpetrator being held criminally liable under the law in cases of assault. The law does not prohibit discrimination based on sexual orientation and gender identity.

Security forces harassed, arrested, and detained individuals they suspected of being gay or transgender. In some cases security forces raided houses and monitored internet sites for information on LGBTI persons. Those accused of “sodomy” often faced summary trials, and evidentiary standards were not always met. Punishment for same-sex sexual activity between men was more severe than between women.

According to international and local media reports, on April 13 at least 30 men suspected of homosexual conduct were arrested by IRGC agents at a private party in Isfahan Province. The agents reportedly fired weapons and used electric Tasers during the raid. According to the Canadian-based nonprofit organization Iranian Railroad for Queer Refugees, those arrested were taken to Dastgerd Prison in Isfahan, where they were led to the prison yard and told they would be executed. The Iranian LGBTI activist group 6Rang noted that, following similar raids, those arrested and similarly charged were subjected to forced “anal” or “sodomy” tests and other degrading treatment and sexual insults.

The government censored all materials related to LGBTI issues. Authorities particularly blocked websites or content within sites that discussed LGBTI issues, including the censorship of Wikipedia pages defining LGBTI and other related topics. There were active, unregistered LGBTI NGOs in the country. Hate crime laws or other criminal justice mechanisms did not exist to aid in the prosecution of bias-motivated crimes.

The law requires all male citizens over age 18 to serve in the military but exempts gay and transgender women, who are classified as having mental disorders. New military identity cards listed the subsection of the law dictating the exemption.
According to 6Rang this practice identified the men as gay or transgender and put them at risk of physical abuse and discrimination.

The government provided transgender persons financial assistance in the form of grants of up to 45 million rials ($1,240) and loans up to 55 million rials ($1,500) to undergo gender reassignment surgery. Additionally, the Ministry of Cooperatives, Labor, and Social Welfare required health insurers to cover the cost of such surgery. Individuals who undergo gender reassignment surgery may petition a court for new identity documents with corrected gender data, which the government reportedly provided efficiently and transparently. NGOs reported that authorities pressured LGBTI persons to undergo gender reassignment surgery.

**HIV and AIDS Social Stigma**

Despite government programs to treat and provide financial and other assistance to persons with HIV/AIDS, international news sources and organizations reported that individuals known to be infected with HIV/AIDS faced widespread societal discrimination. Individuals with HIV/AIDS, for example, continued to be denied employment as teachers.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides for freedom of association, but neither the constitution nor law specifies trade union rights. The law states that workers may establish an Islamic labor council or a guild at any workplace, but the rights and responsibilities of these organizations fell significantly short of international standards for trade unions. In workplaces where workers established an Islamic labor council, authorities did not permit any other form of worker representation. The law requires prior authorization for organizing and concluding collective agreements. Strikes are prohibited in all sectors, although private sector workers may conduct “peaceful” campaigns within the workplace. The law does not apply to establishments with fewer than 10 employees.

Authorities did not respect freedom of association and the right to collective bargaining, and the government did not effectively enforce applicable laws. The government severely restricted freedom of association and interfered in worker attempts to organize. Labor activism was seen as a national security offense. The law does not prohibit antiunion discrimination and does not require reinstatement.
of workers fired for union activity. Antiuınon discrimination occurred, and the
government imprisoned, harassed, and restricted the activities of labor activists.

The Interior Ministry, the Ministry of Cooperatives, Labor, and Social Welfare,
and the Islamic Information Organization determined labor councils’ constitutions,
operational rules, and election procedures. Administrative and judicial procedures
were lengthy. The Workers’ House remained the only officially authorized
national labor organization, and its leadership oversaw, granted permits to, and
coordinated activities with Islamic labor councils in industrial, agricultural, and
service organizations with more than 35 employees.

According to the CHRI, the labor councils, which consisted of representatives of
workers and a representative of management, were essentially management-run
unions that undermined workers’ efforts to maintain independent unions. The
councils, nevertheless, sometimes could block layoffs and dismissals. Human
rights organizations reported that employers routinely fired labor activists for trade
union activities. There was no representative workers’ organization for noncitizen
workers.

According to international media reports, security forces continued to respond to
workers’ attempts to organize or conduct strikes with arbitrary arrests and
violence. Strikes and worker protests often prompted a heavy police response, and
security forces routinely monitored major worksites. According to the CHRI,
workers were routinely fired and risked arrest for striking, and labor leaders were
charged with national security crimes for trying to organize workers.

According to reports from UNSR Jahangir, a number of trade unionists were
imprisoned during the year for their peaceful activism, including Mehdi Farahi
Shandiz, a member of the Committee to Pursue the Establishment of Labor Unions
in Iran, who in March was transferred to a remote prison in Qazvin Province.
Shandiz continued serving a three-year sentence, having been convicted of
“insulting the supreme leader” and “disrupting public order.”

Many others faced lengthy sentences for peaceful trade union activities, including
Mahmoud Salehi, a member of the Coordinating Committee to Help Form
Workers’ Organizations in Iran, and Jafar Azimzadeh and Shapour Ehsanirad from
the Free Union of Workers of Iran.

The government continued to arrest and harass teachers’ rights activists Teachers
Association (see section 2.b., Freedom of Association). According to a CHRI
report, Mahmoud Beheshti-Langroudi, the former spokesman for the Iranian Teachers’ Trade Association (ITTA), was incarcerated in Evin Prison in September to begin serving a 14-year combined sentence for charges associated with his peaceful defense of labor rights. He commenced a hunger strike in September demanding a public trial, which at year’s end he had not received.

Esmail Abdi, a mathematics teacher and former secretary general of ITTA, continued serving a six-year prison sentence for labor rights activism. He was arrested in 2015 and convicted in 2016 for “propaganda against the state” and “collusion against national security.” The CHRI reported in October the judiciary had declined a request to review Abdi’s prison sentence.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law and made no significant effort to address forced labor during the year. Conditions indicative of forced labor sometimes occurred in the construction, domestic labor, and agricultural sectors, primarily among adult Afghan men. Family members and others forced children to work.

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of minors under age 15 and places restrictions on employment of minors under age 18, such as prohibiting hard labor or night work. The law does not apply to domestic labor and permits children to work in agriculture and some small businesses from the age of 12. The government did not adequately monitor or enforce laws pertaining to child labor, and child labor remained a serious problem.

In its January 2016 concluding observations, the UN Committee on the Rights of the Child cited a 2003 law that exempts workshops with fewer than 10 employees from labor regulations as increasing the risks of economic exploitation of children. It also noted serious concerns with the large number of children employed under hazardous conditions, such as in garbage collection, brick kilns, and industrial workshops, without protective clothing and for very low pay.
There were reportedly significant numbers of children, especially of Afghan descent, detained as street vendors in major urban areas. According to several social media sources, Tehran’s gubernatorial office arrested more than 300 child laborers on Tehran’s streets over the first half of September, including many Afghan children. The Afghan children were reportedly sent to a camp on the border with Afghanistan. On September 22, the Iranian Students’ News Association quoted the head of the Welfare Organization’s Social Affairs Department in Tehran saying that 255 child laborers had been handed over to welfare centers from September 4 to 22 and that a similar practice had been followed during the first three months of the year.

The Committee on the Rights of the Child reported that street children in particular were subjected to various forms of economic exploitation, including sexual abuse and exploitation by the public and police officers. Child labor also reportedly was used in the production of carpets. Children worked as beggars, and there were reports that criminals forced some children into begging rings.

d. Discrimination with Respect to Employment and Occupation

The constitution bars discrimination based on race, gender, disability, language, and social status “in conformity with Islamic criteria,” but the government did not effectively enforce these prohibitions. According to the constitution, “everyone has the right to choose any occupation he wishes, if it is not contrary to Islam and the public interests, and does not infringe on the rights of others.”

Despite this constitutional provision, the government made systematic efforts to limit women’s access to the workplace. An Interior Ministry directive required all officials to hire only secretaries of their own gender. Women remained banned from working in coffee houses and from performing music alongside men, with very limited exceptions made for traditional music. Women in many fields were restricted from working after 9 p.m. Hiring practices often discriminated against women, and the Ministry of Cooperatives, Labor, and Social Welfare guidelines stated that men should be given preferential hiring status.

On August 23, guidelines were reportedly posted on the Education Ministry’s website with discriminatory recommendations disqualifying, among others, persons with disabilities and persons based on their appearance from being hired as teachers. Following heavy criticism on social media, the guidelines were removed. The Education Ministry’s human resources director was quoted as saying the
guidelines were under review and that a new draft, without many of the disqualifications, would soon be published.

e. Acceptable Conditions of Work

The Supreme Labor Council, the government body charged with proposing labor regulations, agreed in March to raise the minimum wage by 14.5 percent to approximately 9.29 million rials ($255) per month. There were reported complaints that the minimum wage did not rise in proportion to the existing living wage threshold (estimated to be 24.8 million rials ($680) for a family of three and one-half members to meet basic needs, including such essentials as shelter, nutrition, and clothing) and that the wage protections afforded by the law had once again been violated.

According to media reports, this was one of the lowest minimum-wage increases in the country over the last 10 years and failed to keep pace with inflation. Domestic labor organizations published reports stating workers’ purchasing power has eroded during the past few years as yearly increases in the minimum wage have continually failed to keep pace with inflation.

The law establishes a maximum six-day, 44-hour workweek with a weekly rest day, at least 12 days of paid annual leave, and several paid public holidays. Any hours worked above that total entitles a worker to overtime. The law mandates a payment above the hourly wage to employees for any accrued overtime, and provides that overtime work is not compulsory. The law does not cover workers in workplaces with fewer than 10 workers, nor does it apply to noncitizens.

Employers sometimes subjected migrant workers, most often Afghans, to abusive working conditions, including below-minimum-wage salaries, nonpayment of wages, compulsory overtime, and summary deportation without access to food, water, or sanitation facilities during the deportation process.

According to media reports, many workers continued to be employed on temporary contracts under which they lacked protections available to full-time, noncontract workers and could be dismissed at any time without cause. Large numbers of workers employed in small workplaces or in the informal economy similarly lacked basic protections. Low wages, nonpayment of wages, and lack of job security due to contracting practices continued to be major drivers for strikes and protests.
In March teachers reportedly held countrywide rallies demanding wage increases. Separately, a report by Radio Zamaneh in September highlighted continuing protests by workers and pensioners over delayed wages, saying that such labor protests have become frequent in Tehran and other cities. The report cited state statistics that there were 1,600 labor protests in Tehran in 2016.

Little information was available regarding labor inspection and related law enforcement. While the law provides for occupational health and safety standards, the government sometimes did not enforce these standards in either the formal or informal sectors. Workers reportedly lacked the power to remove themselves from situations that endangered their health or safety without jeopardizing their employment.

Labor organizations alleged that hazardous work environments resulted in the deaths of thousands of workers annually. In May the Mehr News Agency published a report calling Iran “one of the most accident-prone countries in the world” for workers. The following day, on May 3, a coalmine explosion claimed the lives of at least 40 workers and injured dozens of others, according to a CHRI report.
Country Policy and Information Note
Iran: Sexual orientation and gender identity or expression

Version 3.0
June 2019
Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the basis of claim section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, in general:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), Researching Country Origin Information – Training Manual, 2013. Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.
Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s pages of the gov.uk website.
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1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state and/or non-state actors because of the person’s actual or perceived sexual orientation and/or gender identity or expression.

1.2 Points to note

1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex persons, as well as those perceived as such. They are referred hereafter collectively as ‘LGBTI persons’, although the experiences of each group may differ. However, no specific information amongst the sources consulted referred to intersex persons.

1.2.2 Decision makers must also refer to the Asylum Instructions on Sexual Identity Issues in the Asylum Claim and Gender identity and expression, including intersex issues in asylum claims.

2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status. Decision makers must also refer to the Asylum Instructions on Sexual Identity Issues in the Asylum Claim and Gender identity and expression, including intersex issues in asylum claims.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

2.2 Refugee convention reason

2.2.1 LGBTI persons in Iran form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question is whether the particular person will face a real risk of persecution on account of their membership of such a group.
2.2.3 For further guidance on particular social groups, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.3 Exclusion

2.3.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.3.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on Exclusion: Article 1F of the Refugee Convention and the Asylum Instruction on Restricted Leave.

2.4 Assessment of risk

a. General points

2.4.1 Paragraphs 82 and 35 of the determination of the Supreme Court’s ruling in HJ (Iran) and HT (Cameroon) v Secretary of State for the Home Department [2010] UKSC 31 has set out the approach to take and established the test that should be applied when assessing such a claim.

2.4.2 For further information, see the Asylum Policy Instructions on Sexual orientation in asylum claims and Gender identity and expression, including intersex issues in asylum claims.

b. State treatment of LGB Persons

2.4.3 The Islamic Penal Code (IPC) criminalizes same-sex sexual relations. Punishments range from lashes to the death penalty. It varies for gay men according to whether the accused was the active or passive partner and can also depend on their marital status. A fourth conviction can also lead to the death penalty. Lesbians if convicted will receive 100 lashes or may also be subject to the death penalty on their fourth conviction (see Legal context).

2.4.4 Because of a scarcity of reliable information it is extremely difficult to determine whether those charged and executed for same-sex conduct are in fact members of Iran’s LGB community or those who are being framed by the government as being gay. It is equally difficult to confirm the frequency of executions for same-sex conduct although there are indications it may be decreasing (see Treatment by and attitudes of state authorities).

2.4.5 In practice, Iran’s security forces – including police and the Basij [morality police] – rely upon discriminatory laws to harass, arrest and detain those they suspect of being lesbian, gay and bisexual. LGB persons face a variety of abuse by government authorities including beatings, verbal assaults, rape, sexual assault and torture (Treatment by and attitudes of state authorities).

2.4.6 Reports also indicate that the government is expanding forced “corrective treatment” of LGB persons (see Treatment by and attitudes of state authorities).

2.4.7 The state makes it difficult for any human rights NGOs to register and operate in Iran and there were no reports of active NGOs advocating for LGBTI persons (see LGBT groups, civil society and human rights NGOs).
c. State treatment of transgender and intersex persons

2.4.8 The law defines transgender persons as mentally ill. Whilst the government does provide some financial assistance to undergo sex reassignment surgery, some LGB persons have been advised and reportedly also forced or coerced to undergo sex reassignment surgery to avoid legal and social consequences due to their gender-identity. Undergoing sex reassignment surgery against the person’s will amounts to persecution (see Legal context).

2.4.9 Failure to be certified as transsexual and undergo gender reassignment surgery risks the person being identified as a homosexual. They will be at real risk of being targeted for discrimination, arbitrary arrest and detention, torture and other forms of ill-treatment. Such treatment will similarly amount to persecution.

2.4.10 Iran’s security forces often harassed and abused transgender persons whom they considered to be homosexual (Treatment by and attitudes of state authorities).

d. Societal treatment of LGBTI persons

2.4.11 In general Iranian society does not accept LGBTI persons. Many find themselves subject to familial violence, societal discrimination, abuse, harassment and in some cases physical attacks. Lesbians in particular were vulnerable to “honour” killings and abandonment by their families. There are no criminal justice mechanisms to prosecute those accused of hate crimes against members of the LGB community (see Societal attitudes and treatment).

2.4.12 Transgender persons also face the risk of harassment, discrimination and physical attacks (see Societal attitudes and treatment).

e. Conclusion

2.4.13 In general, LGBTI persons who openly express their sexual orientation and/or gender identity or expression are likely to face discrimination, ill-treatment and prosecution from state actors as well as discrimination and ill-treatment from societal actors which, by its nature and repetition, is likely to amount to persecution. In addition, if an LGBTI person does not live openly as such, and a material reason for this is the fear of persecution that would follow if they lived openly, then they should also be considered as a refugee.

2.4.14 Each case, however, needs to be considered on its facts, with the onus on the person to demonstrate that they face such a risk.

2.4.15 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.4.16 Decision makers must also refer to the Asylum Instructions on Sexual orientation in asylum claims and Gender identity issues in the asylum claim.
2.5 Protection

2.5.1 Where a person has a well-founded fear of persecution from the state, they will not be able to obtain protection of the authorities.

2.5.2 Where a person has a well-founded fear of persecution from a non-state actor, decision makers must assess whether the state can provide effective protection.

2.5.3 As stated above the Iranian security forces harass, arrest and detain those suspected of being LGBTI and there are no laws that protect against anti-LGBTI violence. Those that have been subject to violence and/or threats are unwilling to report these assaults to the authorities out of fear that they would themselves be charged with a criminal act.

2.5.4 As a result, the state appears able but unwilling to offer effective protection and the person will not be able to avail themselves of their protection.

2.5.5 A person’s reluctance to seek protection does not necessarily mean that effective protection is not available. Decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.

2.5.6 See also the country policy and information note on Iran country policy and information note: Background information including actors of protection and internal relocation.

2.5.7 For further guidance on internal relocation on assessing the availability of effective protection see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.6 Internal relocation

2.6.1 Where a person has a well-founded fear of persecution from the state, they will not be able to internally relocate to escape that risk.

2.6.2 Where a person has a well-founded fear of persecution from a non-state actor, decision makers should consider each case on its individual circumstances to ascertain if the threat is local and could be removed by internal relocation.

2.6.3 Some evidence suggests that homosexual and bisexual persons who do not openly reveal their sexual orientation and keep a low profile are able to move freely within society.

2.6.4 Internal relocation will not be an option if it depends on the person concealing (or exercising reserve in the expression of) their sexual orientation and/or gender identity in the proposed new location for fear of persecution.

2.6.5 See also the country policy and information note on Iran country policy and information note: Background information including actors of protection and internal relocation.

2.6.6 For further guidance on considering internal relocation and the factors to be considered, see the Asylum Instruction on Assessing Credibility and Refugee Status.
2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).
Country information

Section 3 updated: 01 April 2019

3. Legal context

3.1 Penal Code

3.1.1 A report entitled ‘Breaking the Silence – Digital media and the struggle for LGBTQ rights in Iran’ written by Small Media, an organisation working to support internet freedom and human rights advocacy in the Middle East and Africa, noted the following:

‘The Iranian Penal Code (IPC), originally adopted in 1991 and amended in 2013, is the primary body of law related to the administration of justice in Iran. Contained within its five books are the collection of articles forbidding same-sex sexual relations and mandating severe punishments for citizens who violate the law.

‘The IPC distinguishes between a number of different types of sexual acts, which are each prescribed different punishments. Punishments for passive partners are more severe than for active partners, although active partners can also face the death penalty if they are a non-Muslim caught having sex with a Muslim.’

3.1.2 The Iranian Lesbian and Transgender Network, known as ‘6Rang’, also stated the following in a December 2017 report entitled “‘It’s a great honor to violate homosexuals’ rights”–Official hate speech against LGBT people in Iran’:

‘Iran’s Islamic Penal Code criminalizes same-sex sexual conducts with penalties ranging from flogging to the death penalty (Articles 233-240). These penalties also apply to children under the age of 18 as the age of criminal responsibility in Iran is nine lunar years for girls and 15 lunar years for boys (Article 147).’

3.1.3 Furthermore, the US State Department’s Country report on Human Rights Practices for 2018 in Iran (‘the USSD Iran 2018 HRP report’), published 14 March 2019, stated:

‘The law criminalizes consensual same-sex sexual activity, which is punishable by death, flogging, or a lesser punishment. The law does not distinguish between consensual and nonconsensual same sex intercourse, and NGOs reported this lack of clarity led to both the victim and the perpetrator being held criminally liable under the law in cases of assault. The law does not prohibit discrimination based on sexual orientation and gender identity.’

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1 Small Media, ‘Breaking the Silence’, May 2018, url
2 6Rang, ‘Official hate speech against LGBT people in Iran’, December 2017, url
3.2 Punishments

3.2.1 The main types of punishment are covered in Book One, Part Two, Chapter One of the Iranian Penal Code:

‘Article 14– Punishments provided in this law are divided into four categories:

’(a) Hadd
’(b) Qisas
’(c) Diya
’(d) Ta’zir

‘Article 15– Hadd is a punishment for which the grounds for, type, amount and conditions of execution are specified in holy Shari’a.

‘Article 16– Qisas is the main punishment for intentional bodily crimes against life, limbs, and abilities which shall be applied in accordance with Book One of this law.

‘Article 17– Diya, whether fixed or unfixed, is monetary amount under holy Shari’a which is determined by law and shall be paid for unintentional bodily crimes against life, limbs and abilities or for intentional crimes when for whatever reason qisas is not applicable.

‘Article 18– Ta’zir is a punishment which does not fall under the categories of hadd, qisas, or diya and is determined by law for commission of prohibited acts under Shari’a or violation of state rules. The type, amount, conditions of execution as well as mitigation, suspension, cancellation and other relevant rules of ta’zir crimes shall be determined by law. In making decisions in ta’zir crimes, while complying with legal rules, the court shall consider the following issues:

’(a) The offender’s motivation and his/her mental and psychological conditions when committed the crime

’(b) Method of committing the crime, extent of a breach of duty and its harmful consequences

’(c) Conduct of the offender after committing the crime

’(d) The offender’s personal, family, and social background and the effect of the ta’zir punishment on him/her’.4

3.2.2 A full English Translation of Book One and Book Two of the new Islamic Penal Code (IPC) of 2013 can be found on the Iran Human Rights Documentation Center Website.5

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3.3 Livat (Sodomy)

3.3.1 Article 233 of the Iranian Penal Code defines Livat as ‘penetration of a man’s sex organ (penis), up to the point of circumcision, into another male person’s anus’.

3.3.2 Article 234 of the IPC lays out the punishment for Livat and highlights the differences in treatment for the active and passive partner:

‘Article 234 - The hadd punishment for livat shall be the death penalty for the insertive/active party if he has committed livat by using force, coercion, or in cases where he meets the conditions for ihsan [see Note 2 for definition]; otherwise, he shall be sentenced to one hundred lashes. The hadd punishment for the receptive/passive party, in any case (whether or not he meets the conditions for ihsan) shall be the death penalty.

‘Note 1- If the insertive/active party is a non-Muslim and the receptive/passive party is a Muslim, the hadd punishment for the insertive/active party shall be the death penalty.

‘Note 2- Ihsan is defined as a status that a man is married to a permanent and pubescent wife’.

3.4 Tafkhiz

3.4.1 Article 235 of the IPC defines tafkhiz as ‘putting a man’s sex organ (penis) between the thighs or buttocks of another male person’. A proviso to Article 235 states that if penetration does not reach the point of circumcision, the sex act is considered to be tafkhiz.

3.4.2 The punishment for tafkhiz is laid out in Article 236 of the IPC. Unlike livat, there is no distinction between the active and passive partner. Punishment remains the same for both men regardless of whether one partner is married or whether one is forced to engage in the act. If found guilty of tafkhiz, both partners shall be sentenced to one hundred lashes. However, the only exception to this is when the active partner is a non-Muslim and the passive partner is a Muslim. When this is the case the non-Muslim active partner will be sentenced to death.

3.5 Musaheqeh

3.5.1 Article 238 of the IPC defines musaheqeh as ‘where a female person puts her sex organ on the sex organ of another person of the same sex’.

3.5.2 Article 239 of the IPC states that the punishment for musaheqeh is one hundred lashes. Article 240 indicates that there is no variance in punishment between active or passive parties, between Muslim and non-Muslims or married or unmarried individuals. Furthermore, there is also no difference in

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punishment for people who have been forced into engaging in the sexual act\textsuperscript{10}.

\section*{3.6 Punishment for other same-sex sexual acts}

\subsection*{3.6.1 Other sexual acts are discussed in Article 237 of the IPC. According to this Article, in addition to sodomy and tafkhiz, other homosexual acts such as kissing and touching for pleasure are forbidden as well.\textsuperscript{[\ldots]} they are punishable by 31 to 74 lashes. This provision applies to both men and women. Shari'a law does not specify punishments for crimes falling under this category. Therefore, the punishment of lashes provided in the IPC is referred to as a ta'zir punishment\textsuperscript{11}.}

\section*{3.7 Death penalty on the fourth conviction}

\subsection*{3.7.1 Article 136 of the IPC states that any person convicted for the fourth time of any crime in the hadd category will be sentenced to death, provided that after each conviction he or she has been accordingly flogged. With the exception of the passive partner in sodomy, who will be executed after the first punishment, Article 136 means that an active partner in sodomy, a man convicted of tafkhiz, and a woman convicted of mosaheqeh may be put to death after their fourth conviction. This repeat-offender scheme, however, does not apply to those convicted of "other same-sex sexual acts" such as kissing and touching for pleasure\textsuperscript{12}.}

\section*{3.8 Transgender persons}

\subsection*{3.8.1 A report produced by OutRight Action International in October 2016 titled ‘Being Transgender in Iran’ stated the following:}

‘The Iranian government officially uses the term “gender identity disorder” to describe trans people.

‘Although the medicalization of issues related to gender identity has allowed for some legal recognition for members of the trans community, it has also reinforced the stigma rooted in the notion that trans individuals suffer from psychological and sexual disorders and require treatment to become “normal.”

‘Asked by a reporter if trans experiences are considered a mental disease, Dr. Mahdi Saberi, a psychologist with the LMO [Legal Medicine Organization], said,

“‘Yes, it is. But I must clarify that I do not mean that it is a severe mental disorder that causes the person to commit bizarre acts. There are a wide variety of mental disorders, some are very subtle and hard to diagnose…

\textsuperscript{10} IHRDC, ‘Books 1 & 2 of the New Islamic Penal Code’, 4 April 2014, \url{url}
\textsuperscript{11} IHRDC, ‘Denied Identity’, 7 November 2013, \url{url}
\textsuperscript{12} IHRDC, ‘Denied Identity’, 7 November 2013, \url{url}
Gender identity disorder is among those disorders that may not be diagnosed for a long time."

‘[...]Since the state and many members of the medical community see being trans as a disease, they regard trans experience as a condition to be “cured” through medical transition processes such as hormone replacement therapy and surgery. As Dr. Cohanzad, the author of Purgatory of the Body: Surgeon’s Memoirs of Transsexuals in Iran puts it: “Transsexuality is not curable by psychotherapy. Those who claim otherwise are utterly uneducated. Gender identity disorder is only treatable by surgery.”'"13

3.8.2 The USSD Iran 2018 HRP report stated the following: ‘The law requires all male citizens over age 18 to serve in the military but exempts gay and transgender women, who are classified as having mental disorders.’14

3.8.3 The OutRight Action report mentioned previously also stated: ‘…the exemption of trans individuals from military service is mentioned under “Chapter 5: Psychiatric Diseases,” which covers mental and psychological conditions such as schizoaffective disorder, delusional disorder, or schizophrenia, and certain intellectual and developmental disabilities.’15

4. Treatment by and attitudes of state authorities

4.1 Gay men and lesbians

4.1.1 The USSD Iran 2018 HRP report noted that:

‘Security forces harassed, arrested, and detained individuals they suspected of being LGBTI. In some cases security forces raided houses and monitored internet sites for information on LGBTI persons. Those accused of “sodomy” often faced summary trials, and evidentiary standards were not always met. The Iranian LGBTI activist group 6Rang noted that individuals arrested under such conditions were traditionally subjected to forced anal or sodomy examinations, which the United Nations and World Health Organization said can constitute torture, and other degrading treatment and sexual insults. Punishment for same-sex sexual activity between men was more severe than between women. UNSR Jahangir reported in March receiving reports of the continued discrimination, harassment, arbitrary arrest and detention, punishment, and denial of rights of LGBTI persons.

‘The government censored all materials related to LGBTI status or conduct. Authorities particularly blocked websites or content within sites that discussed LGBTI issues, including the censorship of Wikipedia pages defining LGBTI and other related topics...Hate crime laws or other criminal justice mechanisms did not exist to aid in the prosecution of bias-motivated crimes.’16

13 OutRight, ‘Being Transgender in Iran’, October 2016, url
15 OutRight, ‘Being Transgender in Iran’, October 2016, url
4.1.2 The report goes on to state:

‘According to a May report by 6Rang, the number of private and semigovernmental psychological and psychiatric clinics allegedly engaging in “corrective treatment” of LGBTI persons continued to grow during the year. 6Rang reported the increased use at such clinics of electric shock therapy to the hands and genitals of LGBTI persons, prescription of psychoactive medication, hypnosis, and coercive masturbation to pictures of the opposite sex. Many of these practices may constitute torture or other cruel, inhuman, or degrading treatment under international law.’

4.1.3 The Iranian Lesbian & Transgender Network (6Rang) looked at various official statements from members of the Iranian authorities in relation to gay and lesbian individuals between 2011 and 2017. The report published in December 2017 entitled “It’s a great honor to violate homosexuals’ rights” – Official hate speech against LGBT people in Iran’ published in December 2017 produced the following conclusion:

‘In Iran, LGBT people…are frequently subjected to harassment, discrimination, arbitrary arrests and detention, torture and other ill-treatment[…] If they are convicted of engaging in consensual same-sex sexual conducts, they may also face penalties ranging from flogging to the death penalty.

‘As part of their catalogue of human rights abuses based on sexual orientation and gender identity, the Iranian authorities consistently make hateful statements that demean and dehumanize people based on their sexual orientation. Homosexual people are regularly described in official statements and state media outlets as “immoral”, “corrupt”, “Animalistic”, “subhuman”, “sick” and “diseased”. They are also accused of collusion in Western-orchestrated Zionist conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.’

4.1.4 A March 2017 article by The Guardian entitled ‘Where are the most difficult places in the world to be gay or transgender?’ stated: ‘Iran’s leaders describe homosexuality as “moral bankruptcy” or “modern western barbarism”. Amnesty International estimates that 5,000 gays and lesbians have been executed there since the 1979 Iranian revolution. Although it is less common now, it still occurs.’

4.1.5 On 2 August 2016, Amnesty International reported that a 19 year old male named Hassan Afshar was executed on 18 July 2016 after being convicted of “lavat-e be onf” (forced male to male anal intercourse) in early 2015. The report stated:

‘Hassan Afshar was arrested in December 2014 after the authorities received a complaint accusing him and two other youths of forcing a teenage boy to have sexual intercourse with them. Hassan Afshar maintained that the

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18 6Rang, ‘Official hate speech against LGBT people in Iran’, December 2017, [url]
19 The Guardian, ‘Most difficult places in the world to be gay or transgender’, 1 May 2017 [url]
sexual acts were consensual and that the complainant’s son had willingly
engaged in same-sex sexual activities before.\textsuperscript{20}

4.1.6 A press release on the incident by Amnesty International stated:

‘In Iran, men and boys who engage in same-sex anal intercourse face
different punishments under Iranian criminal law depending on whether
they’re the “active” or “passive” partners and whether their conduct is
classified as consensual or non-consensual.

‘If deemed consensual the “passive” partner faces a death sentence. The
“active” partner, however, is sentenced to death only if he is married or if he
is not a Muslim and the “passive” partner is a Muslim. If the intercourse is
deemed non-consensual, the “active” partner receives the death penalty but
the “passive” partner is exempted from punishment and treated as a victim.

‘This legal framework risks creating a situation where a willing “passive”
partner of anal intercourse may feel compelled, when targeted by the
authorities, to characterise their consensual sexual activity as rape in order
to avoid the death penalty.’\textsuperscript{21}

4.1.7 Amnesty International\textsuperscript{22} and a number of other sources, including NBC
News\textsuperscript{23}, also reported on the execution of Alireza Tajiki in August 2017, a 21
year old who was sentenced to death after being found guilty of ‘forced
male-to-male anal intercourse’ and murder.

4.1.8 In January 2019 the Daily Mail reported that Iran executed a 31 year old man
for violating its anti-gay laws. The news article stated:

‘Iran has publicly hanged a 31-year-old man after finding him guilty of
violating its anti-gay laws and kidnapping two children.

‘The unnamed man was hanged on January 10 in the southern Iranian city of
Kazeroon after being charged with having gay sex - a crime punishable by
death under the country's strict Sharia law.

‘The Iranian Student's News Agency reported that the man had kidnapped
two 15-year-old boys - although it is not immediately clear whether the gay
sex charges relate to their kidnapping.’\textsuperscript{24}

4.1.9 The execution was also covered by other sources including Fox News\textsuperscript{25} and
the independent organisation called Iran Human Rights (IHR)\textsuperscript{26}.

4.1.10 OutRight Action International’s report on Iran’s sodomy law- ‘Reading
between the lines’ dated 14 August 2012 noted:

‘Given the legal ambiguity of Iran’s penal code on rape and child sexual
abuse, and considering the fact that in most publicized cases, the alleged
perpetrators of rape and/or child abuse are also found guilty of sodomy, it is

\textsuperscript{20} Amnesty International, ‘Hanging shows disregard for international law’, 2 August 2017, url
\textsuperscript{21} Amnesty International, ‘Iran hangs teenage student’, 3 August 2016, url
\textsuperscript{22} Amnesty International, ‘Update: Alireza Tajiki’, 12 January 2018, url
\textsuperscript{23} NBC News, ‘Iran executes Alireza Tajiki’, 10 August 2017, url
\textsuperscript{24} Daily Mail, ‘Iran hangs man for violating anti-gay laws and kidnapping’, 28 January 2019, url
\textsuperscript{25} Fox News, ‘Iran hangs man on anti-gay charge’, 1 February 2019, url
\textsuperscript{26} IHR, ‘Iran Executions: Man Hanged in Public’, 10 January 2019, url
not possible to determine whether the convicted people are truly guilty of sexual offenses, or are being penalized for being homosexuals. Furthermore, in the case of Iran [...], it is difficult to know whether those accused of sodomy are really gay or being framed by the government as gay. Not surprisingly, in recent cases documented by International Gay and Lesbian Human Rights Commission (IGLHRC), Iranian authorities have made no effort to publicly present the required four male witnesses needed for conviction – thus lending to our suspicions that their current practice really is to rid society of lesbians and gay men and promote fear.'

4.1.11 According to the findings of Justice for Iran (JFI) & the Iranian Lesbian and Transgender Network (6Rang) report ‘Pathologizing Identities, Paralyzing Bodies: Human Rights Violations Against Gay, Lesbian and Transgender People in Iran’ published in June 2014:

‘Almost every lesbian, gay and transgender interviewee who did not conform to culturally approved models of femininity and masculinity told JFI & 6R that they lived in fear of being sexually assaulted and raped by members of the police and Basij. For several of them, this fear had unfortunately come true.

‘[...]Since 2007, there have been several confirmed reports of state-led raids on private parties followed by mass arrest and detention of those suspected of “homosexuality”. Detainees are reported to have been beaten, and subjected to other cruel, inhuman or degrading treatments or punishments, including anal examinations by medical doctors without consent. In many cases, intelligence forces are believed to have carried out the raids while in at least one case in the western city of Kermanshah, the intelligence unit of the Revolutionary Guards took responsibility for the raid.’

4.1.12 A 2018 report produced by the ‘Iranian Railroad for Queer Refugees’ group stated the following:

‘LGBT Iranians may feel compelled to conceal their sexual identity because the government has made extensive efforts to set up semi-official and vigilante organizations mandated to preserve “public morality.” For example, the Social Protection Division created in late 2004 recruits unemployed ex-military draftees to uphold its aim to control “the social ills of every neighborhood and region,” as well as “deviant individuals.” These divisions report serious moral offenses to the “disciplinary forces of the judiciary” for further action.

‘Further government regulations related to public morality and homosexuality came into effect in 2007. Iran’s security forces, including the police and paramilitary known as the Militia - have relied upon the aforementioned discriminatory laws to harass, arrest, and detain allegedly queer individuals. The incidents often occur in parks and cafes, but Human Rights Watch has documented cases in which security forces have raided homes and

monitored Internet sites for the purpose of detaining people they suspected of gender and sexual nonconformity.\textsuperscript{29}

4.1.13 The same source also stated that ‘LGBT Iranians have also reported accounts of physical and psychological abuse during detention - including the threat and use of torture – in order to extract confessions as evidence of homosexual conduct to be adduced in Iranian criminal trials\textsuperscript{30}


‘…homosexual and bisexual persons who do not openly reveal their sexual orientation and keep a low profile are able to move freely within society. In Iran, it often happens that persons of the same sex live together, and this is not necessarily associated with homosexuality. This is especially true for the larger cities where there is a greater anonymity.

In the past, there have been regular raids on meeting places for homosexual persons. But with the rise of social media and online dating, these groups have shifted their activities to gay-oriented chat rooms and dating sites. Authorities now condone public meetings between homosexual persons in specific locations. Even places that were known to the authorities as venues where gay sex is provided for money (e.g. certain baths) were left undisturbed during the reporting period.

In larger cities in particular, the authorities do not pursue a policy that aims to fight homosexuality “with fire and sword”. However, according to a confidential source, authorities would intervene immediately once there is activism or if they believe that some activities might give Iran a bad name abroad.

As far as can be ascertained, all investigative services, i.e. the Basij, the IRGC [Islamic Revolutionary Guard Corps] and the intelligence services are mandated to pursue homosexual activities. According to a source, it is known that the Basij are those who most actively seek to pursue people engaging in homosexual activities. The majority of arrests relating to homosexuality take place at private home parties. Initially, these arrests would be justified on grounds of illegal alcohol consumption, dress code violations and “debauchery”. This has not changed during the reporting period.

A number of interviews with persons accused of homosexual behaviour seem to show that the authorities use harsh measures during arrests and interrogations. Intimidation, blackmailing, incommunicado detention, rape, torture, coercion to sign (false) confessions and extrajudicial punishments such as flogging are widely practiced during detention and interrogation. In most cases, authorities try to press the detainee to make a confession of

\textsuperscript{29} IRFQR, ‘Iranian Queer Watch Report’, 2018, url
\textsuperscript{30} IRFQR, ‘Iranian Queer Watch Report’, 2018, url
homosexual conduct and/or to reveal the identity of other homosexual persons.'\(^{31}\)

4.1.15 A 2016 report produced by OutRight Action entitled ‘Being Lesbian in Iran’ stated:

‘In addition to the restrictions on their rights as women, lesbians in Iran face further restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance. This double discrimination contributes significantly to the abuses they face. Lesbians face arbitrary arrest and detention, and they suffer further human rights violations at the hand of police while in detention, ranging from homophobic assaults to physical torture.

‘Given the legal ban on same-sex relations among women in Iran, the possibility of arrest and legal punishment, including jail sentence and flogging, by authorities remains a reality for Iranian lesbians.’\(^{32}\)

4.1.16 The same 2016 report by Outright Action also stated: ‘There are no reliable statistics on the number of arrests, imprisonments and floggings of LGBTIQ people—including lesbians—in Iran, as victims often avoid reporting their experiences due to fear and social stigma.’\(^{33}\)

4.1.17 The May 2018 report entitled ‘Breaking the Silence – Digital media and the struggle for LGBTQ rights in Iran’ written by Small Media also stated:

‘[V]erifying human rights reports remains an enormous challenge for international human rights monitoring organisations. This does not only extend to executions; the state’s harassment of LGBTQ citizens through lower level ‘public decency’ laws is also difficult to catalogue and advocate for at the international level, in large part owing to LGBTQ community members’ fears of drawing unnecessary attention to themselves and their sexual orientation or gender identity.’\(^{34}\)

4.2 Transgender persons

4.2.1 An article published in March 2017 by The Guardian looked at the treatment of transgender persons in Iran. It stated:

‘The government’s treatment of the transgender community is not so black and white. Since 1983, when Ayatollah Khomeini issued a fatwa permitting the acceptance of transgender people in society, sex reassignment surgery has been available and Iranians can take out loans for the surgery. In fact, except for Thailand, Iran carries out more sex reassignment operations than any other country in the world. It’s a double edged sword for some in the LGBT community though – the operations have become a controversial solution for gay men trying to reconcile their faith with their sexuality and the

\(^{31}\) Accord, ‘Iran: LGBTI persons: COI Compilation’ page 67, December 2015, [url](https://example.com)

\(^{32}\) OutRight, ‘Being Lesbian in Iran’, 2016, [url](https://example.com)

\(^{33}\) OutRight, ‘Being Lesbian in Iran’, 2016, [url](https://example.com)

\(^{34}\) Small Media, ‘Breaking the Silence’, May 2018, [url](https://example.com)
government refuses to recognise transgender people who don’t want surgery.’

4.2.2 A report produced by Quartz in April 2017 stated that after the aforementioned fatwa was passed:

‘Trans people were no longer discussed as or thought of as deviants, but as having a medical illness (gender identity disorder) with a cure (sex reassignment surgery).

‘“The Iranian government doesn’t recognize being trans as a category per se, rather they see trans individuals as people with psychosexual problems, and so provide them with a medical solution,” says Kevin Schumacher, a Middle East and North Africa expert with OutRight Action International, a global LGBTIQ-rights organization. The policy is based on Islamic notions that gender is binary and that social responsibilities should be split between men and women. “If you’re born a man and your body is a female then in order to protect you and the wellbeing of society,” says Schumacher says, “the government is responsible for fixing the issue.”

4.2.3 OutRight Action International’s 2016 report on transgender people in Iran stated the following in their executive summary:

‘The Islamic Republic of Iran conceptualizes trans people through the clinical framework of gender identity disorder (GID) and, in response, provides limited subsidized support to specific forms of transition-related healthcare - including gender confirmation surgery (GCS), hormone replacement therapy (HRT), and various forms of psychosocial counseling.

‘Although the medicalization of issues related to gender identity has allowed for some legal recognition for members of the trans community, it has also reinforced the stigma rooted in the notion that trans individuals suffer from psychological and sexual disorders and require treatment to become “normal.”

‘Iranian law allows for the legal recognition of trans individuals’ gender identity; however, such recognition is only granted to individuals officially diagnosed with GID and upon their successful completion of a long process of legal and medical gender transition. The government’s position has led some observers to conclude that Iran is progressive on trans rights. While there are positive aspects to the government’s policies, trans Iranians continue to face serious discrimination and abuse in both law and practice, and they are rarely treated as equal members of society.

‘Iranian law fails to recognize the gender identity of any trans individual who is not granted access, does not wish, or cannot afford to pursue GCS. This deprives many of legal recognition and renders them particularly vulnerable to harassment and discrimination. The law utterly fails to recognize transgender individuals who do not desire medical intervention or may wish to decide for themselves which medical procedures are right for them.’

35 The Guardian, ‘Most difficult places in the world to be gay or transgender’, 1 May 2017 url
36 Quartz, ‘In Iran, there’s only one way to survive as a transgender person’, 19 April 2017, url
37 OutRight, ‘Being Transgender in Iran’, October 2016, url
4.2.4 The 2018 report by the Iranian Railroad for Queer Refugees stated:

‘Transgendered Iranians also face a greater threat of arrest, abuse and torture from the authorities than do their fellow Iranian gays and lesbians. Finally, the court proceedings are brutally degrading for transgendered Iranians.

‘There is also a more immediate dimension to the threat against the transgender Iranian: Most transgendered individuals cannot obtain legal employment permits unless they undergo sexual reassignment surgery. However, the cost of this operation is not absorbed by the state and few transgendered Iranians have the financial means necessary to cover the costs of the procedure and the requisite hormone therapy. Forced into poverty and social exclusion, many turn to prostitution and risk contracting sexually transmitted diseases, beatings, rape, and even murder.’

4.2.5 The 2018 report by Small Media entitled ‘Breaking the Silence’ stated the following:

‘[…] a number of other legal provisions directly impact on the rights of LGBTQ people. Rules and regulations around compulsory veiling are one such example. Article 638 of the IPC requires that women wear the hijab in public places, under threat of fines or imprisonment. It also forbids the violation of “religious taboos”:

‘Article 638 – Anyone who explicitly violates any religious taboo in public beside being punished for the act should also be imprisoned from ten days to two months, or should be flogged (74 lashes).

‘Note – Women, who appear in public places and roads without wearing an Islamic hijab shall be sentenced to ten days to two months’ imprisonment or a fine of fifty thousand to five hundred Rials.

‘Lesbian and bisexual women, transgender individuals, and crossdressing males are particularly affected by this article, which makes it incredibly challenging for individuals to fully express their gender identity through their attire. In the event that individuals adopt modes of dress or appearance that challenge stereotypical notions of femininity and masculinity, then they place themselves at a grave risk of arbitrary arrest, detention, and ill-treatment.’

4.2.6 A May 2018 report entitled ‘Iran’s transgender people face discrimination despite fatwa’ by The Associated Press stated:

‘In the ruling clerics’ view, gender reassignment surgery aims to cure a “disease” and re-fit a person into a recognized binary of straight male or straight female. Those who choose not to undergo surgery and get new documents can face arrest by police for dressing in a way that contradicts their government-recognized gender.

‘[…]Transgender people can go to the courts and receive official permission for gender-transition surgery after going through detailed medical

examinations and an interview with a psychiatrist. Afterward, they can receive new identity documents and financial aid for the surgery.

‘Iran grants transgender people loans worth nearly $1,200, though that’s still well below the $7,000-$12,000 cost of the surgery. In February, the State Welfare Organization of Iran said 3,000 people have applied for gender reassignment financial aid in the past 15 years. Habibollah Maoudi Farid, the organization’s deputy manager, told Iran’s semi-official ISNA news agency that as many as 70 people a year apply for the loan.’

4.2.7 The USSD Iran 2018 HRP report also went on to state ‘NGOs reported that authorities pressured LGBTI persons to undergo gender reassignment surgery.’

5. Societal attitudes and treatment

5.1 Societal treatment

5.1.1 The Freedom in the World 2018 Report by Freedom House states that ‘members of the LGBT (lesbian, gay, bisexual, and transgender) community face harassment and discrimination, though the problem is underreported due to the criminalized and hidden nature of these groups in Iran.’

5.1.2 A 2018 report produced by the ‘Iranian Railroad for Queer Refugees’ group stated the following ‘In Iran, to be LGBT is to find oneself vulnerable to abuse in and outside the home. Consequently, for a queer Iranian, self-censorship is a means of self-preservation. This is particularly important given the abuse and violence that can come from the hands of private actors such as family, friends and neighbors, in addition to the state actors such as the Militia and the official security forces.’

5.1.3 The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), COI compilation titled Iran: COI Compilation dated July 2018 featured a unofficially translated summary of a country report undertaken by the Netherlands Ministry of Foreign Affairs in May 2015. The report notes that:

‘...the social acceptance of homosexuality in Iranian society is low. The general social attitude towards LGBT persons is “don’t ask, don’t tell”. The report goes on to note that due to social stigma, homosexual persons have a greater fear of how they are treated by their immediate surroundings than of their treatment by the authorities. If a family member reports a person as being homosexual, this could result in the person’s dismissal from work or university. For LGBT persons, it is easier to keep a low profile in the large cities, which is why many choose to move there from elsewhere. As a

40 Associated Press, ‘Iran’s transgender people face discrimination’, May 2018, url
confidential source noted, the authorities are not inclined to offer protection to LGBT persons who feel discriminated by members of society.\textsuperscript{44}

5.1.4 A 2016 report by OutRight Action International entitled ‘Being Lesbian in Iran’ stated the following:

‘The legal discrimination faced by lesbians and other members of the LGBTIQ community also contributes to the lack of acceptance of lesbians by society at large, rendering lesbians and other members of the LGBTIQ community vulnerable to harassment, abuse, and violence by both state and private actors. Many Iranian lesbians interviewed by OutRight said they feared reporting harassment, abuse, and sexual- or gender-based violence committed by private actors, including members of their families, to law enforcement officials because they feared prosecution or being “outed” to their friends and family.’\textsuperscript{45}

5.1.5 The same source further noted ‘Bullying and extortion of lesbians and gay youth is a widespread phenomenon, and is especially common at schools or other public places, like sports clubs, parks, and summer camps. This abuse can sometimes be accompanied by sexual harassment and sexual assault, including rape. Yet lesbians who face and experience these dangers often feel abandoned and incapable of seeking protection from the police or court system.’\textsuperscript{46}

5.1.6 A March 2017 article by the Guardian entitled ‘Where are the most difficult places in the world to be gay or transgender?’ stated:

‘The threat of blackmail is now a huge problem for gay men, explains Saghi Ghahraman, founder of the Iranian Queer Organization. This is because Iran’s complex laws around homosexuality mean that men face different punishments for consensual sexual intercourse, depending whether they are the “active” or the “passive” participant. The passive person faces the death penalty, but the active person only faces the same punishment if married. The laws can lead to distrust between partners, as if caught, the only defence for the passive partner is rape. This also creates an atmosphere for blackmail.’

‘And in a remarkable piece of legislation, fathers and grandfathers are given the right under Iranian law to kill their offspring, making “honour” killings legal. “From an early age, children learn starting in the home that the world is very hostile to LGBT people,” says Ghahraman.’\textsuperscript{47}

5.1.7 The Associated Press May 2018 article entitled ‘Iran’s Transgender People Face Discrimination Despite Fatwa’ interviewed a 19-year-old transgender women called Nahal. The article stated:

‘Nahal recalled how she had hardly started high school before being forced to leave over her classmates’ insistence she dress as a man. Her manicured fingernails, painted pink, brushed away her long brown hair as she looked

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\textsuperscript{44} Accord, ‘Iran: COI Compilation’, Page 185-186, July 2018, url
\textsuperscript{45} OutRight, ‘Being Lesbian in Iran’, 2016, url
\textsuperscript{46} OutRight, ‘Being Lesbian in Iran’, 2016, url
\textsuperscript{47} The Guardian, ‘Most difficult places in the world to be gay or transgender’, 1 May 2017 url
through old photographs of her childhood, recounting how even her own family has struggled to accept her.

"I no longer see my relatives," she said. "Maybe I’m a sign that if your own children will have a similar problem later, you can accept it."

'It shouldn’t be like this for Nahal in the Islamic Republic, which — perhaps to the surprise of those abroad — has perhaps the most open mindset in the Middle East toward transgender people. The Shiite theocracy’s founder, Ayatollah Ruhollah Khomeini, issued a religious decree, or fatwa, 30 years ago calling for respect of transgender people, opening the way for official support for gender transition surgery.

'Nevertheless, the general public still harasses and abuses them, and families often shun them. Discrimination in the workplace has forced some into prostitution and others to kill themselves.

‘Social encounters are not good at all — verbal and physical abuse and harassment,” said Nahal. “Once even some people attacked and beat me.”

5.1.8 A report produced by OutRight Action International in October 2016 titled ‘Being Transgender in Iran’ stated the following:

'Many trans Iranians report that in addition to the legal, medical, and financial challenges they face, they endure social pressures, ranging from exclusion in the workplace and at school, to domestic violence and public harassment. The social discrimination, domestic violence, and legal harassment experienced by trans individuals often starts at a young age and continues throughout their lives, regardless of whether they choose to pursue medical transition or legal gender recognition.'

5.2 Family treatment

5.2.1 A 2014 report produced by Justice for Iran (JFI) and 6Rang entitled ‘Diagnosing Identities, Wounding Bodies: Medical Abuses and Other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran’ stated the following:

'A considerable number of lesbian, gay and transgender individuals interviewed by JFI & 6Rang, also reported being subjected to various forms of abuse by their family members because of their sexual orientation and gender identity. These included beatings and flogging as well as forms of psychological abuse such as enforced seclusion and isolation from friends and society, neglect and abandonment, verbal insults and death threats. For lesbians and female-to-male transgender persons, these abuses were often accompanied by threats or realities of being concerned into arranged marriage. Lesbian, gay and transgender individuals in Iran often have no recourse to justice or support for the abuse and violence they routinely suffer

48 Associated Press, ‘Iran’s transgender people face discrimination’, May 2018, url
49 OutRight, 'Being Transgender in Iran', October 2016, url
in their families, leading non-state actors to feel emboldened to enact homophobic and transphobic violence with impunity’.\(^{50}\)

5.2.2 The report went on to state:

‘Taunts, insults and threats are a constant reality for lesbian, gay and transgender people and are in fact so common that many of them try to isolate themselves and avoid public interaction in order to reduce their risk of being harassed and abused.’

‘Sexual assault and other physical attacks against lesbian, gay and transgender people who do not conform to culturally approved models of femininity and masculinity are also all too common. Many of the lesbian, gay and transgender people interviewed by JFI & 6Rang reported that their life in Iran was marked by a constant fear of being assaulted and raped by men. This was particularly true for female-to-male transgender persons who had not undergone genital reassignment surgeries and worried about having their transgender identity unwantedly disclosed by men who try to fondle their genitals.’\(^{51}\)

5.2.3 The Iranian Railroad for Queer Refugees, ‘Iranian Queer Watch Report’ September 2018 stated that:

‘Many queer Iranians recount how the bonds with their families are often strained – and even severed – after revealing their true sexual identities. Children who behave contrary to expected gender norms can often develop anxiety with respect to parents and other members of their family: behavior that does not conform to the accepted gender expectations – as to how a boy or girl is to act – can lead parents to strictly monitor their children’s lives, and lash out against them in frustration, shame or anger.

‘The overwhelming majority of LGBT Iranians interviewed by the Human Rights Watch during the course of its 2010 investigations spoke of abuse and rejection by their families: they had been beaten by their parents or siblings, particularly older brothers, either because their families came to know of their same-sex sexual relationships, or because they disclosed their sexual orientation or gender identity to their family. This abuse included harassment and threats, constant monitoring, as well as physical and sexual violence.’\(^{52}\)

6.1.8 The report further stated:

‘While the Islamic Republic penal code’s punishment for sexual conduct is less harsh for lesbians, their social and economic situation is significantly more restrictive when compared to gay men. As women, lesbians are already trapped in a cultural and structural paradigm of patriarchy that restricts Iranian women generally to domestic roles. These disadvantages are compounded by the discrimination that they suffer because of their sexual orientation. Survival for Iranian lesbians, financially and socially, is dependent on their ability to repress or hide their sexual identity in various ways. This self-repression stems from a well-founded fear of discovery: if

\(^{50}\) 6Rang, ‘Human Rights Violations against Lesbian, Gay and Transgender People’, June 2014 url

\(^{51}\) 6Rang, ‘Human Rights Violations against Lesbian, Gay and Transgender People’, June 2014 url

\(^{52}\) IRFQR, ‘Iranian Queer Watch Report’, 2018, url
her family ever finds out about her sexual orientation, the Iranian lesbian is likely to become subject to abuse, beatings, and even murder. The so-called “honour killings” by male kin are not uncommon, and the socially justifiable status of such crimes reflects the conservative value-norms of the Iranian society. Most often, lesbian Iranians find themselves abandoned by their families, a situation that can induce these women to enter into prostitution to survive and to the frequently dire effects that it can have for already marginalized women.53

5.2.4 The Associated Press May 2018 article entitled ‘Iran’s Transgender People Face Discrimination Despite Fatwa’ further stated:

‘Perhaps the worst abuse transgender people face is in the home. Families still find it difficult to accept their loved ones. Many transgender women end up being kicked out of homes or being threatened by family members.

‘Behnam Ohadi, a psychiatrist and psychologist who counsels transgender people and refers them to Iran’s Health Ministry for surgery, says some families do whatever they can to stop the surgery.

“Some families even threaten to kill me if I tell them their child is a trans,” he says. “Sometimes they wish their child had cancer or died.”

‘Ohadi says transgender people rejected by their families can end up working as prostitutes as it is very difficult for them to find work.

“Families try to silence the children, sometimes they even move their house and go to another city,” Ohadi says. “These issues are forcefully buried in our society.”54

5.2.5 Small Media carried out a combination of interviews, focus groups, desk research, online surveys and social media monitoring in Iran and produced an overview of the situation facing LGBTQ people. Their report entitled ‘Breaking the Silence – digital media and the struggle for LGBTQ rights in Iran’ stated:

‘Given the existence of such stringent and unforgiving anti-LGB laws in Iran, and the widespread entrenchment of intolerance against all members of the LGBTQ community, the pressure on people to suppress their desires and conceal their identities is immense. And yet, based on our survey of 806 LGBTQ Iranians, carried out between 14 March and 8 April 2018, it seems as though increasingly the community is feeling comfortable enough to start edging out of the closet, and to act more assertively in proclaiming its identity.

‘Out of our full survey sample, 60% of respondents are ‘out’ to at least one person. This is interesting enough, given the risks that exist around publicly claiming LGBTQ identities, whether they be risks of state violence, family rejection, or ongoing harassment.

‘Examining the age demographics, we can see that at ever increasing frequency, younger LGBTQ people are coming out and discussing their sexual orientation and gender identity with their peers. Out of all the age

54 Associated Press, ‘Iran’s transgender people face discrimination’, May 2018, url
cohorts under 30, more than 60% of respondents were out to at least one person, rising to 68.6% of under-18s.

'It is notable that more than half of LGBTQ people surveyed perceived an overall improvement in public perceptions of the community over the past decade, at the same time as a mere 12% attributed positive changes to the Rouhani government. Such results suggest that public perceptions have been transformed by sociocultural forces, rather than any progressive action on the part of the state.'

5.2.6 The report continued to state:

'A number of our interviewees and focus group participants spoke to us about the origins of the perceptible shifts in public opinion we’ve just discussed. “Keyvan”, an Iranian bisexual based in Canada, spoke about what he perceived to be the gradual normalisation of LGBTQ topics among certain segments of society, and especially online:

“‘I see more people are familiar with LGBTQ issues – for instance on Twitter I see people are talking more openly, and using terms easily. I think there’s a higher level of awareness at least among a specific social group. They know and accept the existence of LGBTQ [people] but at the same time we need to connect more people to the Internet, or I do not know, maybe we should find ways to change the culture in society itself [offline].’”

‘In a similar vein, “Jaleh”, a lesbian based in Iran, spoke about the cultural impact of discussions about LGBTQ issues in the media, whether from imported international films or diaspora-produced TV shows:

“‘[The situation] has improved. You can hear the discussions [about LGBTQ issues] everywhere, and in my family too. These days in art and movies one sees homosexuals often, and this is very effective at making them visible. All of the media—including the BBC and others—have played a role. It seems like the taboo [and stigma] around the issue is broken, and has now been trivialised to a large extent.’”

“‘Farhad’, a transgender man living in Iran, also spoke about the power of the media to reshape public opinion of LGBTQ people, adding that even in the Iranian national media, progressive discussions around transgender rights were starting to break into the mainstream thanks in large part to public advocacy efforts by high-profile celebrities such as the actress Behnoush Bakhtiari:

“‘These days, 14 year-old teenagers come out and say they are homosexual... in general, debates on the topic of [sexual orientation and gender identity] have become more frequent. Trans issues are also discussed in the official [Iranian] media. For instance, [the actress] Behnoush Bakhtiari talked about trans people, which was very effective at raising awareness.’”

5.2.7 The report concluded:

55 Small Media, ‘Breaking the Silence’, May 2018, url
56 Small Media, ‘Breaking the Silence’, May 2018, url
'Although no progress has been made over the past decade with regard to the legal recognition of LGBTQ citizens’ rights, our research suggests that social attitudes are slowly shifting in a positive direction, thanks to increased coverage of LGBTQ issues in satellite and online media.

‘On the basis of our surveys and conversations with LGBTQ people, our overview of community activities on Instagram and Telegram, and our appraisal of existing community resources, we can say that the LGBTQ community has developed in confidence, organisation and optimism since our last report in 2013. Although enormous challenges still exist in the form of state violence, harassment and homophobia, we have observed a number of positive signs that the tide is beginning to turn against state-directed homophobia and community repression[.]

‘More and more Iranian young people appear to be coming out to their peers than ever before, with some young LGBTQ people making themselves visible on social media platforms. Iranian LGBTQ organisations should produce resources to support them to do so as safely as possible.

‘Our survey results and observations from our interviewees and focus group participants suggest that Iranian teens are coming out in greater numbers than ever before. It is encouraging that young Iranians are starting to feel confident enough to talk openly about their sexual orientations and gender identities, and that some of them are finding support from their friends and families.

‘At the same time, some teens are taking huge risks by speaking so honestly at a time when same-sex activity is still criminalised, and where anti-LGBTQ sentiments are still so widespread.

‘The LGBTQ community is attracting more public advocates to its cause, who are helping to reshape public opinion…Over the past few years, more and more high-profile Iranians have pushed for recognition of LGBTQ rights, including the megastar pop diva Googoosh, and the TV and film actress Behnoush Bakhtiar. Other personalities in the Persian diaspora media have even come out publicly, including the Manoto journalist Aram Bolandpaz. At the same time, high-influence users of social media platforms such as Instagram have also been adept at introducing LGBTQ issues into the timelines of users who would otherwise not be interested or engaged in questions of LGBTQ rights.'

5.3 Children and adolescents

5.3.1 A submission entitled ‘The Situation of LGBT Children in Iran’ by the Iranian Lesbian & Transgender Network (6Rang) in June 2015 stated the following on the topic of family violence towards LGBT children:

‘LGBT children report being subjected to various forms of physical or mental violence in their families. These include beatings and flogging as well as forms of psychological abuse such as enforced seclusion and isolation from friends and society, neglect and abandonment, verbal insults and death

threats. For lesbians and female-to-male transgender persons, these abuses are often accompanied by threats or realities of being coerced into arranged marriages. LGBT individuals in Iran often have no recourse to justice or support for the abuse and violence they routinely suffer in their families. This impunity emboldens abusive family members to commit more homophobic and transphobic abuses.

‘Iran’s Penal Code allows parents and legal guardians to subject children to corporal punishment in so far as “they ensure that it does not exceed disciplinary norms” (Article 158 (T)). Under Iran’s Penal Code, fathers or grandfathers who kill their child or grandchild are exempt from the punishments ordinarily applicable to murder (Article 301) and may be only given a sentence of between three to ten years in prison (Article 612).’

5.3.2 The report went on to cover the topics of school and community violence and stated:

‘School children perceived as being lesbian, gay, bisexual or transgender tend to psychological and physical bullying in Iran. School authorities are believed to rarely take any effective action against such bullying, which is known to lead to depression and other physical and mental health problems, obstruct children’s personal and social development, and increase their risks of becoming violent themselves.

‘LGBT individuals interviewed by the Iranian Lesbian and Transgender Network also reported experiencing physical and mental violence at the hands of teachers and school administrators themselves. For some of them, the violence reached a level of severity that they felt they had to drop out of school.

‘As various Special procedures mandate holders have recognized, the criminalization of private consensual homosexual acts increases stigmatization and make people with diverse sexual orientations and gender identities, including minors, more vulnerable to community violence. Research carried out by the Iranian Lesbian and Transgender Network shows that LGBT adolescents tend to experience homophobic taunts, insults and threats on a constant basis and this is in fact so common that many of them decide to isolate themselves in order to avoid being harassed or assaulted by members of the public.

‘During its research, the Iranian Lesbian and Transgender Network interviewed several individuals who said they were sexually assaulted and raped when they were below the age of 18 because of their sexual orientation or gender identity. In all these cases, the victims said they not only did not feel protected by the law but also feared that they will be arrested and charged with sexual offences, if they were to file complaints with the police.’

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58 Rang, ‘The Situation of LGBT Children in Iran’, June 2015, url
59 Rang, ‘The Situation of LGBT Children in Iran’, June 2015, url
5.4  ‘Secret Pride’

5.4.1 A number of sources indicate that a group of young activists have been holding a series of ‘secret Pride’ celebrations in Iran since 2010. A July 2017 article written by Michaela Morgan entitled ‘LGBT+ Iranians are set to celebrate Pride in secret with “Rainbow Friday”’ stated:

‘In a country where homosexuality is illegal and punishable by death, Iran’s LGBT+ community will be celebrating Pride in the only way possible—in secret.

‘Ranginkamaniha or “Rainbow Friday” has been taking place in Iran since 2010 and invites the country’s queer community to upload photos of themselves with rainbow flags, balloons and messages of hope—with their faces obscured for their own safety.’

5.4.2 An article written by Sexuality Policy Watch entitled ‘2018 Pride Day in Iran’ stated:

‘July 27 is Pride Day in Iran. It’s been the 9th following year that the 4th Friday of July (1st Fri of Mordad in Persian calendar) is named & celebrated as Iran Pride Day.

‘Although being queer is officially illegal & same-sex sexual conduct could be punished by death in Iran, LGBTIQs inside the country celebrate this day in their own way and share it with hashtag #IranPride on social media.

‘The “Rainbows” (Ranginkamaniha in Persian) established this day. The group releases a statement each year. This year’s statement is focused on “Fighting for Diversity”.’

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6. Access to services

6.1 Sexual health services

6.1.1 The 2018 report produced by Small Media looked into sexual health services and resources for LGBTQ people. It stated:

‘Through a series of conversations and surveys we conducted with Iranian LGBTQ participants and sexual health experts, we documented a number of obstacles to access to sexual health services and resources. Without access to appropriate information about STIs or practical safe sex advice, or to targeted and appropriate treatment, Iranian LGBTQ people are at exceptionally high risk of exposure to sexually transmitted infections.

‘…the primary barrier to improving LGBTQ people’s access to sexual health services is silence – from society, from health professionals, and from LGBTQ people themselves. The extremely discreet nature of existing sexual

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60 SBS, ‘LGBT+ Iranians are set to celebrate Pride in secret with ‘Rainbow Friday’, July 2017, url
61 SPW, ‘2018 Pride Day in Iran’, July 2018, url
health services in Iran makes it difficult for Iranian LGBTQ people to know where to go for testing, or which practitioners they can trust.\textsuperscript{62}

6.1.2 The report continued:

'We surveyed 314 LGBTQ Iranians to enquire about their access to sexual health resources and their experiences engaging with sexual health support services. Of this sample, 65.9\% did not know where they could go to access Persian-language sexual health resources online, and 65.9\% do not even know where they could access sexual health services if they were needed.

'A key issue preventing LGBTQ people from accessing sexual health services in Iran appears to be a lack of trust in sexual health practitioners. Only 8.9\% of respondents had disclosed their sexual orientation or gender identity to a sexual health practitioner. Of those who had not, 28.6\% stated that they refrained from discussing their sexuality or gender identity for fear of negative consequences. Only 4.5\% of respondents thought sexual health providers were generally well-informed about the needs of LGBTQ people.

'It wasn’t just the health service that came in for criticism, however. Several focus group participants also criticised the current lack of availability of online sexual health resources, and stated that it was particularly challenging to access sexual health resources online in Persian.'\textsuperscript{63}

6.2 Transgender persons

6.2.1 The 2016 Transgender Human Rights report produced by OutRight Action International looked at the legal processes involved for a trans individual who has undergone ‘sex reassignment surgery’ (SRS) to obtain a new identification card. The report also considered the situation for those who have not undergone SRS:

'[T]rans individuals in Iran who do not wish to pursue medical transition processes, who cannot afford such processes, or who wish to pursue some forms of medical gender transition but not others, are wholly deprived of legal identity recognition and face severe barriers to maintaining and pursuing education, to accessing housing and employment, and to moving freely and safely through society. The law does not recognize such trans individuals, nor does it provide space or legal recognition for individuals who identify across or outside of the gender binary.'\textsuperscript{64}

6.2.2 The same report goes on to cover the state’s support for trans people:

'Providing medical care to trans individuals is primarily the responsibility of the Ministry of Health. The provision of social and psychosocial support for trans patients is assigned to the State Welfare Office [SWO]. Other state agencies involved in supporting Iranian trans community members include the Ministry of Labor, which coordinates national political and legal advocacy efforts in support of the trans community; the Law Enforcement Agency, which refers trans individuals that are reported to them to the SWO; the

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\textsuperscript{62} Small Media, ‘Breaking the Silence’, May 2018, \url{url}
\textsuperscript{63} Small Media, ‘Breaking the Silence’, May 2018, \url{url}
\textsuperscript{64} OutRight, ‘Being Transgender in Iran’, October 2016, \url{url}
NOCR [National Organisation for Civil Registration], which reissues national ID cards after judicial and medical approval; and the Military Draft Board, which assesses whether trans individuals should be exempted from compulsory military service. In addition to these agencies, Iran’s state-run Imam Khomeini Relief Foundation, which is in charge of providing services to low-income and vulnerable populations, provides financial assistance to qualified trans individuals, and (on a limited basis) offers disability benefits to trans individuals who are not able to work.'

6.3 Education

6.3.1 The Iranian Lesbian & Transgender Network (6Rang) produced a submission to the ‘Committee on the Rights of the Child’ in June 2015 based on the findings of their 2014 report jointly published with Justice for Iran. The 2015 submission entitled ‘The Situation of LGBT Children in Iran’ stated:

‘Homophobic discrimination is extremely common in schools in Iran. Boys deemed by others to be too effeminate or young girls seen as tomboys endure teasing and harassment because of their appearance and behavior, which is perceived as failing to fit in with a heteronormative gender identity. School authorities also discriminate against young people because of their sexual orientation or gender expression, sometimes leading to their being refused admission or being expelled.

‘Because of gender segregation in the Iranian school system, transgender adolescents whose appearance contradicts their identification documents are particularly at risk of violation or denial of their right to education. They may be excluded from schools that correspond with their biological sex because of their transgender status but they will not be allowed to register in schools that correspond with their preferred gender until they undergo gender reassignment surgeries and obtain new identification documents reflecting their gender.'

7. LGBT groups, civil society and human rights NGOs

7.1.1 The USSD Iran 2018 HRP report noted that:

‘The government restricted the operations of and did not cooperate with local or international human rights NGOs investigating alleged violations of human rights. The government restricted the work of domestic activists and often responded to their inquiries and reports with harassment, arrests, online hacking, and monitoring of individual activists and organization workplaces.

‘By law NGOs must register with the Ministry of Interior and apply for permission to receive foreign grants. Independent human rights groups and other NGOs faced continued harassment because of their activism, as well

65 OutRight, ‘Being Transgender in Iran’, October 2016, url
as the threat of closure by government officials following prolonged and often arbitrary delays in obtaining official registration.  

7.1.2 A February 2019 report produced by Amnesty International entitled ‘Laws Designed to Silence: The Global Crackdown on Civil Society Organizations’ stated the following:

‘The Iranian authorities use provisions in the Islamic Penal Code to criminalize the activities of human rights defenders and civil society organizations. This has resulted not only in stopping independent human rights organizations from being able to register and operate, but also in the criminalization of even informal networks or campaigns, such as Step by Step to Stop the Death Penalty (also known by its Persian acronym, Legam)… Penal Code articles frequently used to criminalize the activities of human rights defenders and civil society organizations include: “gathering and colluding to commit crimes against national security” (Article 610), “forming a group composed of more than two people with the purpose of disrupting national security” (Article 498) and “membership of a group with the purpose of disrupting national security” (Article 499). The definitions of these crimes contravene the principle of legality as they are overly broad and vague, allowing the authorities to apply them arbitrarily.’  

7.1.3 CPIT was unable to find reports of any active registered NGOs based in Iran advocating on behalf of LGBTI people.

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Terms of Reference

A ‘Terms of Reference’ (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the country information section. The Home Office’s Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
  - Constitution
  - Legislation
  - Criminal/Penal code

- State attitudes and treatment, incl. the law in practice
  - Arrests and detention of LGBT persons and prosecutions for same sex acts and other offences
  - Police violence
  - Police responses to reports of anti-LGBT violence
  - Public statements by government officials
  - Ombudsman/Complaints mechanism(s)

- Societal attitudes and treatment
  - Societal norms
  - Violence and discrimination
  - Anti-LGBT protests
  - Pro-LGBT marches/gay pride
  - Gay ‘scene’ or ‘community’
  - LGBT websites
  - Family treatment

- Media attitudes

- Access to services
  - Healthcare
  - Accommodation
  - Employment
  - Education

- LGBT groups, civil society and human rights NGO’s
  - Government recognition of LGBT NGOs
  - Restrictions on Civil Society Groups

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The Times,


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Version control

Clearance

Below is information on when this note was cleared:

• version 3.0
• valid from 21/06/2019

Changes from last version of this note
CPIN updated to reflect current country information.
TAB 5
Human Rights & Democracy

The 2016 Foreign & Commonwealth Office Report
Cover image: Displaced men, women and children after fleeing ISIL-controlled areas in rural Raqqa to Ain Issa, the main staging point for displaced families, some 50 Km north of Raqqa city (November 2016).

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Preface by Foreign Secretary Boris Johnson

Just over two centuries ago, the first holder of the office of British Foreign Secretary persuaded the House of Commons to strike a blow against unconscionable suffering by abolishing the slave trade.

Charles James Fox was desperately ill when he rose to address the House on 10 June 1806 – indeed he had only three months to live – yet after his passionate advocacy had won the day, he declared that he could “retire from public life with comfort and the conscious satisfaction that I had done my duty”. Thanks to Fox’s skills as a parliamentary gladiator – and the Herculean efforts of, among others, William Wilberforce and Thomas Clarkson – Britain became the first country to abolish the slave trade the following year, 1807, whereupon the Royal Navy devoted its strength to stamping out a vile traffic in human beings.

When I reflect on the efforts of the modern Foreign Office to promote human rights around the world, I am conscious of the example we must strive to follow. Promoting the values that Britain holds dear is not an optional extra, still less a vainglorious addition to our diplomacy; it is in keeping with centuries of tradition. This is part of who we are.

Our report on the state of human rights in 2016 will, of necessity, make for bleakly realistic reading. In these pages, you will find our assessment of the troubling situations in our priority countries.

But there are also bright spots. You will learn about the groundbreaking conference we held in the Foreign Office last October on how freedom of religion and belief can aid the struggle against violent extremism.

You will find examples of how we are helping millions of girls to attend school; how our diplomats are combating human trafficking, curbing child marriage and campaigning against female genital mutilation. You will read about Britain’s efforts to protect the rights of LGBT people and our actions to cope with the migration and refugee crises.

You will also discover how the Foreign Office is continuing Fox’s work by tackling the cruel phenomenon of modern slavery, a tragedy that blights the lives of people from rich and poor countries alike.

In February, I was delighted to appoint Joanna Roper as the FCO’s Special Envoy for Gender Equality, helping us to place gender equality at the heart of all we do.

In surveying these fields of activity, I am convinced they are right in and of themselves. But Fox and the Abolitionists can teach us another lesson. By straining every nerve and sinew to eradicate the slave trade, Britain did not damage its prosperity; on the contrary, the era when our fleets pursued the traffickers on every ocean was also the time of the industrial revolution.

Human rights are not inimical to development and prosperity; the opposite is true. Freedom of speech, freedom of association, freedom to practice whatever religion you want and live your life as you please, provided you do no harm, are the essential features of a dynamic and open society, filled with the spirit of innovation and enterprise that triggers economic growth.

So promoting human rights is an essential aim of the foreign policy of a Global Britain. To do otherwise would be unthinkable for anyone inspired by the example of Charles James Fox.

The Rt Hon Boris Johnson MP
Foreign Secretary
It was an honour to be appointed last month as Foreign and Commonwealth Minister with responsibility for Human Rights and Modern Slavery, and as the Prime Minister’s Special Representative on Preventing Sexual Violence in Conflict. I pay tribute to my predecessor, the Rt Hon Baroness Anelay of St Johns, for her dedicated work on these issues.

Human rights are more than just principles enshrined in international law. They are the bedrock of successful and progressive societies. Evidence shows that countries where human rights are respected tend to be more prosperous, democratic and stable. Corruption is less likely to take root, and extremism is less likely to find fertile ground.

That is why safeguarding, promoting and defending human rights, including freedom of religion or belief, is a key and integral part of the work of the Foreign and Commonwealth Office. British diplomats put human rights at the heart of everything they do, working in partnership with foreign governments and civil society, particularly in our 30 Human Rights Priority Countries. We also fund frontline work through programme funds, such as our Magna Carta Fund for Human Rights and Democracy and the Conflict, Stability and Security Fund.

We take great pride in being a consistent champion of human rights at multilateral fora, including the UN and the Commonwealth. The UK was re-elected last October to serve a further three-year term on the UN Human Rights Council, and remains as committed as ever to the Universal Declaration of Human Rights and meeting the United Nation’s Sustainable Development Goals. The UK was proud to play an instrumental role in securing a mandate last year for the UN’s first Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

In the Commonwealth, we work closely with our partners to promote the shared values of human rights, democracy and rule of law enshrined in the Commonwealth Charter. Next April’s Commonwealth Summit – which I am delighted will be hosted in London – offers an opportunity to celebrate our strengths and deliver a re-energised Commonwealth that champions democratic values on the global stage.

Our Annual Human Rights Report reviews developments over the last twelve months. This year it paints a stark picture of continued human rights violations and abuses in Syria, Iraq, South Sudan, the Democratic Republic of Congo, and many other countries across every continent.
However, the picture is not unremittingly bleak, and the UK has been instrumental in promoting and protecting human rights in many areas around the world. For example, a landmark Human Rights Council Resolution at the UN, co-tabled and driven forward by the UK, successfully encouraged the Sri Lankan Government to continue making progress on promoting reconciliation, accountability and human rights, in line with its commitments.

In Bahrain, the Ministry of Interior committed to address concerns about prison conditions at Jau Rehabilitation and Reformation Centre, following an inspection report by the Prisoners and Detainees Rights Commission – a body established and supported through UK technical assistance. We have seen a significant breakthrough for LGB&T rights in Belize and the Seychelles, where consensual same sex relations have recently been decriminalised. In Belize, it was UK-based legal organisations which provided support during the three-year court case which resulted in decriminalisation. In the Seychelles, the UK helped to bring about this ruling through a combination of diplomatic lobbying (both locally and in international fora) and low-cost supportive programme work.

All these examples prove that a sustained and determined approach to safeguarding, protecting and promoting human rights can bring about real change. Looking ahead, I would like to highlight three areas that the UK Government will prioritise in the coming months.

The first is modern slavery, a human rights violation that our Prime Minister has pledged to eradicate. Our Modern Slavery Act 2015 was the first formal step. I am pleased to serve on the Prime Minister’s Implementation Taskforce, established last year to ensure that all of Government, business and civil society plays its part in eradicating this evil crime. The UK is committed to ending this scourge by 2030 – a goal agreed by all 193 UN Member States at the Sustainable Development Summit in 2015. Our diplomatic network plays a crucial role in building international consensus and translating political will into practical action.

Secondly, we are strengthening our efforts to prevent and respond to sexual violence. As the Prime Minister’s Special Representative for Preventing Sexual Violence in Conflict, this will be a personal priority. I intend to build upon the good work already begun to increase education and understanding of how to eradicate the stigma that unfairly afflicts survivors of sexual violence. 2016 saw the launch of that campaign, through which we held a series of workshops in conflict-affected countries and hosted a conference that identified key recommendations to help tackle stigma. I shall present and garner support for our new Principles for Global Action at the UN General Assembly in September.

The third area that I’d like to expand on is our critical work on freedom of religion or belief. As the Prime Minister said at a 10 Downing Street reception for faith leaders on 28 February, “We must reaffirm our determination to stand up for the freedom of people of all religions to practice their beliefs in peace and safety”. It will be a key priority to drive forward our international efforts to build more cohesive, tolerant and peaceful societies, where people of all faiths and none are equal citizens of the country in which they live. This also involves the crucial work of building international consensus and collaboration to tackle extremism and radicalisation online. In October, the FCO convened faith leaders, academics, civil society and diplomats for a groundbreaking conference exploring how tolerant and inclusive societies with a strong respect for human rights are more immune to the disease of violent extremism, and the ideological basis of non-violent extremism. Building on this foundation, I will take a fresh look at how the UK can lead the charge in tackling discrimination and persecution of religious communities around the world.

This Annual Report shows the progress we’ve made, but also the extensive and urgent work that remains to be done. I look forward to leading a dedicated team to ensure the UK remains a committed and consistent advocate for the promotion and protection of universal human rights.

Lord Ahmad of Wimbledon
Prime Minister’s Special Representative on Preventing Sexual Violence in Conflict and Minister of State for the Commonwealth and the UN at the Foreign & Commonwealth Office
CHAPTER I: Democratic Values and Rule of Law

Introduction

2016 was another year of mixed results for democracy and the rule of law. Some countries took significant steps forward, but others went into reverse. This reminds us that progress towards wider and deeper respect for democratic values and the rule of law is neither linear nor inevitable. It has to be worked for. Achievements hard won by earlier generations, sometimes over decades, can be lost if subsequent generations do not safeguard that progress. Democracy and the rule of law are still denied to many. Some have never enjoyed these rights. Others have seen them taken away. Others, more fortunately, are living in states and societies where the progress is positive.

The United Kingdom pursues a foreign policy based on deep respect for universal human rights and the rule of law. Our history informs our present and future behaviour. Equal political participation for all men and women took centuries to achieve in the UK; we urge all countries to find ways to allow their citizens to take part in political processes without discrimination. Freedom of Religion or Belief was fought for in the UK over generations; we continue to press for those freedoms to be respected around the world. The UK was a leading force in the abolition of the transatlantic slave trade; and in 2016 the Prime Minister declared our intention to be a leading force in the eradication of modern slavery. Our tradition as a progressive, values-conscious society continues.

Democracy is a multifaceted concept. It includes, but is not limited to, the concept of a system of government and public administration of the people for the people. This cannot be achieved without full respect for human rights and fundamental freedoms, as enshrined in the Universal Declaration of Human Rights and the wide range of international conventions which have been broadly adopted and ratified by the international community in the decades since the Second World War.

The UK will continue to work to promote those rights and benefits where they are currently denied, and as we do so we remind ourselves that the hard-won gains of past decades can never be taken for granted, anywhere.

Democracy

Democracy continued to come under threat in 2016. At the extreme, three countries – The Gambia, the Democratic Republic of Congo (DRC) and Burundi - saw attempts to delay or avoid democratic electoral processes altogether. Elsewhere, governments increasingly used spurious excuses to justify more authoritarian measures to restrict civil society space. The UK considers such moves to be counter-productive: democracy not only allows individuals to exercise their rights as citizens but is also the best method of government for promoting both prosperity and security. Societies thrive and prosper when innovation and new ideas are encouraged. Societies in which people are allowed to express their dissent without fear are less likely to see people resorting to take non-democratic means to have their voice heard.

The UK wants to work with others to continue to promote the benefits of democracy – for states and citizens. In December 2016, the UK became the 30th member of the Governing Council of the Community of Democracies, a group of like-minded states which exists to promote democracy and strengthen democratic institutions. We intend to play an active role in the Community of Democracies, including in its working group on protecting civil society. We will also continue to support the work of the Freedom Online Coalition to promote respect for freedom of expression in the virtual world.

Elections

The UK continues to emphasise the importance of free and fair elections as fundamental elements of a functioning democracy.

The observation of elections plays an important part in that work; it gives more credibility to elections in those countries which seek to improve their democratic procedures and sends a powerful message to those who try to abuse the system. Credible observation can help to build voter confidence, reduce fraud and prevent violence and intimidation, supporting the smooth transfer of power and increasing participation in democratic processes. The Commonwealth continued to demonstrate its strength in this area, running observer missions to several countries in 2016. In 2016, the UK provided election observers to observation missions in several countries, including Russia, Ghana, Serbia and Kazakhstan.

Ensuring that elections are free and fair and that citizens feel empowered and safe to participate is important in all democracies, even those which are long-established. It is particularly important in countries in democratic transition and in fragile states, or where democracy is under threat. 2016 saw successful elections in a number of countries, including Seychelles and Ghana.

As far as the Overseas Territories[1] are concerned, in December, the Turks and Caicos Islands (TCI) elected its first ever female Premier. A commonwealth Parliamentary Association mission observed the election. The mission reported that although the process was broadly well managed, it could be simplified; and that TCI should review its Elections Ordinance. Successful elections were also held in Ascension Island, Tristan da Cunha and the Pitcairn Islands. Where practicable, the UK Government encourages territories to

[1] Anguilla, Bermuda, Cayman Islands; the Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands (commonly known as the Pitcairn Islands); St Helena, Ascension and Tristan da Cunha; the Turks and Caicos Islands; and the British Virgin Islands.
receive independent observers, and stands ready to support any territories that require support.

**Westminster Foundation for Democracy**

The Westminster Foundation for Democracy (WFD) is an executive Non-Departmental Public Body funded mainly by the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID). WFD allows the UK to share its democratic experience and expertise - its work is complementary to the government’s diplomatic and development efforts in advancing human rights.

WFD supports the UK’s objectives of increasing security and prosperity by supporting democratic systems around the world. It works in partnership with UK political parties and with the Parliaments and Assemblies in Westminster, Scotland, Wales and Northern Ireland to strengthen the effectiveness and accountability of their counterparts in more than 40 countries. It also provides electoral assistance to ensure fair and transparent elections.

In 2016, WFD’s work supported actions on human rights in a range of countries. In **Georgia**, WFD’s research on parliamentary human rights committees helped a reform of rules of procedure in the Georgian Parliament. This resulted in legislators making substantial recommendations to government on the national ‘Human Rights Action Plan’ for the first time.

WFD deployed its human rights assessment tool, developed in partnership with the University of Oxford, to help diagnose the state of parliamentary democracy and assess development needs in **Macedonia, Morocco, Serbia, Tunisia, Uganda** and **Ukraine**.

In **Indonesia**, WFD provided training and assistance to parliamentary committee clerks, resulting in provisions for the protection of human rights being added to the draft ‘Bill on the Amendment of Counter-terrorism Law’. In **Venezuela**, WFD completed the first year of a two year Magna Carta Fund project to help strengthen the National Assembly’s procedures.

Over the last 12 months, WFD has mainstreamed the political participation and representation of women and youth throughout its country programmes. In **Bosnia and Herzegovina**, WFD helped to encourage more women to stand as candidates in local elections. In **Kyrgyzstan**, WFD helped develop a women’s caucus. It also supported the Coalition of Women MPs from Arab Countries in drafting the Arab League ‘Convention to tackle violence against women’ and in campaigning to reform sexual violence laws in **Lebanon, Jordan** and **Tunisia**.

From a ‘Youth Academy’ for Africa to the International Young Democrat Union, WFD continued to enable UK political parties to develop initiatives to encourage greater representation of young people in the political process.

In 2017, WFD is committed to improving representation of marginalised groups in democracies across Africa while it continues to support women’s empowerment in the Western Balkans and the Middle East. In **Nigeria, Sierra Leone** and **Uganda**, WFD will activate partnerships with local civil society organisations to increase youth participation in the political debate.

**Freedom of Expression**

The rights of individuals to express opinions, peacefully challenge authority and take part in public policy-making and administration are essential to a free and open society. Similarly governments should embrace the concept of citizens working together and creating movements and organisations to share values and promote views, rather than seeing this as a threat. Freedom of expression is essential to exercising human rights; when it is under threat, or restricted, human rights in general are challenged or diminished.

Successful societies encourage innovation and the development of new ideas. Societies which deny freedom of expression also deny themselves the opportunity to benefit from new approaches and fail to make the most of the talents of their citizens. The role of a functioning independent media is more important than ever, challenging “fake news”, and providing accurate, independent and verifiable information.

Freedom House’s Freedom of the Press report for 2016 estimated that only 13% of the world’s population lives in a country with a free press – defined as a country where political reporting is robust, where journalists are able to operate safely and where state intrusion into media affairs is minimal and does not generate onerous legal or economic pressures. At the same time, the role of journalists remains challenging and dangerous.

Reporters Without Borders recorded the deaths of 78 journalists, citizen journalists or assistants in 2016. Impunity for crimes against journalists remains a significant problem in many countries. Governments have used a number of pretexts for restricting media freedom, including security and the need to protect against defamation.

In **Burma**, the 2013 Telecommunications Act has been used increasingly to imprison journalists for defamation.

**Malaysia, Vietnam** and **Thailand** continued to take action to restrict political expression critical of the government. In **Malaysia** a number of opposition politicians, human rights activists, journalists and social media users were charged under existing laws, including the Sedition Act; some were detained without trial. In **Vietnam** a growing number of bloggers and activists were imprisoned for peacefully stating their views on matters of legitimate public interest. Since the military government took power in **Thailand**, sedition and lèse-majesté laws have been used to restrict the media, free speech and the right to protest, and harsh sentences have been applied in some instances.

Journalists and civil society activists were vulnerable to intimidation and attack in many countries affected by conflict, including **Syria, Yemen** and **Libya**; and general restrictions on democracy and freedom of expression and association were imposed in **Egypt** and **Turkey**. In its latest Global Impunity Index, published in October 2016, the Committee to Protect Journalists ranked **Somalia** as “the worst place in the world
to be a journalist” as a result of the high number of journalists killed without subsequent convictions.

The UK Government strongly believes that the rights people enjoy offline also need to be protected online. We have participated actively in the Freedom Online Coalition, an inter-governmental grouping which seeks to promote and protect internet freedom and to work with business and civil society to address issues relating to online freedom of expression. In 2016, there were deliberate internet shutdowns in more than 50 countries including Ethiopia, India and Uganda. The Brookings Institute estimated the economic impact of such shutdowns to be around £2 billion. To counter this, the FCO supported the #Keepiton project, led by Access Now. The project reports on and challenges attempts by governments to disrupt or shut down the internet. In 2016 we also funded civil society organisations to implement work promoting freedom of expression in Burma, Central Asia and East Africa.

Sirikan Charoenvisri, known as June, is a Thai human rights defender and lawyer who faces several charges including sedition, for defending basic legal rights. Her case will be heard in a military court and she could face up to 15 years in jail. The British Embassy in Thailand works hard to support those who are defending human rights. The British government is a long term supporter of Thai Lawyers for Human Rights, funding projects to offer legal assistance and develop their network beyond Bangkok. These projects help to better report and document cases of human rights abuses. The British Embassy has hosted several civil society events, helping members to meet and network, developing wider support. Beyond this the British Government continues to raise June’s case and have also made statements at the UN about the need to increase the protection of human rights defenders. The embassy continues to monitor June’s case closely, providing visible and vocal support.

Human Rights Defenders

Human Rights Defenders are at the forefront of work to promote and protect human rights and democracy, often at great personal risk to themselves. In many places they are persecuted, imprisoned, attacked or even killed because of their work. Around half of the killings of human rights defenders relate to the issue of environmental protection and land rights, often in connection with business activities and large infrastructure projects or extractive industries. Other disturbing trends include the targeting of the family members of human rights defenders as a tactic of intimidation. Laws restricting civil society space are used in many countries to limit the ability of human rights defenders to operate or to receive external assistance in the form of funding or capacity building.

The FCO continues to work with and support a wide range of organisations committed to helping human rights defenders either through emergency assistance or by building their capacity to protect themselves. In 2016 we worked with the University of York’s Centre for Applied Human Rights in the development of its Human Rights Defenders Hub, which aims to bring practitioners and human rights defenders together to share experience and best practice and develop practical tools for defenders. We also supported the Centre’s Protective Fellowship Scheme, which helps defenders to develop new skills. Working together with the Hub, we organised a visit of human rights defenders to meet FCO country desk officers, an enriching experience which we will repeat.

Using the Magna Carta Fund we supported projects to support the protection of human rights defenders in a number of countries, including Afghanistan and Colombia.

Restriction of Civil Society space

The restriction of civil society space was an increasing problem in 2016, limiting civil society’s ability to operate and restricting freedom of expression and democracy. Measures included clamping down on media freedom, or introducing regulations to prevent NGOs from operating, for example by limiting their ability to receive funding.

The organisation CIVICUS assesses civil society space as being “closed” in a number of countries, including Libya, Sudan, South Sudan, Ethiopia and Vietnam, and “repressed” in many more, including Russia, China, Turkey and Thailand.

Restrictions often take the form of requirements for organisations to be officially approved and registered or limitations on access to funding. In Eritrea, the UN and bilateral aid agencies are prevented by law from funding civil society organisations, and in Jordan and Egypt advance approval is needed from government bodies in order to receive foreign finance.

During 2016, Russia continued to apply the Foreign Agents Law and the Law on Undesirable Organisations, as a result of which 42 domestic NGOs were labelled as “foreign agents” and three international organisations were classed as “undesirable”. The British Embassy intervened when an attempt was made to close the Moscow office of Amnesty International. The definition of activities under the “foreign agents” law was broadened and for the first time the regulation was used to close down an NGO and bring criminal charges.
More positively, the Financial Action Task Force (FATF) in 2016 revised its Recommendation 8 (International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation) and interpretative note covering the abuse of non-profit organisations for money laundering and terrorism. This Recommendation had been misused in many countries to restrict the ability of legitimate civil society organisations to operate. The updated guidance, which the UK supported, takes a more risk-based and proportionate approach, recognising that the risk of abuse for criminal or terrorist purposes applies only to a minority of civil society organisations.

Non-Discrimination

Rights of Women and Girls
In 2016, the UK’s gender priorities were the elimination of violence against women and girls, including Female Genital Mutilation (FGM) and Child and Early Forced Marriage (CEFM), tackling discriminatory laws and practices, and promoting gender equality (including political and economic empowerment).

At the UN Commission on the Status of Women (CSW) in March, the UK advocated an ambitious agenda and worked hard with other UN Member States to secure an agreed conclusions document which reflected all UN adopted Resolutions and pressed for an end to all forms of violence against women and girls, including FGM and CEFM.

Despite the progress that was achieved at the UN level and elsewhere in 2016, significant challenges remained. These included: ending the many different and pervasive forms of violence against women; securing sexual health and reproductive rights; achieving gender equality in the workplace and in political and public life; and women’s economic empowerment and equal access to education. But it remained the case that the human rights of women and girls, including adequate healthcare and access to justice, were often restricted at the provincial and community levels even in countries where good domestic protections exist on paper.

Throughout 2016, the UK continued to be a world leader in advancing work on the UN’s Women, Peace and Security (WPS) agenda. In September, we hosted the annual UN Peacekeeping Defence Ministerial with delegates from 80 countries. Our 2016 WPS priorities reflect the importance of non-discrimination in conflict resolution and security work. From November 2016 all UK troops deployed on overseas missions have received WPS training. WPS training will also be included in all training packages delivered overseas. We also prioritised working with Iraq and Afghanistan in implementing their National Action Plans and promoted women’s participation in peace/post-conflict processes in Syria, Yemen, South Sudan and Somalia. We also prioritised working for women’s participation at relevant international events.

In 2016, the Magna Carta Fund for Human Rights and Democracy allocated over £1.5 million to 16 women’s rights projects, and over £3 million was allocated to a further
19 women’s rights projects from the FCO’s Rules-Based International System fund. These included projects focused on encouraging political leadership, legislative reforms and regional cooperation in order to produce a safer environment for women and girls in ten North African and Middle Eastern countries. We provided funding for a number of women’s rights projects in India, including one aimed at tackling violence and discrimination against Dalit women, and one on improving women’s access to justice. In Fiji the UK worked closely with Fijian NGOs to enhance the participation of young women and girls in policy making and human rights advocacy.

The UK hosted visits by several overseas delegations, including from China and India, enabling us to share experience from our domestic response to the problem of Violence Against Women and Girls. The FCO’s “Week of Women 2016”, held in association with the Women of the Future Programme and Wilton Park, was aimed at supporting, connecting and inspiring the next generation of female leaders from around the world bringing together more than 300 women from 28 countries. The “Week” included an event hosted at the FCO which looked at the multiple and intersecting forms of discrimination that hold women back. Around 70 Chevening Scholars – mainly women – attended the event and a subsequent networking lunch with FCO officials working on human rights policy.

In 2016, the decision was taken to create the role of the Special Envoy for Gender Equality; a senior UK diplomat (Joanna Roper) was appointed to the position. In 2017 she will lead the FCO’s efforts to deliver on the Foreign Secretary’s commitment to a foreign policy that produces tangible results for women and girls’ equality.

At the UK–Overseas Territories Joint Ministerial Council in December 2015, UK and Overseas Territories Governments reaffirmed their commitment to work together to extend outstanding core UN human rights conventions to those territories where these had not been extended already. The extension of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to the populated Overseas Territories was one of the recommendations of the CEDAW Committee during its examination of the UK’s seventh periodic report on CEDAW. In 2016, the UK marked the 30th anniversary of its ratification of CEDAW, by extending ratification to Anguilla and Cayman Islands, the first territorial extensions since 1986. This was followed by requests for extension of CEDAW ratification by the Pitcairn Islands and by St Helena, Tristan da Cunha and Ascension Island.

Lesbian, Gay, Bisexual and Transgender (LGB&T) Rights

The authorities in many countries actively persecute LGB&T people. Consensual same-sex relations remain criminalised in 75 jurisdictions, including the majority of Commonwealth countries. Even in countries where consensual same-sex relations are legal, many people still face violence and discrimination because of their sexual orientation or gender identity. This results from a number of factors, including: state-sanctioned homophobia, biphobia or transphobia; a lack of adequate legal protection; poor enforcement of existing protections which can lead to impunity for those committing acts of violence or discrimination; harmful social norms; stigmatisation of LGB&T people. In many countries, LGB&T people are subject to hate crime.

The UK is committed to protecting and promoting the rights of LGB&T people and to supporting the legal, cultural and social change required to make equality a reality for LGB&T people the world over.

In 2016, both the Seychelles and Nauru decriminalised consensual same-sex relations, partly in response to international pressure. A successful legal challenge led to decriminalisation in Belize. We continue to urge all countries to decriminalise consensual same-sex relations and put in place legislation that protects LGB&T people from discrimination - including in the workplace and in the provision of goods and services.

Through our Embassies and High Commissions we monitor and raise human rights concerns around the world. LGB&T equality remains a sensitive subject for many countries and much of this diplomatic lobbying is carried out behind closed doors and is not reported on.

In 2016, we continued to support the work of the UN Free and Equal Campaign which raises awareness of homophobic,
biphobic and transphobic discrimination and violence, and promotes tolerance, equality and greater respect for the rights of LGB&T people everywhere. The FCO also worked to create space at the international level for LGB&T equality to be discussed, debated and celebrated. In June, FCO staff in Moscow, Ekaterinburg and St Petersburg set up a number of media interviews during Sir Ian McKellen’s visit to Russia as a ‘Shakespeare in Film’ Ambassador. He was able to share his personal story and set out his strong advocacy of LGB&T equality.

In November, the Embassy in Bangkok hosted an event on tackling violence and discrimination to tie in with the International Lesbian and Gay Association conference, drawing attention to the UK’s efforts to promote and protect LGB&T rights, and supporting the role of Human Rights Defenders. Participation in Pride celebrations provided the opportunity for a large number of British diplomats to signal strong solidarity with LGB&T communities worldwide.

In 2016, we worked with partner countries and through international organisations, including the UN, EU, Organization for Security and Co-operation in Europe (OSCE), the Council of Europe and the Commonwealth, to promote inclusion and to celebrate diversity. In June, the UK strongly supported the establishment by the UN Human Rights Council of the first ever UN Independent Expert on Sexual Orientation and Gender Identity. We subsequently used our global diplomatic network and influence to help achieve the necessary support to defend his mandate when it came under attack at the UN General Assembly. We remain committed to supporting Mr Vítit Muntarbhorn in his important work.

The UK is a founder member of the new Equal Rights Coalition, which brings together more than 30 countries which are committed to working together to promote LGB&T equality globally. The Coalition was launched at the Global LGBTI Human Rights Conference in Montevideo in July 2016.

The UK Government continues to offer a consular marriage service to same-sex couples (one of whom must be a British national) in 26 countries. By offering these services we have drawn attention to the lack of local legislation for same-sex marriages and prompted wider discussion of LGB&T issues.

Between 2016 and 2018 the FCO’s Magna Carta Fund for Human Rights and Democracy will provide over £1.5 million funding to projects promoting and protecting the rights of LGB&T people in projects working in over 15 countries.

The UK Government is committed to working with Governments of Overseas Territories to tackle all forms of discrimination and strengthen compliance with our shared international obligations. Generally, respect for LGB&T rights in the Overseas Territories continued to lag behind the UK mainland. Nevertheless there were some examples of progress in 2016. Same-sex marriage was legalised in Ascension Island, the British Indian Ocean Territory and Gibraltar. In respect of the Sovereign Base Areas (SBAs) of Akrotiri and Dhekelia, which have a sizeable UK Armed Forces population, the authorities notified the UK Government that there was no objection to marriages and conversions of civil partnerships being conducted within its territory under UK Armed Forces laws. The first same-sex marriage in the SBAs took place in September.

Child Rights

Children are impacted disproportionately by violence, discrimination, poverty and marginalisation, affecting their health, education and overall development, and putting them at an increased risk of exploitation, abuse and trafficking. The protection and promotion of children’s human rights, including those of children who are victims of armed conflict and children at risk of abduction and exploitation, form an important part of the FCO’s wider international human rights agenda.

At the March UN Human Rights Council, the UK co-sponsored the annual Resolution on the Rights of the Child, which had as its theme “information and communications technologies and child sexual exploitation”. This called upon all states to recognise that, while information technology is a powerful and transformative force for growth with the potential to enrich young people’s lives and offer opportunities which earlier generations never experienced, it also enables new forms of criminality to which children are especially vulnerable. The UK is committed to supporting UN member states in building their capabilities in the area of online child sexual exploitation, and pledged £50 million to tackle this crime.

The UK co-sponsored the Resolution on the Right to Education by Every Girl which was adopted unanimously at the June 2016 UN Human Rights Council. We also hosted the Girls’ Education Forum 2016 to stimulate action on the world stage. We have supported education for the most vulnerable. At the Syria Conference which the UK hosted in February 2016, global commitments were made for vulnerable and refugee children to have access to education of a high quality. Increasing girls’ access to education is linked to population growth at replacement rates, with consequent benefits in areas such as food security. It also acts as a multiplier, by enabling girls to enjoy their human rights, including to equal participation in public life and in making decisions which affect their own lives.

In 2016, the UK continued to build on the success of the Girl Summit held in London in July 2014, through work nationally and internationally to support the international movement to eliminate Female Genital Mutilation (FGM) and Child and Early Forced Marriage (CEFM).

The UK is committed to work with its partners to end FGM and CEFM within a generation. On 1 December the Home Secretary hosted a meeting to discuss continuing efforts to tackle this issue, including through UK-led programmes in over 25 high-prevalence countries. At the UN Human Rights Council the UK is a member of the core group for the CEFM Resolution and also strongly supported the CEFM resolution at the UN General Assembly in November.

Our Embassies and High Commissions continued to play an important role in our work to protect and promote the rights of children. The High Commission in Kuala Lumpur facilitated the UK National Crime Agency (NCA) helping the Malaysian authorities to secure convictions for 71 child abuse offences mostly committed in Malaysia. In August, the NCA office
at the Embassy in Santo Domingo facilitated access by the authorities in the Dominican Republic to technology which will allow its judiciary and investigators to identify individuals using the internet to share images of child sexual exploitation and abuse.

The UK continues to work in partnership with the Governments of the Overseas Territories to safeguard and promote the welfare of children. Through the development of its multi-year programme, the UK Government aims to harness UK expertise to promote transformative and sustainable change. The UK Government continues to ensure child safeguarding remains a political priority for the Overseas Territories.

Rights of Persons with Disabilities

In 2016, much of our work on the rights, promotion and protection of persons with disabilities was focused on the UN. The UK actively engaged on resolutions at the Human Rights Council in 2016 focusing on disability. Themes included “the rights of persons with disabilities in situations of risk and humanitarian emergencies” and “Protection of the family: role of the family in supporting the protection and promotion of human rights of persons with disabilities”.

In May, the UK Delegation to the Organization for Security and Co-operation in Europe in Vienna facilitated the attendance of activists from UK civil society organisation, Scope, at an event on the participation of persons with disabilities in political and public life. The meeting brought together representatives from the governments of the OSCE’s participating states as well as from civil society.

Scope’s representatives were able to share positive practices and experiences from the UK, and to promote its ‘End the Awkward’ campaign, which uses humour to encourage people to think differently about disability, break down negative attitudes towards disabled people, and help people feel more comfortable when talking about disability.

In June 2016, the UK sent a Ministerial-led delegation to the 9th Conference of States Parties to the Convention on the Rights of Persons with Disabilities. The theme of the conference was “Implementing the UN’s 17 Sustainable Development Goals by the year 2030 for all persons with disabilities: ‘Leaving no one behind’”.

We supported the Rehabilitation International World Congress on Disability and Inclusion held in Edinburgh on 25-27 October. This event attracted speakers and delegates from more than 50 countries. It was focused on promoting social inclusion and accessibility.

In November, we hosted a Ministerial panel event entitled: Delivering on the commitment to ‘Leave No One Behind’: Working together to break down barriers to women’s economic and political participation. We invited Rahma Elsiddig, a Sudanese disability activist and Programme Manager for ADD International – Action on Disability and Development, to speak on the intersection between gender discrimination and disability rights and on ADD’s confidence-building work to enable disabled people to challenge social norms, barriers and preconceptions that prevent many disabled women from enjoying their rights on a full and equal basis.

In 2016, we continued to advocate that states should sign and ratify the United Nations Convention on the Rights of Persons with Disabilities (CRPD), including through use of the Universal Periodic Review mechanism at the UN Human Rights Council.

The Democratic People’s Republic of Korea (DPRK) ratified the UN CRPD in November. Unfortunately, there is no evidence that the DPRK has implemented any of the other international human rights treaties which it had previously ratified. Together with other partners, the UK maintained its engagement with the DPRK authorities to press for better treatment of the most vulnerable groups in North Korean society, including children, women and disabled persons.

Through announcements made on 3 December (International Day for Persons with Disabilities) and the DFID 2016 Bilateral Development Review, the UK is committed to driving action to improve the lives of people with disabilities in developing countries, ensuring that people with disabilities are systematically included in and benefit from international aid and humanitarian assistance.

Human Rights and the Private Sector

Business and Human Rights

On 12 May, the UK Government published an update to the National Action Plan on Business and Human Rights. This followed the publication of our original action plan in September 2013, when the UK became the first government to commit to the implementation of the UN Guiding Principles (UNGPs) on business and human rights.

The updated National Action Plan reaffirms the government’s belief that the promotion of business and respect for human rights go hand in hand. It set out some of the steps we have taken or supported since the original plan was published and the commitments we have met. These include the introduction of the Modern Slavery Act, in particular the Transparency in Supply Chains provision which requires companies with a turnover above £36 million to publish an annual report setting out the steps which they have taken to eradicate slavery throughout their operations and in their supply chains.

We have continued to encourage other governments to develop similar measures for the implementation of the UNGPs both bilaterally and by setting out in international fora our experience of developing our National Action Plan. In 2016 we also participated in the annual UN Forum on business and human rights in Geneva, presenting on the Modern Slavery Act, and in the Organisation for Economic Co-operation and Development’s (OECD) Responsible Business Forum in June.

We have supported a number of other initiatives to promote business and human rights. The Corporate Human Rights Benchmark is collaboration between investors and civil society to measure the human rights performance of leading companies against 100 criteria. The intention is to provide information which allows investors, shareholders and
consumers to carry out their own due diligence and encourage a mutually reinforcing drive to improve corporate behaviour.

Through the FCO’s Magna Carta Fund we supported the organisation ‘Shift’ to create a Reporting and Accountability framework to help companies report against the responsibilities set out in the UN Guiding Principles.

We have also supported the work of the Institute of Human Rights and Business to create a multi-stakeholder coalition to promote respect for human rights in the planning and delivery of mega-sporting events. Large scale sporting events such as the Olympics, World Cup or Commonwealth Games have the potential to make a positive impact on the lives of individuals and communities but also carry the risk of human rights abuses as land is acquired and infrastructure developed. The development of a platform for human rights is intended to share and encourage best practice in this regard.

We will continue to support initiatives on business and human rights, including as an integral part of our ambition to lead global efforts to eradicate modern slavery.

Voluntary Principles on Security and Human Rights

The Voluntary Principles on Security and Human Rights (VPs) provide guidance on responsible business practice to oil, gas and mining companies operating in high-risk and conflict-affected areas. This guidance helps companies work responsibly with state security agencies and private security companies (PSCs). It helps them minimise the risk of their security operations leading to human rights abuses or exacerbating conflict. The guidance also helps encourage investment by reducing the operational, legal and reputational risks which companies face in connection with security, especially where their work affects the daily lives of local people.

During 2016, the UK continued to be a strong supporter of the Voluntary Principles Initiative (VPI) which encourages companies, governments and NGOs to work together to support the implementation of the VPs. As an active member of the Steering Committee, the UK has supported the in-country implementation working groups demonstrating “value added” on the ground in Burma, Ghana, Nigeria and Peru, which support the business case for membership of the VPI and provide a forum through which we can strengthen the VPI’s verification mechanisms. We have committed to act as co-leaders of the Burma implementation working group and look forward to working with partners from government, civil society and corporate pillars to develop a work plan for this group in 2017. The development of a “toolkit” for VPI implementation in 2017 will further build the value proposition by demonstrating that membership of the initiative can provide companies with direct access to resources.

In 2016, the UK maintained support for the VPI peer review process. We have participated as peer reviewers for the US Government and AngloGold Ashanti. Through this process we have been able to share good practice and lessons learned amongst members of the government, company and NGO pillars of the VPI. We have committed to act as peer reviewers for the Government of The Netherlands and Newmont Mining early in 2017 and to undergo our own peer review during 2017. As strong supporters of the principle of transparency within the VPI, the UK continues to encourage all participants to publish their annual reports.

In 2016, the UK worked to spread knowledge and understanding of the VPs. For example, the Embassy in Luanda held a conference to develop understanding of the VPs amongst the Angolan Government, extractive companies operating in Angola and NGOs. We also funded two projects in Colombia, including a project helping the government develop a business and human rights plan for the mining and energy sectors.

In 2017, the UK will continue to work to increase understanding of the VPs, supporting projects which target implementation of security and human rights good practice on the ground.

Private Security Companies

Legitimate Private Security Companies working to high standards play a crucial role in the protection of businesses, NGOs and diplomatic missions operating in complex and dangerous environments. However, the nature of PSCs’ work makes it essential that they actively manage and mitigate any negative impact which their work has on local communities and conflicts. The UK is a signatory to the Montreux Document on private military and security companies, which defines how international law applies to the activities of private military and security companies when they are operating in an armed conflict zone.

The UK applies the principles of the Montreux Document in a number of ways. Internationally, the UK has continued to advocate the benefits of PSCs pursuing certification to a recognised standard via membership of the International Code of Conduct for Private Security Providers Association (ICoCA). As active members of the Board of ICoCA since its inception in 2013, the UK has assisted in the development of the ICoCA certification process.

Through certification, we believe PSCs can meet the challenge of effectively managing and mitigating risks involved in their operations. Certification opened on 1 November 2016 and the first company became ICoCA certified in December. We will be encouraging more companies to apply for certification in 2017. We will also support ICoCA’s work to operationalise the procedures for monitoring and complaints agreed at the Annual General Assembly in September 2016.

Within the UK, we have continued to work closely with our industry partner, the Security in Complex Environments Group (SCEG), and with civil society to ensure that stakeholders are engaged with the government’s policy on PSCs. Working with SCEG has provided a valuable forum to discuss issues in the private security industry and has given the UK Government the crucial opportunity to meet industry representatives on a regular basis. We will continue this engagement in 2017.
**Responsible Sourcing**

As high value-added products, minerals can provide a source of funding for armed groups and, where funds are diverted from legitimate local producers, can harm local communities which should expect to benefit from a valuable economic resource. In 2016, the UK continued to address both issues through The Kimberley Process (KP) Certification Scheme for trade in rough diamonds, and by encouraging better corporate due diligence on supply chains for minerals.

The Government Diamond Office (GDO) based in the FCO and the UK Border Force is responsible for implementing the requirements of the KP and for preventing illicit diamonds from entering or leaving the UK. In 2016, the GDO continued its work with the UK’s rough diamond industry to provide expert advice and audited 13 rough diamond traders as part of its oversight of industry compliance with KP minimum standards. GDO officials also inspected eight shipments of rough diamonds entering or leaving the UK, and issued certificates for rough diamond exports worth over US$60 million.

Effective due diligence by companies buying minerals which may originate from conflict-affected and high-risk areas complements the diamond-specific work of governments in the KP. In 2016, we continued to support and encourage relevant UK importers in carrying out full and transparent due diligence based on the OECD’s Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. This provides specific guidance on gold and tin, tungsten and tantalum, all of which are used in consumer electronics. We also pressed for significant progress in the negotiations between EU Member States towards agreement on the EU Regulation on the responsible sourcing of minerals, which aims to encourage EU importers of minerals to carry out due diligence on their supply chains.

In May 2016, we joined The Netherlands as a founding partner in the European Partnership for Responsible Minerals (EPRM). We believe this initiative, which supports the implementation of the OECD Due Diligence Guidance in Europe, will enable us to work effectively with global partners to increase the proportion of responsibly sourced minerals across the supply chain – from mines to consumers. As a Board Member of the EPRM in 2017, the UK will play an active role in ensuring the EPRM uses its pooled fund to support projects which will increase the proportion of responsibly sourced minerals in developing countries. We will be actively engaged in outreach, with a view to increasing the number of companies and governments supporting the EPRM.

**The Open Government Partnership**

The Open Government Partnership (OGP) was established in 2011 to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens. The UK was a founding member and since 2011 has helped the OGP grow from 8 to 75 participating countries. In all of these countries, government and civil society work together to develop and implement open government reforms in the form of National Action Plans (NAPs). Realising the commitments in these plans requires active cooperation between governments and citizens. This principle of supporting civic participation is fundamental to membership. All governments joining the OGP commit to protecting the ability of not-for-profit and civil society organisations to operate in ways which are consistent with the commitment to freedom of expression, association, and opinion.

2016 marked the last year of the UK’s participation in the Steering Committee. During our tenure we have promoted various OGP initiatives to drive openness and transparency including the Global Open Data Charter for which the UK is a lead steward and the Declaration at the 4th OGP Summit held in Paris in December 2016, which highlighted the need to protect and defend civil society’s space to operate.

The OGP has sought greater protection for civil society organisations working in difficult circumstances. Last year, the OGP’s Steering Committee suspended Azerbaijan for its crackdown on the operation and funding of NGOs and is closely monitoring other countries where treatment of NGOs is a concern.

As well as providing core funding to the OGP, the UK has directly supported projects in over 20 countries during 2016. This work has included providing advice to countries such as Bosnia and Herzegovina on the steps required to become full members of the OGP, as well as more targeted work with civil society and governments in member states including Serbia and South Africa either to develop their action plans or to achieve specific objectives.

As we come to the end of our tenure on the OGP Steering Committee in 2017, the UK remains committed to working with civil society and government to provide the leadership to protect and enhance the necessary civic space for transformative reforms.

**Modern Slavery**

The Prime Minister has identified modern slavery as one of the greatest human rights challenges of our time. As Home Secretary, she piloted the Modern Slavery Act through Parliament in 2015. This is a landmark piece of legislation which gives law enforcement bodies greater powers to tackle crimes such as sexual exploitation, slavery, forced and child labour and people trafficking. As Prime Minister, she has set out her ambition to tackle these same crimes at the global level. In 2016, she established a Modern Slavery Implementation Task Force which she chairs, and which drives forward action both in the UK and globally.

Although data are difficult to assemble, the Global Slavery Index, produced by the Walk Free Foundation, estimates that there are as many as 46 million people in modern slavery, in its various forms, around the world[2]. The crimes we understand as modern slavery are covered by a variety of terminology. At the international level they are set out in the universally agreed Sustainable Development Goal (SDG) 8.7 which calls for “immediate and effective measures to eradicate forced

labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour including the recruitment and use of child soldiers”. In addition, SDGs 5.2 and 16.2 call for an end to trafficking and exploitation, of women and of children respectively.

The Prime Minister raised modern slavery in her address to the UN General Assembly in September and held a special side-meeting of selected world leaders to discuss the issue. She set out her determination to pursue perpetrators and support victims in her comments in Westminster Abbey marking Anti-Slavery Day on 16 October. She also used these speeches to set out her determination to put Britain “at the forefront of this fight” and mobilise the rest of the international community to combat these heinous crimes.

In 2016, we supported the development of two initiatives which have the potential to make significant contributions to tackling modern slavery. “Building Responsibly” is an initiative to promote the rights and welfare of workers in the construction and engineering sectors, with a particular focus on the Gulf. As part of the development of this initiative the FCO hosted a roundtable event in May 2016 at which Karen Bradley, then Home Office Minister for Preventing Abuse, Exploitation and Crime, spoke about the UK’s Modern Slavery Act and the government’s commitment to taking action. FCO officials also spoke at the launch of the Institute of Human Rights and Business’ “Leadership Group for Responsible Recruitment” which aims to radically improve the way migrant workers are recruited including through the eradication of recruitment fees.

The FCO will use its entire network of posts to urge greater global activity against modern slavery, to share the UK’s experience through the implementation of the Modern Slavery Act, and to promote areas for practical measures to prevent modern slavery and to support victims. We will give particular focus to those countries which are believed to have the highest prevalence of modern slavery and where we believe the UK is well placed to make a difference. However, acknowledging the fact that modern slavery exists in every country, including the UK, our work will be global – relying on contributions from all posts in our diplomatic network. This reflects the Prime Minister’s identification of modern slavery as a foreign policy priority.

We will also push for action at the multilateral level, building on the good work which has been done by others including the US’ Trafficking in Persons report, the Australia-Indonesian chaired “Bali Process” and the Spanish-led UN Security Council Resolution (2331) on trafficking in conflict. Our aim is to create a greater sense of urgency and broad global consensus in favour of more determined action.

Tackling modern slavery is an enormous challenge; but it also provides an opportunity for the international community and the UN system to show how it can come together to provide a coordinated and coherent response. We will be encouraging all relevant parts of the UN system to work together, including around the creation of Alliance 8.7, a coalition designed to
accelerate and intensify action towards achieving the goal of eradicating modern slavery. Modern Slavery will be a major focus of our work in 2017, both bilaterally through our network of posts and in multilateral fora.

Department for International Development (DFID): Work on Economic and Social Rights

Respect for human rights underpins sustainable development. The Global Goals which were agreed by world leaders at the UN General Assembly in September 2015 are at the heart of the UK Aid Strategy. The goals focus on eradicating extreme poverty and finishing the job of the Millennium Development Goals in key areas like health, nutrition and education. The goals also represent a commitment to achieve substantive, measurable improvements in global economic, social and political human rights. The overarching commitment in the Global Goals to “leave no one behind” is an expression of commitment to the protection of human rights.

A range of DFID programmes that protect and promote human rights in areas such as security, peace and justice are referred to elsewhere in this report. This section describes DFID’s work in 2016 relating to economic and social rights.

Rights of Women and Girls

In 2016 the UK was instrumental in the UN Secretary General’s High Level Panel on Women’s Economic Empowerment, which will see millions more women into jobs and a platform for new partnerships and actions which will catalyse the transformational change needed for women’s economic empowerment. The UK hosted the Girls’ Education Forum, securing commitments to supporting more of the most marginalised girls through quality primary and secondary education. Through its Girls’ Education Challenge programme, DFID supports work to change community and social attitudes to girls’ education and is enabling one million of the world’s most marginalised girls to complete at least one full cycle of schooling.

The UK is committed to tackling all forms of violence against women and girls at home and overseas, including intimate partner violence, child, early and forced marriage (CEFM) and female genital mutilation (FGM). The UK’s flagship “What works to prevent violence” research and innovation programme is producing rigorous evidence on the most effective approaches to drive down global rates of violence against women and girls. DFID has also increased its support for local women’s rights groups through the UN Trust Fund to End Violence Against Women. Through the work of two other flagship programmes, 22 countries now have National Action Plans in place to address CEFM and/or FGM. The latest data from the UNFPA-UNICEF Joint Programme on Female Genital Mutilation/Cutting (FGM/C), of which the UK is the largest donor, suggests that over 15,000 communities representing some 17 million people declared their commitment to abandoning the practice.

At the World Humanitarian Summit in May the UK’s call to put gender equality at the heart of 21st century humanitarian action was echoed by many, with strong agreement on the need to go beyond protection to ensure the empowerment of women and girls in emergencies. DFID has also supported programmes to increase women’s political engagement such as the £9m support programme with the Westminster Foundation for Democracy 2016-21 which provides technical assistance to parliaments, political parties and local governments around the world.

Health

Worldwide, millions of people continue to die from preventable diseases, especially in the poorest and most vulnerable populations. The UK is committed to building global health security to reduce the risk from future threats such as Ebola, and supporting developing countries in strengthening their health systems to enable better access to good quality and responsive healthcare. The UK continues to invest in research and product development, including through the joint DFID and Department of Health Ross Fund. In 2016, DFID-funded programmes delivered over 127 million treatments through Mass Drug Administration to help control neglected tropical diseases such as blinding trachoma, and achieve near eradication of Guinea Worm.

UK support helps the Global Polio Eradication Initiative administer polio vaccines to more than 400 million children every year, and stay on track for 2017 to be the last year a case of polio is seen globally. By the end of 2015 DFID support had also helped 9.9 million additional women to use modern methods of family planning, had ensured that 5.6 million births were delivered with the help of nurses, midwives or doctors, had kept 9.2 million people alive and on treatment for HIV, had distributed 49.7 million insecticide-treated bed nets, and had immunised 67.1 million children against preventable diseases.

Education

After a decade and a half of good progress in getting children into school across the world, out-of-school numbers started to rise in 2015. 59 million children currently have no access to education and at least 250 million children cannot read or count, even if they have spent four years in school. The UK wants children to be in school and learning. Between 2010 and 2015 DFID supported 11 million children in primary and lower secondary school, and trained 380,000 teachers to improve the quality of education. The UK’s focus is on the most disadvantaged children and through the Girls’ Education Challenge DFID is supporting one million of the world’s poorest girls to learn. DFID has again pledged to support 11 million children with a decent education by 2020.

Water and sanitation

At the start of 2016, 2.4 billion people did not have access to sanitation and 663 million people did not have access to clean water. Inadequate access to water and sanitation is the principal cause of diarrhoeal disease which kills nearly 1,000 children every day. The UK recognises the right to water and
sanitation as rights derived from the right to an adequate standard of living under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Between 2011 and 2015, DFID helped 64.5 million people gain access to water and sanitation. The UK Government has committed to helping 60 million gain access to water and sanitation between 2015 and 2020. During 2015-2016, DFID helped 11.5 million gain access to these services.

**Economic empowerment**

DFID’s new Economic Development Strategy sets out a strong focus on ensuring that economic growth delivers opportunities and benefits for the poorest, women and girls, people with disabilities, and other marginalised groups. The Strategy includes a commitment to tackle gender discrimination across all DFID’s economic development work and deliver safer, more secure and high-return work for women. In addition, the UK has played a prominent role in the UN Secretary General’s High-Level Panel on Women’s Economic Empowerment, which brings together global leaders from business, civil society and government. The first report of the Panel, published in September 2016, identified seven drivers of change and issued a global call to action to address gender inequality. Latest figures show that since 2011, DFID has improved access to financial services for over 36 million women and helped three million women gain secure land rights.

**Social protection**

Social protection is important to help the poorest and most vulnerable meet their basic needs, have more control over their lives, and allow them to take advantage of economic opportunities. DFID supports social protection through 16 of its bilateral country programmes, as well as through countries in the Sahel and Middle East and North Africa regions.
CHAPTER II: Human Rights for a Stable World

Migration and Refugee Crisis

Over 360,000 migrants crossed the Mediterranean in 2016, compared with more than one million who made the journey in 2015. However, the number of dead and missing increased to over 5,000, the highest annual total recorded to date. The UK continues to pursue a coordinated and comprehensive approach to the crisis, tackling the root causes of irregular migration as well as their consequences. The UK is also a major contributor to the humanitarian response to the Mediterranean migration crisis, having committed over £100m since October 2015.

At the London “Supporting Syria and the Region” Conference in February 2016, the UK pioneered a new approach to protracted crises going beyond people’s basic needs and investing in education, jobs and livelihoods for refugees and the host communities. At a Leaders’ Summit organised by President Obama in September 2016, the UK announced an additional £660 million in humanitarian funding for 2016/17, bringing the total to £1.5 billion, including £2.5 million seed funding for a new global fund to resettle refugees. The UK also committed £80 million to a jobs compact with the Government of Ethiopia, World Bank and European Investment Bank to create 100,000 new jobs for Ethiopians and refugees.

By the end of 2016, the UK had granted humanitarian protection to 5,706 vulnerable people under the Syrian Vulnerable Persons Resettlement Scheme. In 2016, we transferred over 900 unaccompanied minors to the UK from Europe, including more than 750 from France as part of the UK’s support for the Calais camp clearance.

The UK supported the EU-Turkey Statement of March 2016 which contributed to a reduction in arrivals in Greece from 1,500 per day in February to around 50 per day in December. The UK provided 115 expert staff to help the Greek authorities accelerate the processing of asylum claims. We have allocated more than £39 million in humanitarian assistance to migrants and refugees in Greece. The UK also supported Turkey, including through committing €328 million to the €3 billion Facility for Refugees in Turkey.

The UK provided a significant contribution to Operation SOPHIA, the EU’s counter-migration operation in the Central Mediterranean, which has destroyed over 330 smuggling boats, apprehended 100 suspected smugglers and saved over 29,000 lives. Through the multi-agency Organised Immigration Crime Taskforce, we also provided expertise and assistance in disrupting organised immigration crime and in reducing human smuggling and trafficking in source and transit countries.

Religious leaders address the audience at the Foreign and Commonwealth Office’s two day London summit on how freedom of religion or belief can help prevent violent extremism, October 2016.
At the UN General Assembly in September, the Prime Minister called for a more effective international response to mass movements of refugees and migrants, based on the principle of seeking refuge in the first safe country reached; a clear differentiation between refugees and economic migrants; and the rights of states to control their own borders. We will continue to promote these principles throughout 2017 in consultations on new UN Migration and Refugee Compacts.

**Freedom of Religion or Belief**

In 2016, the UK emphasised Freedom of Religion or Belief (FoRB) as a freedom which helps to create societies that are more resilient against violent extremism. With this in mind, in October 2016 we held a groundbreaking conference, bringing together experts in FoRB with those working on countering violent extremism. Participants considered how protecting FoRB can help to combat violent extremism by building inclusive societies.

At the UN HRC, we continued to play an active role in negotiations to maintain consensus on the adoption and implementation of both the EU led ‘Freedom of Religion or Belief’ resolution and the ‘Combating Religious Intolerance’ resolution led by the Organisation of Islamic Cooperation.

We also continued our policy of raising cases of persecution in individual countries. In September, the Foreign Secretary launched the global ‘Bringing Daesh to Justice’ campaign to support justice efforts, and to recognise and address the harm suffered by victims of Daesh crimes in Syria and Iraq.

In Burma, we were aware of incidents of violence and hate speech against Muslims and Christians, particularly the Rohingya community in Rakhine State. The UK continued to work with the new civilian government to support and encourage them in tackling this issue.

In China, we regularly raised our concerns about FoRB, both through the UK-China Human Rights Dialogue in October 2016, and as part of our broader relationship.

In Iran, the Baha’i faith in particular was subject to mounting persecution, and we were concerned by state efforts to identify, monitor and arbitrarily detain Baha’is. The UK regularly called on Iran to allow the Special Rapporteur on FoRB to have access to the country.

In Russia, we lobbied the Russian Government about the implementation of the new “Yarovaya Law” aimed at tackling religious extremism. Its vaguely defined ban on “missionary activity” means that in theory certain religious activity cannot take place outside registered religious buildings.

In Indonesia, we have made representations encouraging the Indonesian Government to respect freedom of religion or belief as guaranteed in the Indonesian Constitution, including for those who do not practice one of the six religions recognised under Indonesian law. We welcome statements by Indonesian President Joko Widodo reaffirming his commitment to pluralism and religious diversity.

In Pakistan, we raised our concerns about the misuse of the blasphemy laws and discrimination against religious minorities, in particular Ahmadiyya and Christian communities.

In Sudan, FoRB continued to be an issue which we raised through our ongoing human rights dialogue with Sudan.

We also supported various projects through our Magna Carta Fund, such as support for a network of human rights defenders in South Asia, and a project to support including FoRB in the curriculum of secondary schools in the Middle East and North Africa region. The FCO also continued to run religious literacy training to help its staff understand the key role which religion plays in shaping the views of the majority of the world’s population.

**Post-Holocaust Issues**

The government continued to attach great significance to learning in practical terms from the lessons of the Holocaust and encouraging greater joint working from the international community. We also worked actively on outstanding issues, such as property restitution. Sir Eric Pickles, the UK Envoy for Post-Holocaust Issues, regularly discussed these matters with relevant countries as part of his mandate. Earlier in the year he joined the Auschwitz-Birkenau Foundation’s International Committee.

In January 2016, together with the Israeli Embassy we hosted an event to commemorate Holocaust Memorial Day which brought together a number of high profile speakers including a Holocaust survivor. The main aim of the event was to raise awareness among members of the London diplomatic community of the importance of remembering the lessons of the Holocaust.

During 2016, we continued to play an active role in the management of the International Tracing Service archive as a member of its International Commission. We also worked to strengthen international co-operation on Holocaust education, remembrance and research, including through our membership of the International Holocaust Remembrance Alliance (IHRA).

The UK welcomed the notable achievement by Romania, IHRA’s Chair during 2016, of securing IHRA’s adoption of a Working Definition of anti-Semitism, which sets out in detail how contemporary anti-Semitism may manifest itself. In December, the Prime Minister announced that the UK would formally adopt this definition for UK domestic use, reaffirming that there is no place for such hatred in our society, however it is portrayed.

Looking ahead, we will continue to work actively to encourage greater international collaboration on these issues, in particular by supporting the efforts of IHRA experts to ensure that the in-depth analysis available on the Holocaust and its causes is taken into account by those seeking to prevent future genocides. We will also pursue progress on post-Holocaust restitution and work with international partners to advocate the full implementation of the Terezin Declaration, pressing for due recompense for those still affected by the legacy of the Holocaust.
Countering Extremism
The UK attaches a high priority to countering violent extremism and the ideological basis of non-violent extremism. The government set out in its 2015 Counter Extremism strategy how it planned to protect communities and safeguard individuals from the influence of extremists. We are keen to work closely with international partners on this issue, including by identifying opportunities for sharing best practice. The UK is also part-funding the new Commonwealth Countering Violent Extremism Unit which will advance the Commonwealth’s role in the international effort to counter extremism. In 2017, a key aspect will be encouraging implementation of the UN Secretary General’s Plan of Action to Prevent Violent Extremism with Member States and across the UN system.

Daesh
For obvious reasons, the government does not recognise Daesh as a state actor. However, given the atrocities Daesh committed in 2016 and the impact on people’s human rights, we consider it appropriate to include reference to those atrocities in this report, noting the distinction between human rights violations, committed by state actors, and human rights abuses, committed by non-state actors, such as Daesh. Despite significant defeats at the hands of local forces and the Global Coalition, Daesh continued to commit horrific crimes in Iraq, Syria and across the world in 2016. They were responsible for systematic and widespread abuses of human rights including kidnapping, forced marriage, rape, torture and execution.

The majority of Daesh’s victims in Iraq and Syria continued to be Sunni Muslims, with Yezidis, Shia, Christians, Mandeans and other minority groups also facing severe abuse. Women and girls were repeatedly sold as slaves, forced to become wives of Daesh fighters and killed if they refused. In March, Daesh forces reportedly killed at least nine Iraqi Shia women belonging to the Turkmen minority for refusing to marry Daesh fighters after Daesh forces killed their husbands. In June, the independent UN Commission of Inquiry on Syria published a report on Daesh’s treatment of the Yezidi community[3]. It detailed cases of killings, sexual slavery, enslavement, torture, forcible transfer, mental harm, and the infliction of conditions that bring about a slow death. It estimated that 3,200 Yezidi women remain under Daesh control.

Reports continued of Daesh’s use of public executions in front of large crowds, often including children. Charges in 2016 included apostasy, theft, adultery, black magic and homosexuality. Corpses were often left on public display. The Syrian Human Rights Observatory estimates that between June 2014 and March 2016 Daesh executed 2,197 civilians. Human rights organisations, including Amnesty International, also reported public floggings, lynchings and amputations as means...
of punishment by Daesh in Libya[4]. Reports continue to surface of Daesh using civilians as human shields. When operations began to liberate Mosul in October, Daesh began forcibly evacuating civilians, killing those who tried to flee.

The UN Office of the High Commissioner for Human Rights reported that Daesh installed rocket launchers and snipers on the rooftops of civilian houses. Daesh used families as human shields, placing them between Daesh fighters and Iraqi forces[5]. Several reports have been made on Daesh’s use of chemical weapons. The UN’s Joint Investigative Mechanism on chemical weapons use issued a report on 20 August which concluded that Daesh used sulphur mustard in Marea on 21 August 2015[6]. Human Rights Watch’s World Report 2017 reports that in September and October, Daesh launched three chemical attacks on the Iraqi town of Qayyarah, south of Mosul, causing painful burning and blistering of the skin[7].

Daesh continue to pose a threat to liberated areas through the planting of hidden improvised explosive devices (IEDs). Civilians returning to their homes have been injured and killed by IEDs placed in doorways, under mattresses and in television sets. Civilians have been killed and injured by such devices in Al-Mabrouka, Hasakah; Tal Akhdar, Derb Hasan, Raqqah; and Merweh, Aleppo. Human Rights Watch reported that on 27 September, three boys were killed by an IED left in a school classroom in the Seif al-Dawla primary school in Manbij.

The UK continues to pursue a comprehensive strategy to defeat Daesh, working as a leading member of the 68 member Global Coalition. Since 2014, Daesh has lost 62% of its territory in Iraq and 30% in Syria. Their finances have been hit, their leadership is being killed and their flow of foreign fighters has dried up. Since 2015, almost 1.4 million displaced people in Iraq have been able to return to their homes. 100% of the population of Mukeshefah city has returned and the primary healthcare centre and water works have been rehabilitated. 95% of the population of Tikrit have returned home, and the university re-opened.

In September, the Foreign Secretary launched the ‘Bringing Daesh to Justice’ campaign to ensure Daesh are held accountable for the heinous crimes they have committed. The campaign has three complementary objectives: to support national and international justice efforts; to recognise and address the harm suffered by victims of Daesh crimes; and, through this pursuit of justice, the unification of communities – local, national and international. This is about justice for all Daesh victims, those who have lived under Daesh and those who have been victim to its terrorist attacks. While investigative and prosecutorial work is already underway across the world, we are cooperating with international partners to identify ways to take this agenda forward, including at the UN.

Counter-Terrorism

In 2016, the international community continued to face a severe challenge in combating terrorism, with a number of high profile terrorist attacks around the world, including major incidents in Turkey, France, Germany and Belgium. These attacks highlighted the continued need for the UK to invest in capacity building to help our partners detect and respond to a wide range of terrorist threats, as well as to counteract radicalisation and extremism. Human rights compliance training underpins all of this assistance, and is an integral part of the UK approach to countering terrorism.

Death Penalty and Torture Prevention

2016 saw a minority of states taking backward steps on the death penalty by:

- continuing to pass death sentences and to execute;
- going back on established moratoria on the use of the death penalty;
- failing to apply the safeguards and restrictions set out in the International Covenant on Civil and Political Rights;
- advocating the use of the death penalty, in some cases in breach of previous international commitments.

However, a large majority of UN member states re-confirmed their commitment to abolition in a vote at the General Assembly in December.

China remains the country which carries out most executions, which are generally carried out in secret after an opaque legal process. Of the world’s recorded executions 87% took place in just four countries: Iraq, Iran, Pakistan, and Saudi Arabia. FCO Ministers have condemned the fact that many executions in China and Iran are conducted in secret and that the death penalty is widely applied to offences which are not – to quote the UN standard - ‘the most serious’. Ministers have also expressed concern about particular cases: non-implementation of a moratorium continued in Somalia; the execution in Nigeria of three prisoners in December ending its unofficial moratorium; leaders in the Philippines and Turkey speaking positively about the death penalty, despite their countries’ treaty commitments to abolish it.

While there have been setbacks in some countries, 166 of the 193 member states of the UN carried out no executions in 2016. Benin, Fiji, Guinea, Madagascar, Mongolia, Nauru, the Republic of Congo, and Suriname abolished the death penalty. There were no executions in Europe outside Belarus; nor any in the Americas outside six states of the USA. There were fewer than 100 executions in the whole of Africa, where many states have established long-term moratoria and are considering abolition. In most of the world, the death penalty is the exception, not the norm.

The FCO continued to fund projects in 2016 aimed at establishing a global culture of torture prevention. The UK’s
own experience is that two steps are necessary to effectively prevent torture from occurring: a clear political will to end the practice, and the establishment of a National Preventative Mechanism (NPM). The pathway to establishing an NPM is laid out in the UN’s Optional Protocol to the Convention against Torture (OPCAT). The UK calls on all states to ratify and implement the OPCAT. FCO project spending on torture prevention is focused on this goal. We welcome Cabo Verde’s ratification of the OPCAT on 1 April 2016.

It remains the case that the political will to end torture is lacking in many countries. Some states continue to believe – and even to suggest publically – that torture has a role to play in countering terrorism. The UK rejects such views absolutely. Torture is banned under international law and is always wrong. The UK calls on all states to investigate any complaints of torture swiftly and openly.

**Conflict**

Preventing Sexual Violence in Conflict Initiative (PSVI)

In July, the Minister for Human Rights Baroness Anelay was re-appointed by the Prime Minister as her Special Representative on Preventing Sexual Violence in Conflict (PMSR). Baroness Anelay continued to build on PSVI’s achievements, by encouraging further training on the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (“the International Protocol”), promoting UK military expertise on sexual violence issues and providing further support to affected communities. In 2016, she visited a number of conflict and post-conflict countries, including Colombia, Burma and Sri Lanka, to promote PSVI and encourage greater progress in its implementation.

Survivors of sexual violence in conflict are often ostracised from their communities, shunned by their families, denied justice and cut off from critical support networks. In 2016, the UK increased its work to tackle the stigma associated with sexual violence and to challenge the negative attitudes and misunderstandings that cause further suffering to survivors and children born as a result of rape.

We held a series of workshops in countries including Burma, Bosnia and Herzegovina, Colombia, DRC, Iraq, Kosovo, Nigeria, Somalia and Sri Lanka which brought together survivors, experts, local governments, civil society, media and faith groups to identify and understand some of the issues associated with and challenges to tackling stigma. These findings were subsequently discussed at a UK conference hosted by Baroness Anelay in November. The report and the conference outcomes will contribute to the development of a set of principles and recommendations that will help inform the work of other donor governments and the international community in this area.

In 2016, we provided financial support to projects to tackle stigma in Colombia, Mexico, Nepal, Nigeria, Somalia, DRC, South Sudan and Uganda. These projects have helped identify the political, social and economic consequences of the stigma which survivors of sexual violence suffer. They have also contributed to combating stigma by working with faith leaders, community members and youth groups to change attitudes, improve response systems and prevent stigmatisation.

Since launching the International Protocol at the Global Summit to End Sexual Violence in Conflict in 2014, we have worked with governments, the judiciary, police and civil society in countries such as Bosnia and Herzegovina, Colombia, DRC, Iraq, Nepal and Uganda to provide training on the International Protocol, to help them gather evidence and bring prosecutions against perpetrators of sexual violence. By boosting the capacity of States to prosecute offenders and offer justice to victims, and by encouraging human rights defenders and grass roots organisations to press for specific changes to domestic legislation, the International Protocol is making a real and practical difference to the fight against impunity and to tackling sexual violence in conflict.

The International Protocol was always intended to be a living document, to be updated as best practice evolved and in light of the feedback we received on its use. In 2016, we launched this revision process and a second version of the International Protocol will be available from March 2017. The revised version contains a number of additions, including guidance on the specific context, challenges and techniques required for interviewing and documenting conflict and atrocity-related sexual violence against children and against male victims; further guidance on trauma; and a focus on analysing evidence and establishing patterns of violations.

In April, the House of Lords Select Committee on Sexual Violence in Conflict published their report ‘Sexual Violence in Conflict: A War Crime’. The report made over 120 recommendations and observations for our work on PSVI. Our response to the report was presented to Parliament in June. We welcomed the subsequent establishment of the All Party Parliamentary Group on Sexual Violence in Conflict as an opportunity to continue our engagement and look forward to doing so throughout 2017.

Children and Armed Conflict (CAAC)

Children are often the most frequent victims of the devastating consequences of conflict, including through their unlawful recruitment and use as soldiers, suffering acts of sexual violence, killing, maiming, and abduction, the destruction of schools and hospitals which severely impacts their life chances, and the denial of humanitarian access to alleviate their suffering. The UK Government is strongly committed to supporting the rights of children caught up in conflict, and believes that children are entitled to an education and should feel safe within their communities. Failure to protect children affects a country’s ability to emerge from conflict, undermining the prospects of future generations and the potential of future leaders.

The UK has continued to play a key role on the UN Working Group on CAAC, which leads the international response to the issue of child soldiers and child protection. This has included pressing those countries listed in the UN Secretary-General’s annual report on CAAC to agree concrete action plans with
the UN to verify and release any child soldiers associated with armed groups and forces, in compliance with international law.

The UK has continued to support the campaign of the UN Special Representative of the Secretary-General for CAAC, ‘Children, not Soldiers’, to end the recruitment and use of children by government armed forces in conflict. To assist the office of the Special Representative, the UK has also committed to increase its funding for the next four years (2016-17 to 2019-20) to support her work to implement the UN action plans, including through technical missions to monitor violations committed against children. The UK has also continued to push for the inclusion of child protection in peacekeeping responses through UN mandate renewals and resolutions.

Over the past year a number of government forces and non-state armed groups listed in the UN Secretary-General’s annual report for committing violations against children have made welcome progress on this agenda. In March 2016, Sudan signed an action plan to end and prevent the recruitment and use of children by its security forces. In May 2016, the Special Representative of the Secretary-General oversaw the signing of the historic agreement between the Colombian Government and the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) to begin the separation and reintegration of all children under 18 associated with the FARC-EP. The non-state group, Sudan People’s Liberation Movement-North (SPLM-N), signed an action plan with the UN in November 2016 to end and prevent the recruitment and use of children in conflict.

UN Peacekeeping and Human Rights

UN peacekeeping missions play a vital role in supporting the transition from conflict to peace in some of the most fragile regions in the world. The destabilising effects of such conflicts, particularly the violence and displacement that they produce, often leave civilian populations vulnerable to human rights violations and abuses. Peacekeeping missions contribute to reducing that threat, and the protection of civilians is at the heart of their objectives.

The UK contributes strongly to both the policy and the delivery of peacekeeping. As a member of the UN Security Council, the UK has a key role in setting the mandates for peacekeeping missions. Working alongside our partners in the Council, we seek to ensure that all missions are mandated to protect civilians where relevant to the situation. All new UN peacekeeping missions since 1999 have included an element on the protection of civilians in their mandate, and for some it is the primary goal. The UK has also been a champion of the use of ‘phased mandates’ which prioritise the delivery of certain tasks, such as the protection of civilians, within a mission’s overall mandate.

In September, the UK hosted the UN Peacekeeping Defence Ministerial: London 2016, which brought together 74 countries and international organisations to discuss how to improve peacekeeping. The London Communiqué, signed by 63 countries, provides a blueprint for peacekeeping reform based on improvement in three areas which we call the 3Ps of peacekeeping – planning, pledges and performance. By encouraging the UN and its member states to focus on these three areas, the UK aims to improve the effectiveness and efficiency of peacekeeping missions and their ability to protect civilians.

The Defence Ministerial included a clear focus on the role of women in peacekeeping, which all participants recognised as critical to its future effectiveness. The final communiqué called on the UN Secretary-General to double the number of women in UN military and police contingents by 2020 and to
where other funding mechanisms cannot help. For example, in international support for post-conflict states, filling the gaps 120 projects in 25 countries. Its purpose is to strengthen four years. The PBF is currently supporting more than Conference, the UK pledged to provide £32 million over which broadened the number of donors to the PBF. At the In 2016, the UK co-hosted a High-Level Pledging Conference, the UN Operation in Iraq, to UK interests, such as Somalia and South Sudan. Both of these missions have a strong focus on the protection of civilians. The first troops are already on the ground and more will follow during 2017.

**Peacebuilding**

Peacebuilding encompasses efforts to prevent and reduce conflict and strengthen the resilience of political, socio-economic, and security institutions, in order to lay the foundation for sustainable peace and development in the longer term. The promotion of the rule of law, good governance and human rights is fundamental to sustaining peace. Peacebuilding is central to the UK’s national security objectives and integral to safeguarding and promoting the human rights of those living in such states. The UK pursues many of its peacebuilding goals through the UN, which plays a key role in addressing and preventing conflict. The UK is encouraging a more coordinated UN approach to peacebuilding. This includes working to strengthen the UN peacebuilding architecture and the UN’s political, humanitarian, security and development tools so that they can work together more effectively. Two of the UN tools for delivering peacebuilding activities in conflict-affected states are Special Political Missions (SPMs) and the Peacebuilding Fund (PBF). The UK takes a strategic approach to SPMs, including evaluating their mandates, leadership and resourcing. They operate in countries important to UK interests, such as Somalia, Libya, Afghanistan and Iraq. Many SPMs are mandated to monitor and protect human rights. For example, the UN Operation in Somalia (UNISOM) is helping build the Federal Government’s capacity to promote respect for human rights and women’s empowerment, advance child protection, prevent conflict-related sexual and gender-based violence, and strengthen justice institutions. In Afghanistan, the United Nations Assistance Mission in Afghanistan (UNAMA) is mandated to monitor and promote human rights and the protection of civilians in armed conflict.

In 2016, the UK co-hosted a High-Level Pledging Conference which broadened the number of donors to the PBF. At the Conference, the UK pledged to provide £32 million over four years. The PBF is currently supporting more than 120 projects in 25 countries. Its purpose is to strengthen international support for post-conflict states, filling the gaps where other funding mechanisms cannot help. For example, in Somalia it provided project funding to increase the role and participation of women in Peacebuilding.

In 2017, we will continue to support UN institutions in their efforts to prevent conflict and help countries emerging from violence to progress towards sustainable peace. We support the Secretary-General’s vision for an inclusive approach to conflict prevention, peace and development - the “Peace Continuum” - and his commitment to achieve the reforms needed to deliver it. The government has made clear that we support the UN deploying all of its tools, at the right time. In many cases that means we should deploy them sooner: warning rather than reacting and mediating rather than peacekeeping. We will also continue to ensure that our funding is used to strengthen the UN’s efficiency and capacity to address conflict prevention, mediation and peacebuilding.

**Responsibility to Protect, and Mass Atrocity Prevention**

In 2016, the UK continued its support for the principle of the Responsibility to Protect, and mass atrocity prevention. We provided funding for the UN’s Joint Office of the Special Adviser on the Prevention of Genocide and Responsibility to Protect, and the Global Centre for the Responsibility to Protect. This was used to strengthen understanding of the concept of R2P (‘Responsibility to Protect’), raise awareness of countries at risk and support programmes in regions at risk of, or suffering from, mass atrocities, focused on promoting tolerance, improving governance and aiming to prevent the escalation of violence.

**Sexual Exploitation and Abuse**

The UK remains deeply concerned about continued allegations of sexual exploitation and abuse (SEA) committed by UN Peacekeepers, including military, police and civilian personnel. In addition to the irreparable trauma this causes victims, it undermines the reputation and credibility of the UN. We want the UN to make every effort to reform the system to improve prevention, protection and response measures with the aim of eradicating SEA for good. We will continue to press for the mandatory training of peacekeepers both before and upon arrival in mission, for more effective reporting systems and for a more robust UN response to allegations.

The UK fully supports the UN Secretary-General’s efforts to enforce a zero tolerance policy and we welcomed the adoption of UN Security Council Resolution 2272 in March 2016. This ground-breaking resolution reflects the Security Council’s determination to tackle the scourge of SEA. It endorses the Secretary-General’s decision to repatriate contingents where there is evidence of systemic SEA or if troop or police contributing countries fail to take appropriate steps to investigate allegations. We continue to urge all troop and police contributors with allegations against them to take the same, strong stance by carrying out investigations promptly and transparently and to report their findings to the UN.

The UN Secretary-General's Special Coordinator for SEA, Dr Jane Holl Lute, has coordinated a range of activity across the UN to address fragmentation in the UN system, including producing detailed response manuals for Missions and adopting a victim-centred approach to minimise further harm to the victim. In his first month the new UN Secretary-General
has asked the Special Coordinator to convene a high-level task force “to develop as a matter of urgency, a clear, game-changing strategy to achieve visible and measurable further improvement in the [UN]’s approach to preventing and responding to sexual exploitation and abuse”.

The UK has provided £1 million of funding to support UN efforts on SEA. This has allowed the Department of Field Support’s Conduct and Discipline Unit to enhance pre-deployment vetting and training. The UK has also agreed to fund a communications strategy, currently under development, which will increase awareness within communities of how to report allegations of SEA and of the medical, financial and legal assistance available to victims and their families.

**Overseas Security and Justice Assistance**

The demand for UK security and justice assistance overseas is growing. Our expertise is highly valued across the world and improves the standards and capabilities of law enforcement and security agencies operating in the most challenging environments. Through this work we aim to improve the lives of people in the world’s most insecure regions, by enhancing the abilities of states to uphold the rule of law. However, it is important that we ensure that the skills and expertise we share are not used to cause harm. The Overseas Security and Justice Assistance Guidance is HMG’s tool for assessing the human rights risks of our work and identifying measures to mitigate those risks.

We have consulted human rights NGOs with an interest in this issue on a revision of the guidance to strengthen and clarify the process. The revised guidance was published in January 2017.
CHAPTER III: Strengthening the Rules-Based International System

United Nations

The UN is the leading forum for the development of collective standards on human rights; scrutiny of human rights violations and abuses; and dialogue between states on the major issues of the day. The main intergovernmental forum on human rights is the Geneva-based UN Human Rights Council (HRC), of which the UK is currently a voting member. Other important UN fora include the UN General Assembly (UNGA) Third Committee, the UN Security Council (UNSC) and the UN Commission on the Status of Women (CSW).

The UK is a strong advocate of the need to consider all three UN pillars of peace and security, development and human rights in the round.

During 2016, the UK supported increasing dialogue on human rights at the Security Council, and briefings to the UNSC by the High Commissioner for Human Rights. The UK supported the then Secretary-General’s call for an increased focus on prevention through his Human Rights Up Front Initiative, for example through funding the deployment of light teams to assess situations at risk of violations, atrocities or conflict, with the aim of contributing to a UN strategy for action. The UK raises the human rights of women and girls at all relevant UN fora.

The UK also supports the work of the UN’s expert human rights mechanisms, including the treaty bodies (bodies of experts set up to monitor state compliance with their human rights treaty obligations) and special procedures (expert individuals or working groups mandated to monitor and review country or thematic issues), as well as the UN’s Office of the High Commissioner for Human Rights (OHCHR) and its field presences, which translate political commitments into action on the ground.

The UK maintained its financial support for UN human rights, providing £2.5 million on top of our contribution to the UN Regular Budget. We provided a further £496,377 to support OHCHR field presences around the world.

As a major donor to the UN’s human rights machinery, we work to ensure an efficient and sustainable delivery of its mandated work, via DFID’s Multilateral Development Review and the UK’s wider policy on UN Reform.

Human Rights Council

On 28 October 2016, the UK was re-elected to serve a further three year term on the Human Rights Council. Our campaign pledges reflected UK priorities at home and abroad, and drew on a tradition of democratic and inclusive values: strengthening the protection of human rights in the UN’s work; translating the 2030 Agenda on Sustainable Development into action, leaving no one behind; making a stand for freedom of religion or belief at a time when too many are persecuted for their beliefs; working to end violence against women and girls and promoting women’s full participation and leadership in political and economic life; ending modern slavery; and promoting open societies and challenging the threats to civil society.

We will also continue to use our voice to help strengthen the Council, to support countries working to improve their human rights record, and to hold to account states that commit serious and systematic violations against their citizens.

Country issues

Supporting reconciliation and reform in Sri Lanka remained important throughout 2016. In June the UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein provided an update on implementation of HRC resolution 30/1 on Sri Lanka. The UK will continue to support the Government of Sri Lanka in its fulfilment of resolution 30/1, encouraging determined political leadership and inclusive consultations with all communities.

The UK continued to lead action in the Council on Syria. The March Resolution renewed the mandate of the Commission of Inquiry on Syria. In general, the Resolution demanded access for the Commission, supported the political talks led by UN Special Envoy Staffan de Mistura, called for the release of those arbitrarily detained, secured new language condemning Daesh, and condemned the regime’s military offensive in eastern Aleppo. The September Resolution established a high level panel to take place in March 2017 to discuss enforced disappearance and arbitrary detention in Syria. The UN Third Committee resolution on Syria focused on accountability, the use of chemical weapons and humanitarian access.

In March, the HRC renewed the mandate of the UN Special Rapporteur on Iran. The vote at HRC was extremely tight, but the Canadian-led resolution at UN General Assembly Third Committee saw a significant increase in the vote count. The UK issued a statement setting out our concerns about the human rights situation in Iran, particularly the number of executions. We remain concerned about limitations on the right to freedom of religion or belief, restrictions on freedom of expression, the operation of the rule of law and women’s rights.

The EU and Japan jointly led a resolution on the Democratic People’s Republic of Korea (DPRK) at the HRC and UN General Assembly Third Committee. The HRC resolution renewed the mandate of the UN Special Rapporteur on the DPRK, and established a group of experts to advise on holding perpetrators to account for crimes against humanity.

The UK supported the EU-led consensual resolution to renew the mandate of the UN Special Rapporteur on Burma and urged the establishment of an OHCHR country office. At the June HRC, High Commissioner Zeid delivered a critical report on violations against Rohingya and other minorities.
in Burma. For the first time in many years, a resolution on Burma was not pursued in UNGA Third Committee. It is clear that the international community wishes to support Burma in its political transition, whilst ensuring that human rights are protected and monitored in the process.

At the June HRC, the UK supported a Ukrainian-led resolution on human rights violations in Crimea and eastern Ukraine, which maintains quarterly briefings of the HRC. This was preceded by a Joint Statement at the March HRC, which expressed the international community’s concern at the situation in the Autonomous Republic of Crimea and the city of Sevastopol, and urged Russia to end its illegal occupation and annexation. At the 71st session, the UN General Assembly passed a resolution tabled by Ukraine on human rights in Crimea and the City of Sevastopol, which called on Russia to allow human rights monitors to be given access to the peninsula.

The UK worked closely with the authorities of Libya and the African Group to agree a resolution designed to help the new Government of National Accord improve human rights. The resolution mandated the UN to continue its monitoring of human rights violations and abuses in Libya, including by Daesh, for a further 12 months, including a review of progress at the 33rd session of the HRC in September 2016.

The UK worked with the US at the March HRC to create a new monitoring and reporting mandate focused on accountability and transitional justice in South Sudan. At the September HRC, the UK helped broker a consensus resolution to renew the mandate of the Independent Expert on Sudan.

A consensus resolution on the human rights situation in Yemen was agreed at the September HRC. This provides for an enhanced investigatory role for the Office of the High Commissioner for Human Rights, independent HRC reporting timelines, and a clear message that the domestic human rights commission needs to improve.

The establishment of a Commission of Inquiry on Burundi marked the first time a serving HRC member had faced action under item 4 (countries of concern). This followed a series of interactive dialogues on Burundi, and a cross-regional joint statement which urged the authorities to uphold commitments made during high level UN visits, and to extend full cooperation to the group of independent experts.

The UK also worked with UN partners to renew the mandates of (amongst others): the Special Rapporteurs on Eritrea and Belarus; the independent experts on Mali, Cote d’Ivoire, CAR and Somalia; and the Special Envoy to Haiti. The UK also supported cross-regional statements on the human rights situations in China, Burundi, DRC and Abkhazia and South Ossetia, and raised concerns about a number of countries, including Bahrain and Egypt, through our national statements.

The UK called for two Special Sessions of the Human Rights Council during 2016: on Aleppo and on South Sudan. In September, the Council passed a resolution calling for an end to the indiscriminate attacks on civilians in Aleppo must cease, and for those responsible being held to account. It mandated the existing UN independent Commission of Inquiry, responsible for gathering evidence about human rights violations and abuses committed in Syria, to conduct a special enquiry into the events of Aleppo.

In response to UN reports of ethnic cleansing and rape, the HRC convened an urgent session on South Sudan. The UK and US led a resolution which called on the South Sudanese Government to act to prevent genocide and requested that the UN Commission on Human Rights in South Sudan focus on individual accountability. It also requested that the Commission submit recommendations to prevent further sexual violence and urged South Sudan to appoint a Special Representative on sexual and gender-based violence.

**Thematic issues**

The UK led a resolution to renew the UN mandate of the Special Rapporteur on Contemporary Forms of Slavery, a priority issue for the Prime Minister. The resolution enables the Special Rapporteur, Urmila Bhoola, to visit and work with states to combat slavery and strengthens her role within the international system. Ms Bhoola met the Prime Minister at UNGA, as well as the FCO Minister responsible for Human Rights Baroness Anelay.

The June HRC supported the adoption of resolutions on ending Female Genital Mutilation, discrimination against women, and violence against women and girls. Hostile amendments were defeated. In the process, the strongest language yet in a HRC text was agreed on Comprehensive Sexuality Education. The UK was also active at the 60th session of the UN Commission on the Status of Women, promoting action on women’s rights as essential to achievement of the Sustainable Development Goals.

One of the highlights of the June HRC was the leadership shown by a coalition of Latin American states (Uruguay, Argentina, Chile, Colombia, Mexico, Costa Rica, Brazil) in running a resolution to create the UN’s first ever monitoring mandate to report on violence and discrimination on the grounds of Sexual Orientation and Gender Identity. The mandate faced numerous attempts to derail it. The UK worked with like-minded partners and through our network of diplomatic missions to support the Latin American states in making the case for this groundbreaking initiative to pass. The votes at every stage of the process were extremely tight, reflecting the still sensitive nature of LGBTT rights.

In partnership with Morocco, the UK led a cross-regional statement on the rule of law at the June HRC. In September, we led a further initiative stressing the importance of states promoting the rule of law at the national and international level in the implementation of Goal 16.3 of the 2030 Sustainable Development Agenda.

The UK was active in defeating vexatious amendments against resolutions on human rights defenders and on peaceful protests. This included supporting the rights of accredited NGOs to speak at the HRC, and for civil society and other stakeholders to participate during informal negotiations of HRC.
The biennial UNGA Third Committee resolution on the moratorium on the use of the death penalty incorporated new language on the role of National Human Rights Institutions, the importance of national debates on moratoria, an expansion of the transparency criteria relating to those on death row and to clemency and pardons.

The UK worked to secure agreement on the two religion-related resolutions at the HRC and Third Committee: Freedom of Religion or Belief (led by the EU) and Combating Intolerance (led by the Organisation of Islamic Cooperation).

The UK believes that the whole spectrum of internationally recognised human rights standards and principles apply to older persons, as they do to all individuals without distinction. The UK engaged constructively in international debate, including at the HRC and UNGA Third Committee sessions; and at the annual session of the Open Ended Working Group on Ageing. In November Baroness Anelay hosted a roundtable for civil society organisations, academics, National Human Rights Institutions and key government departments to discuss the issues facing older persons, and the standards likely to be called for in a UN convention.

Universal Periodic Review
The second cycle of the Universal Periodic Review (UPR), a UN process in which the human rights records of UN member states are subject to peer review, concluded in 2016. As a strong supporter of the UPR process, the UK participated actively in the reviews. We will continue to promote best practice as the third cycle commences in 2017, when the UK will undergo its own examination.

Treaty Monitoring Bodies and Special Procedures
British experts continued to play prominent roles on a number of human rights treaty monitoring bodies in 2016. Professor Sir Malcolm Evans was re-elected as Chair of the Sub-Committee on the Prevention of Torture. Diane Kingston was vice-chair of the Committee on the Rights of Persons with Disabilities until December 2016 and Professor Sir Nigel Rodley was chair of the Human Rights Committee. Sir Nigel Rodley sadly passed away in January 2017, following a long and distinguished career as a human rights academic and practitioner.

The UK underwent examinations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on All Forms of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC) during the spring/summer 2016. Reports on the UK and concluding observations of the Committees overseeing the treaties are available on the OHCHR website.

The UK extends a standing invitation to any UN Special Rapporteur who wants to undertake an official visit. In 2016, the UK received the UN Special Rapporteur on Freedom of Assembly and Association, Mr Maina Kiai. The UK also welcomed a number of unofficial visits by UN Special Rapporteurs in 2016, including the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence Pablo de Greiff, and (as noted above) the Special Rapporteur on Contemporary Forms of Slavery, Urmila Bhoola.

Overseas Territories
The UK Government is ultimately responsible under international law for ensuring that the Overseas Territories comply with their international treaty obligations, including those governed by the United Nations Human Rights Treaty Body System. In 2016 Overseas Territory Governments contributed to the UK Government’s treaty examinations under ICESCR, CRC and CERD.

At the Joint Ministerial Council in November, Overseas Territory Governments agreed to conduct a review of all reservations against core UN human rights treaties ahead of the UK’s third UN Periodic Review in 2017. They also pledged to work in partnership with the UK Government to further develop the capability of Territories’ National Human Rights Institutions, in line with international standards set out in the Paris Principles relating to the status and functioning of national institutions for the protection and promotion of human rights, and to promote understanding of our shared international human rights obligations.

Sanctions
Sanctions, such as arms embargoes, asset freezes and travel bans, are one of the tools used by the international community to promote human rights and democracy, particularly in conflict and post-conflict situations. Targeted measures can be effective in either coercing a change in the target’s behaviour, constraining their ability to continue that behaviour, or signalling disapproval as a way of stigmatising and potentially isolating them. The UK is active on the UNSC and within the EU to promote “Smarter Sanctions” that are legally robust and effective in delivering our human rights goals.

The UNSC and EU have established a number of sanctions regimes that include measures targeting human rights abuses or violations, in countries such as Central African Republic, DRC, Guinea, Guinea-Bissau, Iran, Libya, Sudan, Syria and Yemen. Every year these measures are reviewed to ensure they remain effective. In the UN, the UK co-designated the head of Jaish-e-Mohammed, Masood Azhar, under UNSC Resolution 1267 (1999). In addition to new listings, the UK supported proposals to suspend FARC’s listing under EU Common Position 2001/931/CFSP as part of our commitment to support the Colombia peace process.

Sanctions are also used to counter terrorist groups that commit human rights abuses such as Al Qaeda and Daesh. In 2015, the UNSC responded to the growing terrorist threat by adopting a series of resolutions, including new measures to choke off financial support for Daesh, and a call for increased co-operation between UN member states in the fight against terrorism.

Export Controls
International export control regimes provide the political will and technical expertise which underpin national export
controls. Their application through export licensing controls is a fundamental part of the international rules-based system. UK export licensing processes are key to ensuring responsible UK defence and security exports. All export licences are assessed on a case-by-case basis against the Consolidated EU and National Arms Export Licensing Criteria (the ‘Consolidated Criteria’). The FCO will not recommend that the Department for International Trade issues a licence if to do so would be inconsistent with our international obligations, including those related to sanctions or to the Arms Trade Treaty, or where there is a clear risk that the items exported might be used for internal repression, for the commission of a serious violation of International Humanitarian Law, or for aggression against another country, or for asserting a territorial claim by force.

The Commonwealth

The UK is strongly committed to the Commonwealth. As an organisation it has a role to play in dealing with shared global challenges, such as promoting democracy and development. In 2016 we continued to work with Commonwealth partners to achieve a greater degree of commitment to uphold the values enshrined in the Commonwealth Charter.

Baroness Scotland assumed office as Commonwealth Secretary General in April. We supported the Secretary General’s plans to reform and revitalise the Commonwealth Secretariat, and worked with her and our Commonwealth partners to ensure the Commonwealth realises its full potential by promoting freedom, democracy and human rights.

The UK continued to work closely with members of the Commonwealth Ministerial Action Group (CMAG) to help it explore its strengthened mandate for the protection of standards of governance and human rights. We value CMAG’s contribution in encouraging countries to adhere to the Commonwealth Charter. In New York in September CMAG expressed deep disappointment at the lack of progress which the Maldives had made in priority areas previously outlined by CMAG earlier in the year. In October, the Maldives announced their decision to withdraw from the Commonwealth.

The Foreign Secretary expressed his disappointment, and reaffirmed the UK’s belief in the Commonwealth and its commitment to improving the lives of people across all its member states.

The Northern Ireland Human Rights Commission (NIHRC) continued to Chair the Commonwealth Forum of National Human Rights Institutions (CFNHRI). The FCO is providing financial support to the NIHRC to fulfil this role. The CFNHRI plays an important role in enhancing respect for human rights by member countries. The NIHRC is highly regarded on the international stage, and well-placed to work with Commonwealth members to ensure that they establish institutions for the protection and promotion of human rights.

The UK has also supported continuing work through Commonwealth universities to build tolerance and respect for religious beliefs and thus counter violent extremism, and on strengthening the capacity, coordination and strategic approach of Commonwealth NGO networks to promote more inclusive and stable societies, specifically the human rights of LGBTI people. We are monitoring progress closely and look forward to seeing tangible results in late 2017.

In April 2018 the UK will host the Commonwealth Heads of Government Meeting in London. This provides an opportunity to build on the excellent progress made at the previous Heads of Government Meeting in Malta and reinforce the need for all members to observe the values outlined in the Charter. We will continue to work with the Commonwealth Secretariat and all members, in partnership with Parliament, non-governmental bodies and civil society, to strengthen adherence to Commonwealth values.

Europe

The European Union (EU)

As the UK moves towards leaving the European Union, we will continue to play a full and active role by working in partnership with the EU institutions and other member states, to amplify our work to promote and protect human rights and democracy around the world. This includes coordinating positions with the EU and other like-minded partners in multilateral fora, such as the UN.

The EU’s actions are guided by the EU Action Plan on Human Rights and Democracy adopted in 2015. On 20 June 2016, the EU published its latest Annual Report on Human Rights and Democracy in the World[8]. The report detailed the human rights work undertaken in 2015 by the EU’s High Representative for Foreign Affairs and Security Policy, Federica Mogherini, and by the EU Special Representative for Human Rights (EUSR), Stavros Lambrinidis, and the network of 139 Delegations around the world. In 2016 the EUSR led the first exploratory talks on human rights with Iran.

The EU is a major supporter of transitional justice, ensuring accountability for perpetrators and redress for victims, using measures that promote justice, truth, reparations and guarantees of non-recurrence.

The UK will continue to support countries working towards the EU accession process and remains committed to driving reform, embedding stability and addressing shared challenges such as security and migration in the Western Balkans and Turkey. In some of the accession countries, freedom of expression continues to present a particular challenge. There continues to be a need for better protection of minorities, in particular Roma, who continue to suffer from discrimination and difficult living conditions. Discrimination and hostility towards other vulnerable groups, including LGBTI persons, remains a serious concern.

Similarly, the European Neighbourhood Policy offers a privileged relationship to 16 of the EU’s neighbours in the east and the south. Human rights and democracy are a core element of the policy. The EU uses both “hard and soft

instruments”, such as its economic influence and financial aid, to promote political reforms in the countries of its neighbourhood in order to consolidate democracy, and strengthen the rule of law and respect for human rights. The EU links its support to the level of democratic reform, offering more to those partners who make progress, while reconsidering support where reform is not forthcoming.

**Council of Europe**

The UK used its membership of the Council of Europe (CoE) to advance its human rights objectives in Europe and beyond. It engaged with other member states and with CoE institutions to encourage implementation of standards on human rights, democracy and rule of law, to raise any concerns about developments, and to support the CoE’s provision of technical and other assistance.

The UK funded projects in a number of member states to support human rights and democracy including a CoE roundtable event on the abolition of the Death Penalty in Belarus funded from our Magna Carta Fund; and human rights training for the Armenian armed forces supported by the Conflict, Stability and Security Fund.

Thorbjørn Jagland, the CoE’s Secretary General, continued to lead efforts to ensure that the CoE’s standards were observed across Europe and to highlight political, constitutional and human rights situations of concern in a number of member states including Russia, Azerbaijan, Poland, and Ukraine.

The CoE’s response to the attempted coup and subsequent developments in Turkey demonstrated the way its institutions can work together to support human rights. The Secretary General travelled to Turkey shortly after the attempted coup – the first International Governmental Organisation leader to do so. The Secretary General made a number of public statements condemning the coup attempt and calling for understanding of the challenges it had brought to the democratic institutions in Turkey, while simultaneously calling on the authorities to uphold their obligations under the European Convention on Human Rights.

He also clarified the CoE’s position on the death penalty. Following the Secretary General’s visit, an expert level dialogue was initiated between the Turkish authorities and CoE judicial experts.

The Venice Commission (the CoE advisory body on constitutional matters) supported member states in addressing constitutional matters and human rights situations of concern in a number of member states.

The CoE’s Commissioner for Human Rights, Nils Mužnieks, continued in 2016 to focus on the promotion and protection of the human rights of migrants and refugees. He also published and submitted to the European Court of Human Rights written observations on a case concerning the killing of prominent Russian human rights defender Natalia Estemirova, highlighting the Russian authorities’ failure to prevent intimidation of human rights defenders in the North Caucasus.

**European Court of Human Rights (ECHR)**

The Court’s caseload continues to be high. Its backlog of pending cases stood at 75,250 by the end of 2016, although the number of new cases allocated for consideration fell by 24%. A major issue for the Court is the significant number of cases from Hungary and Romania relating to prison conditions and prison overcrowding. Ukraine, Russia and Turkey have the largest number of cases before the ECHR. In 2016, there were 399 applications against the UK allocated for consideration by the Court. Of these, the Court produced judgments in 14 cases, finding no violation in seven of them. This compares well with other similar-sized countries.

Article 15 of the European Convention on Human Rights (ECHR) allows contracting states to derogate from certain rights guaranteed by the ECHR at times of war or other public emergency threatening the life of the nation to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with the state’s other obligations under international law. On 10 October 2016, aiming to protect the UK armed forces from future vexatious litigation, the UK’s Secretary of State for Defence announced that the UK Government “intends derogating from the European Convention on Human Rights, where this is appropriate in the precise circumstances of the operation in question. Any derogation would need to be justified and could only be made from certain Articles of the Convention”.

**Committee of Ministers (CoM)**

The CoM, comprising the governments of member states, is the CoE’s principal decision-making body. It discusses issues of a political nature, and holds member states to account on human rights, democracy and the rule of law, including by supervising the implementation of ECHR judgments. On 7 September, the Ministers’ Deputies held an exchange of views with Mevlüt Çavuşoğlu, Minister for Foreign Affairs of Turkey, attended by several foreign affairs ministers and other high-level representatives of member states. Thereafter the situation in Turkey was regularly discussed by the Deputies. We welcomed the Secretary General’s engagement with the Turkish authorities and joined support for democracy and rule of law in Turkey whilst highlighting the need for proportionate action in line with international human rights obligations. The CoM also focused on developments in Ukraine.

The CoM discussed the Secretary General’s third annual report on human rights which identified five building blocks for democratic security: an efficient, impartial and independent judiciary; freedom of expression; freedom of assembly and a vibrant civil society; legitimate democratic institutions; and inclusive societies. Thematic areas of debate included freedom.

of assembly and association, and freedom of expression – with the CoE noting the strong ground-swell of support for freedom of expression after the Paris attacks of January and November 2015. The CoM repeated condemnations of, and adopted declarations on, executions carried out in the United States, Japan and Belarus.

In its supervisory role, the CoM debated and adopted decisions expressing significant concern at Azerbaijan’s ongoing failure to implement the judgment in the case of Ilgar Mammadov (the politically motivated detention and prosecution of the leader of an opposition party). Exceptionally, the Committee decided, in June 2016, to make this a standing item on the CoM agenda. The most recent decision, adopted in December 2016, made clear for the first time that the Committee stood ready to consider using all methods available (including some of the procedures set out in the Convention in the case of non-compliance) to pursue implementation of this case by Azerbaijan. UK cases debated included those relating to Northern Ireland (McKerr) and prisoner voting rights (Hirst).

**Organization for Security and Cooperation in Europe (OSCE)**

The Organization for Security and Co-operation in Europe’s concept of security places equal emphasis on human rights and fundamental freedoms alongside politico-military and economic-environmental dimensions. We support the OSCE’s efforts to hold states to the human rights commitments they have made and to help states implement them, by working with the Office for Democratic Institutions and Human Rights (ODIHR), the Representative on Freedom of the Media (RFOM), and the High Commissioner on National Minorities (HCNM). We are also committed to safeguarding and enhancing the vital role that civil society plays in holding states to account, at a time when civil society space is under pressure in some states.

The UK Government values the OSCE’s work as an important element of the rules-based international system and as an amplifier of the UK’s commitment to human rights and fundamental freedoms. This was underlined by the Foreign Secretary’s attendance at the informal meeting of foreign ministers in Potsdam and by the Minister for Europe’s attendance at the formal ministerial in Hamburg during the German Chairmanship. The Minister for Human Rights and Prime Minister’s Representative on Preventing Sexual Violence in Conflict also visited the OSCE in July and addressed the Permanent Council on Preventing Sexual Violence in Conflict, and addressed the Forum for Security and Cooperation on Women, Peace and Security.

Throughout 2016, the UK worked with like-minded partners in the OSCE to raise human rights concerns. We were instrumental in generating a number of statements on human rights at the weekly OSCE Permanent Council. We also organised events at the OSCE on media freedom and violence against women, and provided expert speakers for events on disability rights and on gender.

The UK was active during the OSCE’s annual Human Dimension Implementation Meeting (HDIM) in Warsaw, the largest human rights meeting in Europe. The UK delivered six national statements, as well as two statements on behalf of the EU and its member states. The UK also organised events on Women, Peace and Security and on combating hate crime, and participated in an event on freedom of religion or belief. Regrettably, no new human dimension decisions were agreed at the December Ministerial Council. However, we secured the support of a majority of the states for a joint human rights statement.

We continued to work with like-minded partners to resist attempts to undermine the work of the OSCE autonomous institutions. We seconded an adviser to the office of the RFOM, and nominated a candidate for High Commissioner on National Minorities.

Looking ahead, we will work to safeguard the mandates of the OSCE’s institutions, and support the Austrian Chair-in-Office, appointing high-calibre successors to the RFOM, the HCNM and Director ODIHR. The UK will be chairing the Human Dimension Committee in 2017. Working closely with Austria as Chair-in-Office we will focus work on fundamental freedoms and tackling intolerance, while supporting the Austrian Chair’s priority of rebuilding trust within and between states.

**International Justice System and International Criminal Court**

The UK firmly believes that perpetrators of atrocities should be held to account for their actions, and that victims should see justice done. International justice does not stop with punishing the perpetrators – it goes further by helping victims of atrocities and their communities to come to terms with the past, starting the healing process and deterring those who might otherwise commit such violations in the future.

The International Criminal Court (ICC) in The Hague is the world’s first permanent independent international criminal court with jurisdiction over the most serious crimes of international concern. At the end of 2016, there were ten situations before the ICC: Uganda, DRC, Darfur, Central African Republic I, Kenya, Cote d’Ivoire, Libya, Central African Republic II, Mali and Georgia. In addition, there were ten preliminary examinations: Afghanistan, Colombia, Nigeria, Guinea, Iraq, Burundi, Ukraine, Gabon, Registered vessels of Comoros, Greece and Cambodia, and the Occupied Palestinian Territories.

The annual ICC Assembly of States Parties (ASP) took place in The Hague in November. The main focus was on how to react to notifications of withdrawal from three states parties. We regret the decision of any State Party to leave the ICC as this reduces the universality of the Court. Other priorities included enhanced cooperation between the ICC and States Parties and finalising a budget which balanced the needs of the ICC and the financial constraints of states. The then FCO Minister of State Baroness Anelay delivered the UK address in the plenary session. In 2016, the UK contributed £8.12 million to the ICC.

The UK continued to support the ICTY as it moves towards closure. In March, the ICTY found Radovan Karadžić guilty on one count of genocide, five counts of crimes against humanity and four counts of violations of the laws or customs of war.
He was sentenced to 40 years in prison. In 2016, the UK contributed £1.1 million to the ICTY.

The Mechanism for International Criminal Tribunals (MICT) took on the residual work (appeals, witness protection, sentence enforcement etc) of the International Criminal Tribunal for Rwanda (ICTR). In 2016, the UK contributed £770,000 to the MICT, and £400,000 to the ICTR.

The UK also contributed £1 million in voluntary funding to the Special Tribunal for Lebanon (STL) and smaller amounts to the Extraordinary Chambers in the Courts of Cambodia (ECCC) and Residual Special Court for Sierra Leone (RSCSL).

International Humanitarian Law (IHL) is a body of law, distinct from International Human Rights Law, which regulates the conduct of hostilities in armed conflict. It is codified primarily by the Geneva Conventions of 1949 and their Additional Protocols. The UK National Committee on IHL coordinates the government’s efforts for the promotion and full implementation of IHL. The UK continued actively to support the state-led process, facilitated by the ICRC and the Government of Switzerland, to strengthen respect for and enhance the implementation of IHL, which was renewed at the 32nd International Conference of the Red Cross and Red Crescent in December 2015.

The UK made a number of pledges at the conference, on issues such as the promotion and dissemination of IHL, respecting and protecting health care in armed conflict and other emergencies, and preventing sexual and gender-based violence. The UK is taking action to fulfil these pledges and will report on progress at the next International Conference in 2019.
CHAPTER IV: FCO Human Rights Programme Funds

In 2016-17 the FCO reaffirmed its commitment to supporting human rights, democracy and an effective rules-based international system, through the doubling of the Magna Carta Fund for Human Rights and Democracy to £10.6m, and the launch of the new Rules-Based International System Fund (RBIS) at £9.8m. Taken together, these two funds supported over 160 projects in more than 80 countries. The Magna Carta and RBIS Funds support projects primarily in Official Development Assistance (ODA) eligible countries (98% of funding overall). The FCO provide further details on ODA project on an annual basis, which can be found at https://www.gov.uk/government/collections/official-development-assistance-oda--2. Outside of our ODA projects, the Magna Carta Fund in 2016/17 also supported Human Rights and Democracy projects in developed countries such as Russia and Bahrain.

Participants of a workshop run by Christian Solidarity Worldwide and supported by the Magna Carta Fund. The project worked to promote the right to Freedom of Religion or Belief in South Asia by providing human rights defenders with key advocacy and documentation skills.

Magna Carta Fund for Human Rights and Democracy

The expansion of the Magna Carta Fund for Human Rights and Democracy has strengthened the FCO’s commitment to our principles on human rights and democracy through increasing the FCO’s contribution to supporting project work on the ground.

The Magna Carta Fund supported 118 projects in 2016-17 compared to 101 projects the previous year. The fund has expanded the scope of these projects to include multiyear proposals and has also increased the average value to projects from £62,000 per project per annum in 2015-16 to an average project value of £96,000 per project per annum in 2016-17.

The Magna Carta Fund supports projects across a range of Human Rights and Democracy themes including strengthening civil society, abolition of the death penalty, promoting democracy, freedom of religion and belief, freedom of expression, preventing torture, promoting women’s rights, LGBT Rights and the rule of law.

The Magna Carta Fund operates across the world, in over 60 countries in total, but the majority of spending is focused in the 30 Human Rights Priority Countries set out in this report. These projects vary in method of engagement and theme including working with major institutions such as the Venezuelan National Assembly to promote more effective and transparent governance procedures. Recently the Venezuelan project has supported workshops on Climate Change and Rule of Law; over 120 people attended the two workshops including various Venezuelan MP’s, with the majority showing an increased understanding of the area under discussion.

We also promote more “bottom up” approaches in delivering human rights goals with projects such as support for promoting the inclusion of religious tolerance and legal protection for freedom of religion in secondary school curriculums across the Middle East and North Africa, in order to create more inclusive societies in the long term.

In 2016/17 the Magna Carta Fund also began to support a number of two year projects where we believed that better outcomes could be achieved with longer term programme support. We tended to support multiyear projects predominantly in Human Rights Priority Countries which had established long term human rights goals, such as in Bangladesh where we supported project work promoting workers’ rights in the garment, leather and tanner industries to protect against modern slavery and other human rights abuses. The project focused on providing training to 200 factory workers and trade unions at management and shop floor levels to provide people with the tools to challenge human rights violations and to understand the UN Guiding Principles to increase accountability.

The Rules-Based International System Fund

The rules-based international system (RBIS) is founded on relationships between states and through international institutions and frameworks, with shared rules and agreements on behaviour. Additional ODA funds were secured in the last Spending Review expanding the FCO’s Strategic Programme Fund (SPF) for the Financial Year 2016/17. The RBIS Fund was established in July 2016 to support delivery of Strategic Defence and Security Review (SDSR) commitments to strengthen and adapt the rules-based international system.

The Fund supports work on strengthening global peace, security and governance; strengthening resilience and
The Fund is helping the new Commonwealth Secretary General modernise and reform the Commonwealth and will enable the Commonwealth to make distinctive contributions to international efforts to tackle global challenges. Under its UN programme, the Fund helps improve the UN's delivery of services in developing countries, strengthens the UN's support for stabilisation and reconstruction in fragile and conflict-affected states, strengthens the UN's role in managing protracted crises, and promotes the developmental benefits of the global digital economy.
CHAPTER V: Consular Assistance to British Nationals Overseas

Introduction
Consular assistance is at the heart of what the FCO does. This is essentially advice and practical support provided by UK officials to support British nationals overseas when something goes wrong.

Human rights work is integrated with consular priorities. In 2017, the UK will continue to provide assistance to British nationals overseas, lobby against the death penalty, provide support to those in detention, and raise allegations of torture and mistreatment where appropriate.

Death Penalty
At the end of 2016, 13 British nationals faced the death penalty worldwide and 63 were detained on charges that could attract the death penalty if the defendants were found guilty. The UK opposes the use of the death penalty in all circumstances. When a British national is exposed to the death penalty, we intervene at whatever stage and level is deemed most effective, from the moment a death sentence becomes a possibility, in order to prevent the execution of any British national. We work closely with legal teams employed by British nationals facing the death penalty, and are supported in this endeavour by two NGOs: Reprieve and the Death Penalty Project (DPP). In 2017, we will continue to intervene in death penalty cases as and where necessary.

Torture
The UK takes all allegations or concerns of torture and mistreatment very seriously. Consular staff are required to take urgent action if they receive an allegation or suspect that a British national (including dual nationals) has been subjected to torture or mistreatment. We will try to ensure the British national involved is safe. With the British national’s permission, we raise the allegation with the local authorities, requesting a full, transparent and independent investigation, in line with international standards. In addition to raising individual cases, where we have received a number of allegations we will raise concerns with the state authorities about the prevalence of mistreatment and torture allegations. When responding to an allegation, consular staff will avoid any action that might increase the risk to the detainee concerned.

In 2016, we provided torture and mistreatment awareness workshops overseas to help our staff take appropriate action in high-risk countries. We also held reviews of all consular mistreatment cases with the aim of identifying regional trends and developing strategies to engage and lobby the local authorities.

Overseas prisoners
We offer consular assistance to all British nationals and dual nationals in a third country, whether they are in police custody, awaiting trial, or serving a prison sentence. In certain exceptional circumstances, we can help dual nationals in the country of their second nationality and nationals of other European and Commonwealth countries.

We aim to contact British detainees as soon as possible after being told about their arrest or detention. Depending on the individual, country, and local circumstances, we will also seek to visit them as soon as possible. Our primary role is to monitor their welfare and to provide basic information about the local legal and penal system, including a list of English-speaking lawyers and interpreters, and the availability of legal aid.

We work in close partnership with the charity Prisoners Abroad to support the welfare of British detainees overseas. Prisoners Abroad offers grants and vitamin supplements to improve the health and well-being of prisoners held overseas, and provides resettlement assistance on return to the UK. We work with Prisoners Abroad on over 1,000 cases a year, particularly those of prisoners with medical concerns.

Forced Marriage
The UK remains a world leader in tackling forced marriage. It is recognised as child abuse, domestic abuse, a form of violence against both women and men, and ultimately a serious abuse of human rights.

In 2016, the Forced Marriage Unit (FMU), a joint FCO and Home Office Unit, provided advice or support related to a possible forced marriage case in over 1350 cases, involving over 60 countries. We delivered over 100 outreach events to a wide range of agencies, schools and communities. The sessions are aimed at raising awareness of forced marriage, by highlighting the risks and enabling professionals to recognise the warning signs, in order to ensure that the right action is taken to help safeguard children and adults from this abhorrent abuse. We also funded eight UK-based NGOs to deliver projects raising awareness of forced marriage and the support available for those at risk.

In 2017, the FMU will continue to provide assistance and raise awareness of the issue across communities in the UK. We also aim to complement this work through engagement with like-minded countries.
CHAPTER VI: Human Rights Priority Countries

In 2015, the Foreign and Commonwealth Office (FCO) designated 30 “Human Rights Priority Countries” (HRPCs)\(^\text{[10]}\). We designated HRPCs following careful consideration against three separate criteria: the human rights situation in the country; the country’s human rights trajectory; and the UK’s ability to influence change. The purpose of selecting HRPCs was to help us prioritise our efforts. This is not to say that we do not work on human rights in many other countries in the world, and indeed through multilateral fora.

HRPCs have been treated as priorities for funding from the Magna Carta Fund for Human Rights and Democracy. The cut-off point for this report is 31 December 2016. At https://www.gov.uk/government/collections/human-rights-and-democracy-report-2015-priority-country-reports you will find our latest assessments of human rights in the HRPCs.

Afghanistan

The overall poor security situation and the ongoing insurgency in Afghanistan continued to limit progress on human rights in 2016. Whilst the Afghan Government continued to show commitment to an agenda of ambitious reform, outlining this at the Brussels Conference on Afghanistan in October 2016, implementing this agenda presented serious challenges. A UN report on the Protection of Civilians\(^\text{[11]}\) showed a 3% increase in the number of civilian victims in conflict (the highest number since UN records on civilian casualties began), including a 24% increase in the number of child casualties. The majority of these were attributed to armed insurgency groups, including the Taliban and Daesh, but a rising number were a result of Afghanistan National Defence and Security Forces (ANDSF) actions. Concerns around rights of women, democracy, and protection for human rights defenders (HRDs) also remain.

A lack of recognition of women’s rights has left women and girls susceptible to violence, poverty and exploitation. The Afghan Government places a strong emphasis on improving the position of women in Afghanistan. The UK continues to work with the Afghan Government, civil society and the international community to implement Afghanistan’s National Action Plan on Women, Peace and Security in line with UN Security Council Resolution 1325. Other programme and political activity includes supporting victims of violence, raising awareness of the right to access to justice, support for women’s economic empowerment, supporting an increase in the number of female graduates from the Afghan National Army Officers Academy (ANAOA) and increasing the number of female prosecutors.

In addition to support for the rights of women, our human rights objectives in 2016 focused on supporting the development of Afghanistan’s electoral system and promoting improvements to the rule of law. We are also helping to develop human rights institutions, particularly the Afghanistan Independent Human Rights Commission (AIHRC). Moreover, we are supporting a project to train HRDs to protect themselves better in hostile environments.

The death penalty was carried out on six individuals following conviction for terrorism offences. These were the first instances of the use of the death penalty since 2014.

The UN reported that over 650,000 Afghans were forced to flee their homes in 2016, a record number of internal displacements. Another 600,000 Afghans returned, predominately from Pakistan. The UN estimates up to another million are likely to return in 2017 and almost half a million are expected to be displaced internally. This is likely to place a further strain on the country’s capacity to both respond to the needs of its population and maintain people’s right to an adequate standard of living.

Displacement on this scale could increase vulnerability to modern slavery. The UK is seeking to support work to tackle modern slavery through aspects of our programme work focusing on understanding, prevention, protection and prosecution.

We will continue to encourage the Afghan Government to deliver on commitments it made in October 2016. We will continue to provide support to the development of the AIHRC to increase its capacity to investigate allegations of abuse by security forces.

Bahrain

There was a mixed picture on human rights in Bahrain in 2016. Compared with the region, Bahrain remains progressive in women’s rights, political representation, labour rights, religious tolerance and institutional accountability. In the bicameral Parliament, the Council of Representatives is multi-faith. Across the two chambers, 15% of parliamentarians are women. Women in Bahrain are also present at all levels in business and government, including ministerial, judicial and ambassadorial positions. In 2012, the government established independent human rights and oversight institutions such as the Ministry of Interior (MOI) Ombudsman, the Prisoners’ and Detainees’ Rights Commission (PDRC), and the Special Investigations Unit (SIU), which work to safeguard human rights and provide independent oversight of police behaviour and detention.

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\(^{[10]}\) Afghanistan, Bahrain, Bangladesh, Burma, Burundi, Central African Republic, China, Colombia, Democratic People’s Republic of Korea, Democratic Republic of Congo, Egypt, Eritrea, Iran, Iraq, Israel and the Occupied Palestinian Territories, Libya, Maldives, Pakistan, Russia, Saudi Arabia, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Turkmenistan, Uzbekistan, Venezuela, Yemen and Zimbabwe.

standards. These were the first of their kind in the region and remain unique in the Gulf.

However, the UK voiced its concern over measures taken by the government in 2016 which further restricted some civil liberties, including freedom of expression and assembly. These include the dissolution of the main Shia opposition political society in Bahrain, Al Wefaq; the arrest of prominent Bahraini human rights activist Nabeel Rajab in relation to tweets issued in 2015; and the announced revocation of citizenship of Bahraini Shia cleric Sheikh Isa Qassim. We are concerned over the alleged prevention of some Bahraini activists from travelling to the UN Human Rights Council in June and September 2016. We also have concerns over the deprivation of citizenship where this renders individuals stateless.

The UK Government has discussed its human rights concerns with the Government of Bahrain both in public and in private. In 2016, the UK continued to work with the Government of Bahrain to encourage the development of effective and accountable institutions, strengthening the rule of law and justice reform. The UK continued to provide technical assistance to the National Institute of Human Rights (NIHR), the Ombudsman, the PDRC, and the SIU, amongst other institutions. To give one example of progress: in May 2016, the PDRC released a report on its independent inspection of Jau Rehabilitation and Reformation Centre, and highlighted a number of key concerns in respect to prison conditions, which the Ministry of Interior has committed to implementing.

In 2017, the UK will continue to work with the Government of Bahrain to support the Bahraini-led reform agenda. We welcome the Government of Bahrain’s commitment to continue, into 2017 and beyond, with implementing its own series of socio-economic reform programmes which are designed to improve opportunities for all Bahrainis and which include developing new ways that all citizens can hold government institutions to account.

We continue to oppose the use of the death penalty in all circumstances and countries. The Foreign Secretary made a statement on 15 January 2017 following the execution of three men convicted of carrying out an IED attack against members of the Police Force. The Bahraini authorities are fully aware of our position and the Foreign Secretary has raised the issue with the Bahraini Government.

People’s Republic of Bangladesh

There was no improvement in the overall human rights situation in Bangladesh during 2016. Pressure on freedom of expression persisted and extremist attacks and sectarian violence against religious and other minority communities continued. An increasing number of terrorist attacks, including at the Holey Bakery restaurant in Dhaka on 1 July in which 22 people died, saw the government pursue a strict “zero tolerance” approach to terrorism. There were allegations of extrajudicial killings, arbitrary arrests, torture and enforced disappearances involving Law Enforcement Agencies (LEAs). Concerns about the treatment of women and girls remain, and the death penalty is still a legal punishment for a wide range of offences. New laws were introduced that had the potential to restrict freedom of expression. Civil society groups have expressed concern that the Foreign Donations (Voluntary Activities) law passed in 2016 may hamper the ability of Bangladeshi NGOs to deliver vital programmes and hold government to account.

In 2016, the UK urged the Bangladesh Government to treat all those arrested in line with Bangladeshi law and international standards. The UK was also clear that there must be no impunity, irrespective of the individual circumstances of the victim or alleged perpetrator. We encourage the government to implement fully the Supreme Court’s judgement on provisions of arrest without warrant and on interrogation on remand.

In 2016, the High Commission supported a review on implementing the Rabat Principles and how legitimate restrictions on freedom of expression to prevent hate speech should be applied in Bangladesh.

The UK also worked closely with international partners to link bloggers under threat from extremist attacks with organisations that provide shelter and support for human rights defenders. Through the Magna Carta Fund, we supported work to draw up clear sentencing guidelines for judges. This will help ensure that, where the death penalty is retained, it is applied in a manner that meets international standards - a step on the path to eventual abolition.

Despite impressive progress towards middle income status and promoting gender equality, Bangladesh continued to score poorly against some indices. The 2016 Global Slavery Index (GSI) placed Bangladesh 21st out of 167 countries for the estimated percentage of people living in conditions which the GSI described as modern slavery. The FCO has supported work to help UK businesses in Bangladesh meet their obligations under the UK’s Modern Slavery Act (2015). Through our partnerships with local human rights NGOs and projects in the justice sector, the UK pressed for improved implementation of policies protecting and promoting the status and empowerment of women and girls.

Looking ahead, we will engage constructively with all Bangladeshi political parties and our international partners, to strengthen democratic accountability and capacity to hold participatory elections. The formation of the next Election Commission provides a vital opportunity to build confidence that the political process can be free and fair. We will press for zero tolerance against inhumane treatment and abuse of due process in the justice system and by LEAs. And we will encourage the Bangladeshi Government to uphold the international human rights standards it has signed up to and to keep open the space for debate and challenge, including through our support to media and civil society.

Burma

There was some progress on human rights in Burma during 2016. Following the National League for Democracy (NLD) Government’s inauguration on 30 March, the positive trend on civil and political rights continued. The government showed early commitment to repealing repressive legislation by setting
up a commission to identify priority laws for repeal or reform. The government also showed commitment to addressing the underlying issues in Rakhine State by setting up the new hybrid Burmese/international Rakhine Advisory Commission headed by Kofi Annan, to provide advice and recommendations for a durable solution. However, the situation in Rakhine State deteriorated following attacks on Border Guard Police posts on 9 October. There were widespread allegations of torture, ill treatment, extrajudicial killing, arson, mass rape and other forms of sexual violence committed by security forces. Limited media, diplomatic and humanitarian access made it difficult to verify facts, and initial statements from the government’s Investigation Commission set up by the government were not credible. The intensification of military operations in Kachin and Shan States led to civilian casualties and widespread displacement of civilians. Some NGOs have documented shelling of civilians. Arbitrary arrest, restrictions on movement and limited humanitarian access are also deeply concerning.

UK human rights priorities in 2016 focused on supporting the democratic transition, in particular the new civilian administration. Although the military respected the outcome of the election, they remained in control of the key Ministries of Defence, Borders and Home Affairs, as well as the powerful General Administration Department, which staffs regional and state-level governments. In August, State Counsellor Aung San Suu Kyi launched a new peace initiative (“Union Peace Conference: 21st Century Panglong”), which brought most of the key actors to the table for dialogue. This has been followed up with a number of regional-level dialogues on the peace process. However, continued military offensives in the north-east diminish trust and hamper progress in the peace process. The UK remains active in supporting the peace process through funding and political dialogue, including via the multi-donor Joint Peace Fund which supports a nationally-owned and inclusive peace process in Burma.

The interim recommendations of the Rakhine Advisory Commission, led by Kofi Annan, are expected in spring 2017. The UK stands ready to provide support for these recommendations, as well as wider efforts to resolve ongoing conflict situations and ease the plight of the Rohingya Muslims in Rakhine. We will monitor freedom of expression and religion, in particular the increasing use of Section 66(d) of the 2013 Telecommunications Act, which effectively limits online freedom of expression and carries a penalty of up to three years in prison. The UK will continue to provide support for legislative reform, as there are still many laws that do not comply with international standards, including some which have already been reformed. In light of ongoing concerns over human rights in Burma, we will also aim to maintain the mandate of the UN Special Rapporteur on Human Rights in Burma at the Human Rights Council.

**Burundi**

The human rights situation in Burundi showed no signs of improvement in 2016, following the political crisis that began in 2015. A pattern of arbitrary arrests and detentions, torture, enforced disappearances and unlawful killings was observed. The Burundian authorities banned or suspended several human rights NGOs and continued to subject human rights defenders, journalists and opposition supporters to harassment and intimidation. The Office of the United Nations High Commissioner for Human Rights (OHCHR) raised concerns over the risk of ethnically-motivated violence due to instances of ethnic hate speech and teachings in the country. There is also an increasing trend in modern slavery, linked to the human trafficking of girls to work overseas as domestic servants in Gulf Arab households.

In multilateral fora, the Burundian Government adopted a policy of non-co-operation, failing to appear before the UN Committee Against Torture to respond to allegations of widespread human rights violations and rejecting a report presented to the UN Human Rights Council by the United Nations Independent Investigation on Burundi (UNIIB). The report exposed numerous grave human rights violations and documented examples of horrific sexual violence. In October the Burundian Government suspended its co-operation with OHCHR in Burundi, and began the process of withdrawing from the International Criminal Court (ICC).

The UK’s human rights objectives in Burundi in 2016 focused on preventing mass violence and offering humanitarian support to the growing number of at-risk Burundians. The UK funded a nationwide human rights monitoring and reporting programme supporting a network of investigators and local human rights activists, and placed particular emphasis on the prevention of sexual and gender-based violence. The latter included support to women’s associations to reduce stigmatisation and increase women’s engagement with decision-makers, and the development of early warning and investigation processes. The Department for International Development (DFID) provided £3 million in humanitarian assistance in Burundi and £46 million for Burundian refugees in neighbouring Rwanda and Tanzania. The UK also worked through the EU and UN, championing a Human Rights Council Resolution to intensify international monitoring and reporting of human rights abuses; supporting a UN Security Council Resolution authorising the deployment of UN police in Burundi; and backing a rollover of EU restrictive measures against individuals whose activities included violence, repression or serious human rights violations.

Looking to 2017, improved respect for human rights will remain the UK priority in Burundi. Given that the protracted political crisis in Burundi has been the root cause of the deterioration in human rights since 2015, we will strongly support international efforts, led by the East African Community and former Tanzanian President Mkapwa, to find a peaceful political solution in line with the Arusha Peace Accords. We will continue to support targeted and high level interventions to combat modern slavery and improve human rights and security, including the relationship between security forces and the general population. We will also look to raise greater domestic and international awareness of sexual violence in Burundi, with increased access to justice for survivors.

**Central African Republic (CAR)**

During 2016 the human rights situation in the Central African Republic (CAR) showed no sign of improvement. Armed groups
continued to commit human rights abuses with impunity, including unlawful killings, torture and other ill-treatment, abductions, and sexual violence. There was evidence of progress in the political sphere, with a smooth transition of power following the elections, followed by commitments from the CAR Government to prioritise work to eradicate security-related problems.

The UK’s main human rights objective in CAR for 2016 was to continue to work towards ending impunity, which would first require the implementation of robust processes of Disarmament, Demobilisation and Reintegration (DDR) and Security Sector Reform (SSR). The lack of a properly functioning judicial system in particular meant that little action could be taken by the CAR authorities to address human rights abuses by non-state actors and bring perpetrators to justice. 2016 saw some further progress on the creation of a Special Criminal Court to aid the fight against impunity, but sufficient funding and qualified judges and legal staff were still being sought.

In July 2016, the UK supported the replacement of the EU Military Assistance Mission by an EU Training Mission (EUTM RCA), mandated to advise on the reform of CAR’s defence sector and train the national army (FACA). This strand of SSR will play a crucial role in ensuring that CAR has the resources to tackle non-state actors and to prevent future state actor violations, such as the attacks on civilians which followed the murder of a FACA commander in October.

The United Nations (UN) took steps to address the persistent problem of allegations of sexual exploitation and abuse by UN Peacekeepers from the UN Multidimensional Integrated Mission in CAR (MINUSCA). MINUSCA established joint protection teams, appointed Investigation Officers, and carried out targeted training and local outreach activities. The UK provided £1 million of funding to support training, vetting and implementation of the necessary reforms to the UN system in support of the Secretary General’s zero tolerance policy.

Wider international community support for CAR’s development was channelled via a donor conference in Brussels in November 2016, at which more than $2 billion was pledged. The UK committed £36 million in humanitarian funding and £24 million in contingency funding. These funds will help support CAR’s Humanitarian Response Plan.

Looking ahead to 2017, it will be important for the CAR Government to implement its National Plan for Recovery and Peacebuilding. This should provide a framework to return to stability and help reduce the number of human rights violations and abuses in CAR. The UK will continue its support of the UN peacekeeping mission, MINUSCA and the EUTM. In 2017 the EU Mission will help deliver SSR objectives by training battalions of CAR armed forces and by supporting the CAR authorities in developing their own training and education systems. The UK will work with both international partners and President Touadéra’s Government towards achieving these goals, including by providing diplomatic and financial support.

China

In 2016, the UK continued to have significant human rights concerns in China, particularly in relation to civil and political rights which were subject to increasing restrictions. There were some improvements in economic and social rights. China introduced White Papers on judicial reform which included emphasis on governance through law. The UK and China co-operated to reduce modern slavery and law enforcement agencies worked with China to tackle human trafficking.

Foreign Secretary Boris Johnson raised human rights, including the crackdown on lawyers and activists in China at the 2016 UK- China Strategic Dialogue

Space for civil society was constrained. New laws and regulations, including China’s first Cyber Security Law, further restricted freedom of expression. China’s first Charity Law helped put more domestic NGOs on a legal footing. However, a new Foreign NGO (FNGO) Management Law, which took effect on 1 January 2017, risked disrupting links with civil society outside China. Courts accepted some cases against the government on LGB&T issues. However, ‘conversion therapy’ remained widely available despite criticism by the UN Committee Against Torture.

There were continued restrictions on minority and religious groups, particularly in Tibet and Xinjiang. Online and media censorship continued and prominent bloggers, including Druklo (aka Shokyang), were sentenced to prison. In Tibet, there were reports of demolitions of homes and religious buildings and self-immolation. Requests for human rights monitoring visits to the Tibetan Autonomous Region (TAR) were refused.

The UK was increasingly concerned about the ‘709’ human rights lawyers and associates. Many, including Li Heping, continued to be held without trial. Others, like Zhou Shifeng, were tried without their choice of legal counsel. Some, including Wang Yu, were released following televised confessions but remained subject to strict bail conditions. Family members and friends were targeted. The handling of these cases ran contrary to China’s commitment to rule of law reforms.

The UK continued to monitor developments closely and supported projects in priority areas including modern slavery, torture prevention, the death penalty, women’s rights, and
civil society. We assess that this co-operation contributed to improvements in women’s rights, including strengthening implementation of China’s first domestic violence law.

The UK raised human rights with China robustly and at every level. The UK-China Human Rights Dialogue remained an important channel for relaying a full range of concerns and cases. The 2016 Dialogue focused on pre-trial detention and the importance of an active civil society. We continued to act on cases of concern, including working with international partners and NGOs in China and the UK.

The UK attempted to observe trials, though we were often obstructed by the authorities. We maintained contact with human rights defenders and their families. We raised human rights in China in bilateral and joint statements at the UN Human Rights Council. We supported EU statements and called publicly for the release of detained human rights lawyers and related cases.

In 2017, restrictions are likely to continue, affecting groups that may include lawyers and members of NGOs. Some of those detained in the ’709’ crackdown may face trial. The operating environment for some foreign NGOs is likely to become more challenging as a result of the NGO Management Law. We expect to work with China bilaterally and through the UN and G20 to combat all forms of modern slavery.

We will continue to raise human rights and values issues through a range of channels, both publicly and privately.

Finally, in this 20th year since the handover of Hong Kong to China, we assess that the Special Administrative Region is generally working well. Its success continues to be based on the high degree of autonomy, rule of law, independent judiciary and other rights and freedoms set out in the legally-binding Sino-British Joint Declaration. We continue to monitor implementation of the Joint Declaration through Six Monthly Reports to Parliament, and to act on cases of concern. For example, during 2016 we consistently raised concerns relating to the case of the Hong Kong bookseller Lee Po.

Colombia

2016 was an historic year for Colombia, with the signing of a peace agreement on 24 November between the Colombian Government and the Revolutionary Armed Forces of Colombia (FARC), which ended the longest running conflict in the western hemisphere. This followed six weeks of intense negotiations, after an initial deal was rejected by the Colombian people in a plebiscite. Despite progress there are continuing concerns about conflict-related violence, including abuses committed by illegal armed groups. According to the UN, 63 human rights defenders (HRDs) were killed in 2016, 50% higher than in 2015; 75% occurred in rural areas. Civil society reporting suggest this number could be as high as 125.

It is unclear whether there is an ideological pattern behind the killings, but many have taken place in areas vacated by the FARC as illegal armed groups have stepped in. The Colombian Government has taken welcome steps to investigate some of those murders and in December the President announced the formation of a new commission, involving the military, police, government and civil society to help accelerate investigations of these crimes. There are also continuing concerns about the need to improve prison conditions and access to justice for victims, including those of sexual violence.

There are reports of continuing discrimination against the LGB&T community. The Office of the United Nations High Commissioner for Human Rights (OHCHR) reviewed Colombia’s Seventh Periodical Review[12] in November, noting positive developments, including the adoption of a National Strategy to Combat Human Trafficking.

Prime Minister Theresa May discussed human rights with President Santos during the Colombian State Visit to the UK in November 2016, when we reaffirmed our shared commitment to human rights in a Joint Declaration. The UK promoted the protection of HRDs through project funding, field visits, high level engagement and joint work with the EU and UN. The Embassy also hosted a visit by the UN Special Rapporteur for HRDs in September 2016. During the review period, Her Majesty’s Ambassador continued to take an active role in the “Ambassadors with Defenders” initiative, which launched a media campaign in December to highlight the work of HRDs.

Our Preventing Sexual Violence in Conflict (PSVI) projects with women’s organisations helped to report and document cases of sexual violence using the International Protocol (1,200 criminal reports and 507 cases documented to date). We also supported the attendance of three Colombian experts at the Wilton Park conference to develop a Global Action Plan against Stigma. The UK chaired the International Cooperation Working Group on Gender Justice and Peace in Bogota in 2016. This initiative was designed to address women’s political participation in Colombia.

The Colombian Government reports that it has begun to implement their National Action Plan for Business and Human Rights, which was first launched in December 2015 following collaboration with the UK. We are working with the Colombian Ministry of Mines on a project that focuses on inclusion of the “remedy” pillar of the UN Guiding Principles, which will encourage companies to address adverse affects of their activities on local communities, by resolving them through legitimate processes.

In 2017, the UK will continue to focus on three human rights priority issues in Colombia: HRDs, PSVI and business and human rights. We will continue to work with the Colombian Government to ensure that respect for human rights, access to justice and preventing sexual exploitation continue to be guiding principles during implementation of the peace process with the FARC.

Democratic People’s Republic of Korea (DPRK)

There was no sign of improvement in human rights in the DPRK during 2016. We continue to have grave concerns

about the DPRK’s disregard for, and violations of, international human rights norms and obligations. As documented in the UN Commission of Inquiry report on Human Rights in the DPRK, there are widespread violations, including torture; rape; summary executions; disappearances; and using starvation as a means of control and punishment.

In the field of disability rights, there was a small sign of progress in December, when the DPRK Government ratified the UN Convention on the Rights of Persons with Disabilities. However, in March the country disengaged itself from the UN Human Rights Council (HRC), following the adoption of a Japan-EU-led resolution on the DPRK. The DPRK Foreign Minister stated at the time that the DPRK would never be bound by international resolutions that he claimed were politically motivated. For the remainder of the year, the DPRK continued to refuse meaningful engagement with the international community on human rights and rejected resolutions passed by the UN HRC and UN Security Council (UNSC). Despite this, they have continued to highlight and criticise human rights concerns elsewhere (particularly in the EU, Republic of Korea and the United States).

The UK continued to urge the DPRK Government to acknowledge the existence and extent of its human rights violations and to demonstrate a willingness to take steps to address these issues. The Ambassador and Embassy officials raised human rights issues at a number of meetings with DPRK Government officials in Pyongyang. Senior FCO officials used meetings in London with DPRK Embassy officials to raise concerns over human rights issues, including those documented in the Commission of Inquiry report. UK officials urged the DPRK Government to uphold its human rights obligations, to agree to a visit by the UN Special Rapporteur and other UN officials, and to engage with the international architecture on human rights.

We also maintained pressure on the DPRK through international fora such as the UN General Assembly, the UNSC and the HRC, where UK Government lobbying helped secure widespread support for strong resolutions. The Japan-EU-led resolution on DPRK at the HRC was adopted without a vote on 23 March and included the renewal of the mandate for the Special Rapporteur on the Situation of Human Rights in the DPRK.

As part of the UK’s policy of critical engagement with the DPRK, we will continue to work bilaterally and with international partners, including on further resolutions, and will raise human rights issues with the DPRK Government at every opportunity. We will continue to support small-scale humanitarian project activities in the DPRK which provide assistance to the more vulnerable elements of DPRK society in remote communities outside Pyongyang.

Democratic Republic of the Congo (DRC)

The human rights situation in the DRC deteriorated further during 2016, particularly as a result of activity by armed groups in eastern DRC, who remain responsible for the majority of abuses. However, there has been a significant increase (400%) of abuses related to elections. There was continued shrinkage of democratic space, particularly in relation to the electoral process as President Kabila’s constitutional mandate drew to a close in December. The United Nations Joint Human Rights Office (JHRO) documented a total of 1,102 human rights violations, a huge increase since last year. The majority of incidents, for which the state was reportedly responsible, related to arbitrary arrests and detentions; spurious charges against opposition figures; attacks on freedom of speech; and extrajudicial killings by state agents. State human rights violations continued, including the disproportionate use of force by the security services of the DRC against supporters of the political opposition. Additionally, there have been accusations of grave and widespread human rights violations by security forces in the Kasai region in response to a local uprising. In August, the DRC’s Family Code was revised, which was a positive outcome for gender, LGBT and minority rights. The DRC currently ranks in the top ten countries for numbers of people in modern slavery, with more than 80,000 people affected.

The UK’s human rights work focused on protecting political space and preventing sexual and gender-based violence. The FCO funded projects to help victims of sexual violence in conflict to obtain justice and worked with the DRC Government to encourage use of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict by legal and medical practitioners. The UK continued to contribute towards long term stability in eastern DRC, through support to the MONUSCO (UN Organisation Stabilisation Mission in the DRC); the work of the Department for International Development (DFID); and projects and programmes supported by the UK’s Conflict, Stability and Security Fund (CSSF). We remain deeply concerned about the risk of further massacres in and around the city of Beni, and are supporting MONUSCO in its work to prevent future incidences and reduce human rights violations and abuses in the east of the country. Our office in Goma has facilitated and driven the sharing of information about the massacres amongst those investigating a number of massacres in Beni territory. In 2017, the UK will continue to focus on preventing human rights violations and abuses during the electoral period. We will monitor arrests, detentions and disappearances of opposition and civil society figures, and will raise any concerns with the DRC Government. We will continue to encourage the DRC Government to take concrete steps to improve respect for human rights, particularly by taking action against armed groups in the east. We will look for ways to include work against modern slavery and people trafficking in our existing and forthcoming programme activity. We will also continue our work on the Preventing Sexual Violence in Conflict Initiative, funding a number of grassroots projects and working closely with the DRC President’s Personal Representative on the Fight Against Sexual Violence and Child Recruitment, as well as other relevant ministries.

Egypt

The human rights situation in Egypt in 2016 saw increased restrictions on civil society, freedom of expression and reports of police abuses.
In 2016, reports of torture, police brutality and enforced disappearance continued. A report released by the Egyptian NGO, the Nadeem Centre, documented 535 individual cases of torture, 123 deaths in detention (of which 21 were due to torture) and 980 cases of enforced disappearance. These figures were compiled from media reports; we are unable to verify them independently.

In 2016, journalists continued to be imprisoned in Egypt, which is the world’s third-worst jailer of journalists, according to the Committee to Protect Journalists (CPJ). The arrests of journalists, activists, protesters and human rights defenders, as well as the pressure imposed on civil society, continue a worrying trend of restrictions on freedom of expression, association and assembly.

Restrictions on civil society worsened significantly in 2016. Several human rights defenders and NGOs were banned from travelling and/or had their assets frozen in connection with the ongoing ‘Foreign Funding Case’ against NGOs. On 29 November 2016, Egypt’s Parliament passed a draft NGO law which, if ratified, will significantly restrict NGOs’ ability to register, access funding and operate freely. There has been international scrutiny of the draft law, including a joint statement by 60 domestic and international NGOs stating the law would “wipe out independent civil society”. The current status of the law remains unclear.

In November, Egypt’s President Sisi set up the Detained Youth Committee, an initiative to release youth detained in protest or freedom of expression related cases. The formation of this Committee was welcome. In the same month, 82 individuals received a presidential pardon. This was also welcomed. However, pre-trial detention periods which extend beyond the legal limit continue to be a matter of concern. Local NGO the Egyptian Initiative for Personal Rights has documented 1,464 cases of pre-trial detention used beyond legal limits. Photo-journalist Mahmoud Abu Zeid was detained in August 2013 and remains in pre-trial detention.

During 2016, the UK Government was active on several fronts in support of human rights in Egypt. The then FCO Minister for the Middle East and Africa, Tobias Ellwood, issued public statements on the restrictions on civil society. His statements included concerns regarding the new draft NGO law which will create obstacles to international support to Egypt, and the ongoing ‘Foreign Funding Case’. We have sent representatives of the Embassy in Cairo to observe hearings linked to the Foreign Funding Case. We have raised human rights concerns at ministerial and senior levels, including during Prime Minister Theresa May’s meeting with President Sisi in September. The UK also raised human rights concerns through statements at the UN Human Rights Council.

The death of Italian Cambridge University PhD student Giulio Regeni was raised with the Egyptian authorities in London and Cairo, including calling for a full and transparent investigation and full cooperation with the Italian investigators. The Embassy started work on two Magna Carta Fund for Human Rights and Democracy projects to strengthen accountability and the rule of law and improve documentation of human rights abuses in Egypt. We are working with the Egyptian authorities to strengthen capacity to counter human trafficking and smuggling and provide protection for vulnerable groups who could become victims of modern slavery. Finally, we worked within the EU to ensure human rights were incorporated into the EU/Egypt partnership priorities.

Following the terrorist attack against El-Botrosiya Church on 11 December 2016, claimed by Daesh, the Prime Minister wrote to the President of Egypt to express her deep condolences. The UK Government has been clear that freedom of religion or belief needs to be protected and that the ability to worship in peace is a vital component of a democratic society. We welcome President Sisi’s consistent calls for peaceful coexistence and the Government of Egypt’s expression of support for the rights of Christians and for religious tolerance, and we hope to see further progress in tackling the drivers of sectarianism.

During 2017 we will continue to raise our concerns with the Egyptian authorities in public and in private, both bilaterally and in multilateral fora. We will also continue to explore options for programmatic interventions to improve the human rights situation. Our priorities will continue to be detention of political activists, police abuses, and restrictions on civil society.

**Eritrea**

Human rights concerns persisted in Eritrea throughout 2016, with little improvement. Eritrea is a one party state with no political opposition; there is no anti-discrimination legislation to protect LGBT rights; citizens are subject to arbitrary extensions to periods of already prolonged national service; and severe constraints persist on freedom of religion or belief and freedom of the press. Of grave concern in 2016 was the final report delivered on 21 June by the UN Commission of Inquiry on Human Rights in Eritrea, which stated that there were “reasonable grounds to believe that crimes against humanity have been committed by the Government of Eritrea”. The Special Rapporteur on Human Rights in Eritrea continues to be denied access to the country.

However, there were small signs of increased engagement. The Government of Eritrea showed an enhanced willingness to cooperate on human rights by working with the UN Office of the High Commissioner for Human Rights (OHCHR) who visited Eritrea in early 2016. The Government of Eritrea also signed a four-year implementation programme with the United Nations Development Programme (UNDP) to take forward the 92 recommendations from the 2014 Universal Periodic Review (UPR). We welcomed these developments. There continues to be no evidence to suggest that modern slavery exists in Eritrea and women in Eritrea remain protected by law with Female Genital Mutilation being banned.

In 2016, the UK continued to focus on three areas we consider essential for human rights improvement in Eritrea. Firstly, clarification of the conditions of national service and an end to arbitrary extensions; secondly, full implementation of the constitution; and thirdly, enhanced cooperation with international human rights bodies to implement the UPR recommendations. The UK worked with the Eritrean authorities and with our international partners in the EU and the UN to encourage Eritrea towards implementation of
these improvements. In 2015, the Government of Eritrea had already committed to limiting national service to 18 months. However, by the end of 2016 this had still not been officially implemented and the service period continued to be extended arbitrarily. Furthermore, the government said that work on drafting a new constitution was under way; but we saw no evidence of this in 2016. Whilst cooperation with human rights bodies was increasingly taking place, there had been no substantive implementation of any UPR recommendations by the end of 2016. Eritrea remained one of the top sources of irregular migration to Europe and we made clear to the Government of Eritrea that the poor human rights situation was one of the main drivers. In 2016, Eritrea continued to engage with international partners through the African Union/ EU Khartoum Process which aims to tackle forced migration and human trafficking.

In 2017, the UK will continue to press the Government of Eritrea to improve its human rights record and to work with international partners. The UK will work with Eritrea to stem the flow of irregular migration and put in place sustainable projects where human rights objectives and preventing trafficking will be the core components.

**Iran**

There was little improvement in the human rights situation in Iran in 2016. Areas of serious concern were the frequent use of the death penalty, freedom of religion and freedom of expression.

Although not all executions are made public, estimates suggest that there were over 530 in Iran over the course of the year. This represents a decrease on the record number seen in 2015. Iran continued to use the death penalty against juveniles and in cases that are not deemed the “most serious” under international law, such as drugs offences.

Homosexuality continues to be illegal and punishments can range from 100 lashes to the death penalty for both men and women. In July, 19 year old Hassan Afshar was hanged after he was convicted of forced male to male anal intercourse when he was 17.

Religious minorities continue to face restrictions in Iran. Members of both constitutionally recognised and unrecognised religions continue to suffer discrimination for peacefully manifesting their beliefs. There were several reports of church property being seized and converts being harassed by security services. May 2016 saw the eighth anniversary of the incarceration of seven Baha’i leaders who have been sentenced to 20 years imprisonment. Arrested in 2008, the seven are amongst the longest serving prisoners of conscience in the world.

The Iranian authorities continue attempts to limit the freedom of citizens in cyberspace. In December the owners of the most followed channels on the messaging app, Telegram, were required to seek official permits in order to operate. There were also repeated reports of popular Telegram channels being hacked by the Iranian cyber police and the owners of these channels being interrogated. This follows on from the November 2015 arrest of 170 individuals for publishing “obscene” content online.

Towards the end of the year, President Rouhani announced a Charter on Citizens’ Rights. The charter is the first of its kind in Iran and has the potential to have a positive impact. However, it appears to repeat many rights that are already legally enshrined and it remains to be seen whether the rights of citizens will improve as a result.

The UK has consistently pressed Iran to improve its human rights record, both through bilateral engagement and with our international partners, including through the UN and the EU. In 2016, we strongly supported the renewal of the mandate of the UN Special Rapporteur. In December, we welcomed the UN General Assembly’s adoption of the Resolution on Human Rights in Iran. The UK lobbied hard for global support and the Resolution passed with an increased number of positive votes.

In 2017, we will continue to engage with our international partners to hold Iran to account for its human rights record. In particular we look forward to working with the new UN Special Rapporteur on Human Rights in Iran, Asma Jahangir, and call on Iran to allow her access to the country. We will also support the upcoming EU/Iran dialogue on human rights.

**Iraq**

The human rights situation in Iraq remained of grave concern in 2016. Despite the Iraqi Security Forces (ISF) reclaiming a large proportion of formerly Daesh-held territory, Daesh continued to commit atrocities in those areas that remained under their control, including targeting civilians in Eastern Mosul with mortar rounds and indiscriminate shooting. Reports allege that the ISF and Popular Mobilisation Forces (PMF) were involved in torture, forced disappearances and extrajudicial killing against those fleeing the fighting in Fallujah and other areas. The Government of Iraq (GoI) has taken steps to address this issue, repeating its commitments to investigate all reports of abuses and violations and to ensure that those responsible are held to account. Reports also allege that the Kurdish Security Forces (KSF) have engaged in the unlawful demolition of buildings and homes in liberated areas. The Kurdish Regional Government also undertook to investigate all allegations of violations by the Kurdish Security Forces.

During 2016, we continued to engage with the GoI on human rights issues, particularly the protection of civilians during the military campaign, combating violence against women and girls, preventing sexual violence in conflict – including support for victims - and freedom of religion or belief. The UK has continued to support implementation of Iraq’s National Action Plan on Women, Peace and Security, and provided funding for workshops to raise awareness of the importance of female participation in decision-making. But women and children from all communities continue to be at heightened risk of suffering violence.

We have supported efforts to promote religious tolerance across Iraq by encouraging key leaders, teachers and students to raise awareness of freedom of religion or belief.
The UN estimate that there are now over 3.2 million internally displaced persons (IDPs) in Iraq and that 10 million are in need of humanitarian assistance. Prime Minister Abadi stated that the protection of civilians and meeting the needs of the displaced population are priorities. The imperative to protect civilians has been at the forefront of the Mosul campaign. Through the Department for International Development (DFID), the UK has been one of the largest donors towards the UN’s Mosul Flash Appeal. The UK is also the largest contributor to the Iraq Humanitarian Pooled Fund, through which we fund projects to meet the most urgent needs of displaced Iraqis. That includes emergency healthcare, water and sanitation, and protection services for women and girls. The UK committed £90m of humanitarian assistance in 2016, taking our total contribution since 2014 to £169.5m.

Iraq’s election to the UN Human Rights Council for 2017-19 provides an opportunity for the UK to deepen cooperation and coordination with the GoI on areas of mutual interest, in particular working to end sexual violence against women and girls, tackling modern slavery, and promoting women’s full participation in political and economic life. In addition, we will continue to focus strongly on protecting civilians during the Mosul campaign and providing humanitarian assistance to those most in need.

**The State of Israel and The Occupied Palestinian Territories (OPTs)**

We continued to be concerned by the human rights situation in Israel and the OPTs in 2016. We were concerned by the Israeli Government’s violation of international human rights and humanitarian law in the context of Israel’s occupation of the OPTs. We also had concerns about human rights infringements by the Palestinian Authority (PA) and grave concerns over those by Hamas in Gaza.

The upsurge in violence, which began in late 2015, continued until April with ‘lone-wolf’ style terror attacks on Israelis, and clashes between Palestinians and the Israeli security forces. Attacks were characterised by random stabbings, shootings and vehicle rammings. We were concerned by the apparent role of incitement, particularly on social media. President Abbas condemned the violence in general terms in January but did not comment on specific attacks. On 9 March, the then FCO Minister for the Middle East and Africa, Tobias Ellwood, issued a statement condemning the violence. Some of the measures Israel introduced in response (including punitive house demolitions, and restrictions on movement and access) exacerbated existing human rights concerns. We were concerned over possible use of excessive force by the Israeli security forces against Palestinians.

Israeli demolitions of Palestinian structures increased significantly, marking the highest incidence since 2009, and resulting in the displacement of more than 1,600 Palestinians in the West Bank including East Jerusalem. The UK was deeply concerned by the scaling up of Israel’s systematic policy of settlement expansion. On 23 December, the UK supported UNSCR 2334 which reaffirmed that settlements were illegal under international law. Mr Ellwood issued a statement on 8 December expressing concern at the introduction of the Land Regularisation Bill to the Israeli Knesset, which seeks to ‘legalise’ settlement outposts considered illegal even under Israeli law.

The number of Palestinians Israel held in administrative detention increased, with 700 being held at the end of the year. We continued to seek improvements in the treatment of Palestinians in detention, particularly children.

We were also concerned by continued reports of mistreatment towards detainees by the Palestinian security forces in the West Bank. For example, in August a detainee in Nablus was beaten to death by the Palestinian security forces.

We continued to have concerns about abuses of human rights under the Hamas de facto authorities in Gaza. 17 death sentences were issued and three were carried out without the ratification of the Palestinian President. We continued to have concerns over restrictions on freedom of expression, assembly and respect for LGBT rights. We remained deeply concerned that Hamas and other militants were re-arming, re-building tunnels, and holding military training camps.

In 2017, we will continue to work for a negotiated settlement to the conflict based on a viable and secure two state solution. We will continue to oppose aspects of the Israeli occupation that violate human rights and international law, including demolitions and settlement construction, and to advocate improvements in the treatment of detainees. We will support efforts to promote Palestinian reconciliation, which will ultimately alleviate the humanitarian situation in Gaza by helping create the right conditions for easing movement and access restrictions which would aid reconstruction. We will challenge the PA to make substantive progress on human rights, including on incitement.

**Libya**

The human rights situation in Libya remained a serious concern in 2016. Although the signature of the Libyan Political Agreement in December 2015 led to the formation of a Government of National Accord and Presidency Council in Tripoli in March, ongoing conflict and armed groups acting with impunity continued to impact on the civilian population, as well as crimes by Daesh; intimidation and attacks on journalists and human rights defenders; arbitrary detentions and summary executions. There were grave concerns over abuses of migrants by militia groups as they attempted to transit Libya. Conditions in migrant detention camps were a particular concern.

Reports by the UN Office of the High Commissioner for Human Rights (OHCHR) and NGOs including Amnesty International and Human Rights Watch, documented that armed groups from all parties of the conflict disregarded international norms for civilian protection and committed violations and abuses of human rights, including abductions, extrajudicial executions, unlawful killings, torture and other ill-treatment. In most of the country, the judicial system was unable to bring those responsible to justice. There were also frequent reports of intimidation, detentions and assassinations by all parties.
The findings of an investigation by the OHCHR underlined the seriousness of the situation to the UN Human Rights Council (HRC) during its 31st session in March 2016. During this session, the UK co-sponsored a new HRC Resolution on Libya, which commits Libya to implement recommendations stemming from the OHCHR investigation and requested follow-up assessments by OHCHR. The UK noted with concern that the Libyan authorities had limited capacity to investigate human rights violations and abuses and bring perpetrators to justice.

On 27 September, Martin Kobler, the UN Special Representative of the Secretary General to Libya updated the Human Rights Council in Geneva on the situation, reflecting that little or no improvements had been made.

The UK continued to work in support of a sustainable political settlement under the framework of the Libyan Political Agreement, resulting in a stable and inclusive government able to meet the needs of the Libyan people and contribute to wider regional stability and security. We worked closely with international partners, including in the region, the EU, and the UN in pursuit of this objective.

Through the Conflict, Stability and Security Fund, the UK has funded programmes in Libya to support peace mediation and local level stability, women’s rights, civil society and freedom of speech. The UK has provided humanitarian support to people affected by the conflict, including supplies and technical support to medical centres, assistance to those who have been forced to flee their homes, and support to migrants held in detention. We continued to encourage the Libyan Government of National Accord to prioritise respect for universal human rights, especially the most vulnerable such as migrants and minority groups.

During 2017, we will continue to raise our concerns with the Libyan authorities in public and in private, and through international mechanisms such as the UN Human Rights Council. We will explore further options for programmatic interventions to improve the human rights situation in Libya.

**Republic of Maldives**

2016 saw the Government of Maldives take further steps to squeeze democratic space and erode political and civil freedoms. The UK, along with other international partners, was vocal in raising concerns, including over the lack of an effective separation of powers, and the continued use of anti-terrorism legislation to silence opposition voices. Several high-profile political figures, including opposition leaders, received long sentences following trials that lacked transparency and judicial independence, and failed to follow due process. The space for journalists and civil society to operate freely and independently was further reduced with the passing of a Defamation and Freedom of Speech Act. Several journalists were arrested and news organisations raided, threatened or closed down. The Freedom of Assembly Act passed in August restricts the right of assembly, and has been criticised as being unconstitutional.

The Commonwealth Ministerial Action Group (CMAG) expressed its disappointment with Maldives’ lack of progress in these areas and placed Maldives on its formal agenda in September. In October, Maldives responded by announcing its withdrawal from the Commonwealth. The UK expressed regret at the decision to withdraw from an organisation which Maldives has benefited from in many spheres, and which is committed to the development of free and fair societies, democracy, good governance and human rights.

In the first half of 2016, the Government of Maldives took steps towards the reintroduction of the death penalty after a moratorium of more than 60 years. No executions took place, but several death sentences were upheld by the courts. In three cases the convicts were under 18 at the time of the crime, in breach of Maldives’ international obligations.

The UK continued to engage with the Government of Maldives to raise human rights concerns, including on the death penalty, rule of law and the shrinking democratic space. Former FCO Minister for Asia, Hugo Swire, raised these issues when he met President Yameen in Malé in January; and in September, the then FCO Minister for Asia and the Pacific, Alok Sharma, had further discussions with Maldivian Foreign Minister Dr Mohamed Asim in London. The UK continued to work with international partners, including the UN, to encourage the Government of Maldives to reverse its negative trajectory on human rights, and to enter into a genuine dialogue with opposition parties. These diplomatic efforts were reinforced by UK funded project work with civil society aimed at strengthening human rights and democracy in Maldives. This included funding a human rights conference in Maldives to mark Human Rights Day in December, as well as work to build the capacity of women’s organisations to improve gender equality.

In 2017, the UK Government will continue its bilateral engagement with the Government of Maldives, opposition parties, civil society and the media, including through public and private messaging by ministers and senior officials on our democracy and human rights concerns. The UK will continue to encourage greater democratic space ahead of local elections in 2017 and the presidential elections scheduled for 2018.

**Pakistan**

Pakistan’s human rights situation in 2016 remained of significant concern. Serious violations of women’s and children’s rights continued throughout the year. Terrorist incidents persisted despite a continued improvement in the security situation. The country’s minority communities, including religious minorities - in particular Ahmadiyya, Christian and Shia communities - suffered widespread persecution. Pakistan maintained its use of the death penalty, albeit at a reduced rate: there were 87 executions in 2016 compared to over 325 in 2015. Modern slavery continued to be a major problem. The operating space for international and domestic NGOs remained restricted.

Throughout 2016, the Government of Pakistan continued to put in place the institutional and legal framework needed to address the many human rights challenges the country faces. Building on work started in 2014 and 2015, including the establishment of a human rights ministry and National
Commission for Human Rights, in February it launched a comprehensive human rights action plan. National and provincial assemblies enacted legislation to protect women from honour crimes and violence, improve Hindu minority rights and outlaw forced conversions in Sindh province. However, the government made only limited progress in harnessing these positive developments to effect real improvements to the lives of Pakistan’s citizens. Performance against the action plan was patchy and implementation of human rights legislation remained a major challenge.

The UK’s human rights objectives for Pakistan for 2015–2018 focus on six themes: the death penalty; women’s and children’s rights; freedom of religion or belief and minority rights; respect for the rule of law and democracy; freedom of expression; and economic and social rights, including modern slavery. In all these areas, we raised our concerns and urged Pakistan to adhere to its international obligations. Ministers and officials pressed Pakistan to reinstate the moratorium on the death penalty. We repeatedly expressed concerns about violations of freedom of religion or belief and misuse of the blasphemy laws. Under the Government’s Magna Carta Fund for Human Rights and Democracy, we supported projects to promote religious freedom and build human rights capacity in provincial administrations and civil society. Our support for criminal justice reform was extensive, provided through programmes to improve civilian capacity to investigate, prosecute and convict criminals, including terrorists, in line with international standards. The EU’s Generalised Scheme of Preferences Plus promoted economic development and compliance with 27 international conventions (including seven human rights conventions). Pakistan remained a priority for UK development assistance with programmes designed to help its most vulnerable citizens exercise their social and economic rights, and embed democracy.

The review of Pakistan’s human rights performance under the UN Universal Periodic Review process in November 2017 is an opportunity for the government to demonstrate real progress on its human rights commitments. A decision not to extend the use of military courts to try civilian terrorist cases, a major concern given their lack of transparency, would be a welcome sign. In 2017, the UK will continue to support the Government of Pakistan in building a more secure, prosperous and democratic country where the rights of all citizens are respected regardless of gender, ethnicity or belief.

Russia

The human rights environment in Russia deteriorated further in 2016.

The UK was deeply concerned about the ongoing crackdown on civil society and freedom of expression. The government increasingly used legislation to restrict civil society organisations, including broadening the definition of “political activity” under the “Foreign Agents” law. The introduction of the “Yarova Law” in July, aimed at tackling religious extremism, resulted in increased restrictions of online freedoms and a clampdown on religious activity. State media television continue to promote a narrow, pro-government, narrative.

State Duma Elections in September, whilst transparently administered, featured numerous procedural irregularities. The Organization for Security and Co-operation in Europe (OSCE) monitoring mission noted it was negatively affected by restrictions to fundamental freedoms and political rights. Modern slavery remained a serious problem in Russia with an estimated one million people in Russia living in slavery (according to the Global Slavery Index). Although the government took legislative measures to deal with this, they fell far short of what would be needed to tackle the problem. LGB&T persons continued to be at significant risk of persecution and violence, with the Russian Government taking little action to combat homophobia among the Russian population.

The UK’s human rights work in Russia focused on five priority themes: civil society and democracy; equality and non-discrimination; rule of law; the North Caucasus; and freedom of expression. We sponsored a range of projects, including a visit by Sir Ian McKellen that raised the profile of LGB&T rights. We continued to raise our concerns publicly, through multilateral organisations, and directly to the Russian authorities.

Severe human rights abuses by the de facto Russian authorities in Crimea continued. Ukrainians opposed to the Russian annexation have been sentenced, arrested or investigated under fabricated charges of extremism; others face pressure to renounce their Ukrainian citizenship in favour of Russian citizenship or be denied access to basic services. Some have been forced into exile. In some cases Ukrainian citizens have been transferred outside Crimea to prisons in Russia.

Ethnic minority Crimean Tatars continued to suffer particular human rights abuses. A number of Crimean Tatars have been imprisoned, and homes and mosques were regularly raided. The UK has frequently raised human rights abuses in Crimea with the de facto Russian authorities. In December, the UK supported a successful UN General Assembly resolution which called for Russia to uphold its obligations in Crimea.
under applicable international law, and to allow access for international human rights monitors.

In eastern Ukraine, the Russian-backed conflict continued to devastate communities. At the end of 2016, the UN estimated the conflict had cost 10,000 lives and internally displaced almost 1 million people. Russia continued to violate its commitments under the 2015 Minsk Agreement by supplying personnel and weapons to separatist forces. The UK has called for investigations into reports that Ukrainians opposed to the regimes in separatist-controlled territories risk arrest, physical and sexual violence and summary execution.

Russian actions in Abkhazia and South Ossetia led to deterioration in the human rights situation in both regions. There was increased pressure on freedom of movement, including through denial of access to documentation, closure of crossing points and installation of razor wire fences along the Administrative Boundary Lines. Georgian language education has been severely curtailed and laws have been passed restricting the residency and property rights of ethnic Georgians. The UK continued to call on Russia and the de facto authorities in both regions to allow international human rights organisations access to Abkhazia and South Ossetia. FCO Minister Sir Alan Duncan reiterated the importance of this during a visit to Georgia in November.

Despite a considerable lack of progress, the UK will continue to support human rights in Russia in 2017. We will attend trials and speak out on human rights violations, whilst working with EU partners and through multilateral organisations to hold Russia to account. Russia will also be a priority country for our global efforts to combat modern slavery.

**Saudi Arabia**

There were some signs of modest progress in certain areas such as women’s rights in Saudi Arabia in 2016, but we continue to have concerns about gender discrimination, the death penalty, freedom of religion or belief and freedom of expression.

We also remain deeply concerned about the application of the death penalty. Amnesty International reported that 153 people had been executed in 2016, compared to 158 people in 2015. This included the simultaneous execution of 47 people on 2 January 2016. On 5 January, the then FCO Minister for the Middle East and Africa, Tobias Ellwood, made a statement to Parliament reiterating our clear position on the death penalty. As the principle of the death penalty is enshrined in Saudi Arabia’s Sharia law, total abolition in the near future is unlikely. We continued to ensure that the Saudi authorities are aware of our strong opposition to the death penalty at the most senior levels.

In particular, the UK, together with our EU Partners, continued to press for a reduction in death sentences and executions and for the application of EU minimum standards and the provisions of Article 6 of the International Covenant on Civil and Political Rights. We continued to raise the cases of Ali al-Nimr, Dawood al-Marhoon and Abdullah al-Zaher who have all been sentenced to death for crimes committed when they were juveniles. Our expectation remains that the sentences will not be carried out. The Shura Council, the consultative body in Saudi Arabia which drafts laws, put a bill to the King recommending that the age of majority be codified in law at 18. We continue to press for the draft law to be finalised.

We continued to raise our concerns about restrictions on freedom of expression, including in relation to the case of Raif Badawi. Our expectation remains that he will not receive further lashes. While Embassy officials have had some contact with human rights defenders, it is often the view of the defenders that involvement with foreign representatives and organisations can make pressing for reform harder. However, we continue to press for reform independently, including for better treatment of human rights defenders.

We continue to call for women in Saudi Arabia to be able to participate fully in society. This means modernising legal and cultural barriers like the guardianship system. We continue to discuss women’s rights with the Saudi Government and with women’s organisations and leaders. There were some gradual reforms by the Saudi Government through the expansion of education and employment opportunities.

The British Government strongly supports the right to freedom of religion or belief as set out in the Universal Declaration of Human Rights and subsequent international human rights instruments. The key to increasing freedom in this area is to focus on tolerance. We continue to look for opportunities to work with Saudi Arabia to identify areas where different faiths could work together.

In 2017, we will continue to work to limit the application of the death penalty; and to ensure that, if it is applied, it is carried out in line with international minimum standards. We will continue to monitor closely cases which relate to freedom of expression and of religion or belief. We will also look for opportunities to promote greater participation by civil society and by women in Saudi public life.

**Somalia**

Human rights progress in Somalia continued to be blighted by serious violations and abuses perpetrated by state and non-state actors in the ongoing internal conflict and by a culture of impunity. The parliamentary and presidential electoral process made progress in 2016 and was largely peaceful, although there were increased Al Shabaab attacks, including against civilians. There were frequent reports of civilian casualties and a marked increase in the numbers of children in armed conflict. Sexual violence remained endemic. Access to justice remained very restricted. The Committee to Protect Journalists’ annual Impunity Index named Somalia, for the second time, as the worst place in the world to be a journalist. The death penalty continued to be applied and carried out, including in Somaliland.

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[13] Somaliland is not internationally recognised. HM Government’s position has long been that it is for Somalia and Somaliland to decide their future, and for regional neighbours to take the lead in recognising any new arrangements.
In 2016, the UK’s promotion of human rights in Somalia focused on establishing effective human rights institutions and instruments and empowering women. The UK was instrumental in the achievement of a strong and constructive resolution on Somalia at the UN Human Rights Council. The African Union peacekeeping force (AMISOM) began to deploy investigative teams in relation to alleged violations. A law establishing an independent Human Rights Commission was passed in June. The UK provided ongoing support to the Ministry of Women and Human Rights Development to: deliver on a Human Rights Action Plan; develop and launch a national gender policy; mainstream gender objectives into the draft National Development Plan for 2017-2020; and to integrate human rights into a New Partnership Agreement between Somalia and the international community. UK political and programming support was instrumental in achieving an increase in women’s political participation in Somalia, from 14% to 24% of seats in the newly elected Parliament. The UK increased its humanitarian expenditure in response to the increasingly severe humanitarian crisis, exacerbated by ongoing drought, and to address the needs of returnees to Somalia from Dadaab refugee camp in Kenya.

In 2017, the UK will maintain its focus on strengthening the capacity of Somali institutions to protect and uphold human rights, particularly for vulnerable groups, and will support an enabling environment in which the media and civil society are able to hold these effectively to account. The UK will call upon the newly elected Somali leadership and government to respect its existing obligations and to make further efforts by implementing key human rights legislation swiftly and effectively. The UK will host an international conference in London to accelerate progress on security sector reform, wider governance and accountability, and economic and social development, all of which will contribute to improving the overall human rights picture. A New Partnership Agreement will link international community support to progress in these areas. The UK will encourage strengthened Somali cooperation to address modern slavery. The UK will continue to support women’s economic and political empowerment, and to support survivors of sexual violence. In Somaliland, the UK will call for timely and credible delivery of delayed presidential and parliamentary elections, to uphold Somaliland’s democratic credentials.

South Sudan

There was further deterioration of the human rights situation in South Sudan in 2016. In July, violence broke out in the capital, Juba. Government and rebel forces both breached commitments to end hostilities and fighting spread to areas of the country not previously affected by conflict. This led to serious human rights violations by state actors, abuses by non-state actors and breaches of International Humanitarian Law. Child soldiers continued to be recruited and, as on previous occasions, women bore the brunt of the violence. Some were attacked and raped outside a UN Protection of Civilians camp in full view of UN peacekeepers who did not intervene. Others were gang raped in a hotel used by international NGOs, where a journalist was also executed. A UN Panel of Experts report concluded Government forces had deliberately targeted civilians on the basis of their ethnicity, and perpetrated unlawful killings, arbitrary arrests and enforced disappearances. Incidents of hate speech and calls for armed conflict increased and the government cracked down on fundamental freedoms by harassing and intimidating journalists, arbitrarily closing media outlets and further narrowing the space for political participation and protest. Despite promises by the government to investigate the July violence, nobody was held to account.

The UK’s ability to meet its objectives in 2016, including the prevention of sexual violence, was severely hampered by the July crisis, which led to the evacuation of the majority of Embassy staff. Most have now returned, as have our partner NGOs that had scaled down their activities for security reasons. At the 31st Human Rights Council (HRC) in March the UK co-tabled a Resolution setting up an International Human Rights Commission on South Sudan, with a mandate to monitor and report on the human rights situation. The Resolution included the express commitment by South Sudan to cooperate with the Commission. The HRC held a Special Session on South Sudan in December in response to the UN Special Adviser on the Prevention of Genocide’s warnings that the country could be on a path to genocide, prompted by reports of ethnically motivated violence. The UK lobbied for a strong outcome and the subsequent Resolution enhanced the ability of the Commission to focus on impunity and accountability, and identify priority steps the government must take to prevent further sexual violence.

The UK’s key objective for 2017 is a cessation of hostilities, so that the peace process can get back on track. The President’s announcement of a National Dialogue in December was a welcome step, but it remains to be seen whether this is a genuine effort to bring peace. If it is, it could enable implementation of the 2015 peace agreement, which should allow human rights abuses to be investigated through the setting up of a hybrid court by the African Union, as a mechanism for holding individuals to account. We will continue to press for action on human rights, support human rights organisations and drive work at the HRC to strengthen the mandate of the Commission inter alia to address the prevalence of sexual violence.

Democratic Socialist Republic of Sri Lanka

The human rights situation in Sri Lanka saw some improvement in 2016. The Government of Sri Lanka made progress against some of its commitments reflected in UN Human Rights Council (HRC) Resolution 30/1, but much remains to be done. The UK welcomed the passing of legislation establishing an Office of Missing Persons. This was an important step towards reconciliation, although it is yet to come into operation. A constitutional reform process is underway. It is hoped that this will address issues of devolution and introduce a Bill of Rights. The Sri Lankan Government is committed to repealing the much criticised Prevention of Terrorism Act (PTA) and is drafting new counter-terrorism legislation which it intends will be compliant with international human rights standards. These
would be important steps in removing historic grievances and strengthening human rights and the rule of law in Sri Lanka.

The government announced further land releases in 2016. While the military maintained a significant presence in the north, the lower profile it took was generally welcomed. The UK has consistently called for the acceleration of land releases and the demilitarisation of the north. Some prisoners held under the existing PTA were released, though many remain in detention without charge. Reports of surveillance, intimidation and harassment by the security forces continued in the north and east, although at much lower levels than under the previous government. Intercommunal tensions remained an area of concern. Tensions were fuelled by hate speech by members of extremist nationalist groups. Sri Lanka continued to engage with the UN and invited a number of UN experts to visit the country, including the UN Special Rapporteur on Torture. He reported full cooperation by the government, but raised concerns about the standard of detention centres and continued cases of torture.

Discrimination against LGBT persons remained a problem, with a report from Human Rights Watch highlighting that transgender people, and others who did not conform to social expectations about gender, faced discrimination, abuse and mistreatment.

The UK continued to support Sri Lankan Government efforts to develop a more capable, professional and accountable police force, with the aim of reducing the risk of human rights violations, including torture, and improving public confidence in the rule of law. The UK also provided support for the UN’s work on reconciliation and peace building, and demining in the north. The then FCO Minister for Human Rights and the Commonwealth, Baroness Anelay, visited Sri Lanka in November and underlined the UK’s commitment to support reconciliation and accountability. The minister also highlighted UK work to help tackle sexual and gender-based violence in Sri Lanka and the importance of accountability and tackling the stigma suffered by victims. She welcomed the Sri Lankan Government’s endorsement of the Declaration of Commitment to End Sexual Violence in Conflict earlier in the year.

In 2017, the UK will continue to support and encourage Sri Lanka to make further and faster progress on human rights. We will continue to work with the Sri Lankan Government, international partners and civil society to support delivery of the commitments that Sri Lanka has made to promote accountability, reconciliation and human rights and look forward to the report of the UN High Commissioner for Human Rights on Sri Lanka’s progress before the HRC in March 2017.

**Sudan**

There was no improvement in the human rights situation in Sudan during 2016. Fighting decreased in the conflict areas over the second half of 2016, thanks to unilateral ceasefires from the Government of Sudan and armed movements. However, there was intense fighting in early 2016 in Jebel Marra. This included aerial bombardments by the Sudanese Armed Forces which left almost 98,000 civilians displaced, adding to the 2.5 million long-term displaced. The humanitarian situation remains dire, with 5.8 million people in need of assistance. The African Union/United Nations peacekeeping mission in Darfur continued to face access restrictions. We welcome the government’s issuing of new directives on humanitarian assistance and will work with partners to support full implementation.

We have seen further restrictions on freedom of expression. The government continued to confiscate newspaper runs. We remain concerned by arbitrary arrests and reports of torture and ill-treatment by the Sudanese authorities of political figures and human rights defenders, including Mudawi Ibrahim Adam who remains in detention. Restrictions on freedom of religion or belief, and sexual and gender-based violence with impunity by both state and non-state armed forces, remain concerning.

In support of the Prime Minister’s global goal to end modern slavery, we will be working with the Government of Sudan to address the issue of forced labour and to help them meet commitments under the United Nation’s Sustainable Development Goal 8.7. According to the Global Slavery Index, Sudan has the sixth highest prevalence. This includes trafficking in persons, the use of children in armed conflict, and the abusive servitude of minority groups and migrant workers.

At Sudan’s Universal Periodic Review, the Government of Sudan rejected our recommendation regarding reform of the National Security Act which provides the National Intelligence and Security Services with immunity from prosecution. We urge full accountability for human rights violations.

Our 2016 human rights objectives were conflict resolution and humanitarian access, greater civil society and political freedoms, and tackling sexual and gender-based violence. We worked alongside international partners with the Government of Sudan and opposition groups to secure a breakthrough in the peace process, with both parties signing the African Union High Level Implementation Panel’s Roadmap Agreement.

In December, we condemned the detentions of political figures and called on the Government of Sudan to protect the right to freedom of expression in a joint statement with our Troika partners (the US and Norway), the EU and other international partners. We attended trials of individuals accused of crimes carrying the death penalty, including members of the human rights NGO TRACKs, and three Christian men accused of espionage.

Our project work promoted human rights, including bilateral and regional support for national efforts to end the practice of female genital mutilation/cutting (FGM/C). We funded a project which provided legal and psychosocial support to victims of sexual violence.

On modern slavery issues, we developed projects to build the evidence base around onward migration, and to train the Sudanese judiciary on anti-trafficking law. We are funding the International Organisation for Migration’s Migrant Resource and Response Centre to support the recovery of victims of trafficking.

Internationally, we secured a mandate renewal for the Independent Expert at the UN Human Rights Council in
September and urged the Government of Sudan to address the recommendations in his report.

In 2017, we will continue to push for conflict resolution and improved humanitarian access. Our human rights priorities will remain focused on freedom of expression and civil society space, freedom of religion or belief, and tackling sexual and gender-based violence. We will also continue to support the Prime Minister’s global goal to end modern slavery.

**Syria**

In 2016 the human rights situation in Syria remained bleak. Violence continued despite efforts to establish a cessation of hostilities. Allegations of serious human rights violations and abuses by parties to the conflict continue. The Asad regime bears the main responsibility for human rights violations and suffering.

According to Human Rights Watch (HRW), there was widespread and systematic use of arbitrary detention and torture by regime forces in Syria. The Syrian Network for Human Rights reported that more than 117,000 people were detained or disappeared since the conflict started in 2011, the majority by regime forces. Amnesty International (AI) estimated that 17,723 people had died in custody in Syria since 2011; an average of more than 10 deaths a day. AI also estimated that between 5,000-13,000 were extrajudicially executed at Saydnaya prison up to December 2015. They had no reason to believe that executions have stopped.

HRW (2017 World Report) and the UN Commission of Inquiry (COI) cited disproportionate attacks by the regime and its backers on civilian areas, including aerial bombardments, barrel bombs and cluster munitions. The COI reported that medical workers and facilities came under sustained targeted attack. Healthcare infrastructure was weakened, with devastating consequences for civilians.

The Syrian regime used siege and starvation tactics against civilian areas under opposition control. As 2016 progressed, humanitarian access decreased. The regime allowed no humanitarian assistance to the estimated 275,000 civilians in eastern Aleppo between July and December, thus failing to take action to protect the fundamental human right to life.

The UN’s Joint Investigative Mechanism confirmed use of chemical weapons by the regime on three occasions and by Daesh on one. The COI reported widespread human rights abuses by Daesh and Jabhat Fateh al-Sham (formerly Jabhat al-Nusra) including kidnappings and executions. The COI’s report on Daesh’s treatment of the Yezidi community concluded the group had committed the crime of genocide against the Yezidis. Daesh have inflicted sexual slavery, torture and forcible transfer.

NGOs reported human rights abuses by opposition groups, though to a lesser extent than the regime.

The UK is supporting efforts to secure a long-term political settlement in Syria which will end the war, stop the suffering and create conditions for refugees to return. We continue to call for the situation in Syria to be referred to the International Criminal Court and for accountability. This is the best strategy for the restoration of human rights in the long term.

The UK led on three UN Human Right Council (HRC) Resolutions on Syria in 2016. HRC Resolution 33/32 of 20 September 2016 called for the establishment of a High-Level Panel on arbitrary detentions and enforced disappearances. At Syria’s Universal Periodic Review, we drew international attention to the regime’s appalling human rights record.

In the UN Security Council, we highlighted the human consequences of the regime’s offensive against Aleppo and called for an immediate ceasefire and humanitarian access. We supported adoption of Resolution 2328 (19 December 2016), which demanded access for the UN to oversee evacuations and deliver humanitarian aid.

The UK co-sponsored General Assembly Resolution 71/248 adopted on 21 December 2016. This called for a new mechanism to assist in the investigation and prosecution of those in Syria responsible for the most serious crimes under international law.

The UK will continue to help those affected by the Syrian war, including working for the conditions which allow the restoration of the human rights which have been systematically denied - largely through the actions of the Asad regime.

**Turkmenistan**

In 2016, the human rights environment in Turkmenistan, already of serious concern, deteriorated further. Civil liberties, freedom of expression and freedom of religion or belief were further eroded. Journalists known for taking an independent line were harassed and arrested. The authorities did not account for the unexplained death of the relative of an exiled activist, and there was increasing concern about the fate of the “disappeared” (largely political prisoners). International human rights activists again raised allegations of torture in prisons and the difficulties faced by religious groups to practice their faith. With the worsening economy and the pressure to prepare Ashgabat to host the Asian Indoor and Martial Arts Games (AIMAG) in 2017, there were reports of homes being demolished with minimal notice, and air conditioners and satellite dishes being forcibly removed. Restrictions on internet access widened. Corruption remained endemic at all levels.

During 2016, the UK’s objective was to encourage progress across the range of human rights issues and to assist the Turkmen Government to implement the National Human Rights Action Plan. UK representatives raised human rights issues at every level and at every opportunity both bilaterally and with international partners, including the then FCO Minister for the Middle East and Africa, Tobias Ellwood with Mr Hajiyev, the Turkmen Deputy Foreign Minister, during the latter’s visit to the UK in May. The Embassy funded projects to help train the judiciary in international human rights obligations and to raise awareness of applicable human rights among the disabled community, a marginalised section of the population.

There were some positive developments. The Turkmen Government launched the National Human Rights Action Plan (NHRAP). The President approved a National Action
Plan to fight human trafficking. Parliament agreed a new constitution with some human rights provisions including an independent human rights Ombudsman. For the second year running, a Turkmen Government delegation participated in the Organization for Security and Cooperation in Europe (OSCE) Human Dimension meeting. The government also acceded to a request by EU and other Ambassadors to visit a youth prison. Overall, however, concrete progress on human rights issues was slow: there was limited activity to implement the NHRAP and it is unlikely that the long awaited Ombudsman will be appointed and active before mid 2017.

The gap between human rights legislation and implementation remains wide and the lack of government transparency makes monitoring difficult.

2017 will see further challenges. The presidential election in February offers an opportunity for the Turkmen Government to demonstrate its democratic credentials after the OSCE raised concerns about the conduct of the previous election in 2012. The pressure of exposure to an international audience with AIMAG could also present a chance to demonstrate real change and progress in human rights. The UK will continue to support human rights projects through the UN and OSCE and to encourage progress in implementing the reforms in the NHRAP, in particular in the fields of justice and freedom of expression; and to encourage the Turkmen Government to take action on trafficking.

**Uzbekistan**

In 2016 we continued to have concerns about the overall human rights situation in Uzbekistan, but there were signs of potential positive developments. Following his appointment in the autumn, President Mirziyoev introduced measures aimed at greater transparency and accountability in government, as well as reforms in criminal justice and some anti-corruption measures. The authorities also released two prisoners of concern and there were encouraging signals on freedom of expression and political association. Overall, however, by the end of 2016 these measures had yet to translate into evidence of fundamental change.

Credible reports suggested that freedom of religion or belief continued to be denied by the Uzbek state. Online media and NGOs continue to report actions by law enforcement against individuals engaged in religious activities outside state-sanctioned structures. The highly restrictive Ministry of Justice Order regulating NGO activity remained in force, limiting the operating space for non-governmental human rights organisations. Very few international NGOs were permitted to operate, and the limited number of local activists continued to report harassment. There were some positive developments towards the end of the year with authorisation granted for small public demonstrations and further prison visits by a local NGO.

During 2016, the UK raised human rights issues with the authorities in Uzbekistan during two ministerial visits and through regular contact at official level. This included during the visit by Sir Alan Duncan, the FCO Minister for Europe, to Tashkent in December, where he encouraged the government to promote freedom of the press and agree to the BBC’s return to Uzbekistan. We also supported programmes on media diversity and government transparency, and a visit to Uzbekistan by a leading penal reform expert. In December, the Organization for Security and Co-operation in Europe sent a first full election observation mission (EOM), with a significant UK contribution, to monitor the presidential elections. They found that the election campaign lacked genuine competition and that proxy or family voting remained a problem, despite a widespread government campaign to discourage the practice. However, the EOM noted significantly increased transparency in the conduct of the elections and a commitment by the Uzbek Government to address outstanding issues.

In October, the Uzbek National Human Rights Centre (a governmental body) signed a Memorandum of Understanding with the UN on Uzbekistan’s National Human Rights Action Plan, to implement the UN Universal Periodic Review (UPR) recommendations. The same month, a decree “on judicial reforms and strengthening human rights” contained a number of provisions long encouraged by the UN and international experts. President Mirziyoev also criticised the 100% conviction rate of recent years and called on the courts to issue more acquittals. Some progress has been made on child and forced labour. A report[14] by the International Labour Organisation (ILO) on the 2016 cotton harvest concluded that the Uzbek authorities had taken measures towards eliminating child labour, making it socially unacceptable and rare. The report also concluded that, whilst the risk of forced labour remained, those in the high risk group were a minority of the workforce. The Uzbek Government has agreed to address this as part of its ongoing co-operation with the World Bank and ILO.

In 2017, we will continue to encourage progress on labour issues, freedom of media including the return of the BBC to Uzbekistan, and frame our human rights advocacy around Uzbekistan’s preparation for its 2018 UPR. The Embassy will expand support for project and programme work on human rights and good governance, including a major programme supporting anti-corruption, human rights and regional government accountability.

**Venezuela**

The human rights situation in Venezuela remained a concern for the UK in 2016, in particular around continuing socioeconomic problems and high levels of violence. Inflation and shortages of food and medicines continued throughout 2016, as did high levels of protests and looting. In 2016, there were reports of deterioration of media freedom and access to information, as well as intimidation and harassment of human rights defenders. The Venezuelan Opposition and several civil society organisations accuse the Government of Venezuela of holding over 100 political prisoners including leading opposition figures. A local NGO estimated that the number of violent deaths nationwide in 2016 was around 28,000 (91.8 per 100,000 population).

On 13 September, the UN High Commissioner for Human Rights expressed concern at the decline of Venezuelans’ economic and social rights, and at allegations of repression of opposition and civil society groups. In late October, 12 people disappeared and were subsequently discovered in mass graves by a government investigation, leading to the arrest of 11 army personnel accused of being involved.

Venezuela’s ability to tackle human rights issues in 2016 was affected by the escalating political confrontation between the government and the Opposition-led National Assembly (NA). On 2 September, the Supreme Court ruled that all NA decisions taken since 28 July were unconstitutional. In addition, the Opposition attempted to secure a recall referendum against President Maduro, which would have brought forward Presidential elections. On 20 October, the National Electoral Council suspended the recall referendum process and announced the postponement of governorship elections; a decision that the Opposition contended was illegal. This polarisation continued despite political dialogue efforts supported by the Union of South American Nations (UNASUR) and the Holy See.

The UK carried out human rights activity in Venezuela in 2016 across Venezuelan society and with international partners. In addition to leading the local EU Working Group on Human Rights and Democracy from January to June, UK priorities in 2016 were focused on strengthening democratic institutions, opening space for civil society and human rights defenders, and work on tackling violence against women and girls. In September, the UK supported a statement at the UN Human Rights Council (HRC), expressing concern at developments in Venezuela ahead of Venezuela’s Universal Periodic Review (UPR). The UK’s statement and recommendations during the UPR included calling on the Venezuelan Government and Opposition to engage in an outcome-focused dialogue, and requesting that Venezuela invite a representative from the Office of the High Commissioner for Human Rights to visit.

In 2017, the UK will continue to promote human rights and democracy in Venezuela, including gender equality and assessing the risks of modern slavery, against a background of political confrontation, security concerns and economic challenges. A major UK human rights focus in 2017 will be to support meaningful and results-oriented dialogue between political and social actors, aiming to help resolve Venezuela’s challenges and improve the situation for ordinary Venezuelans.

Yemen

The human rights situation in Yemen remained deeply concerning throughout 2016. The internationally recognised Government of Yemen (GoY) does not control the entirety of Yemeni territory. This severely limited its ability to protect human rights and tackle abuses by non-state actors in areas outside its control. In addition, GoY and non-state actors, particularly the de facto authorities in northern Yemen, were responsible for a vast number of human rights abuses.

The ongoing conflict has hindered efforts to protect human rights. It has led to over 12,000 civilian casualties, the internal displacement of over two million people and a wide range of protection concerns for conflict-affected populations. The rights of women and children have been particularly affected, including a significant deterioration in gender relations. There is a lack of basic services, livelihood opportunities and effective rule of law. Attacks on hospitals and schools have also limited the right of access to healthcare and education.

In areas under government control, there were reports of human rights violations by state actors or actors affiliated to the government. These included arbitrary detention; forced displacement; and discrimination against minorities. There were a few reports of torture in correctional facilities. There were also allegations of breaches of international humanitarian law by GoY or GoY-affiliated actors, notably the indiscriminate use of weaponry in residential and commercial areas, resulting in civilian casualties.

In 2016, the number of human rights abuses by non-state actors, particularly the de facto authorities in northern Yemen, remained a cause for significant concern. Abuses recorded by the UN and NGOs included: increasing recruitment and use of child soldiers; restrictions on freedom of movement and expression, including the arbitrary closure of news outlets and civil society organisations, as well as physical attacks on journalists and human rights defenders; discrimination against minorities; and arbitrary detention.

Across Yemen, there were reports of sexual violence, some related to the conflict. Some NGOs also reported incidences of modern slavery – notably forced labour and domestic servitude.

In 2016, the UK remained at the forefront of international efforts to end the conflict and re-establish the authority of the legitimate Government of Yemen, which will provide the conditions necessary for the state to improve its human rights performance. Within the constraints of the current conflict, the UK’s main human rights objectives were to encourage the protection of civilians, including the protection of women’s and children’s rights.

The UK helped to negotiate and agreed a UN Human Rights Council (HRC) resolution adopted in September 2016. The resolution called on the Office of the UN High Commissioner for Human Rights (OHCHR) to provide additional human rights experts to the Yemen Office, in order to support the Yemeni National Independent Commission of Inquiry in investigating alleged human rights abuses.

Through the Conflict, Stability and Security Fund, the UK supported a UN Women project that encourages women’s equal participation in the peace process, and more widely. The Department for International Development (DFID) has committed over £100 million in humanitarian aid to Yemen for 2016/17, including programmes supporting Internally Displaced Persons (IDP) and the protection of civilians. All programmes address the differing needs of women, men, boys and girls.

The UK’s priority for 2017 will remain progress towards a durable ceasefire and an inclusive political solution to the conflict, to prevent further conflict-related abuses and enable the Yemeni authorities to resume work protecting human rights. While the conflict continues, we will continue to urge all parties to protect civilians. The UK will work with the OHCHR.
to increase the capacity of Yemeni bodies to investigate and prevent human rights abuses.

Zimbabwe

The human rights situation in Zimbabwe deteriorated further during 2016 with an increase in the quantity and severity of human rights violations by state actors. These included the illegal demolition of homes, continued violations of property rights, abductions and torture, politically motivated sexual violence by state actors, further restrictions on freedom of association and expression and arbitrary arrest. An increase in public protest over the summer in response to the political environment and the deteriorating economic situation saw police respond using dogs, tear gas, water cannon and baton charges. The government denied permission for activists and opposition parties to hold rallies but granted similar requests by the ruling party. Reports of intimidation, rape, assisted voting and vote buying primarily by the ruling party marred two by-elections. Partisan distribution of food by government agencies was also reported in seven provinces in October 2016.

There were reports that approximately 200 women were trafficked to Kuwait in 2014 and 2015. 40 women sought refuge at the Zimbabwean Embassy in Kuwait and were returned home in April 2016. An official at the Kuwait Embassy has been charged with trafficking of three of the victims. Sex between men is illegal and LGB&T persons continue to face discrimination.

The Government of Zimbabwe engaged with the UN Universal Periodic Review (UPR) session in November and committed to step up efforts to improve prison and police cell conditions and to reconsider its approach to the death penalty.

The UK continued to prioritise human rights and the rule of law in Zimbabwe, in keeping with Zimbabwe’s status as a human rights priority country. At the UPR, the UK welcomed Zimbabwe’s 2013 Constitution but expressed concern at the slow progress of legislative alignment and called for the Zimbabwe Human Rights Commission to investigate allegations of political violence. We also reiterated the importance of respect for the right to shelter and property. The Government of Zimbabwe accepted our recommendations to accede to the Convention against Torture, and noted our recommendation to align electoral, public order and media laws with the 2013 Constitution before the end of the current Parliament.

The UK funded training on human rights legislation and the constitution for Zimbabwean prosecutors. We worked through the multi-donor Transparency, Responsiveness, Accountability and Citizen Engagement (TRACE) Programme to improve access to justice, media and information freedom and the electoral environment in advance of the 2018 elections. The Embassy in Harare also facilitated discussions leading to action against gender-based violence, in support of women’s empowerment and to promote the rights of young people, and met parliamentarians and political leaders to encourage engagement, dialogue and respect for the rights of the people of Zimbabwe.

Looking ahead, the UK will continue to work with other donors to support the TRACE programme and with local stakeholders to protect democratic space and enhance state accountability and transparency. We will also press for delivery on the UN UPR commitments, through the tripartite process (Government of Zimbabwe, UN and NGOs). The UK will continue to call publicly for the Government of Zimbabwe to uphold the rule of law and human rights, while encouraging Zimbabweans of all political persuasions to exercise their democratic rights, including through free and fair elections.
ANNEX A: Objectives for 2017

In 2017, Human Rights Democracy Department, FCO, will aim to:

Communications
- Continue to meet our parliamentary obligations in preparing Ministers for parliamentary debates and replying to correspondence within agreed timelines.
- Using FCO channels, we will commemorate Human Rights Days to raise awareness of human rights that reflect our priorities.
- Lead the FCO’s growing expertise in human rights issues by sharing knowledge and making available resources that equip officials with the tools needed to protect and promote human rights in their day to day work.

Death Penalty
- Encourage states to reduce the use of the death penalty, by supporting death penalty reforms (e.g. abolition, moratoria, or restricting the range of crimes that carry the death penalty).
- Support adherence to UN and EU minimum standards in countries that retain the death penalty.

Democracy and Civil Society
- Promote the benefits of an active civil society for secure and prosperous societies as well as supporting the participation of citizens in the political life of their country as a right in itself, highlighting the restriction of active civil society space; support the freedom of the media and draw attention to the impunity of crimes against journalists.
- Continue to work with like-minded partners to promote democratic values and public participation in decision making including through an active contribution to the work of the Community of Democracies and support for the work of the Freedom Online Coalition.
- Support and promote the work of the Westminster Foundation for Democracy.

Europe
- Secure maximum UK value from European Institutions – the EU, the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE) – for our international human rights policy.

Equalities
- Play an active role in the development of the Equal Rights Coalition and support the work of the UN Independent Expert on Sexual Orientation and Gender Identity.
- Promote gender equality and LGBT rights with particular focus on decriminalising consensual same-sex relationships and legislating to protect against discrimination.
- Play an active role in tackling Violence Against Women and Girls (VAWG).

Freedom of Religion or Belief (FoRB)
- Champion the promotion and protection of FoRB for all individuals in the Middle East and globally.
- Promote FoRB in policies on Countering Violent Extremism, including the promotion of tolerant, pluralistic and inclusive societies, and tolerance in education.
- Engage with and support effective multilateral negotiations devoted to maintaining consensus on FoRB-related resolutions.

Modern Slavery/Business and Human Rights
- Work throughout our network of posts to raise awareness of the issue of modern slavery and seek to make a tangible contribution to reducing global levels of slavery, with a particular focus on countries with a high incidence.
- Create political momentum for a concerted international response to the challenge of modern slavery with a view to effective implementation of SDG 8.7 and encourage the signature and ratification of relevant international instruments, including through the UN Universal Periodic Review process.
- Continue to promote the UN Guiding Principles on Business and Human Rights as an effective framework for supporting responsible business behaviour and supply chain due diligence.

Post-Holocaust
- Support and maintain momentum on the ongoing international commitment to the Stockholm Declaration by promoting collaboration on Holocaust education, research and remembrance to prevent such crimes being repeated.
- Encourage the continued development of policies, strategies and legislation which address all forms of discrimination, including anti-Semitism.

Torture Prevention
- Strengthen existing legal frameworks to prevent and prohibit torture e.g. encouraging ratification of the UN CAT and OpCAT.
- Support states to develop the capacity and means with which to combat torture.
Support the development of independent monitoring mechanisms to challenge and support states in prevention of torture.

UN

Contribute to the promotion, protection and fulfilment of human rights worldwide and the progressive development and advancement of international human rights law, particularly through engagement at the Human Rights Council, Third Committee and Economic and Social Council, supporting action which furthers our core values.

Strengthen the effectiveness of UN human rights institutions, including by promoting open, merit-based selection processes for nominations and appointments to UN positions.

Participate in and support multilateral human rights accountability mechanisms, including the Office of the High Commissioner for Human Rights, Special Procedures, Treaty Bodies and the Third Cycle of the Universal Periodic Review, in order to hold states accountable for promoting and protecting human rights and fundamental freedoms.

Promote key UK thematic priorities in UN human rights mechanisms, whilst mainstreaming human rights as a conflict prevention and sustainable development tool.
TAB 6
Human Rights Council
Forty-third session
24 February–20 March 2020
Agenda item 4
Human rights situations that require the Council’s attention

Situation of human rights in the Islamic Republic of Iran

Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*

Summary

The present report, submitted pursuant to General Assembly resolution 74/167, provides an overview of human rights concerns in the Islamic Republic of Iran, including the use of the death penalty, the execution of child offenders, the rights to freedom of opinion, expression, association and assembly, the human rights situation of women and girls, the human rights situation of minorities and the impact of sanctions. The report also provides an overview of the legal framework governing detention and an assessment of the human rights concerns arising from conditions in prisons and detention centres in the Islamic Republic of Iran in light of the country’s human rights obligations under international law.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter’s control.
I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 74/167, is divided into two parts. The first part describes pressing human rights concerns in the Islamic Republic of Iran. The second part examines human rights concerns related to conditions of detention in the country.

2. In 2019, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran met with victims of alleged violations, their families, human rights defenders, lawyers and representatives of civil society organizations, including in the Netherlands and Austria (2–8 June 2019) and in the United States of America (4–8 November 2019). The Special Rapporteur travelled to New York to present his most recent report\(^1\) to the General Assembly and, during that mission, met with representatives of Member States and civil society. In preparing the present report, he reviewed written submissions, government reports, legislation, media reports and reports of international human rights mechanisms. During his visit to Geneva in March 2019, he met with representatives of the Permanent Mission of the Islamic Republic of Iran to the United Nations and had a constructive meeting with a delegation of senior Iranian officials, including from the judiciary, in Geneva in early 2019. The Special Rapporteur thanks all interlocutors and officials for their cooperation and the information provided.

3. The Special Rapporteur is shocked at the number of deaths, serious injuries and reports of ill-treatment of persons detained during the November 2019 protests. According to reports, detainees are being tortured or are suffering other forms of ill-treatment, sometimes to extract forced confessions. There are also reports of denials of medical treatment, including for injuries caused by the excessive use of force by the security forces, with some other detainees being held incommunicado or being subjected to enforced disappearance. He is concerned about reports that families of individuals killed by the security forces have been threatened not to speak out. He remains highly concerned about the continuing restrictions on freedom of expression. Although access to the Internet has been restored since it was shut down at the peak of the protests, the policy of intimidation and harassment of journalists and their families has continued. In its comments, the Government rejects these allegations and states that during the incidents law enforcement agencies displayed restraint while exercising their duty to maintain security.

4. The Special Rapporteur remains concerned about the use of the death penalty in the Islamic Republic of Iran, including for child offenders. These concerns are compounded by the fact that he has consistently received reports indicating serious violations of fair trial standards, including through the use of forced confessions as the basis for convictions. He is disturbed by ongoing challenges faced by human rights defenders and others who have been arrested for their peaceful activities calling for the full realization of their rights. The continued efforts by the Government to stifle the rights to freedom of opinion, expression and association only serve to decrease security and stability in the Islamic Republic of Iran. The Special Rapporteur continues to receive reports of discrimination against minorities and women, and is concerned about the lack of legal protections for vulnerable groups, including children.

II. Overview of the situation of human rights in the Islamic Republic of Iran

A. November 2019 protests

5. The situation of human rights in the Islamic Republic of Iran continues to be of grave concern, with continued economic hardship having a significant impact on economic

\(^1\) A/74/188.
and social rights. Efforts to exercise civil and political rights, including protests and social mobilization calling for an improvement in the economic situation in the country, have led to widespread protests. Between 15 and 21 November 2019, protests spread across 29 of the country’s 31 provinces, with as many as 200,000 participants. 2 The protests began after the Government announced on 15 November that, effective immediately, the price of a litre of petrol would increase by 50 per cent and that each car would be entitled to a monthly ration of 60 litres, with additional purchases costing 200 per cent more. 3 The protests appeared to reflect widespread discontent with the economic situation, which has posed significant challenges for Iranians and which is the result of mismanagement and corruption as well as sanctions imposed by the United States.

6. The authorities reacted strongly to the protests, warning that decisive action would be taken if the unrest continued, and reportedly deployed a heavy police presence in major cities to deter protestors. 4 The Special Rapporteur is alarmed at the reported deaths and injuries of protestors caused by the Iranian security forces. According to credible reports, at least 304 people, including 12 children, are confirmed to have died; unconfirmed reports indicate that the total number of deaths is over 400. 5 In the days following the demonstrations, footage and reports emerged of brutal tactics employed by the security forces, including the use of live ammunition against unarmed individuals. 6 A member of the Iranian parliament’s Commission on National Security and Foreign Policy stated on 25 November that more than 7,000 people had been arrested during the protests. 7 Detainees have reportedly been held in overcrowded conditions, without access to lawyers and in some cases have been subjected to torture and ill-treatment and pressured into making forced confessions. 8 The Special Rapporteur is disturbed by reports that detainees are also being denied medical treatment, including for injuries caused by the excessive use of force by the security forces, and that some detainees are being held incommunicado or are being subjected to enforced disappearance. There are particular concerns that journalists and their families specifically have been threatened and arrested to prevent them from reporting on protests. 9 Journalists have been strictly ordered not to criticize the government response to the protests and the relatives of journalists working for Farsi-language news outlets based outside of the Islamic Republic of Iran are being put under pressure by the authorities, including by being summoned for interrogation in an attempt to intimidate and silence news reporting by their relatives.

7. The Special Rapporteur is deeply concerned about the Government’s excessive use of force during the protests in November 2019 in provinces with a majority population of ethnic minorities. According to reports, some of those provinces have the highest numbers of deaths, with 84 and 52 people being killed in Khuzestan and Kermanshah Provinces respectively. Dozens of activists from ethnic minorities, including Kurds and Azerbaijani-Turks, were reportedly summoned or arrested following the protests. The Special Rapporteur has also received reports that officials have increased arrests of Baha’is

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5 [www.reuters.com/article/us-iran-gasoline-protests/more-than-100-protesters-killed-in-iran-during-unrest-amnesty-international-idUSKBN1XT0X7](http://www.reuters.com/article/us-iran-gasoline-protests/more-than-100-protesters-killed-in-iran-during-unrest-amnesty-international-idUSKBN1XT0X7).
following the protests and that 10 Baha’is were arrested in Baharestan on 29 and 30 November 2019.\(^\text{10}\)

8. Government officials, including the Supreme Leader, the President and the head of the judiciary, have all issued public statements denouncing the protests, attributing them to foreign meddling in the affairs of the Islamic Republic of Iran.\(^\text{11}\) There has been a public admission by the Governor of Quds City that she herself ordered the security forces to shoot protesters who had entered the Governor’s building. Iranian media sources have reported that protesters were violent and burned businesses and public buildings. In contrast, human rights organizations have reported that the protests were largely peaceful. Footage and reports have recorded unarmed protesters being shot by security forces as they were running away, as well as security forces aiming directly at protesters’ heads and vital body organs.\(^\text{12}\) The Special Rapporteur expresses grave concern about reports that lethal force was used against unarmed protesters. As set out in principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the intentional lethal use of firearms is permitted only when strictly unavoidable in order to protect life. Moreover, everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In its comments, the Government challenges the peaceful nature of the protests by claiming that a number of protesters were armed and by noting the destruction of public and private property. The Supreme Leader reportedly issued an order addressed to the Secretary of the Supreme National Security Council to promptly address the situation of detainees and provide the required assistance to the families of the deceased. In addition, the Government reports the creation of a committee, consisting of the Vice President for Legal Affairs, the Minister of the Interior and the Minister of Justice, to investigate the events and ensure compensation to all those affected by the violence and destruction.

9. The Supreme National Security Council voted on 16 November 2019 to restrict Internet access, resulting in connectivity rates in the country dropping to 5 per cent of their usual levels.\(^\text{13}\) The Security Emergency Centre of the Ministry of the Interior reportedly stated that it would legally pursue social media users who shared footage of the protests online, and accused some of spreading lies and recycling footage from previous incidents to undermine public confidence and disrupt national security.\(^\text{14}\) In some cities, Internet connectivity was reportedly restored by 19 November, but full connectivity was not restored countrywide until 5 December.

B. Impact of sanctions

10. The Islamic Republic of Iran has continued to struggle economically since the reimposition of sanctions by the United States in November 2018.\(^\text{15}\) In addition, foreign companies and banks are exercising increased caution out of concern for reputational risk and other repercussions, which have had a serious impact on Iranian banks, businesses and the economy as a whole. This in turn has had a significant negative impact on the human rights of Iranians, especially in relation to the rights to food and health.

\(^{10}\) www.en-hrana.org/tag/bahai-arrests-iran.
11. On 3 October 2018, the International Court of Justice issued an order for provisional measures in proceedings instituted by the Islamic Republic of Iran against the United States invoking alleged violations of the Treaty of Amity, Economic Relations and Consular Rights concluded in 1955 by the two States, which also contains rules on freedom of trade and commerce.\(^{16}\) The Government noted that the Court had concluded that assurances regarding humanitarian exemptions did not fully address the humanitarian and safety concerns raised, maintaining the risk of “irreparable prejudice” on health and life, in particular with regard to medicines, medical devices, foodstuffs and agricultural commodities.\(^{17}\) Proceedings in the case were ongoing as at November 2019.\(^{18}\)

12. The Special Rapporteur continues to be concerned about the impact of sanctions and banking restrictions on the humanitarian operations of the United Nations and other organizations. He notes the statement by the Norwegian Refugee Council that “sanctions have a crippling effect on refugees, the poorest and on the humanitarian work we do for the most vulnerable”.\(^{19}\) He notes the difficulty many humanitarian organizations face in obtaining the cash and supplies needed to conduct their work, resulting from challenges associated with payments to foreign companies, including for humanitarian transactions that should be exempt from the sanctions. The Government indicates that, following the floods of 16 March 2019, a number of humanitarian organizations faced serious difficulties in providing aid to the affected populations due to the sanctions imposed on financial transactions. Due diligence requirements, limited access to non-sanctioned banking services and shortages of foreign currency appear to have had a negative effect on much-needed humanitarian assistance.\(^{20}\)

1. **Right to food**

13. An increase of 63.5 per cent in food prices compared to the same time in 2018 has contributed to a rise in the overall inflation rate, with the International Monetary Fund estimating the 2019 inflation rate at 35.7 per cent (consumer price index).\(^{21}\) The loss in agricultural production resulting from the 2019 floods has contributed to the documented food-price inflation. According to the Statistical Centre of Iran, in October 2019 the price of red meat and poultry increased by 82.2 per cent, that of vegetables by 74.2 per cent, that of fruit and nuts by 67 per cent and that of cheese, milk and eggs by 45.8 per cent.\(^{22}\) These increases have likely had significant negative repercussions on lower-income groups, which in many cases are already marginalized communities such as ethnic and religious minorities.

2. **Right to health**

14. The Special Rapporteur remains concerned about the impact of sanctions and banking restrictions on the right to health, particularly on the production, availability and distribution of medicines, pharmaceutical equipment and supplies.\(^{23}\) He notes that a documented significant rise in the price of medicines\(^{24}\) and the depletion of available stocks, combined with the risk of corruption\(^{25}\) and smuggling, all create obstacles to health

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\(^{17}\) Ibid.


care. As hospitals are reportedly experiencing shortages of medicines, medical equipment and consumer goods, the most vulnerable patients, especially those with serious diseases such as cancer, haemophilia, thalassaemia, multiple sclerosis and epilepsy, are at greater risk. In its comments, the Government states that, in November 2019, the Head of the Epidermolysis Bullosa Association announced that 15 children had lost their lives due to lack of medication and equipment.

15. While a majority of medications are produced domestically, the Islamic Republic of Iran relies on the import of raw materials for their production, and a lack of stable imports has seriously hindered domestic production. By June 2019, imports of medical supplies had fallen by 60 per cent compared to September 2018. The Minister of Health has expressed concern that importers and manufacturers may be compelled to purchase alternative or lower-quality products, which could pose health risks for patients.

C. Death penalty

16. The Special Rapporteur notes ongoing serious concerns regarding the use of the death penalty in the Islamic Republic of Iran. According to information received, as many as 217 executions were carried out between 1 January and 31 October 2019. At least 25 executions were carried out pursuant to convictions for drug-related offences, confirming the significant decrease in executions for drug-related offences since the 2017 amendment of the drug trafficking law. However, the Special Rapporteur is concerned that the overall rate of executions in 2019 appears to be higher than in 2018, with roughly 20 more executions reported at the time of writing compared to 2018. The actual number of executions may be higher, as many are not announced by the authorities. As few as 68 executions were announced by the Iranian authorities of those documented and verified by civil society between 1 January and 31 October 2019.

17. At least 12 of the executions reported in the first 10 months of 2019 were carried out in public. The Human Rights Committee has opined that public executions are contrary to the provisions of the International Covenant on Civil and Political Rights. The Committee has also noted that failure to respect article 7 would inevitably render the execution arbitrary in nature and thus also in violation of article 6.

18. The death penalty continues to be applied for a wide range of offences, in contravention of article 6 of the International Covenant on Civil and Political Rights, which notes that States parties that have not yet abolished the death penalty should only impose it for the most serious crimes. According to the consistent interpretation of the Human Rights Committee, the most serious crimes are those that involve intentional killing. The Islamic Penal Code does not limit the application of the death penalty to such cases. The death penalty may be applied for example in some cases of adultery, for certain cases of consensual same-sex intercourse between men or for offences that are not well-defined, such as *efsad-e fel-arz* (“spreading corruption on earth”). In June 2019, when asked about

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32. Ibid.
33. Ibid.
34. Ibid.
36. Ibid.
37. Ibid., paras. 5 and 35.
the imposition of the death penalty in cases of same-sex intercourse between men, the Iranian Minister of Foreign Affairs said that the law was reflective of moral principles held by society.  

**Execution of child offenders**

19. Between 1 January and 31 October 2019, there were two confirmed executions of minors. On 25 April 2019, two 17-year-old boys were executed for the alleged crimes of rape and robbery. One of the boys reportedly had an intellectual disability. The Government consistently asserts that children under 18 years of age are not subject to execution. While these cases contradict that assertion, what this policy means in practice is that child offenders are often kept on death row until they reach the age of 18 and may then face execution.\(^{39}\) The International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to both of which the Islamic Republic of Iran is a party, strictly prohibit the imposition of the death penalty for crimes committed by an individual under the age of 18 years.

20. Furthermore, the Special Rapporteur echoes the concerns raised in the report of the Secretary-General about this practice, noting that the lack of information regarding the timing of executions imposes continuous anticipation of imminent death upon their families, resulting in mental distress, including for the child.\(^{40}\) The Special Rapporteur has received unconfirmed reports of at least three additional individuals who were executed in 2019 for crimes allegedly committed while they were under the age of 18 years.

21. The Special Rapporteur continues to monitor the situation of child offenders on death row, and has received information that there are at present at least 100 individuals who have been sentenced to death for crimes committed when they were under 18 years of age. The Islamic Penal Code retains the death penalty for girls aged 9 lunar years and older, and for boys aged 15 lunar years and older. The death penalty may be applied in cases where the child is convicted of qisas (“retribution in kind”) or hudud crimes, such as adultery. Such a young age of criminal responsibility resulting in the execution of child offenders is in complete contravention of international law, with special procedures mandate holders and the United Nations High Commissioner for Human Rights stating unequivocally that this practice is absolutely prohibited.\(^{41}\) The Government indicates that a new working group has been created under the umbrella of the executive committee for the protection of children and juveniles to intervene during court trials and to persuade the relatives of murder victims to accept financial compensation instead of retribution (qisas).

22. Other elements of the Islamic Penal Code reflect recognition of the special status of children and highlight the inconsistency of the continued application of the death penalty for child offenders.\(^{42}\) For example, the age of responsibility for less serious ta’zir crimes is 18 years. In such cases, the judge has discretion as to the sentence that should be imposed, and convicted children are sentenced to correctional measures.\(^{43}\) In accordance with the 2017 amendments to the Islamic Penal Code regarding drug trafficking, the use of children under 18 years of age in drug trafficking is a serious offence, which demonstrates recognition of the vulnerable status of children.\(^{44}\)

23. The Special Rapporteur reiterates the recommendations he has already made in his report to the Human Rights Council at its fortieth session in relation to the execution of child offenders, specifically the call to revise legislation to increase the age of maturity to 18 years and for a moratorium on the death penalty for those aged under 18 years at the time of the alleged crime.\(^{45}\)

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39 A/HRC/40/67, para. 56.
40 A/HRC/40/24, para. 7.
42 A/HRC/40/67, paras. 43–49.
43 Ibid., para. 46.
45 A/HRC/40/67, paras. 72–76.
D. Rights to liberty and a fair trial

24. Compounding concerns regarding the use of the death penalty and the high execution rate are continued reports of lack of due process and non-adherence to fair trial standards. The Special Rapporteur has received reports of violations, including lack of access to a lawyer of the accused’s choice and to information regarding charges and evidence, arrest without warrant and the use of forced confessions extracted by torture and ill-treatment as evidence. Reportedly due to concerns about the judiciary’s capacity to hold the scheduled number of in-person appeals, an amendment was proposed in May 2019 to leave the decision of whether to hold an in-person appeal to the discretion of the appeals court. Pursuant to a request from the head of the judiciary, the Supreme Leader agreed to this change in practice before its passage in parliament, raising concerns that the appeal process within the criminal justice system had been circumvented.46

25. The case of Aras Amiri, an Iranian citizen convicted in May 2019 on national security-related charges, is of particular concern in this regard. Ms. Amiri appears to have been arrested for her work promoting Iranian culture with the British Council. She appealed her conviction in June 2019;47 in August 2019, her family was informed that her appeal had been rejected shortly before it was announced on Iranian State television. Ms. Amiri has been sentenced to 10 years’ imprisonment and is being held in Evin Prison.48

26. The use of arbitrary detention remains a constant concern. The Special Rapporteur echoes the concerns expressed by the Working Group on Arbitrary Detention in an October 2019 opinion, in which the Working Group highlighted that the systemic problem of arbitrary detention in the country amounted to a serious violation of international law.49

1. Dual and foreign nationals

27. The Special Rapporteur remains seriously concerned about the situation of dual and foreign nationals in detention in the Islamic Republic of Iran, including Ahmadreza Djalali, Kamran Ghaderi, Robert Levinson, Siamak Namazi and Nazanin Zaghari-Ratcliffe. A number of new cases have been reported in 2019, including the cases of an Australian national,50 a French national and an Iranian-French national.51 He welcomes the news that two Australian nationals arrested in July 2019 were released in October 2019.

28. The Special Rapporteur also notes the release of United States citizen Xiyue Wang on 7 December 2019. However, the issue of prisoner exchanges, which is what happened in this case and has been raised by the Iranian Minister of Foreign Affairs as an option for the release of dual and foreign nationals, raises concerns about the veracity of the Government’s allegations against the individuals detained. He also notes the November 2019 release on bail of Kameel Ahmady, a dual Iranian-British national who was arrested in the Islamic Republic of Iran in August 2019 and whose case is reportedly at the stage of preliminary investigation. He is also concerned about the arrest and detention of Massud Mossaheb, an Austrian-Iranian dual national who has been detained since January 2019 and who, according to the Government, has been charged with “corruption on earth through acting against national security” and “illegally acquiring US$ 429,000”, and whose case is currently under investigation.

2. Environmentalists

29. The Special Rapporteur is alarmed at the sentencing of eight environmentalists who were arrested in January and February 2018 to lengthy prison terms, specifically to between 4 and 10 years’ imprisonment, after being convicted of “collaborating with the United States enemy state”.\(^{52}\) According to the Government, while Morad Tahbaz and Niloufar Bayani were acquitted of the charge of “gaining illegitimate income”, they were still requested to return that income, in the respective amounts of US$ 600,000 and US$ 356,600. It is reported, however, that one of the environmentalists, who was a former consultant for the United Nations Environment Programme,\(^{53}\) has been ordered to pay the Government the amount earned while in that position.\(^{54}\)

30. The verdict came after an announcement in September 2019 that the most serious charge levied against four of the eight – “corruption on earth”, which carries the death penalty – had been dropped\(^{55}\) and converted to “collaboration with enemy state”. According to information received, after more than a year of inactivity, the hearings in all cases resumed in October and were concluded on 22 October 2019. During their detention, the environmentalists have had limited access to their lawyers and have been required to choose lawyers from a list pre-approved by the judiciary. The detainees’ and their lawyers’ ability to intervene during the hearings or to review the indictments or other documents has also been limited. The Special Rapporteur reiterates the concerns expressed by the Secretary-General about the conditions of detention, including reports of ill-treatment, efforts to extract forced confessions and denial of access to medical care, particularly in the case of Morad Tahbaz, who faced serious health complications.\(^{56}\) The Government rejects all allegations on the detention conditions and lack of access to medical care, stating that Mr. Tahbaz has been provided medical treatment 15 times in specialized medical centres outside the prison.

31. The Special Rapporteur is alarmed that such charges have been brought against individuals engaged in environmental work that is beneficial both to the Islamic Republic of Iran and to the international community, and calls upon the Government to ensure that the rights of individuals conducting peaceful and essential scientific work are respected and protected.

3. Human rights defenders and lawyers

32. The Special Rapporteur continues to be concerned about the arrest and detention of human rights defenders and lawyers for their peaceful work. In 2019, human rights lawyers such as Nasrin Sotoudeh and Amirsalar Davoudi were convicted and sentenced to lengthy prison terms.\(^{57}\) The Special Rapporteur calls upon the Government to ensure that those seeking to uphold the rights of others are not arbitrarily detained and prosecuted for their peaceful work.

33. The critical condition of human rights defender Arash Sadeghi, who has been diagnosed with a rare form of bone cancer and been repeatedly denied needed medical care, is particularly alarming.\(^{58}\) Mr. Sadeghi was sentenced to 15 years’ imprisonment in August 2015 on national security-related and other charges connected to his work as a human rights defender, which included social media posts and communications with journalists and

56. A/74/273, para. 15.
57. A/74/188, paras. 15–16.
human rights defenders outside the Islamic Republic of Iran. The Government has indicated that Mr. Sadeghi’s prison sentence was reduced to seven and a half years and that he has been regularly offered medical care for his cancer, including in out-of-prison specialized medical centres, but has provided no information on his infection. In 2018, the Working Group on Arbitrary Detention found Mr. Sadeghi’s detention to be arbitrary.

34. The Special Rapporteur is particularly concerned about reports received of increasing pressure on families of human rights defenders. The arrest of one family member of prominent women’s rights defender Masih Alinejad is emblematic of this trend. According to information received, in recent months families of human rights defenders, lawyers and activists have been facing more blatant harassment and pressure from the authorities, even arrest. Such treatment appears to be connected to their relatives’ work on human rights.

E. Situation of women and girls

1. Protesters opposed to compulsory veiling

35. The Special Rapporteur remains alarmed at the ongoing repression of women human rights defenders who object to compulsory veiling, and condemns the recent sentencing of three women human rights defenders: Yasaman Aryani, Monireh Arabshahi and Mojgan Keshavarz. The women were arrested in April 2019 for their participation in a protest against compulsory veiling laws on 8 March 2019, International Women’s Day. In August 2019, Ms. Keshavarz was sentenced to 23 years and 6 months’ imprisonment while Ms. Aryani and Ms. Arabshahi were each sentenced to 16 years’ imprisonment. If the sentences are upheld on appeal, they will serve the highest sentence of 10 years, which includes the days of detention already served, in line with article 134 of the Penal Code.

36. On 1 June 2019, Saba Kord Afshari was arrested in Tehran in relation to her participation in the White Wednesday campaign against compulsory veiling and due to a video of the protest that was posted on Ms. Alinejad’s social media account. Upon arrest, Ms. Afshari was interrogated and then held in solitary confinement for 11 days. She was reportedly told that her father would be killed and her mother would be arrested and that all the private photographs on her telephone would be released if she did not make a confession. She was also reportedly forcibly disappeared for 12 days in July, when she was transferred to a location unknown to her and her family. In August 2019, Ms. Afshari was convicted of three national security-related and morality charges and sentenced to 24 years in prison. She will need to serve seven and a half years if the sentence is upheld on appeal, in line with article 134 of the Penal Code.

37. The treatment of women human rights defenders, and of all individuals seeking to support the human rights of women, many of whom have faced harassment, arrest and detention, is of grave concern. The Special Rapporteur calls upon the Government to take all measures necessary to ensure the protection of women human rights defenders.

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62 A/74/273, para. 37.
2. **Discriminatory policies**

38. A prohibition on Iranian women attending sporting events in the Islamic Republic of Iran, while not written into law, has effectively been enforced since 1981. A few exceptions to this policy have occurred in recent years, most recently in October 2019, when more than 3,000 women were allowed to attend a football match.

39. Although the match was touted as representing the end of the unofficial ban, the number of tickets available to women was restricted by the authorities and the Government gave no indication of having changed its policy. The Vice President for Women and Family Affairs has reportedly said that there is no obstacle to women entering stadiums and that there is hope for progress in lifting the ban. At the same time, the Prosecutor-General and high-level religious figures have reportedly indicated that they do not support lifting the ban. Other high-level religious figures have similarly noted that the ban should remain in place. Practical concerns also exist, such as the lack of women’s restrooms in all stadiums other than Azadi Stadium, with the national football federation reportedly rejecting their installation in other stadiums.

40. Women have frequently sought to challenge the restriction on their ability to enter stadiums through peaceful demonstrations or by entering disguised as men, and many have been arrested and detained. In a recent tragic incident, Sahar Khodayari, who had been arrested for dressing as a man in order to attend a football match, died in August 2019 from self-immolation when she learned she could be sentenced to prison for her actions. In March 2018, as many as 35 women were reportedly arrested for seeking to attend a match and in August 2019 at least four women were arrested and held for several days after attempting to enter a stadium dressed as men.

F. **Situation of minorities**

41. The Special Rapporteur is deeply concerned about a bill adopted by the Committee for Judicial and Legal Affairs of parliament in July 2019 on “misguided sects.” The bill criminalizes membership in groups that the Government considers to be “misguided”. According to a member of the Committee, the bill was proposed because of concerns about sects that have no jurisprudential or religious status but attribute their belief to Islam and about the cults that have emerged recently. Members of non-recognized religious minorities have expressed concern that passage of the bill would make it a criminal offence to follow certain religions and could be used to increase discrimination against them.

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69. https://iranhumanrights.org/2019/08/iran-releases-detained-stadium-protesters-as-hardliners-cheer-on-discriminatory-policy/; https://pirooznews.com%D9%85%D8%B9%D8%A7%D9%88%D9%85%D8%B1%D8%A6%DB%8C%D8%B3-%D8%AC%D9%85%D9%87%D9%88%D8%B1-%D9%88%D8%B1%D9%88%D8%AF-%D8%B2%D9%86%D8%A7%D9%86-%D8%A8%D9%87/.


The Special Rapporteur has continued to receive reports of the arrest, detention and sentencing of members of the Baha’i faith. Baha’is have faced a range of charges, including “collusion and assembly against national security” and “formation and management of an illegal Baha’i group with intent to disturb national security”. In October 2019, three Baha’is were sentenced to between 5 and 10 years’ imprisonment. In September 2019, the appeal court upheld the five years’ imprisonment sentence of another Baha’i individual, while two other Baha’is each received six-year prison sentences in a separate case.

The Special Rapporteur is concerned about the continuing use of excessive force against and extrajudicial killings of Kulbarans and Sokhtbaran border couriers. According to reports, an 18-year-old Sokhtbar was killed in September 2019 after the security forces shot his car, which carried fuel. Similarly worrying reports were received about Kulbarans being killed by security forces’ gunfire, including two Kulbars on 23 November 2019 in West Azerbaijan Province and one Kulbar on 2 December 2019 in Kurdistan Province. Due to the high rate of unemployment in the Provinces of Sistan and Baluchistan and Kurdistan, courier work remains one of the few ways for the population to acquire income. In its comments, the Government has said that it tries to address the issue by setting up border markets and free zones, such as in Baneh region.

The Special Rapporteur continues to receive worrying reports of violations of the economic, social and cultural rights of minorities. For example, the Kurdish, Ahwazi Arab and Azerbaijani-Turk communities are concerned about the limited access they have to education in their mother tongues. Moreover, he is concerned about the arbitrary detention of Kurdish language teacher Zahra Mohammadi since 23 May 2019. While reports indicate that her arrest was linked to her teaching of the Kurdish language, the Government has accused Ms. Mohammadi of cooperating with illegal opposition parties. The Special Rapporteur also remains highly concerned about the denials of the right to education for religious minorities, with continuing reports of Baha’i students being rejected from entering university despite passing the required examinations.

III. Conditions of detention

The Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. These treaties, combined with a range of other texts, have established a framework aimed at safeguarding the rights of imprisoned and detained persons. The General Assembly has, for example, adopted the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Basic Principles for the Treatment of Prisoners and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

A. Violations of civil and political rights

1. Denial of access to a lawyer

Upon arrest and during the pretrial investigation stages, it is vital that a person subjected to interrogation has access to a lawyer of his or her own choosing. Members of

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76 Resolution 70/175, annex.
77 Resolution 43/173, annex.
78 Resolution 45/111, annex.
79 Resolution 65/229, annex.
80 See the International Covenant on Civil and Political Rights, art. 14 (3) (b) and (d); Human Rights Committee, general comment No. 32 (2001) on the right to equality before courts and tribunals and to a fair trial, paras. 32, 34, 37 and 38; and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution 67/187, annex).
ethnic and linguistic minorities have reported that they are not allowed to be assisted by lawyers or translators who speak their language, which makes them more susceptible to being pressured into signing forced confessions. Child offenders are particularly vulnerable and, as such, all the more susceptible to intimidation and pressure to make a confession.  

47. Under article 190 of the Iranian Code of Criminal Procedure, the right of accused persons to a lawyer at the stage of preliminary investigation is guaranteed. That right is tempered, however, by article 48, according to which individuals accused of offences against national security, of crimes punishable by death, life imprisonment or amputation, or of political or press crimes can only choose to be represented, during the investigation stage, by lawyers on a list approved by the head of the judiciary. The Special Rapporteur remains concerned not only that article 48 undermines the independence of the legal profession, but also that it is a serious impediment to due process and the right to a fair trial. A proposed amendment to article 48 aims to delay access to any legal representation for 20 days for detainees facing charges related to national security offences, terrorism or financial corruption, which would further restrict access to legal counsel during the pretrial stages, especially since the initial period of 20 days could be extended.

2. Use of torture to extract confessions

48. Reports have also been presented to the Special Rapporteur confirming the use of torture and cruel, inhuman or degrading treatment or punishment to extract confessions during the investigative stages. According to the provisions of the Islamic Penal Code, confessions extracted through torture or duress are prohibited and inadmissible as evidence. On the other hand, while the law prohibiting the use of forced confessions as evidence is prima facie commendable, other legal provisions appear to encourage law enforcement agencies and the judiciary to obtain and rely on confessions, including confessions extracted through torture or under duress. According to article 171 of the Islamic Penal Code, if an accused person confesses to the commission of an offence, his or her confession shall be admissible and there is no need for further evidence. Furthermore, according to article 360 of the Code of Criminal Procedure, if the accused explicitly confesses to the commission of a crime in such manner as to remove all doubt and uncertainty in respect of the confession, the court shall pronounce its judgment by virtue of the confession. The Special Rapporteur is concerned that the combined effect of the aforementioned provisions of the Islamic Penal Code and the Code of Criminal Procedure has led to a strong institutional expectation of extracting confessions and reliance on confessions as the basis of convictions, resulting in serious breaches of criminal justice and the rights of the accused. The Special Rapporteur has been informed that judges are frequently not satisfied with the evidence presented, preferring instead to have confessions from the accused, and that in a majority of cases confessions are the primary or only piece of evidence presented against the accused.

3. Medical treatment as conditional upon confession

49. The Special Rapporteur heard evidence that security and intelligence officials, including from the Ministry of Intelligence and the Islamic Revolutionary Guard Corps, have in many cases prevented access to medical care for detainees and prisoners, or made medical attention or transfers to hospital conditional upon confession. The cases of Nazanin Zaghari-Ratcliffe, Ahmadreza Djalali and former detainee Homa Hoodfar are...
emblematic of denials or delays in providing medical attention associated with attempts to extract confessions or inflict punishment. Attempts to obtain a confession as a condition for medical treatment violates the provisions of the Constitution of the Islamic Republic of Iran, the Nelson Mandela Rules and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment in international law. The Government rejects the allegations and states that all three individuals have or had access to medical care, as guaranteed by articles 102 and 103 of the Executive Regulations of the Iranian Organization of State Prisons (Prison Regulations).

50. The Special Rapporteur has received disturbing information that several prisoners have been denied medical treatment for injuries sustained during interrogations conducted by intelligence or security officers. Reports have been received of torture, including beating, kicking, punching, slapping and suspension by the arms and legs. One former detainee of the Zahedan intelligence detention centre informed the Special Rapporteur that he had been tortured by the Islamic Revolutionary Guard Corps and showed him a “medical bed” where prisoners were tied, tortured and subjected to a mock execution by hanging.

4. Broadcast of forced confessions

51. The Special Rapporteur is concerned about the practice of publicizing forced confessions. The Iranian authorities have a track record of broadcasting forced confessions and statements of repentance by political prisoners on State-run television channels and other media outlets. The confessions shown on State-funded media outlets are often made under torture or cruel, inhuman or degrading treatment or under duress. Televised confessions violate the provisions of article 7 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and provisions from which no derogations or reservations are permissible. This practice also violates article 9 and the fair trial provisions set out in article 14 of the Covenant, as well as articles 37, 38 and 39 of the Constitution of the Islamic Republic of Iran and article 91 of the Code of Criminal Procedure.

52. The violations of the aforementioned provisions are particularly distressing in cases where detainees are charged with offences carrying serious punishments, including the death penalty. Ahmadreza Djalali, a Swedish-Iranian academic, had his confession to spying on the Islamic Republic of Iran broadcast on State television in December 2017, five days after the Supreme Court had upheld his death sentence through a hastily convened and secret process during which no submissions from the defence had been allowed. It is reported Mr. Djalali recorded the confession under duress, after his interrogators had said that he would be released from solitary confinement only if he recorded the confession. In other instances, televised confessions are used to deprive detained persons of their due process rights; without access to legal advice, individuals in such cases make self-incriminating statements publicly, thereby pronouncing their “guilt” in the absence of a trial.

53. In 2019, the women detained for participating in the White Wednesday campaign and appearing online without headscarves were tortured and ill-treated in an attempt to get them to confess their “guilt” and renounce the campaign in videos to be broadcast on State

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90 Constitution of the Islamic Republic of Iran, art. 39.

91 http://prisons.ir/%D9%82%D9%88%D8%A7%D9%86%DB%8C%DB%86-%D9%88-%D8%A2%DB%8C%DB%86-%D9%86%DB%A7%D9%85%DB%8C%DB%86-%D9%86%DB%A7%D9%85%DB%8B%DB%85%DB%A7%DB%82%DB%85%DB%A7%DB%85%DB%8A%DB%84%DB%A8%DB%A7%D9%86-%DB%82%DB%86%DB%8A%DB%A7%DB%86-%D9%87%DB%8A/

television. In October 2019, Iranian television aired a statement by Ruhollah Zam, producer of the anti-government AmadNews Telegram channel, expressing his “regret” over trusting the Governments of France and other countries. It has been reported that Mr. Zam was persuaded, under false pretences, to go to Iraq from France, where he had refugee status. In Iraq, he was captured and returned to the Islamic Republic of Iran by the Islamic Revolutionary Guard Corps. A parliamentary bill introduced in September 2019 aiming to end the broadcasting of confessions on State-funded media prior to trial has been stalled. The bill focuses on confessions by prisoners accused of political and security-related crimes and aims to introduce a ban on broadcasting confessions from detainees with prison sentences of between six months and three years, and an additional ban on State employment of between one and five years for those involved in recording and broadcasting such confessions.

5. Solitary confinement

54. Depending on its aims, length and conditions, solitary confinement may amount to torture or other cruel, inhuman or degrading treatment or punishment. The Nelson Mandela Rules provide detailed guidelines on solitary confinement, which is defined as the confinement of prisoners for 22 hours or more a day without meaningful human contact, and prolonged solitary confinement, which is understood to be solitary confinement for a period in excess of 15 consecutive days (rule 44). According to the Nelson Mandela Rules, solitary confinement should be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to authorization by a competent authority; moreover, solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such confinement (rule 45). The prohibition on the use of solitary confinement involving women and children referred to in other United Nations standards on criminal justice and crime prevention need to be applied. In its comments, the Government indicates that solitary confinement is used only in rare instances during the judicial investigation, as well as a punitive measure in places of detention for a maximum of 20 days, which may therefore constitute prolonged solitary confinement according to the Nelson Mandela Rules. The Government also noted that this punitive measure is mostly used in national security cases and that prisoners are entitled to all their rights.

55. The Human Rights Committee has noted that the prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7 of the Covenant. According to the Basic Principles for the Treatment of Prisoners, efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged (principle 7). The Special Rapporteur remains concerned about reports of torture and cruel, inhuman or degrading treatment of detainees conducted during solitary confinement, which is a violation of international human rights law.

56. One former detainee and student activist who spent four months in solitary confinement at Evin Prison reported that she had been held in a windowless cell measuring 2m by 3m. She reported that artificial lighting was turned on 24 hours a day and that she

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94 www.ft.com/content/a9247a7c-f0b4-11e9-ad1e-4367d8281195.
97 https://twitter.com/mah_sadeghi/status/1178262783030435840.
98 The Nelson Mandela Rules, rules 43–45.
100 General comment No. 20 (1992) on the prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, para. 6.
was allowed to go to the bathroom only twice in any 24-hour period. She would have to press a button when she needed to use the bathroom and someone would come to take her, but sometimes that person would come two or three hours after she had pressed the button. As a result, she tended not to drink. This had an impact on her kidneys and digestive system that has lasted even after her release from prison. In fact, she has never recovered, despite being treated.

57. Another former detainee who was an activist for lesbian, gay, bisexual and transgender rights and for gender equality and who had spent 19 days in solitary confinement in ward 209 at Evin Prison informed the Special Rapporteur that she was kept in a cell measuring 2m by 3m and could not talk to her family or the outside world for the first 15 days of her detention. She was not allowed to have any books. In the bathroom, only hot water was available, and in her cell the lights were on 24 hours a day. She developed an anxiety disorder that caused panic attacks, as a result of which she was taken to the prison clinic, where she was given medication. Another person who was in solitary confinement in ward 209 reports having been kept in such confinement for 83 days. For three weeks he had access only to the bathroom. He could ring a bell to ask for assistance and, when taken to the bathroom, he was blindfolded. During that period, he could not receive visits. His parents came every week but were sent back every time. Another detainee who was held in solitary confinement in Zahedan Prison was not allowed to talk to his family for 30 days.

6. Visits, monitoring of communications and denial of furlough

58. Another violation of the Prison Regulations of the Islamic Republic of Iran and international law is the arbitrary manner in which authorizations for visits and telephone communications with families are denied or delayed. For example, the prison authorities often deny detained women the possibility of meeting with their children as a means of punishment. The Special Rapporteur has been informed that the authorities in Evin Prison have introduced new restrictions on family visitations since the appointment of the new head of the prison. Previously, children were allowed to visit their mothers on Wednesdays but now they can only do so on Sundays, which is the only day when all family members can visit detainees. The visits take place in a large communal hall, without any separation between families for privacy.

59. The Special Rapporteur has received reports of prison guards monitoring conversations by telephone from behind a glass. Article 221 of the Prison Regulations exempts furlough for those convicted of acting against national security. Given that a majority of political prisoners are convicted of alleged national security offences, they are denied furlough.

B. General conditions in prisons and detention centres

1. Overcrowding and hygiene

60. The Special Rapporteur has consistently received information of overcrowding in Iranian prisons. According to the director of judicial affairs in the State Prisons Organization, Hossein Pourmand, the prison population is 189,500, which is 27.7 per cent higher than its official capacity. These figures were published after 61,000 prisoners were freed in a general pardon on the occasion of the fortieth anniversary of the Islamic Revolution in February 2019 and prior to the most recent wave of arrests resulting from the November 2019 protests.102 The United Nations High Commissioner for Human Rights has made reference to the established position of international and regional human rights mechanisms according to which overcrowding leads to situations in which detainees are required to live for long periods in deplorable conditions, unsuitable for human dignity and existence and can breach the absolute prohibition of torture.103 Overcrowding is a source of infections and ill-health and has also been linked to the spread of infectious and

103 A/HRC/36/28, para. 31.
communicable diseases, including tuberculosis, HIV and hepatitis C. A former prisoner in Evin Prison from the Gonabadi dervish community informed the Special Rapporteur that he had come across a prison hall with a capacity for 150 people holding over 400 prisoners.

61. The Special Rapporteur remains concerned about the lack of hygiene, which leads to illness and skin conditions. Female prisoners have complained of the absence of feminine hygiene products, significantly affecting their personal hygiene. A former prisoner at the Greater Tehran Central Penitentiary described the prison conditions as “shocking”, adding that the clothes and shoes of inmates were taken away by the prison authorities and that the only detainees who were clothed were those whose family members brought them clothes. According to another former prisoner, the cells were infected with lice, bugs and cockroaches and there was only a two-hour window for 400 people to take a shower. During his two years at Greater Tehran Central Penitentiary, only one hygiene kit was distributed to the inmates. Yet another former detainee at Evin Prison complained that he was not allowed to change his prison clothes for three months; he could have washed his clothes but had no detergent to do so. A former political prisoner at Zahedan Prison informed the Special Rapporteur that each prisoner was provided with one toothbrush but was forced to buy everything else, including soap. He informed the Special Rapporteur that there were only 12 beds and therefore most inmates had to sleep on the floor. As there were only 10 toilets for 200 people, there were always queues. Those who had money from relatives could buy additional hygiene items and food.

2. Food and water

62. During his interviews with political prisoners, the Special Rapporteur heard serious concerns as regards the quality and quantity of food provided to those prisoners. Specifically, the political prisoners in Qarchak Prison complained to the Special Rapporteur of the poor quality and inadequate portions of food provided. The Special Rapporteur was informed that in Qarchak Prison prisoners were forced to buy and eat cans of raw tuna and that the quality of the water was so poor that prison inmates developed stomach ulcers. Food was excessively expensive, which discriminated against poorer prisoners. Similar complaints about the poor quality and insufficient quantity of food have been received from other places of detention. A former male prisoner in Evin Prison informed the Special Rapporteur that during his 11 days of detention not once was he provided with meat, fruit, vegetables or milk. He informed the Special Rapporteur that, in order to have an appropriate level of nutrition, prisoners were forced to buy their own food, which was sold at a much higher price than in the markets outside the prison. The provision of food of such poor quality and in inadequate quantities, forcing prisoners to buy food, is a violation of the Nelson Mandela Rules and articles 93 and 95 of the Prison Regulations. According to the Nelson Mandela Rules, all prisoners should be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served (rule 22 (1)). Moreover, drinking water should be available to every prisoner whenever he or she needs it (rule 22 (2)).

3. Denial of access to medical care

63. As a party to the International Covenant on Economic, Social and Cultural Rights, the Islamic Republic of Iran is legally obliged to respect, protect and fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (art. 12), including those who are imprisoned or detained. As set out in the Nelson Mandela Rules, prisoners’ health care is a State responsibility and prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status (rule 24 (1)). Furthermore, all prisons should ensure prompt access to medical attention in urgent cases; prisoners who require specialized treatment or

104 A/HRC/23/41/Add.1, para. 43.
105 A/65/255, para. 29.
106 Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 34.
surgery should be transferred to specialized institutions or to civil hospitals and, where a prison service has its own hospital facilities, they should be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care (rule 27 (1)). Prisoners who require specialist treatment must be transferred to specialized institutions or outside hospitals when such treatment is unavailable in prison. In line with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (principle 24) and the Nelson Mandela Rules (rule 24 (1)), health care provided to individuals in custody must be free of charge. The failure to provide adequate health care to prisoners may violate the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including under article 7 of the International Covenant on Civil and Political Rights.

64. The Prison Regulations provide a comprehensive framework for the provision of health care to prisoners and, if fully complied with, would largely be in compliance with international standards regarding prison conditions. In practice however, there are consistent, significant breaches of these Regulations.

65. Iranian prisons can provide only basic medical facilities. Therefore, prisoners with serious medical conditions either need to be seen by a specialist physician within the prison or to be transferred to outside hospitals. The Special Rapporteur was informed that prison infirmaries have poor, outdated and insufficient stocks of medicine and the relevant prison staff are usually untrained or are unhelpful to prisoners, particularly political prisoners. Specialist physicians visit prisons irregularly, which results in many prisoners waiting for considerable periods for examinations, even when their condition is serious and requires urgent attention. The Special Rapporteur was informed by several prisoners that specialist physicians were under time pressure. He also received reports of failures to see seriously ill patients, inordinate delays and of trivializing or dismissive attitudes towards prisoners’ health conditions. On occasions, specialists have reportedly refused to order diagnostic tests or provide essential medication and instead prescribed ordinary tranquillizers.

66. The Special Rapporteur received alarming reports that detainees with previous and known medical conditions are not provided with any medical attention. While it is acknowledged that prisoners with serious medical conditions need to be transferred to hospitals outside of the prison where they are detained, such transfers must be approved by the prison clinic and then by the head of the prison and the associate prosecutor of the prison. It has been reported that sometimes prison officials inform the prisoners that the prosecuting authorities or intelligence officials have refused medical leave or hospitalization, in contravention of international human rights norms. There have also been reports of medication provided by the family being withheld from the prisoner as a form of punishment. The Special Rapporteur has also received disturbing information regarding the failure of the prison authorities to provide prisoners with regular check-ups.

67. Contrary to the Prison Regulations, the Special Rapporteur has received disturbing evidence of prisoners in hospital or undergoing medical care being forced to interrupt their treatment and return to prison against medical advice. An emblematic case is the continuous denial by the authorities of Raja’i Shahr Prison of medical treatment to Mr. Sadeghi, who did not receive a medical examination until May 2018 despite having complained of severe pain to his elbow and shoulder for 18 months. Even after his examinations, he reportedly only discovered that he had a tumour after briefly being allowed to look at his medical file. Mr. Sadeghi was allowed surgery for cancer in September 2018 but the prison authorities reportedly delayed the operation despite medical specialists finding that he needed an operation urgently. Furthermore, the prison authorities returned him to prison three days after surgery against medical advice that he remain in hospital for 25 days to assess the need for further treatment. The prison authorities reportedly blocked a follow-up examination with his specialist on 22 September 2018, resulting in Mr. Sadeghi only seeing a general practitioner. He was diagnosed with a

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107 Ibid., art. 103.
serious infection that could have been avoided had he remained hospitalized. He has reportedly been denied appropriate treatment repeatedly since, both for his cancer and for the infection, and his arm is now discoloured and immobile. There is also evidence of unnecessary use of force, such as the use of handcuffs and leg shackles, on political prisoners while they are receiving medical treatment in hospital. The Nelson Mandela Rules, in particular rules 47 and 48, prohibit the use of chains, irons or other instruments of restraint that are inherently degrading or painful.

IV. Conclusions and recommendations

A. Human rights situation

68. The Special Rapporteur recommends that the Government, the judiciary and the parliament:

(a) Undertake prompt, independent and impartial investigations into all acts of violence that have taken place in the context of the November 2019 protests, including deaths of protesters and reported deaths in custody, and into reports of ill-treatment, and to hold those responsible accountable;

(b) Ensure that all those arrested, including those arrested during the November 2019 protests, for the peaceful exercise of their rights to freedom of opinion, expression, assembly and association are released, and ensure also that the detaining authorities promptly report the whereabouts and situation of detainees to their families;

(c) Take all measures necessary to mitigate the effects of economic sanctions, meet the obligations of the Islamic Republic of Iran under the International Covenant on Economic, Social and Cultural Rights, including on the protection of vulnerable groups, and establish transparent financial mechanisms to ensure that trade in medicines and other essential humanitarian items continues;

(d) Pending its abolishment, remove the death penalty as punishment for all offences other than the most serious crimes, which involve intentional killing, and ensure that all individuals sentenced to death for offences other than intentional killing have their sentences commuted;

(e) Ensure that prisoners and detainees are protected from all forms of torture and ill-treatment and that confessions obtained through torture or ill-treatment are never admitted as evidence against the accused;

(f) Amend the Islamic Penal Code and the Code of Criminal Procedure to ensure that confessions alone are not sufficient for establishing guilt;

(g) Ensure that all persons accused of any crime have access to a lawyer of their choosing during all stages of the judicial process, including during the initial investigation and interrogation stage, and are provided with legal aid as needed;

(h) Protect the rights of all persons belonging to religious and ethnic minorities, address all forms of discrimination against them and release all those imprisoned for having exercised their right to freedom of religion or belief;

(i) Ensure that lethal force is used only when strictly unavoidable to protect life, in accordance with principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and that everyone is allowed to participate in lawful and peaceful assemblies, in accordance with article 21 of the International Covenant on Civil and Political Rights;

(j) Ensure that human rights defenders, including women human rights defenders, lawyers and journalists, are not threatened with or subjected to intimidation, harassment, arbitrary arrest, deprivation of liberty or other arbitrary sanction, and release all those detained in connection with their work;
End the policy of prohibiting or severely limiting women’s attendance at public sporting events, and bring both laws and policies protecting women’s rights into compliance with international standards;

Immediately release all dual and foreign nationals arbitrarily detained.

The Special Rapporteur recommends that sanctions-imposing countries take all measures necessary to ensure that sanctions do not undermine human rights, including by ensuring that humanitarian and procedural safeguards and exemptions are in place to prevent their harmful impact on the enjoyment of human rights.

B. Conditions of detention

The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate:

Ensure that medical care is urgently provided to those individuals in detention who need it, in light of the imminent threat to life or serious deterioration of their health, and that all individuals in custody receive adequate, prompt and regular health care, including specialist care as needed, on the basis of their informed consent;

Ensure that all detained individuals receive adequate health care, without discrimination on grounds of political or legal situation, ethnicity, religion, political opinion, gender, sexual orientation or other status;

Ensure that all prisoners requiring specialist or any other treatment not available within prison are transferred free of cost to specialized institutions or outside hospitals to receive such treatment and that they remain in those institutions or hospitals for as long as the treatment is deemed necessary by specialist doctors;

End the unlawful practice of requiring prisoners to pay for medical treatment, which violates both international and Iranian law;

Ensure that medical decisions that relate to ongoing care and observation of the prisoners outside prison and the necessity of their release on medical grounds are only taken by the relevant, responsible health-care professionals;

Adopt regulations restricting the use of restraints in accordance with international laws and standards, including by ensuring that restraints are never used in a degrading, humiliating or painful manner or as a form of punishment and that they are used only when strictly necessary;

Ensure that medical care for detainees is never made conditional upon their making confessions and that officials who deny medical care to prisoners and detainees or who withhold medication as a form of coercion, as punishment or to elicit confessions are punished;

Pass the parliamentary bill introduced in September 2019 aimed at ending the recording and broadcasting of confessions on State-funded media prior to trial and ensure punishments for those involved in recording and broadcasting such confessions;

Pending its abolishment, ensure that solitary confinement is used only in exceptional cases, as a last resort and for as short a time as possible, following authorization by a competent authority and subject to independent review;

Make substantial investments in all prisons to reduce overcrowding, provide adequate sleeping facilities to prisoners and ensure that the essential personal hygiene of prisoners is maintained;

Ensure that prisoners are provided with food of appropriate nutritional value, quantity and quality and that drinking water is made readily available to all prisoners;

Ensure furlough and family visitation rights to all prisoners;
(m) Respect and fulfil the duty to conduct prompt, independent, impartial and effective investigations into all reports of torture or other ill-treatment, and hold perpetrators accountable;

(n) Ensure that deaths in custody and allegations of violations of due process and of ill-treatment are promptly, independently, impartially and effectively investigated by an independent competent authority with a view to holding perpetrators accountable and in compliance with the right to a fair trial.
TAB 7
Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 4
Human rights situations that require the Council’s attention

Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*,**

Note by the Secretariat

In its resolution 34/23, the Human Rights Council requested the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to submit a report to the Council at its thirty-seventh session.

Pursuant to the decision taken by the Council on 26 February 2018, the Coordination Committee of Special Procedures has the honour to transmit the report that the Special Rapporteur on the situation of human rights, Asma Jahangir, who passed away on 11 February 2018, shared with the Government of the Islamic Republic of Iran on 25 January 2018. Given that the State concerned submitted its comments on the report on 21 February 2018, after the passing of the mandate holder, it was offered the opportunity to have its comments circulated to the Council.

* The present report was submitted after the deadline as a result of consultations with the Islamic Republic of Iran. It is being circulated without formal editing.
** The annex to the present report is reproduced as received, in the language of submission only.
# Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

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I. Introduction

1. The Special Rapporteur has observed a worrying picture developing in the human rights situation in the Islamic Republic of Iran since the issuance of her last report in August 2017. Despite assurances from the Government, improvements are either not forthcoming or are being implemented very slowly and in piecemeal. However, the Government has continued to engage with the Special Rapporteur’s mandate, issued a voluntary mid-term report for the universal periodic review, and substantively engaged with the Committee on the Rights of Persons with Disabilities. Furthermore, much-awaited amendments to the drug-trafficking law will reduce the imposition of capital punishments but it still retains the mandatory death penalty in some cases.

2. This recent period has also been touched by tragedy. In November 2017, an earthquake led to the death of over 600 persons. The Special Rapporteur takes the opportunity to express her deepest sympathies to the families of the victims, and to offer her sincerest condolences.

3. On 29 December 2017, demonstrations about falling living standards, widespread unemployment and rising food prices began in the city of Mashhad. The demonstrations both against and in support of the regime, spread to several major cities amidst multiple reports indicating that the Government had blocked the Internet on mobile networks. In some regions, access has been reportedly shut down altogether. Official news channels reported that at least 22 people, including two security officers, were killed in clashes with security forces, and police confirmed the arrest of at least 1,000 individuals across the country. Subsequently, a member of the parliament stated that 3,700 people have been arrested. It is understood that a large number of students who did not even take part in the protests were arrested under preventive detentions.

4. Following the protests, the Secretary General deplored the loss of life and urged respect for the rights to peaceful assembly and freedom of expression. The High Commissioner for Human Rights urged the authorities to handle the protests “with great care so as not to further inflame violence and unrest,” and to investigate all deaths and serious injuries that occurred. The Special Rapporteur issued a joint statement with other special procedure mandate holders urging the authorities to limit the use of force to a strict minimum and to fully respect the rights of protesters, including their rights to life, freedoms of expression and peaceful assembly. The mandate holders also expressed concern at the restrictions placed upon access to the Internet and the shutdown of social media services such as Instagram and Telegram in an attempt to quell the protests.

5. The Special Rapporteur was dismayed at the reports quoting members of the judiciary, who stated that the protesters would be awarded the harshest of punishments. She shares worries expressed about the fate and conditions under which those arrested are being held, following reports received of the death of a number of persons held in custody, some of whom had been arrested during the protests. The Government has stated, inter alia, that the right to protest is guaranteed under the Constitution and that no one was detained for peaceful protest or expression of opinion.

6. Since the issuance of her last report, the Special Rapporteur notes the uncertainty regarding the Joint Comprehensive Plan of Action, which was endorsed by the Security Council in 2015. The Special Rapporteur joins comments made by the Under-Secretary General for the Department of Political Affairs that the agreement is in the interest of global
non-proliferation, and of regional and international peace and security, and takes the opportunity to recall the comments of her predecessor that peace, development, and human rights are deeply interlinked; that the lifting of economic sanctions leads to a beneficial multiplier effect on the human rights situation; and maintains the view that any imposition of economic sanctions combined with reduced dialogue and international cooperation will ultimately undermine the full enjoyment of civil, social, and economic rights in the country.

7. Since the issuance of her last report, the Special Rapporteur visited Sweden, Norway, and the United Kingdom of Great Britain and Ireland. During her visits, she was able to meet with victims, relatives of victims, human rights defenders, and representatives of civil society organisations. The Special Rapporteur also analysed Government statements, reports and comments; legislation; and various State and non-State media news reports. She also received information from individuals, and non-governmental organisations operating inside and outside of the country which she sincerely appreciated. The information collected has been used to assist in identifying trends and/or to corroborate other accounts. The environment for persons coming forward remains challenging, with many expressing concern of reprisals. Accordingly, some individuals’ identities in this report have not been disclosed.

8. In September 2017, the Special Rapporteur met with Government and judicial officials in Geneva. The Special Rapporteur appreciated the substantive engagement and efforts undertaken to facilitate the meeting. The Special Rapporteur presented her first report to the General Assembly in October and took the opportunity to also meet with representatives of the Permanent Mission of the Islamic Republic of Iran to the United Nations, other Permanent Missions, and civil society organisations during her visit.

9. From June to December 2017, the Special Rapporteur transmitted nine communications to the Government jointly with other special procedure mandate holders. At the time of writing, the Government has responded to seven of these communications. The Special Rapporteur also issued six public statements during this period.

10. The Special Rapporteur renews her call on the Iranian authorities to allow her to visit the country at the earliest opportunity to assess the human rights situation in the country. It would allow for greater engagement and cooperation between the mandate and the authorities in the Islamic Republic of Iran.

11. In her previous report, the Special Rapporteur welcomed the adoption of the Charter on Citizen’s Rights. In December 2017, the first national conference on reporting the progress of the Charter was held during which the Council of Ministers presented their reports on the implementation. The Special Rapporteur welcomes the comments made by President Rouhani during the conference specifically when he noted that that people must feel the observation of the charter in their daily lives; that executive organs must be pioneers of removing unjust discriminations; and that although full observation of citizenship rights are related to other institutions and branches, the executive branch must be the pioneer of its observation. At the closing, the President noted that a “sense of justice and secured citizens’ rights were the basis for peace in the society”. The Special Rapporteur sincerely hopes that the Charter is translated into a comprehensive legal framework and improvements on the ground.

12. The developments noted contrast starkly with the credible information that the Special Rapporteur has received which reconfirm a worrying picture, of violations of due process and the right to a fair trial; arbitrary arrests and detentions; continuing executions, including of juvenile offenders; new restrictions placed upon freedom of expression, association and peaceful assembly and access to information; conditions of detention; the denial of adequate medical care; torture and other ill-treatment in detention, in particular to coerce confessions;

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and discrimination against women; religious and ethnic minorities, and lesbian, gay, bisexual, and transgender individuals.

II. Civil and political rights

A. Right to life

1. Use of the death penalty

13. During the last six months of 2017, 208 executions were reportedly carried out. In 2017, in total, 482 executions were reported, compared to the 530 in 2016, and the 969 in 2015.\(^\text{12}\) The highest number of executions was carried out for drug related offences (213), and for murder (202). In the other instances people were executed for “sexual offences” (24), robbery and armed robbery (16) and for “political offences” (2).\(^\text{15}\) Executions were also carried out against women (6 cases), juvenile offenders (5 cases) and also minorities (84 instances).

14. The Special Rapporteur notes the reduction in the number of reported executions but remains alarmed by the number of individuals who have been executed and by the number of death sentences handed down not least because of a consistently reported pattern of serious violations of the right to fair trial and denial of due process by the courts in the application of death sentences.\(^\text{14}\)

2. Amendments to the drug-trafficking law

15. In October 2017, the Guardian Council of the Islamic Republic of Iran approved a bill that amends the drug-trafficking law. The newly amended law, which came into force on 14 November 2017, amends the punishment for those drug offences that previously carried the death penalty or life in prison, to a prison term of up to 30 years and increases the quantity of drugs required to impose a death sentence.

16. The Special Rapporteur welcomes this amendment, which provides for retroactive applicability, and is encouraged by reports that no related executions have been carried out since its entry into force. In January 2018, the Supreme Court announced that those sentenced to death for drug crimes will have their sentences commuted if they apply for it.\(^\text{15}\) Reportedly, about 5,300 persons currently on death row for drug crimes are affected; 90 per cent are first-time offenders, aged between 20 and 30.\(^\text{16}\) Many are economically vulnerable, and there are a large number of foreign nationals from Afghanistan and Pakistan affected, many of whom face barriers in the exercise of their rights in part due to lack of access to consular services.

17. The amended law however retains mandatory death sentences for a wide range of drug-related offences. The Special Rapporteur recalls that under article 6(2) of the International Covenant on Civil and Political Rights, which the Islamic Republic of Iran has ratified, the death penalty may be applied only for the “most serious crimes” in countries that still retain capital punishment. The Human Rights Committee considers that drug offences per se are not among the “most serious crimes,” and that the use of the death penalty for such crimes therefore violates international law. It has further stated that mandatory death sentences that leave domestic courts with no discretion on whether or not to designate the offence as a crime entailing the death penalty, and on whether or not to issue the death sentence in the particular circumstances of the offender, are arbitrary in nature. The Special Rapporteur recalls the irreversible nature of capital punishment, and calls upon the Government to ensure compliance with the safeguards guaranteeing protection of the rights of those facing the death penalty.\(^\text{17}\)

\(^\text{12}\) See www.iranrights.org/projects/omidmap.

\(^\text{13}\) Ibid.

\(^\text{14}\) See for example, section II, Part F of the present report.


\(^\text{16}\) Ibid.

\(^\text{17}\) UN Economic and Social Council resolution 1996/15, adopted on 23 July 1996.
3. **Execution of juvenile offenders**

18. The minimum age of criminal responsibility remains nine lunar years for girls and 15 lunar years for boys. The amended Islamic Penal Code retains the death penalty for boys of at least 15 lunar years of age and girls of at least nine lunar years for *qisas* ("retribution in kind") or *hudud* crimes, such as homicide, adultery, rape, theft, armed robbery or sodomy. These laws contravene juvenile justice standards. Such laws also contravene the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which have been ratified by the Islamic Republic of Iran and prohibit the execution of persons who were under 18 at the time of their offence, regardless of the circumstances and nature of the crime committed. No progress has been observed in addressing these concerns, which have been raised by special procedure mandate holders and the Committee on the Rights of the Child.

19. According to information received, 80 individuals are presently on death row and sentenced to death for crimes committed when they were minors. In 2017, five juvenile offenders were executed. In July 2017, a 21-year-old prisoner was hanged. He had been arrested aged 13 years old on drug related charges. Alireza Tajiki, who was arrested at the age of 15, was hanged in August 2017. According to credible sources, the execution of Tajiki was carried out despite numerous factual discrepancies in his case file and the lack of adequate due process. Amirhossein Pourjafar, aged 16 years old when he was sentenced to death, was also executed in January 2018, despite repeated calls for annulment by special procedure mandate holders.

20. Shortly thereafter, the Special Rapporteur called for the annulment of the death sentence imposed upon Abolfazl Chezani Sharahi, who was aged 15 years old when he was sentenced to death. The execution was postponed, and the Special Rapporteur reiterates her call for annulment.

21. International obligations of the Islamic Republic of Iran under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child prohibit the imposition and execution of the death penalty on persons below 18 years of age. In this regard, it is noted that during its first universal periodic review, the Islamic Republic of Iran accepted a recommendation to consider the abolition of juvenile executions. The implementation of this recommendation is still awaited.

4. **Summary executions in 1988**

21. Since the issuance of her previous report, the Special Rapporteur has continued to receive documentation and letters concerning the reported summary execution and forced disappearance of thousands of political prisoners, men, women, and teenagers in 1988. Over 150 individual submissions were received in the course of 2017. The Special Rapporteur also met with families of some of the victims during her missions. They described the difficulty they had faced in obtaining information of these events, known as the 1988 massacres, which continue to be officially unacknowledged. The Special Rapporteur also heard first-hand accounts about the harassment of those continuing to advocate for further information related to the events that took place in 1988.

22. The Special Rapporteur reiterates that families have the right to remedy, reparation, and the right to know about the truth of the 1988 massacres and about the fate of the victims. The Special Rapporteur is also concerned by reports received of the reported desecration of sites believed to be mass graves in the city of Mashhad, Razavi Khorasan Province and in Ahvaz, and urges the Government to ensure that all locations are preserved and protected until investigations into the events can be carried out.

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B. Right to be free from torture or other cruel, inhuman or degrading treatment or punishment

1. Torture and other ill-treatment in detention

23. Consistent reports received suggest a pattern of physical or mental pressure applied upon prisoners to coerce confessions, some of which are broadcast. A recent report prepared by the Freedom from Torture organisation also found that the majority of interviewees described being interrogated and tortured concurrently, either during all or some incidences of torture and other ill-treatment, commonly with a view to extracting information about them, as well as third parties including family and friends, and to force confessions. Incidents documented include sexual violence, including rape; blunt force trauma; positional torture; burns; sharp force; electric shocks; use of water; crushing; pharmacological torture; asphyxiation; amputation; sleep deprivation; threats and humiliation; and prolonged solitary confinement, including on the basis of ethnicity, religion, political views, or having transgressed expected social norms. The Special Rapporteur met at least six persons during her missions who had had been detained but were able to subsequently flee the country who still bore marks of torture. They appeared to be still in a trauma and feared reprisals for their families if they were suspected of speaking to the Special Rapporteur.

2. Conditions in detention

24. The Special Rapporteur has also continued to directly receive reports about inhuman and degrading conditions in prisons, which are consistent with the continuing public reports issued by human rights organisations describing inadequate accommodation; imprisonment in cramped cells; inadequate provision of food and water; unhygienic conditions; and restricted access to toilet facilities.

25. In August 2017, special procedure mandate holders expressed concern about the situation of 53 prisoners, including 15 individuals from the Baha’i community, who were on prolonged hunger strike to protest against their transfer to a high-security section of Rajai-Shahr prison in Karaj, and about the reports of torture and other ill-treatment in detention. The prisoners had reportedly not been allowed to take their personal belongings, including medicines, and were deprived of medical care. The Government responded by noting that the transfer of the prisoners had been undertaken in line with the law and filmed. It also noted that the prisoners’ medicines and necessities had been delivered to them, and that medical care had been provided. The Special Rapporteur has continued to receive concerning reports about the conditions and denial of medical care, with additional concerns raised related to the denial of basic items; inadequate protection against the cold; a lack of hot water; and insufficient ventilation, which is particularly concerning given the health of a number of prisoners held there.

26. In previously provided comments, the Government noted that the Department of Justice carries out periodical and impromptu prison inspections, and that action had been taken against those suspected of misbehaviour. The Special Rapporteur notes these comments, as well as the denials of allegations of torture and other ill treatment. In light of this, the Special Rapporteur recommends that the Government provides further information, including whether independent, prompt and effective investigations have been carried out following allegations, and the outcomes of such investigations with respect to the ensuring accountability of perpetrators, reparation and redress to victims, and fair trial processes. Further, the Special Rapporteur encourages the Government to make reasonable, justified, and proportionate use of modern technology to ensure the wellbeing and safety of prisoners,


Ibid.


and to monitor the treatment of prisoners by the prison authorities, in a manner consistent with international human rights standards.

3. Denial of adequate medical care

27. A continuing feature observed by the Special Rapporteur, in particular in cases concerning political prisoners, is the ongoing reports of the denial of adequate medical care, including during and after hunger strikes, with the aim of intimidating, punishing, or coercing detainees, in contravention of the United Nations Standard Minimum Rules for the Treatment of Prisoners and Iranian law. This pattern has also been documented by human rights organisations. In this context, in January 2017, the Special Rapporteur expressed alarm at the critical health situation of several prisoners of conscience on life-threatening hunger strike to contest the legality of their detention and to protest against inadequate medical care provided to them. The Government has previously denied such allegations, both in the context of individual cases raised and in general, further stating that free and required medical services are provided to prisoners.

28. An illustrative case concerns the situation of Mohammad Nazari, a critically ill prisoner of conscience who has been imprisoned for over 20 years. Reportedly he was convicted on the basis of forced confession following torture without access to a lawyer. He initiated a hunger strike in July 2017 to draw attention to his call for a judicial review of his sentence in accordance with the 2013 amendments to the Islamic Penal Code. His health deteriorated significantly, and it is understood he is in need of specialised medical care which has not been afforded to him. In October he was transferred to a hospital on an emergency basis but then returned back to prison.

4. Floggings and amputations

29. The Special Rapporteur has continued to receive unabated reports of cruel, inhuman, and degrading punishments. According to information received by the Special Rapporteur, over 100 flogging sentences have been awarded, and 50 have reportedly been implemented in the course of 2017. In addition, between January to December 2017, 19 sentences of amputation of hands or feet were awarded and 5 such sentences were carried out. Officials have previously commented that amputations were conducted in rare cases where “committed crimes may have disturbed the safety or sentiments of a huge number of people”. The Human Rights Committee has determined that these penalties are not compatible with the International Covenant on Civil and Political Rights, which the Islamic Republic of Iran has ratified. The Special Rapporteur further wonders how the sentiments of a huge number of people can be measured and whether the Iranian courts have developed a set of objective criteria to determine the balance between sensitivity of one group against the other in the light of the rights of the accused who is entitled to be treated with dignity.

C. Freedom of expression and opinion, and access to information

1. Access to information

30. The Special Rapporteur has observed concerning developments which risk severely limiting access to information in the country, in particular online, contrary to Article 26 of the Charter on Citizen’s Rights.

26 General Assembly resolution 70/175.
29 See http://newspaper.fdn.ir/newspaper/page/2175/10/109782/0.
30 CCPR/C/79/Add.85, para. 9.
31. During the past three years, the Government reportedly closed seven million web addresses. These include Facebook, Twitter, Instagram and the websites of human rights and political opposition groups, amongst others. In August 2017, the Supreme Cyberspace Council introduced regulations, which would increase surveillance capabilities, and require social media and messaging platforms to either move their servers to the country or face blocking orders. In October 2017, the Islamic Republic of Iran’s oldest social network Cloob was shut down, and social media location sharing platforms Foursquare and Swarm were blocked. Disturbingly, in November 2017, the secretary of the Supreme Cyberspace Council suggested that users would have to “verify” their identity when logging onto the Internet. The Special Rapporteur urges the Government to reverse the direction in which these moves point to, noting that access to information underpins the enjoyment of fundamental rights.

32. The Special Rapporteur notes some officials had recently suggested that the ban on accessing Twitter could be lifted. In December 2017, President Rouhani stated “We need a secure communication atmosphere for people, not a suppressive one in which people's rights are violated,” and that “The Minister of Information and Communications Technology won't put his hand on censorship button”. The Special Rapporteur hopes that such resolves will be sustained and allow greater freedom of expression and access to information within the country.

2. Freedom of opinion, expression and the press

33. The Special Rapporteur has continued to receive reports of the arbitrary arrest, detention, and harassment of journalists, media workers, and their families, including during interviews conducted during missions. As at August 2017, Reporters without Borders estimated 27 journalists were imprisoned, and that 94 Internet users, most of whom were Telegram users, had been arrested since the beginning of 2017. The organisation further documented threats to at least 50 journalists based abroad in the year ending September 2017. In April 2017, special procedure mandate holders raised concerns following the arrest and detention of eight journalists, members of political groups, social activists, and film producers. In its reply, the Government denied the concerns raised.

34. In the course of her missions, the Special Rapporteur also met individuals working for the Persian Service of the British Broadcasting Corporation. They described how they and their families in the Islamic Republic of Iran had been harassed by the authorities, and threatened if they continued to work for the Service. Some were arbitrarily arrested, detained, and subjected to travel bans. In August 2017, a court in Tehran issued an injunction banning 152 members of staff, former employees, and contributors from carrying out financial transactions in the country on account of “conspiracy against national security”. Until the time of writing, the injunction has not been lifted and harassment has continued. The Special Rapporteur was disturbed after hearing the accounts of the staff members, observing that many preferred to talk individually and in strict privacy. It has been also reported that some

31 See https://persian.iranhumanrights.org/1396/03/seven-million-websites-blocked.
33 The Policies and Actions Regarding Organising Social Media Messaging Applications pursuant to SCC regulation published on 7 August 2017.
37 See www.rsf-persan.org/article17644.html.
staff members have been photographed while in London to impress upon their families that their relative was being watched. The level of fear that Iranians have whether inside the country or outside of it can be illustrated by the fact that the staff members have endured such intimidation for over twelve months. In October 2017, special procedure mandate holders issued a statement calling upon the Islamic Republic of Iran to cease all legal action against the staff and their families, and to cease the use of repressive legislation against independent journalism.\(^{42}\)

35. In the course of her missions, the Special Rapporteur also obtained further information on the situation of Ayatollah Hossein Boroujerdi, a cleric arrested in 2006 for his advocacy of the separation of religion and state. His situation has been highlighted on previous occasions, and represents an emblematic case of repression against individuals exercising their freedom of opinion and expression.\(^{43}\) He was imprisoned for eleven years in harsh conditions, amidst reports of torture and other ill treatment, prolonged solitary confinement, without adequate access to a lawyer or medical services. The Government denied these allegations. Following the subsequent deterioration of his health he was granted medical leave in 2017, but shortly thereafter placed under house arrest. He is in need of continued and urgent medical services, which are difficult to obtain for fear of reprisals and confiscation of documents. He continues to be subjected to harassment. In October 2017, the congregation at a funeral he was allowed to attend was attacked, and in November 2017, his home was looted.

36. The Special Rapporteur urges the Government to ensure the effective protection of the rights to freedom of opinion and expression and to immediately release or lift the restrictions placed upon all those who have been imprisoned for exercising such rights.

D. Freedom of association and assembly

37. The Special Rapporteur continues to receive reports of restrictions placed upon the freedoms of association and assembly. Human rights defenders, lawyers, students, and trade unionists have also faced restrictions and have been imprisoned for breaching national security laws.

I. Trade unions

38. The Special Rapporteur recalls the ongoing restrictions placed on the right to freedom of association on independent trade unions. The Labour Code only permits workers’ representation through an Islamic Labour Council (membership of which is vetted) or a trade association. Strikes have also been subject to repression.\(^{44}\) In its previously provided responses, the Government indicated that the Constitution and labour law provides for the right to form associations, and that holding gatherings or legal protests is not considered an action against national security.

39. The Special Rapporteur also continues to receive reports of the intimidation and arrest of labour union leaders. In this regard she has previously reported on the conviction and imprisonment of teachers, bus drivers, and general worker unions, on the basis of charges relating to, inter alia, national security, propaganda, and disrupting public order and peace.\(^{45}\)

40. The Special Rapporteur is particularly concerned about the situation of Reza Shahabi, a board member of the Union of Workers of the Teheran and Suburbs Bus Company who is currently held in Rajaee Shahr Prison who according to a statement published by the Union was denied medical treatment after a stroke, and is in need of medical attention. He was sentenced to six years in prison in 2010 after being convicted of propaganda against the state and assembly and collusion against national security amidst concerns previously raised including by the former Special Rapporteur for his health. In 2014, he was granted medical

\(^{42}\) See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22314&LangID=E.

\(^{43}\) See for example A/HRC/14/19, para. 27 and A/HRC/25/61, para. 35.


\(^{45}\) See for example A/72/322, paras. 40-42.

\(^{46}\) See https://vahedsyndica.com/archive/3045.
leave but then informed in 2017 that he would have to serve further time of his remaining sentence and for his alleged role in a confrontation between guards and prisoners in 2014. 47

2. Human rights defenders and prisoners of conscience

41. A recent opinion rendered by the Working Group on Arbitrary Detention makes reference to the reports in which the Iranian authorities use vaguely worded and overly broad national security-related charges to criminalize peaceful or legitimate activities in defence of human rights, and as such contravened the principle of legality and allow for arbitrary application. 48 The Special Rapporteur fully supports the apprehensions expressed by the Working Group on Arbitrary Detention, and reiterates her concern for the situation of a number of human rights defenders and prisoners of conscience currently imprisoned.

42. Student activist Arash Sadeghi is in a critical condition because of his prolonged hunger strike and denial of medical assistance. 49 He was convicted in 2016 and sentenced to 15-years imprisonment following previous arrests. 50 He was transferred from Evin prison in Tehran to Rajaee Shahr Prison in October 2017.

43. Soheil Arabi also remains imprisoned following his conviction in 2014 for statements made on Facebook. 51 There are concerns for his health and he is reportedly in pain following his hunger strike and after being beaten during an interrogation amidst reports of inadequate access to medical care, medicine, and warm clothes.

44. Atena Daemi, an imprisoned child rights defender and prisoner of conscience was subject to new charges in October 2017 relating to statements that she allegedly made. The Special Rapporteur has received reports that she is in need of medical attention. In previously provided comments, the Government indicated that her sentence had been reduced on compassionate grounds.

45. The Special Rapporteur is also concerned about the situation of prominent human rights defender Narges Mohammadi, who was arbitrarily detained and is serving a 16-year prison sentence for campaigning against the death penalty. 52 Despite calls by members of Parliament to free her, 53 she remains imprisoned with limited access to her family. Her situation has been raised consistently by special procedure mandate holders. 54 In April 2017, the Supreme Court rejected her request for judicial review. In September the Working Group on Arbitrary Detention called for her release from arbitrary detention, including in view of her health situation. 55 The Working Group stated that it was convinced that her arrest was directed against her as a human rights defender and a leader of a human rights organization in the country. Almost every Iranian activist that the Special Rapporteur met noted that Narges Mohammadi has earned enormous respect for her commitment to human rights.

46. The Special Rapporteur is also concerned for the welfare of Abdolfattah Soltani, a human rights lawyer, who was arrested and imprisoned in 2011. He is in need of continued medical attention, which has reportedly been afforded, and is eligible for early release having served six years of his 10-year sentence.

47. The situation of Mohammad Ali Taheri, the founder of a spiritual movement, writer and practitioner of alternative medicine theories, who was sentenced to death, is also of concern. His trial took place amidst serious due process concerns, and a number of his followers were arrested and reportedly coerced into giving confessions. His appeal was heard

48 Ibid.
49 His situation was also highlighted in a previous report of the Special Rapporteur, see para. 56, A/HRC/34/65.
50 A/HRC/28/70, para. 31.
52 See A/HRC/34/65, paras. 53-55.
before the Supreme Court, which overturned the death penalty sentence, and reportedly remanded the case back to the trial court. However, no written or formal decision is available. It is understood that the verdict would only be made available to a lawyer who is approved by the head of the judiciary, and that he was told to appoint an approved lawyer. The Special Rapporteur reiterates the call made by the High Commissioner for Human Rights for the withdrawal of charges against him and his release.55

48. The Special Rapporteur remains concerned that the allegations against many of the aforementioned individuals appear to relate to their legitimate exercise of their rights to freedom of opinion, expression, and assembly. Such charges have a chilling impact on the population as a whole, instil fear, and create an environment in which rights can neither be promoted nor assured, least of all respected. She urges the Government to take all necessary steps to urgently reform and revise their policies, action and laws, which are being repressively applied with impunity against those that are simply struggling to uphold the values of human rights.

49. In the course of her missions, the Special Rapporteur also heard first-hand accounts of reprisals, mainly by the judiciary, directed against individuals or their families with a view to exerting pressure and curtailing their activism. The extreme fear exhibited by individuals who were interviewed also emanated from ongoing surveillance of activities both online and by affiliates of the Islamic Revolutionary Guard Corps. In one case, a student activist from a minority community explained that his family had been put under constant pressure and regularly interrogated. Interviewees also described other forms of pressure including removal of employment, confiscation of passports, and arrests without charges.

3. Former presidential candidates

50. At the time of drafting the present report, former presidential candidates, Mssrs. Hossein Mousavi and Mehdi Karroubi, and Mr. Mosavi’s wife Zahra Rahnavard, were still under house arrest in the absence of charges or a trial despite assurances by President Rouhani in 2013 and on subsequent occasions that they would be released. They have been deprived of their liberty since 2011. In 2012, the Working Group on Arbitrary Detention rendered an opinion that their deprivation of liberty was arbitrary and called for the restrictions placed upon them to be lifted.58 The Special Rapporteur is particularly concerned by reports which give rise to concerns for the health of all three individuals.59 She reiterates calls by the Secretary-General60 and special procedure mandate holders61 to the Government to release them as well as to release of all political opponents jailed in the lead up to the elections.

E. Situation of dual and foreign nationals

51. In an opinion rendered in August 2017, the Working Group on Arbitrary Detention noted a pattern in the way that those affiliated with different pro-democracy institutions of the West – especially those with dual nationality – are treated in the Islamic Republic of Iran.62 The Working Group pointed to findings of arbitrary detention with respect to several cases involving dual nationals, noting the “emerging pattern involving the arbitrary deprivation of liberty of dual nationals in Iran”.

52. In December 2017, the Special Rapporteur issued a joint statement with other special procedure mandate holders calling for the annulment of the death sentence against Ahmadreza Djalali and his release.64 Dr. Djalali is an Iranian national and resident of Sweden.

56 See www.iranhumanrights.org/2017/12/judge-demands-political-prisoner-mohammad-ali-taheri-pick-lawyer-from-judiciary-list/.
60 A/72/562, para. 44.
63 See, for example, opinions No. 7/2017, No. 28/2016, No. 44/2015 and No. 18/2013.
He is a medical doctor, lecturer and researcher in disaster medicine who was arrested in April 2016 and sentenced to death in October 2017 amidst reports of serious due process failings, including incommunicado detention, denial of access to a lawyer and forced confession. It is understood that the Supreme Court subsequently reaffirmed his death sentence in December without according Dr. Djalali with a meaningful opportunity to appeal his conviction. In the same month, Iranian State television aired a video of his apparent “confession”. Dr. Djalali has explained he had been coerced.\(^{65}\) In their statement, special procedure mandate holders deplored the airing of the video in light of the allegations of coercion and further highlighted the opinion rendered by the Working Group on Arbitrary Detention in November 2017 which found that the deprivation of liberty of Dr. Djalali to be arbitrary, and called for his release.\(^{66}\)

53. The Special Rapporteur also remains concerned about the situation of Siamak and Baquer Namazi, who hold dual Iranian-American citizenship. Both were sentenced to ten years in prison on the charges of “collusion with an enemy State” in October 2016, and their sentences were confirmed in August 2017. In the same month, the Working Group on Arbitrary Detention rendered an opinion that their deprivation of liberty was arbitrary, and called for their release. The Working Group further considered that they were targeted on the basis of their “national or social origin” as dual nationals,\(^{67}\) and expressed grave concern about their deteriorating health, and the allegations that Baquer Namazi had not been provided with adequate medical care.

54. The situation of Nazanin Zaghari-Ratcliffe, an Iranian-British dual national imprisoned since April 2016, was addressed by the Working Group on Arbitrary Detention which called for her release,\(^{68}\) and highlighted most recently by a number of special procedure mandate holders in October 2017,\(^{69}\) following reports that she may face new charges which carried additional years of imprisonment upon conviction. The Special Rapporteur notes the conflicting statements issued as to whether new charges will be pursued, and reiterates the call for her release amidst ongoing concerns for her welfare.

55. The Special Rapporteur is also worried by reports about the deteriorating health situation of Nizar Ahmed Zakka, an information and communications technology consultant. He travelled to Tehran in 2015 to participate in a conference on women in development. He was arrested prior and denied access to a lawyer for a number of months. In 2016 he was sentenced to 10 years imprisonment and a fine, prompting concerns expressed by special procedure mandate holders that his arrest may be related to his exercise of the right to freedom of peaceful assembly. Information received indicates he is in urgent need of appropriate medical care and examination.

56. Xiye Wang, a student, was arrested in 2016 and charged and sentenced in 2017 to ten years in prison, after a period of time marked by incommunicado detention, solitary confinement, and interrogation without the presence of a lawyer. He has been imprisoned amidst very difficult conditions and subjected to assaults in prison, which have contributed to a severe decline in his health, amidst limited access to medical care despite multiple requests. In December 2017, he was transferred to a ward with worse conditions, and a State television channel aired an apparent “confession”, which is understood to have been coerced.

57. In addition to the above-mentioned cases, other dual nationals, including Sabiri Hassanpour and Kamel Foroughi, remain imprisoned in the Islamic Republic of Iran with estimates suggesting at least 30 dual nationals have been imprisoned since 2015.\(^{70}\) The Special Rapporteur urges the Islamic Republic of Iran to address the concerns highlighted in the context of detained dual and foreign nationals in the country, which represent an ongoing pattern of deep concern and emblematic examples of due process failings. This is supported by the fact that the cases that are brought to the attention of the Special Rapporteur are

\(^{65}\) See www.bbc.com/persian/iran-42420138.
\(^{66}\) A/HRC/WGAD/2017/92.
\(^{67}\) A/HRC/WGAD/2017/49.
\(^{68}\) A/HRC/WGAD/2016/28.
\(^{70}\) See www.reuters.com/article/us-iran-arrests/exclusive-irans-revolutionary-guards-arrest-more-dual-nationals-idUSKBN1D90TB.
commonly related to the mere suspicion of anti-State activities with no detailed charge sheets made available nor any victim specified in any of the offences.

F. Right to a fair trial

58. In many of the cases described in the present report, and on the basis of the consistent reports which continue to be received, the Special Rapporteur is struck by the pattern of reported violations related to due process and fair trial in the Islamic Republic of Iran in particular with respect to human rights defenders, trade unionists, journalists, political prisoners and prisoners of conscience, and members of opposition, minority and religious groups, foreign and dual nationals.

59. The pattern is often characterised by an arbitrary arrest; prolonged solitary confinement; interrogation; denial of access to a lawyer of choice, in particular during the investigative phase; short trials after which the verdict is rarely published or provided in written form; and the issuance of long prison or death penalty sentences based on charges related to espionage or national security. In many cases, such patterns occur within the context of revolutionary courts, which are reported to be responsible for the majority of death sentences on the basis of available data. In a number of cases, the prosecution case has rested upon confessions extracted through reported psychological coercion or torture or other ill treatment, with no investigation carried out after such allegations have been made.

60. In the course of her missions, individuals that the Special Rapporteur met described similar patterns. A number also described how defendants had been put under extreme pressure by judges to change their lawyers. It is further recalled that defendants accused of national security, political, capital, or press crimes, and those accused of such offences that carry life sentences are obligated to select legal counsel from an official pool of lawyers chosen by the head of the judiciary during the pre-trial stage. In 2015, the Bar Association reportedly called for this to be reconsidered, however the Special Rapporteur regretfully notes that no changes have been made. In previously provided responses, the Government has maintained that the Revolutionary Courts are no different from other courts; trials are conducted in accordance with the law, with all rights of the accused guaranteed; and that verdicts must be well reasoned out and documented.

61. Further underpinning the concerns outlined, the Special Rapporteur continued to receive information concerning the ongoing harassment of lawyers and judges. In one case reported to the Special Rapporteur, a lawyer was beaten and detained for being late to a court session. The Special Rapporteur also heard accounts of lawyers being disbarred or rejected for membership to the bar association after having represented certain defendants. In previous responses the Government has indicated that according to the Constitution, the Judiciary is independent.

III. Women’s rights

62. The Special Rapporteur has noted some developments related to the rights and participation of women. In August 2017, President Rouhani signed an executive order on selection criteria for professional executive level staff that increased the number of women and youth in managerial positions, with a view to increasing the percentage of female managers in the executive branch to 30 per cent. In 2017, the Government appointed a woman as Deputy Minister of Petroleum and appointed its first woman Ambassador. The Government further recently informed of the lifting of restrictions placed upon female teachers to be able to work when pregnant.

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71 See https://iranhr.net/en/articles/2839/.
72 Courts can issue death sentences on the sole basis of confessions in accordance with Article 171 of the New Islamic Penal Code of the Islamic Republic of Iran.
74 See https://goo.gl/RrhVmW.
63. The above notwithstanding, the Special Rapporteur notes that discrimination against women in the job market continues. Civil law in the Islamic Republic of Iran codifies discrimination in the Islamic Republic of Iran, barring women from working in certain professions except those deemed “mentally and physically suitable for women”. It further allows husbands to prevent their spouses from working in particular occupations under certain circumstances. In previously provided comments, the Government noted that women can also prevent their husbands from having a job which is contrary to their family’s prestige. It noted that disregard of this constitutes among the conditions based on which a wife can apply for divorce, and that a woman’s right to have a job can be added to the terms of a marriage contract, thus legally guaranteeing the right.

64. The situation does not improve when it concerns personal status. Women do not have equal rights to men in marriage, divorce, child custody, or inheritance. Husbands have an incontestable right to divorce. Married women cannot obtain a passport without permission from their husband. Women in the Islamic Republic of Iran remain unable to pass on their citizenship to their children. It is understood a new draft bill is pending before Parliament to address this longstanding concern after various historic legislative efforts in this regard.

65. During her missions, the Special Rapporteur received further information concerning the ongoing prevalence of child marriage in the country despite the consistent recommendations to address the situation by the international human rights mechanisms, including the Committee on the Rights on the Child in 2016. At present, girls can be married as young as nine with the permission of the court. The United Nations Children’s Fund (UNICEF) reported that approximately 40,000 children under the age of 15 years are married annually and that approximately 17 per cent of girls are married before the age of 18. The number is likely to be higher, as thousands of underage marriages are not registered. The Special Rapporteur reiterates that child marriage constitutes a threat to physical and mental integrity of the child in contravention of the fundamental rights guaranteed by the Convention on the Rights of the Child. It also presumes that the child had no say on the decision of their marriage.

66. Concerns in other areas also persist. Adultery (covered by the offence of zina) remains criminalised, with punishments ranging from lashing tostoning to death. The Special Rapporteur joins with the Working Group on the issue of discrimination against women in law and in practice in calling for such provisions providing for punishments such as fines, imprisonment, and death sentences to be repealed, and in noting that such provisions means in practice that women will face violation of their human rights to dignity, privacy, and equality as a result. The law can also penalizes a victim of rape if the court decides and the perpetrator insists that the act was a consensual one. The law can particularly operate adversely against victims of rape especially if they are not married.

67. Repressive and discriminatory rules concerning the dress code for women and girls continue to be enforced. Women who do not wear a hijab that conforms to the interpretation of modesty can be sentenced up to two months in prison or be fined. Women who have publicly supported an online campaign against compulsory veiling “My Stealth Freedom” have also been harassed, taken in for questioning, and requested to sign attestations that they will not go out without a “proper” hijab.

68. The Special Rapporteur understands that Parliament had started debating the possibility to amend Article 18 of the Passport Law, which obliges women to obtain the authorization of their husband or “male guardian” before travelling abroad. A draft bill was

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76 Article 1117 of the Civil Code.
79 See https://www.girlsnobrides.org/child-marriage/iran/.
80 See https://goo.gl/aRzMXa.
submitted to Parliament in July, but after facing opposition a working group has now been established to discuss it further within the cultural committee of Parliament.\textsuperscript{82} The Special Rapporteur urges the Parliament to adopt the bill to address this longstanding restriction on women’s right to freedom of movement and to ensure that it is compliant with international human rights standards.

IV. **Ethnic and religious minority rights**

69. The Special Rapporteur remains concerned by reports of persistent discrimination and human rights violations of ethnic and religious minorities, in particular following her meetings with numerous representatives and members of various minority groups during her missions. A number of interlocutors described the negative impact of restrictions placed upon speaking their own language in schools in contravention of Article 15 of the Constitution; the repression of those who promote the use of their mother tongue; the low acceptance of their communities to universities; and the low level of representation in the public affairs of the nation, including in light of de facto restrictions placed upon their ability to take up senior Government posts.

1. **Yarsan community**

70. The Special Rapporteur met with members of the Yarsan community who described the discrimination and repression that they are subjected to due to their belief. They explained that they were unable to register their children as Yarsan at birth. They described being prohibited from constructing places of worship, cannot organise burials in accordance with their religion, and cannot print their holy book without fear of being charged with acting against the regime or insulting the Prophet. In February 2016, a Yarsan place of worship in Shah Aba was attacked. The Special Rapporteur also received a number of reports concerning discrimination of Yarsan members in the workplace, including in light of the Employment Act, which requires individuals to be Muslim or a member of a recognised religion. Representatives also provided accounts of individuals being fired after it is discovered that they are Yarsan, and of individuals of being forcibly shaved (the moustache is a holy symbol for the Yarsan community) when they refused to pray, for example when undertaking military service. Details were also provided of the imprisonment and in one case execution of individuals who refused to be shaved. Whilst their situation was noted in a previous report of the former Special Rapporteur,\textsuperscript{83} it is clear given the discrete nature of the community that knowledge of the violations they are subjected to remains limited.

2. **Baha’i community**

71. The Special Rapporteur has also met with numerous individuals of the Baha’i faith who provided accounts which were consistent with the ongoing reports received of systematic discrimination, harassment, and targeting of the community which the Special Rapporteur highlighted in a press release in 2016\textsuperscript{84} and in previous reports.\textsuperscript{85} Interlocutors interviewed described a variety of violations that they had been subjected to including the closure of shops; the firebombing of homes; arbitrary arrest; torture and other ill treatment whilst in detention; and discrimination whilst studying at university. According to information received, there are currently at least 77 Baha’i individuals imprisoned.\textsuperscript{86}

3. **Kurdish community**

72. The Special Rapporteur is also deeply concerned by reports of individuals from the Kurdish community having been persecuted, arrested, and sentenced to death for their political affiliation or beliefs. According to information received, as of 31 October 2017, 1,828 Kurds had been detained by the authorities on charges related to various activities such as environmental activism, eating in public during the month of Ramadan, working as border

\textsuperscript{82} See www.sharghdaily.ir/News/143031/.
\textsuperscript{83} See A/HRC/22/56, para. 67 and A/HRC/34/65, para. 78.
\textsuperscript{85} See for example A/HRC/34/65 section IV.
\textsuperscript{86} See annex prepared on the basis of information received by the Special Rapporteur.
couriers engaged in smuggling illicit goods, or for celebrating the results of the referendum held in neighbouring Iraqi Kurdistan. Information received indicates that 114 of these detainees were charged with political or security-related crimes, often for engaging in civic activism or because of their membership in Kurdish political parties. Some face long prison sentences, lashes and/or heavy financial penalties. Among these prisoners, there are individuals who are workers, teachers, kulbars (border couriers), artists, and human rights activists. In 2017, information received indicates that at least 64 Kurdish prisoners were executed by the authorities, and at least 16 Kurdish political prisoners were reportedly subjected to torture or ill-treatment, with 31 going on hunger strikes to protest the circumstances surrounding their arrest and detention. 15 were denied basic rights such as visitation by their family members, and 15 others were deprived of adequate medical care.

73. The health situation of Zeynab Jalalian in this regard is of continuing concern. She has been on medicinal strike since February 2017 to protest the lack of adequate medical care afforded to her. She is serving a life sentence following her arrest in 2007 for alleged membership of a prohibited group.

4. **Sistan and Balochistan province**

74. Sistan and Balochistan province is predominantly inhabited by ethnic, racial, and religious minority populations. Reportedly more than 80 per cent of the province’s citizens are of Baloch ethnic background and adhere to the Sunni faith. There are no official statistics on the number of Baloch citizens without proof of citizenship but based on available data number over 20,000. Many do not have official proof of citizenship and therefore face multiple challenges including exclusion of access to state social assistance including welfare payments, health care, and education. Additionally, they face challenges in obtaining utilities such as water, electricity and phone service, and are at risk of statelessness. In 2013, officials ordered an expedited process for cases in which birth certificates of applicants likely be Iranian would be issued. This resulted in the issuance 24,000 birth certificates. Many cases remain unaddressed due to challenges faced by Baloch families in accessing the needed documentation. In a positive development, the Cabinet of Ministers requested the Ministry of Education to issue a special card for children without birth certificates so they could attend school. According to the officials, over 20,000 such children registered for school in the province and 19,000 were allowed to attend.

5. **Rights of lesbian, gay, bisexual, transgender and intersex persons**

75. Since the issuance of her last report, the Special Rapporteur has received reports, including in the course of her missions, of the continued discrimination, harassment, arbitrary arrest and detention, punishment, and denial of rights of lesbian, gay, bisexual, and transgender (LGBT) and intersex persons in line with the concerns raised by her predecessor in 2013. Such concerns were persistently documented by human rights groups in previous years.

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89 Ibid.
90 Ibid.
91 See http://www.irma.ir/fa/News/82431374.
92 Ibid.
94 A/HRC/22/56, paras. 68-70.
76. The Islamic Penal Code criminalizes same-sex relations between consenting adults, and the country remains one of a handful that imposes the death sentence penalty as a punishment, under certain circumstances. People who engage in acts of affection between members of the same sex can be subjected to punishments, which include lashing. In 2016, the Committee on the Rights of the Child expressed concern at reports that children identifying as LGBT and intersex has been “subjected to electric shocks and the administration of hormones and strong psychoactive medications for the purpose of "curing" them”, and urged the Government to hold those responsible for such acts accountable.

77. The Special Rapporteur recalls that international law is clear in affording the protection of human rights of all people, including LGBT and intersex persons. The reported treatment of these individuals violates their rights to liberty, fair trial, integrity, privacy, dignity, equality before the law, non-discrimination and the absolute prohibition on torture and other cruel, inhuman and degrading treatment and punishment, as enshrined in international law.

VI. Conclusion and recommendations

78. The Special Rapporteur welcomes the continued engagement by the Government with her mandate through meetings and written exchanges. The Special Rapporteur further notes some developments including the adoption of amendments to drug-trafficking laws, and the follow-up on the Charter on Citizen’s Rights. In particular, the Special Rapporteur noted the positive step taken to grant Baloch citizens with nationality cards and to afford access to education to children in the province. Such developments have taken place amidst ongoing severe reports of the denial of human rights in a number of fundamental areas. As such, small gains are lost in an overall atmosphere where the State denies even very basic rights to its population. The Special Rapporteur urges the Government to demonstrate the political will to end the impunity of agents of the State who perpetrate violations of the human rights of individuals in the country.

79. The Special Rapporteur hopes that the Islamic Republic of Iran will build on the developments documented in this report, and translate them into improvements on the ground. In this regard, and in the spirit of sustained cooperation and dialogue, the Special Rapporteur once more expresses her readiness to visit the country upon the invitation of the Government. The Special Rapporteur believes that such a visit would be important, particularly in light of the information received and interviews conducted in preparation of this report which reflects continued serious concerns about the human rights situation in the country.

80. The Special Rapporteur accordingly calls upon the Government to ensure prompt, thorough, and effective investigations by independent and impartial bodies of allegations of violations documented, and that those responsible are held accountable. The Government could further consider the use of modern technology to monitor detention centres to deter the torture and other ill-treatment of those detained, interrogated or imprisoned, whilst ensuring that such monitoring is conducted in line with international human rights standards.

81. In connection with the recent protests, the Special Rapporteur urges the Government to promptly report to the families the name, location, and other relevant information of all individuals taken into custody, and to carry out prompt, independent and effective investigations into the authorities’ response to the protests and the circumstances of the deaths in custody of those arrested, with a view to holding the perpetrators of any violations committed accountable.

96 Articles 233-241 of the Islamic Penal Code.
97 CRC/C/IRN/CO/3-4, para. 53.
98 Ibid., para. 54.
82. The Special Rapporteur remains troubled by the continuing large number of executions, including of juvenile offenders, and reiterates her call on the Government to introduce a moratorium on the use of the death penalty and to prohibit and refrain from the execution of juvenile offenders in all circumstances. The Special Rapporteur further urges the Government to undertake a special review of the cases of persons on death row for crimes committed when they were under the age of 18, with a view to commuting or quashing their death sentences altogether.

83. Pursuant with commitments made during the special session on the world drug problem, and in order to fully implement the new amendments to the 1998 drug trafficking law, the Government should establish a clear and transparent procedure for reviewing the cases of individuals who have been sentenced to death under the previous drug trafficking law. Such a process should be transparent, accessible, and follow due process and fair trial guarantees, including effective representation of defendants.

84. The Government of the Islamic Republic of Iran should also ensure that all those sentenced to death can exercise their right to equal access to justice through adequate legal representation, which is an essential component of due process at any stage in criminal proceedings, including the appeal and review process. Adequate and qualified legal representation at the review stage through effective legal aid programmes should be ensured.

85. The Special Rapporteur reiterates her call upon the Government to undertake thorough and independent investigation into the 1988 massacres, and further ensure that locations believed to be the site of mass graves are persevered and protected to this end.

86. The Special Rapporteur recalls that the right to be free from torture or other cruel, inhuman or degrading treatment or punishment can never be limited or interfered with, and urges the Government to abolish all provisions that authorize such punishments such as flogging and amputation.

87. The Special Rapporteur urges the Government to investigate and address allegations of physical and psychological torture and other ill treatment in detention, and to prevent their recurrence, including through ensuring accountability of the perpetrators. International organizations should be permitted regular, unhindered and without-notice access to all places of detention.

88. The Special Rapporteur notes with grave concern a pattern of denial of medical treatment to certain categories of detainees, especially prisoners of conscience, political prisoners, and human rights defenders, and urges the Government to investigate, address, and remedy such allegations, in light of the imminent threat to life in many circumstances.

89. The Special Rapporteur further urges the Government, in line with its international obligations, to guarantee the freedom of the press and media, and immediately release all detainees who have been imprisoned for exercising their right to freedom of opinion, expression and unobstructed peaceful assembly. The Special Rapporteur further urges the Government to amend or rescind laws, policies and parliamentary measures that contravene freedom of expression and that restrict access to information, including online information.

90. The Special Rapporteur further reiterates her call upon the Government to release all political prisoners and prisoners of conscience including those whose situation has been reflected in current and previous reports and communications, and all individuals identified as arbitrarily detained by the Working Group on Arbitrary Detention.

91. The Special Rapporteur continues to receive reports of reprisals, in particular of individuals sharing information or publically reporting on the situation of human rights in the country. The Government should take strict measures to ensure protection against reprisals against of such individuals and their families. Individuals or State entities that engage in such acts should be identified and held accountable to prevent a recurrence of such violations.
92. The Special Rapporteur is also deeply concerned by the ongoing, numerous, and consistent reports received of due process violations, including but not limited to the use of prolonged solitary confinement and significant limitations placed upon the ability of the accused to access a lawyer. In particular she calls upon the Government to strictly limit the use of solitary confinement and ensure full access to their choice of lawyer. She further reiterates her recommendation to abolish the revolutionary tribunals and religious courts in line with the recommendations made by the Working Group on Arbitrary Detention following its visit to the country. 99

93. The Special Rapporteur also reiterates her call upon the Government to ensure that the judiciary is free from interference of any kind and to uphold the integrity of judges, prosecutors and lawyers, through transparent and merit-based appointments, and through protecting them and their families and professional associates against all forms of reprisals as a result of discharging their functions. The judiciary should also be held accountable for ensuring that proceedings are conducted fairly and that the rights of the parties are respected, through a mechanism that is consistent with the Basic Principles on the Independence of the Judiciary.

94. The Special Rapporteur further notes that an independent bar association is vital to the promotion to the rule of law. All executive and judicial interference in management and working of bar associations should be removed and the bar association should be made an autonomous and self-regulatory body.

95. The Special Rapporteur further calls on the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women and to amend laws that violate the rights of women, including the rights to freedom of movement and work and the right to be free from discrimination, especially in the workplace and in the hiring process. She urges the Islamic Republic of Iran to protect children born within its jurisdiction by facilitating the ability of women to pass on their citizenship to their sons and daughters, and to amend laws and regulations, including on dress code that infringe upon the rights of women and undermines their dignity. In the light of the high rates of child marriage, which is never in the best interest of the child, the Special Rapporteur reiterates her call upon the Government to take steps to ensure that the minimum age for marriage complies with international standards.

96. The Special Rapporteur also calls upon the Government to respect the right to freedom of religion and belief, to address all forms of discrimination in all spheres of life, to uphold and implement legislation that protects minority groups and individuals, and to ensure the release of all individuals imprisoned on the basis of their religion, belief or identity.

97. The Special Rapporteur calls on the Government to ensure the protection of the rights of LGBT and intersex individuals by repealing laws that punish people based on their sexual orientation and gender identity, and enacting effective anti-discrimination laws, and to ban forced and involuntary treatment and medical procedures.

Annex

List of Baha’i prisoners in the Islamic Republic of Iran

<table>
<thead>
<tr>
<th>Name</th>
<th>Arrest date</th>
<th>Location of arrest/</th>
<th>Date of trial/</th>
<th>Sentence</th>
<th>Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Jamaloddin Khanjani</td>
<td>25-Sep-07</td>
<td>Isfahan</td>
<td>Trial ended</td>
<td>20 years’ imprisonment</td>
<td>N/A</td>
</tr>
<tr>
<td>14-May-08</td>
<td>Tehran</td>
<td>Trial ended</td>
<td>14-Jun-10</td>
<td>20 years’ imprisonment</td>
<td>(1) Engaging in propaganda against the regime of the Islamic Republic of Iran; (2) espionage in support of the tyrannical, fabricated and occupying regime of Israel; (3) Forming and managing illegal groups and gatherings to for the purpose of disruption to the national security of Iran; (4) Collaboration with the tyrannical, fabricated, hostile and occupying regime of Israel against the Islamic Republic of Iran; (5) Conspiracy and assembly for the purpose of action against the internal and external security of Iran and to tarnish the reputation of the Islamic Republic of Iran in the international arena; (6) Participation in collecting classified documents and providing them to foreigners with the purpose of disruption to the national security</td>
</tr>
<tr>
<td>Mr. Afif Naimi</td>
<td>14-May-08</td>
<td>Tehran</td>
<td>Trial ended</td>
<td>20 years’ imprisonment</td>
<td>(1) Engaging in propaganda against the regime of the Islamic Republic of Iran; (2) espionage in support of the tyrannical, fabricated and occupying regime of Israel; (3) Forming and managing illegal groups and gatherings to for the purpose of disruption to the national security of Iran; (4) Collaboration with the tyrannical, fabricated, hostile and occupying regime of Israel against the Islamic Republic of Iran; (5) Conspiracy and assembly for the purpose of action against the internal and external security of Iran and to tarnish the reputation of the Islamic Republic of Iran in the international arena; (6) Participation in collecting classified documents and providing them to foreigners with the purpose of disruption to the national security</td>
</tr>
<tr>
<td>Mr. Sacid Rezaie Tazangi</td>
<td>25-May-05</td>
<td>Shiraz (Fars)</td>
<td>Was not tried</td>
<td>Released on bail</td>
<td>N/A</td>
</tr>
<tr>
<td>14-May-08</td>
<td>Tehran</td>
<td>Trial ended</td>
<td>14-Jun-10</td>
<td>20 years’ imprisonment</td>
<td>(1) Engaging in propaganda against the regime of the Islamic Republic of Iran; (2) espionage in support of the tyrannical, fabricated and occupying regime of Israel; (3) Forming and managing illegal groups and gatherings to for the purpose of disruption to the national security of Iran; (4) Collaboration with the tyrannical, fabricated, hostile and occupying regime of Israel against the Islamic Republic of Iran; (5) Conspiracy and assembly for the purpose of action against the internal and external security of Iran and to tarnish the reputation of the Islamic Republic of Iran in the international arena; (6) Participation in collecting classified documents and providing them to foreigners with the purpose of disruption to the national security</td>
</tr>
</tbody>
</table>

Date of release: 2-Oct-07, 14-Jun-10, 29-Jun-05
<table>
<thead>
<tr>
<th>Name</th>
<th>Arrest date</th>
<th>Location of arrest/City of residence</th>
<th>Date of trial/Court order issued</th>
<th>Sentence</th>
<th>Charges</th>
<th>Date of release</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Vahid Tizfahm</td>
<td>14-May-08</td>
<td>Tehran (Tehran)</td>
<td>Trial ended 14-Jun-10</td>
<td>20 years’ imprisonment</td>
<td>(1) Engaging in propaganda against the regime of the Islamic Republic of Iran; (2) Espionage in support of the tyrannical, fabricated and occupying regime of Israel; (3) Forming and managing illegal groups and gatherings to for the purpose of disruption to the national security of Iran; (4) Collaboration with the tyrannical, fabricated, hostile and occupying regime of Israel against the Islamic Republic of Iran; (5) Conspiracy and assembly for the purpose of action against the internal and external security of Iran and to tarnish the reputation of the Islamic Republic of Iran in the international arena; (6) Participation in collecting classified documents and providing them to foreigners with the purpose of disruption to the national security</td>
<td>N/A</td>
</tr>
<tr>
<td>Mr. Jalayer Vahdat</td>
<td>04-Aug-05</td>
<td>Mashhad</td>
<td>05-Apr-10</td>
<td>N/A</td>
<td>Activities against national security, propaganda against the regime and membership in the unlawful Baha’i administration</td>
<td>28-Aug-05</td>
</tr>
<tr>
<td></td>
<td>26-Jan-09</td>
<td>Mashhad</td>
<td>May/Jun-10</td>
<td>5 years’ imprisonment and 10-year ban on leaving the country</td>
<td>N/A</td>
<td>12-May-09</td>
</tr>
<tr>
<td>Name</td>
<td>Arrest date</td>
<td>Location of arrest/City of residence</td>
<td>Date of trial/Court order issued</td>
<td>Sentence</td>
<td>Charges</td>
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</tr>
<tr>
<td>Mr. Vesal Mahboubi</td>
<td>25-Apr-11</td>
<td>Sari (Mazandaran)</td>
<td>N/A</td>
<td>1-year sentence appealed</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Ms. Sanaz Tafazoli</td>
<td>27-Jun-11</td>
<td>Mashhad</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Mr. Hamid Eslami</td>
<td>14-Jul-12</td>
<td>Shiraz (Fars)</td>
<td>Unknown</td>
<td>N/A</td>
<td>Membership in illegal groups in opposition to regime, propaganda against the regime in the interest of groups in opposition to regime</td>
<td></td>
</tr>
<tr>
<td>Mr. Navid Khanjani</td>
<td>2-Mar-10</td>
<td>Isfahan (Isfahan)</td>
<td>N/A</td>
<td>N/A</td>
<td>Collaboration with human rights activists</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22-Aug-12</td>
<td>Tabriz (East Azerbaijan)</td>
<td>Court of appeal upheld verdict 10-Aug-11</td>
<td>12 years’ imprisonment + 5 million rial (~US$500) fine</td>
<td>Engaging in human rights activities, illegal assembly (in support of university students deprived of higher education), and disturbance of the general public’s opinion</td>
<td></td>
</tr>
<tr>
<td>Mr. Farhad Fahandej</td>
<td>17-Oct-12</td>
<td>Gorgan (Golestan)</td>
<td>N/A</td>
<td>10 years’ imprisonment</td>
<td>Collaboration with hostile governments, disturbing national security, propaganda against the regime, formation of hostile groups</td>
<td></td>
</tr>
<tr>
<td>Mr. Pooya Tebyanian</td>
<td>8-Mar-09</td>
<td>Semnan</td>
<td>Tried 15-Apr-09; Verdict issued 31-May-09; Appeal court verdict 29-Apr-10</td>
<td>18 months’ imprisonment</td>
<td>Propaganda against the regime</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12-Mar-11</td>
<td>Semnan</td>
<td>Tried on 16-Apr-12; Appeals verdict issued 12-Aug-12</td>
<td>6.5 years’ imprisonment</td>
<td>Propaganda against the regime of the Islamic Republic of Iran and membership in and organizing illegal groups and assemblies</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Arrest date</td>
<td>Location of arrest/City of residence</td>
<td>Date of trial/Court order issued</td>
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</tr>
<tr>
<td>Mr. Didar Raoufi</td>
<td>14-Jan-09</td>
<td>Tehran (Tehran)</td>
<td>11-Feb-11</td>
<td>N/A</td>
<td>N/A</td>
<td>11-Mar-09</td>
</tr>
<tr>
<td></td>
<td>16-Oct-16</td>
<td>Tehran (Tehran)</td>
<td>11-Feb-11</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Mr. Adel Naimi</td>
<td>10-Jul-12</td>
<td>Tehran (Tehran)</td>
<td>Date tried: 24-Apr-13</td>
<td>Initially 11 years’ imprisonment, changed to 10 years</td>
<td>Initially announced: (a) Activity against national security; (b) Espionage; (c) Participating in the clandestine organization of Bahaiism. In court document: Organizing the Bahaist sect, teaching; holding [self-defence] spray; engaging in propaganda against the regime of the Islamic Republic of Iran</td>
<td></td>
</tr>
<tr>
<td>Ms. Elham Farahani Naimi</td>
<td>10-Jul-12</td>
<td>Tehran</td>
<td>N/A</td>
<td>Released on bail</td>
<td>Propaganda against the regime and activity national security</td>
<td>8-Sep-12</td>
</tr>
<tr>
<td></td>
<td>28-Apr-14 —</td>
<td>Tehran</td>
<td>04-Feb-13</td>
<td>4 years’ imprisonment (appealed sentence)</td>
<td>N/A</td>
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<tr>
<td></td>
<td>Began serving sentence</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Ms. Nika Kholousi</td>
<td>12-Oct-12</td>
<td>Mashhad</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>13-Apr-13</td>
</tr>
<tr>
<td></td>
<td>1-Jul-13</td>
<td>Mashhad</td>
<td>6-May-13</td>
<td>6 years’ imprisonment</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Mr. Farzin Sadri Dowlatabadi</td>
<td>19-Oct-13</td>
<td>Gorgan</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Mr. Shahab Dehghani</td>
<td>10-Jul-12</td>
<td>Tehran</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>12-Jul-13</td>
<td>Tehran</td>
<td>N/A</td>
<td>4 years’ imprisonment</td>
<td>Propaganda activities against the sacred regime of the Islamic Republic, teaching the perverse ideologies of Bahais, and activities intended to mislead the youth. Activity against national security</td>
<td></td>
</tr>
<tr>
<td>Ms. Nasim Bagheri</td>
<td>27-Apr-14</td>
<td>Court date: 8-Oct-13</td>
<td>4 years’ imprisonment under ta’zir law</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms. Dori Amri</td>
<td>2-Jun-14</td>
<td>Mashhad</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Ms. May Kholousi</td>
<td>2-Jun-14</td>
<td>Mashhad</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Mr. Faramarz Lotfi</td>
<td>Sometime between</td>
<td>Tonekabon</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Name</td>
<td>Arrest date</td>
<td>Location of arrest/ City of residence</td>
<td>Date of trial/ Court order issued</td>
<td>Sentence</td>
<td>Charges</td>
<td>Date of release</td>
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<tr>
<td>Mr. Ziaollah Ghaderi</td>
<td>24/27-Sept-13</td>
<td>Tonekabon</td>
<td>3-Feb-15</td>
<td>N/A</td>
<td>Activities against the national security, and propaganda against the regime</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>— After a raid of his home, he was taken to an unknown place</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Summoned to court to hear his decree on 3-Feb-15 and immediately transferred to prison</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Ms. Soroush Garshasbi</td>
<td>21-Nov-09</td>
<td>Tonekabon — Mazandaran</td>
<td>3-Feb-15</td>
<td>Unknown</td>
<td>Activities against the national security, and propaganda against the regime</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Began serving sentence on 3-Feb-15</td>
<td>N/A</td>
<td></td>
<td>Sometime in Dec-09 — Precise date is unknown</td>
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<tr>
<td>Ms. Mona Mehrabi</td>
<td>16-Feb-15</td>
<td>Tehran</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
<td></td>
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<tr>
<td>Ms. Elham Karampisheh</td>
<td></td>
<td>Tehran</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
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<tr>
<td>Mrs. Safa Forghani</td>
<td></td>
<td>Tehran</td>
<td>N/A</td>
<td>N/A</td>
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</tr>
<tr>
<td>Name</td>
<td>Arrest date</td>
<td>Location of arrest/City of residence</td>
<td>Date of trial/Court order issued</td>
<td>Sentence</td>
<td>Charges</td>
<td>Date of release</td>
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<tr>
<td>Mr. Mehrdad Forghani</td>
<td>Began serving</td>
<td>Varamin</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
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<tr>
<td></td>
<td>sentence on</td>
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<td></td>
<td>17-Feb-15</td>
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</tr>
<tr>
<td>Mrs. Fariba Ashtari</td>
<td>31-Jul-12</td>
<td></td>
<td>Court hearing held for 20</td>
<td>3 years’</td>
<td>Propaganda against the sacred regime of the Islamic Republic of Iran, and assembly and collusion against national security</td>
<td>After 27 days</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Baha’is on 24-Aug-13 in Branch 1 of the Revolutionary Court in Yazd</td>
<td>imprisonment</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>21-Feb-15 — Summoned to Yazd Central Prison</td>
<td>2 years’</td>
<td>Propaganda against the regime of the Islamic Republic [of Iran] and propaganda in support of groups or organizations opposing the Islamic Republic of Iran</td>
<td></td>
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<td></td>
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<td>Prion on</td>
<td>imprisonment</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>under ta’zir law and 1 years’ suspended imprisonment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Naser Bagheri Ghalat</td>
<td>Began serving</td>
<td>Yazd</td>
<td>N/A</td>
<td>N/A</td>
<td>Propaganda against the regime</td>
<td></td>
</tr>
<tr>
<td></td>
<td>sentence on</td>
<td></td>
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<tr>
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<td>27-Feb-15</td>
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<tr>
<td>Mr. Faez Bagheri Ghalat</td>
<td>Began serving</td>
<td>Yazd</td>
<td>N/A</td>
<td>N/A</td>
<td>Propaganda against the regime</td>
<td></td>
</tr>
<tr>
<td></td>
<td>sentence on</td>
<td></td>
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<td></td>
<td>27-Feb-15</td>
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<tr>
<td>Ms. Laleh Mehdinezhad</td>
<td>10-Mar-15</td>
<td>Tehran</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Mr. Iman Rashidi Ezzabadi</td>
<td>31-Jul-12</td>
<td></td>
<td>Court hearing held for 20</td>
<td>4 years’</td>
<td>Propaganda against the sacred regime of the Islamic Republic of Iran, and assembly and collusion against national security</td>
<td>Released after 27 days providing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Baha’is on 24-Aug-13 in Branch 1 of the Revolutionary Court in Yazd</td>
<td>imprisonment</td>
<td></td>
<td>bail of 80 million toman</td>
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<tr>
<td>Name</td>
<td>Arrest date</td>
<td>City of residence</td>
<td>Date of trial/ Court order issued</td>
<td>Sentence</td>
<td>Charges</td>
<td>Date of release</td>
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<tr>
<td>Mr. Mehran Eslami Amirabadi</td>
<td>1-Oct-12</td>
<td></td>
<td>Court hearing held for 20 Baha’is on 24-Aug-13 in Branch 1 of the Revolutionary Court in Yazd</td>
<td>2 years’ imprisonment</td>
<td>Propaganda against the sacred regime of the Islamic Republic of Iran and assembly and collusion against national security</td>
<td>6-Oct-12</td>
</tr>
<tr>
<td>4-Apr-15 — began imprisonment</td>
<td>13-Apr-14 — Court of Appeals in Yazd</td>
<td>1 years’ imprisonment under ta’zir law and 1 years’ suspended imprisonment</td>
<td>1 years’ imprisonment under ta’zir law and 1 years’ suspended imprisonment</td>
<td>Propaganda against the regime of the Islamic Republic of Iran and propaganda in support of groups or organizations opposing the Islamic Republic of Iran</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms. Afsanih Yadigar</td>
<td>6-Apr-15</td>
<td>Tehran</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Mr. Shahin Rashedi</td>
<td>7-Apr-15</td>
<td>Hamadan</td>
<td>Awaiting court trial</td>
<td>N/A</td>
<td>Propaganda against the regime</td>
<td>10-Apr-15</td>
</tr>
<tr>
<td>May/Jun-15</td>
<td>Hamadan</td>
<td></td>
<td>Trial held on 5-Aug-15/ sentence announced on 15-Aug-15</td>
<td>1 years’ imprisonment under ta’zir law                                                                 consisted of 2 years’ imprisonment under ta’zir law, 1 year’s suspended imprisonment, and propaganda against the regime</td>
<td>Propaganda against the regime</td>
<td>N/A</td>
</tr>
<tr>
<td>Mr. Hamid Azarnoush</td>
<td>13-Apr-15</td>
<td>Hamadan</td>
<td>N/A</td>
<td>N/A</td>
<td>Propaganda against the regime</td>
<td>N/A</td>
</tr>
<tr>
<td>Name</td>
<td>Arrest date</td>
<td>Location of arrest/ City of residence</td>
<td>Date of trial/ Court order issued</td>
<td>Sentence</td>
<td>Charges</td>
<td>Date of release</td>
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<tr>
<td>Mr. Masoud Azarnoush</td>
<td>13-Apr-15</td>
<td>Hamadan</td>
<td>N/A</td>
<td>N/A</td>
<td>Charged for owning satellite dish</td>
<td>15-Apr-15</td>
</tr>
<tr>
<td></td>
<td>May/Jun-15</td>
<td>Hamadan</td>
<td>Trial held on 5-Aug-15/ sentence announced on 15-Aug-15</td>
<td>1 years’ imprisonment under ta’zir law and 2 years’ exile to Khash</td>
<td>Propaganda against the regime</td>
<td>N/A</td>
</tr>
<tr>
<td>Mrs. Atefeh Zahedi (Azarnoush)</td>
<td>13-Apr-15</td>
<td>Hamadan</td>
<td>N/A</td>
<td>N/A</td>
<td>Propaganda against the regime</td>
<td>15-Apr-15</td>
</tr>
<tr>
<td></td>
<td>May/Jun-15</td>
<td>Hamadan</td>
<td>Trial held on 5-Aug-15/ sentence announced on 15-Aug-15</td>
<td>1 years’ imprisonment under ta’zir law and 2 years’ exile to Khash</td>
<td>Propaganda against the regime</td>
<td>N/A</td>
</tr>
<tr>
<td>Ms. Mina Mobin Hemmati</td>
<td>13-Apr-15</td>
<td>Hamadan</td>
<td>N/A</td>
<td>N/A</td>
<td>Propaganda against the regime</td>
<td>15-Apr-15</td>
</tr>
<tr>
<td></td>
<td>May/Jun-15</td>
<td>Hamadan</td>
<td>Trial held on 5-Aug-15/ sentence announced on 15-Aug-15</td>
<td>1 years’ imprisonment under ta’zir law</td>
<td>Propaganda against the regime</td>
<td>N/A</td>
</tr>
<tr>
<td>Mrs. Parvaneh Seifi (Ayyoubi)</td>
<td>21-Apr-15</td>
<td>Hamadan</td>
<td>N/A</td>
<td>N/A</td>
<td>Propaganda against the regime</td>
<td>22-Apr-15</td>
</tr>
<tr>
<td></td>
<td>May/Jun-15</td>
<td>Hamadan</td>
<td>Trial held on 5-Aug-15/ sentence announced on 15-Aug-15</td>
<td>1 years’ imprisonment under ta’zir law</td>
<td>Propaganda against the regime</td>
<td>N/A</td>
</tr>
<tr>
<td>Ms. Farideh Ayyoubi</td>
<td>21-Apr-15</td>
<td>Hamadan</td>
<td>N/A</td>
<td>N/A</td>
<td>Propaganda against the regime</td>
<td>N/A</td>
</tr>
<tr>
<td>Name</td>
<td>Arrest date</td>
<td>Location of arrest/ City of residence</td>
<td>Date of trial/ Court order issued</td>
<td>Sentence</td>
<td>Charges</td>
<td>Date of release</td>
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<tr>
<td>Mrs. Romina Rahimian</td>
<td>May/Jun-15</td>
<td>Hamadan</td>
<td>Trial held on 5-Aug-15/ sentence announced on 15-Aug-15</td>
<td>1 years’ imprisonment under ta’zir law</td>
<td>Propaganda against the regime</td>
<td></td>
</tr>
<tr>
<td>Mr. Mehran Khandel</td>
<td>May/Jun-15</td>
<td>Hamadan</td>
<td>Trial held on 5-Aug-15/ sentence announced on 15-Aug-15</td>
<td>1 years’ imprisonment under ta’zir law</td>
<td>Propaganda against the regime</td>
<td></td>
</tr>
<tr>
<td>Ms. Fataneh Moshtagh</td>
<td>Oct/Nov-12</td>
<td>Hamadan</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>After 9 hours</td>
</tr>
<tr>
<td>Ms. Fataneh Moshtagh</td>
<td>May/Jun-15</td>
<td>Hamadan</td>
<td>Trial held on 5-Aug-15/ sentence announced on 15-Aug-15</td>
<td>1 years’ imprisonment under ta’zir law</td>
<td>Propaganda against the regime</td>
<td></td>
</tr>
<tr>
<td>Ms. Rouha Imani</td>
<td>12-May-15</td>
<td>Kerman</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
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<tr>
<td>Mr. Saba Golshan</td>
<td>2-Aug-12</td>
<td>Isfahan</td>
<td>Court hearing held for 20 Baha’is on 24-Aug-13 in Branch 1 of the Revolutionary Court in Yazd</td>
<td>5 years: 4 years’ imprisonment under ta’zir law and 1 years’ suspended imprisonment</td>
<td>“Propaganda against the sacred regime of the Islamic Republic of Iran”, and “assembly and collusion against national security” — person in charge of Isfahan Baha’i community</td>
<td>Unknown</td>
</tr>
<tr>
<td>Mr. Vahed Kholousi</td>
<td>22-Aug-12</td>
<td>Tabriz</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>23-Sep-12</td>
</tr>
<tr>
<td>Name</td>
<td>Arrest date</td>
<td>Location of arrest/ City of residence</td>
<td>Date of trial/ Court order issued</td>
<td>Sentence</td>
<td>Charges</td>
<td>Date of release</td>
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<tr>
<td>Mr. Shahram Eshraghi Najafabadi</td>
<td>1983/84</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Unknown</td>
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<tr>
<td></td>
<td>13-Sep-15</td>
<td>Tabriz</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
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<tr>
<td></td>
<td>31-Jul-12</td>
<td>Isfahan</td>
<td>Court hearing held for 20 Baha’is on 24-Aug-13 in Branch 1 of the Revolutionary Court in Yazd</td>
<td>4 years: 3 years’ imprisonment under ta’zir law and 1 years’ suspended imprisonment</td>
<td>“Propaganda against the sacred regime of the Islamic Republic of Iran”, and “assembly and collusion against national security” — person in charge of Isfahan Baha’i community</td>
<td>Approx. Sep-12: Released on bail</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Isfahan</td>
<td>13-Apr-14 — Court of Appeals in Yazd</td>
<td>N/A</td>
<td>1. Propaganda against the regime of the Islamic Republic; 2. Propaganda in the interest of groups and/or organizations opposing the regime of the Islamic Republic.</td>
<td></td>
</tr>
<tr>
<td>Mrs. Azita Rafizadeh (Koushk-Baghi)</td>
<td>12-Mar-13</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td></td>
<td>summoned to the Revolutionary court</td>
<td>Summoned by telephone to serve her sentence (Apr-15)</td>
<td>Karaj</td>
<td>Convicted in Feb-15</td>
<td>4 years’ imprisonment</td>
<td>Activity against national security by membership in BIHE</td>
</tr>
<tr>
<td>Mr. Peyman Koushk-Baghi</td>
<td>12-Mar-13</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>summoned to the Revolutionary court</td>
<td>28-Feb-16</td>
<td>Karaj</td>
<td>May-15: sentenced to five years of imprisonment under ta’zir law</td>
<td>5 years’ imprisonment</td>
<td>Activity against national security by membership in BIHE</td>
</tr>
<tr>
<td>Name</td>
<td>Arrest date</td>
<td>Location of arrest/City of residence</td>
<td>Date of trial/Court order issued</td>
<td>Sentence</td>
<td>Charges</td>
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<tr>
<td>Mr. Afshin Seyyed Ahmad</td>
<td>8-Nov-12</td>
<td>Tehran</td>
<td>N/A</td>
<td>3 years’ imprisonment</td>
<td>N/A</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Began serving sentence on 28-Jun-16 N/A N/A N/A N/A</td>
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<tr>
<td>Mr. Yashar Rezvani</td>
<td>2-Aug-16</td>
<td>Unknown</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Mrs. Filawr Ram</td>
<td>1-Feb-17</td>
<td>Zahedan</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>Mr. Shayan Rowhani</td>
<td>18-Oct-17</td>
<td>Zahedan</td>
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<td>Mr. Reza Fathi</td>
<td>16-Apr-17</td>
<td>Shahmirzad Semnan</td>
<td>N/A</td>
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<td>Ms. Mitra Nouri</td>
<td>17-Oct-12</td>
<td>Minudasht (Gorgan)</td>
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<td>13-Jun-17</td>
<td>Minudasht (Gorgan) 12-Oct-15; 5-Jan-16; 29-Sep-16 (Appeal)</td>
<td>1 year and 6 months’ imprisonment</td>
<td>a) Membership in the unlawful Bahaist administration and anti-security [propaganda] to advance Bahaisn, through a plan known as Ruhi, as tutors, animators, and children’s teachers; b) Propaganda in favour of Bahaisn and against the regime of the Islamic Republic of Iran by way of active involvement in extending the Ruhi plan throughout the Gulistan Province; c) Collaboration with hostile governments by way of assisting and effective involvement in advancing the goals of the sectarian anti-Islamic and anti-Shia arrogant and hostile governments.</td>
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<td>Ms. Parisa Shahidi</td>
<td>13-Jun-17</td>
<td>Minudasht (Gorgan) 5-Jan-16; 29-Sep-16 (Appeal)</td>
<td>1 year and 9 months’ imprisonment</td>
<td>a) Membership in the unlawful Bahaist administration and anti-security [propaganda] to advance Bahaisn, through a plan known as Ruhi, as tutors, animators, and children’s teachers; b) Propaganda in favour of Bahaisn and against the regime of the Islamic Republic of Iran by way of active involvement in extending the Ruhi plan throughout the Gulistan Province; c) Collaboration with hostile governments by way of assisting and effective involvement in advancing the goals of the sectarian anti-Islamic and anti-Shia arrogant and hostile governments.</td>
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<td>Ms. Sheida Ghodosi</td>
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<td>Mr. Vargha Mehdizadeh Sobhan</td>
<td>3-Jul-17</td>
<td>Shiraz</td>
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<td>Mrs. Shiva Akhlaqi</td>
<td>3-Jul-17</td>
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<tr>
<td>Mr. Mehran Tashakkor</td>
<td>9-Jul-17</td>
<td>Sirjan</td>
<td>N/A</td>
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<td>Ms. Shiva Rouhani</td>
<td>11-Jul-17</td>
<td>Minudasht (Gorgan)</td>
<td>28-Dec-15; 5-Jan-16; 29-Sep-16 (Appeal)</td>
<td>1 year and 6 months’ imprisonment”</td>
<td>a) Membership in the unlawful Bahai administration and anti-security (propaganda) to advance Bahaiism, through a plan known as Ruhi, as tutors, animators, and children’s teachers; b) Propaganda in favour of Bahaiism and against the regime of the Islamic Republic of Iran by way of active involvement in extending the Ruhi plan throughout the Gulistan Province; c) Collaboration with hostile governments by way of assisting and effective involvement in advancing the goals of the sectarian anti-Islamic and anti-Shia arrogant and hostile governments.</td>
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<tr>
<td>Mrs. Mahta Ighani</td>
<td>2-Sep-17</td>
<td>Mashhad</td>
<td>N/A</td>
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<tr>
<td>Mrs. Hena Koushkebaghi</td>
<td>20-Jan-13</td>
<td>Gonbad Kavus</td>
<td>N/A</td>
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<td>28-Apr-15; 5-Jan-16; 29-Sep-16 (Appeal)</td>
<td>1 year and 9 months’ imprisonment”</td>
<td>a) Membership in the unlawful Bahai administration and anti-security (propaganda) to advance Bahaiism, through a plan known as Ruhi, as tutors, animators, and children’s teachers; b) Propaganda in favour of Bahaiism and against the regime of the Islamic Republic of Iran by way of active involvement in extending the Ruhi plan throughout the Gulistan Province; c) Collaboration with hostile governments by way of assisting and effective involvement in advancing the goals of the sectarian anti-Islamic and anti-Shia arrogant and hostile governments.</td>
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<td>Mrs. Nazila Khanipour Machiani</td>
<td>16-Oct-17</td>
<td>Rasht</td>
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<td>Mr. Bijan Ahmadi</td>
<td>21-Oct-17</td>
<td>Birjand</td>
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<td>Mr. Firouz Ahmadi</td>
<td>21-Oct-17</td>
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<td>Mr. Siyamak Abdul-Hamidi</td>
<td>1-Nov-17</td>
<td>Rasht</td>
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<td>Mrs. Nadia Asadian</td>
<td>11-Nov-17</td>
<td>Rasht</td>
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<td>Mr. Hasan Savestani Momtaz</td>
<td>15-Nov-17</td>
<td>Shiraz</td>
<td>Feb/Mar-14</td>
<td>5 years’ imprisonment</td>
<td>Teaching at the Bahá’í Institute for Higher Education</td>
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<td>Mr. Burhan Tibyanian</td>
<td>2-Dec-17</td>
<td>Kermanshah</td>
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<td>Ms. Farzaneh Amini</td>
<td>2-Dec-17</td>
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<td>Ms. Naghmeh Shadabi</td>
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<td>Ms. Soheila Shadabi</td>
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<td>Mr. Navid Moallem</td>
<td>17-Oct-12</td>
<td>Minudasht (Gorgan)</td>
<td>N/A</td>
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<td>3-Dec-17</td>
<td>Minudasht (Gorgan)</td>
<td>12-Oct-15; 5-Jan-16; 29-Sep-16 (Appeal)</td>
<td>1 year and 6 months’ imprisonment</td>
<td>a) Membership in the unlawful Bahaist administration and anti-security [propaganda] to advance Bahaiism, through a plan known as Ruhi, as tutors, animators, and children’s teachers; b) Propaganda in favour of Bahaiism and against the regime of the Islamic Republic of Iran by way of active involvement in extending the Ruhi plan throughout the Gulistán Province; c) Collaboration with hostile governments by way of assisting and effective involvement in advancing the goals of the sectarian anti-Islamic and anti-Shia arrogant and hostile governments.</td>
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<td>Mr. Namjuyan</td>
<td>13-Dec-17</td>
<td>Unknown</td>
<td>N/A</td>
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<td>Ms. Negin Ghadamian</td>
<td>18-Dec-17</td>
<td>Tehran</td>
<td>12-Mar-13; 8-Jun-16</td>
<td>5 years’ imprisonment</td>
<td>Membership in the illegal administration of the perverse Bahaist sect, with intent to act against national security by way of illegal activities in the Bahaist educational institution</td>
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TAB 8
Committee on the Rights of the Child

Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran*

I. Introduction

1. The Committee considered the combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/3-4) at its 2055th and 2057th meetings (see CRC/C/SR.2055 and 2057), held on 11 and 12 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the third and fourth periodic reports of the State party and the written replies to the list of issues (CRC/C/IRN/Q/3-4/Add.1), which allowed for a better understanding of the situation of children’s rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

   (a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2007;

4. The Committee notes with appreciation the adoption of the following legislative measures:

   (a) Amendments to the Criminal Procedure Code, establishing juvenile courts, in 2013;
   (b) The Act on Family Protection, providing for the best interests of children and adolescents to be respected in all courts and executive officials’ decisions, in 2013.

* Adopted by the Committee at its seventy-first session (11-29 January 2016).
5. The Committee welcomes the establishment of the National Body on the Convention on the Rights of the Child, on 1 April 2012.

6. The Committee notes as positive the invitation extended by the State party to special procedure mandate holders since 24 July 2002.

III. Factors and difficulties affecting the implementation of the Convention

7. The Committee notes that the effects of the sanctions are reflected in the difficult economic and social situation prevailing in the country, which has had repercussions on children’s enjoyment of their rights, in particular in the socioeconomic field, and has impeded the full implementation of the Convention.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee’s previous recommendations

8. The Committee recommends that the State party take all measures necessary to address its previous recommendations of 28 January 2005 (CRC/C/15/Add.254), which have not been sufficiently implemented, in particular those relating to non-discrimination, the right to life, protection from torture and inhuman or degrading treatment or punishment, and juvenile justice, among others contained therein.

Reservations

9. While noting the information provided by the State party during the dialogue that it intends to study the possibility of making the wording of its reservation more precise, the Committee regrets that, despite its previous recommendations, the State party has not undertaken any review of its reservation to the Convention since the submission of the initial and second periodic reports. The Committee remains concerned that the imprecise nature of this reservation, which invokes Islamic laws in a general way, hampers the implementation of many provisions of the Convention and is not compatible with the object and purpose of the Convention. Furthermore, the Committee is concerned about the Supreme Court judgement made in July 2012 that invokes this reservation and states that in case of a conflict, the domestic law should prevail over the Convention.

10. The Committee, in line with its previous recommendation (CRC/C/15/Add.254, para. 7) and in the light of the Vienna Declaration and Programme of Action of 1993, urges the State party to review the general nature of its reservation and encourages the State party to withdraw it in a clear timeframe. The Committee recommends that the State party bring its domestic laws and regulations into compliance with the Convention and ensure that the provisions of the Convention prevail whenever there is a conflict with the domestic law.

Legislation

11. The Committee takes note of several pieces of legislation adopted by the State party during the reporting period, and the amendments to the Islamic Penal Code in 2013. However, the Committee remains concerned that a number of the State party’s laws, including the Islamic Penal Code, remain discriminatory against girls and against religious
and ethnic minorities, depriving them of a number of their rights under the Convention. The Committee is also concerned about the wide discretion given to the judiciary in interpreting and implementing laws.

12. The Committee urges the State party to urgently repeal its laws and policies that are discriminatory against girls and religious and ethnic minorities and ensure that all children, irrespective of their gender, ethnicity or religious beliefs, enjoy equal rights and freedoms as guaranteed under the Convention. In particular, the Committee urges the State party to ensure that the State party's legislation does not leave the interpretation and implementation of its legislation to the wide discretion of the judiciary without providing them with the necessary training and interpretative guidelines.

Comprehensive policy and strategy

13. The Committee notes the State party’s information that it is finalizing the draft National Plan of Action on the Rights of the Child. It regrets, however, the lack of information as to how the 11 strategies suggested therein contribute to the implementation of the Convention, especially in relation to children in disadvantaged and marginalized situations, and the lack of information about the available resources to be allocated for its implementation.

14. The Committee recommends that the State party take measures to ensure that the State party’s policies, strategies and plans of action address in particular the rights of children in disadvantaged and marginalized situations, are aimed at providing them with equal opportunities in all areas of life and at improving their situation, and are supported with sufficient human, technical and financial resources.

Coordination

15. The Committee notes the establishment in 2012 of the National Body on the Convention on the Rights of the Child, under the Ministry of Justice, for monitoring and coordinating the implementation of children’s rights. However, the Committee regrets that apart from the establishment of working groups in some important areas such as violence against children, no information has been provided as to the progress achieved and outputs delivered by the National Body and its working groups.

16. The Committee recommends that the State party provide the National Body on the Convention on the Rights of the Child with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels, that it strengthen its capacity and that it ensure that its relevant working groups are provided with the necessary human, technical and financial resources.

Allocation of resources

17. The Committee is concerned that the State party did not provide any information on a targeted allocation of budgetary resources for the implementation of children’s rights under the Convention, in particular for implementation of the rights of children belonging to disadvantaged and marginalized groups, as previously recommended (see CRC/C/15/Add.254, para. 15 (b)).

18. In the light of its day of general discussion in 2007 on resources for the rights of the child and the responsibility of States, the Committee recommends that the State party:
(a) Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children’s rights, and in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children’s rights;

(b) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget, and use this tracking system for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the different impact of such investment on girls and boys is measured;

(c) Define budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures and make sure that those budgetary lines are protected, even in situations of economic crisis or natural disaster or other emergencies.

Data collection

19. The Committee notes the data provided by the State party in the areas of education, breastfeeding, children deprived of family environment, and children in the justice system, as well as the establishment of the “Human Treasure” database to collect data concerning children. However, the Committee is concerned about the lack of information as to whether the database allows for the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

20. In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee urges the State party to strengthen its data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background, in order to facilitate analysis on the situation of all children, particularly vulnerable children. Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and be used for the formulation, monitoring and evaluation of policies, programmes and projects for effective implementation of the Convention. In this context, the Committee also recommends that the State party provide the necessary human and financial resources to support the new database and that it strengthen its technical cooperation with, among others, the United Nations Children’s Fund (UNICEF).

Independent monitoring

21. While noting the information provided by the State party in its replies to the list of issues (CRC/C/IRN/Q/3-4/Add.1, paras. 21 and 22) about the establishment of the National Body on the Convention on the Rights of the Child, the Committee remains concerned about the lack of a permanent and independent mechanism to monitor the implementation of the Convention.

22. In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions, the Committee recommends that the State party take measures to expeditiously establish, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children’s rights that is able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the
privacy and protection of victims, and undertake monitoring, follow-up and verification activities for victims.

Dissemination, awareness-raising and training

23. The Committee is concerned that the State party has not taken sufficient steps to raise awareness about the Convention and to make its reports and concluding observations available to the public at large, including to children. The Committee also regrets that training of law-enforcement officials, judges and other professionals working for and with children does not cover the entire territory of the State party.

24. The Committee recommends that the State party take all possible measures to raise the awareness of its public, including children, about the provisions of the Convention through awareness-raising programmes, such as campaigns, and that it ensure that the Convention is part of the mandatory curriculum in all schools for children of all age groups. The Committee also recommends that the State party continue to provide regular and systematic training activities on the provisions of the Convention for law enforcement officials, the judiciary and other professionals working with and for children throughout the country.

Cooperation with civil society

25. The Committee is seriously concerned about the reported repression of non-governmental organizations (NGOs) working on children’s rights, and about harassment and persecution of child rights defenders.

26. The Committee urges the State party to put an end to repression against non-governmental organizations working in the area of children’s rights and to hold those responsible for harassment and persecution of human rights activists accountable.

B. Definition of the child (art. 1)

27. The Committee is seriously concerned that despite its previous recommendations, the age of majority remains set at predefined ages of puberty, namely 9 lunar years for girls and 15 lunar years for boys, which results in girls and boys above those ages being deprived of the protections under the Convention. Furthermore, the Committee is deeply concerned that the age of marriage in the State party, which is set at 13 years for girls and 15 years for boys, gravely violates rights under the Convention and places children, in particular girls, at risk of forced, early and temporary marriages, with irreversible consequences on their physical and mental health and development.

28. The Committee urges the State party to revise, as a matter of urgency and priority, its legislation in order to ensure that all persons below the age of 18 years, without exceptions, are considered as children and are provided with all the rights under the Convention. The Committee also urges the State party to further increase the minimum age for marriage for both girls and boys to 18 years, and to take all necessary measures to eliminate child marriages in line with the State party’s obligations under the Convention.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

29. The Committee expresses grave concern about the persistent discrimination against girls in the State party’s legislation, and in practice in many aspects of life, such as the
discriminatory treatment of girls in family relations, the criminal justice system, property rights, and compensation for physical injury, among other things. The Committee is particularly concerned that under the State party’s legislation, there is obligatory male guardianship over girls, which is incompatible with the Convention. The Committee is also concerned that gender stereotypes and patriarchal values place severe limitations on girls’ enjoyment of their rights under the Convention.

30. The Committee urges the State party to revise its legislation in order to ensure that girls enjoy the same rights and entitlements as boys in all aspects of life, especially in family relations, the criminal and civil justice system and property rights, and to take measures to eliminate any forms of discrimination in practice. It also urges the State party to carry out awareness-raising activities with a view to changing patriarchal values and gender stereotypes, which undermine girls’ rights.

31. The Committee is also concerned about the continued discrimination against children belonging to religious minorities, especially Baha’i children and Sunni children, as well as children who belong to minority ethnic and linguistic groups, children born out of wedlock, and to a certain extent, asylum-seeking and refugee children. Furthermore, it is concerned that lesbian, gay, bisexual, transgender and intersex (LGBTI) children continue to face discrimination because of their real or perceived sexual orientation or identity and that the same-sex sexual behaviour of adolescents above the current age of criminal responsibility is criminalized and punished with penalties ranging from flogging to the death penalty.

32. The Committee recommends that the State party take effective measures, including accountability, to put an end to discrimination against religious, ethnic and linguistic minorities, children born out of wedlock and asylum-seeking and refugee children, and that it ensure that those responsible for any forms of discrimination against such groups are held accountable. Furthermore, the Committee recommends that the State party decriminalize same-sex relations and take measures to eliminate discrimination against LGBTI children.

Best interests of the child

33. The Committee notes with appreciation the Act on Family Protection, of 2013, which stipulates that “the best interest of children and adolescents should be respected in all courts and executive officials’ decisions”. However, it remains concerned that the right of the child to have his or her best interests taken as a primary consideration is not enforced in actions or decision-making relating to children, including in matters related to family law. In particular, the Committee remains concerned that article 1169 of the Civil Law relating to the custody of children after divorce prevents the court from taking into account the best interests of the child, and it reiterates that custody determined solely on the basis of a child’s age is both arbitrary and discriminatory (see CRC/C/15/Add.254, para. 27).

34. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party revise its Civil Law accordingly and strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and is applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to, and have an impact on, children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving this due weight as a primary consideration.
Right to life, survival and development

35. The Committee takes note of Supreme Court order 737 (2015) and article 91 of the Islamic Penal Code of 2013 providing for a possibility of retrial and exempting, under special conditions, children below the age of 18 years from *hudud* and *qisas* punishments involving the death sentence “if they do not realize the nature of the crime committed or its prohibition, or if there is uncertainty about their full mental development, according to their age” and applying correctional measures instead. However, the Committee expresses serious concern that such exemptions are under the full discretion of judges who are allowed but are not mandated to seek forensic expert opinion, and that several persons have been re-sentenced to death following such retrials. The Committee deplores that the State party continues to execute children and those who have committed a crime while under 18 years of age, despite its previous recommendations and numerous criticisms by human rights treaty bodies.

36. **The Committee strongly urges the State party as a matter of utmost priority to:**

   (a) End the execution of children and persons who committed a crime while under the age of 18;
   
   (b) Take legislative measures to abolish the death sentence for persons who committed a *hudud* or *qisas* crime while under the age of 18 years, that is currently established in the Islamic Penal Code without leaving any discretion to the courts;
   
   (c) Commute all existing sentences for offenders on death row who committed a crime while under the age of 18 years.

37. The Committee is seriously concerned that article 301 combined with article 612, of the Islamic Penal Code of 2013, provides for lighter punishment if a murder is committed by a father or paternal grandfather of the victim (“crimes committed in the name of so-called honour”). In such cases, judges have full discretion and can even decide to release the perpetrator without any punishment, paving the way for total impunity for killing one’s child.

38. **The Committee strongly urges the State party to repeal article 301 of the Islamic Penal Code, and ensure that all perpetrators of murders committed in the name of so-called “honour” receive penalties commensurate with the gravity of their crimes. The Committee urges the State party to carry out prompt and thorough investigations into all these cases, to prosecute perpetrators and to ensure that those found guilty are given appropriate sentences.**

39. The Committee is concerned that a number of children have been killed or wounded due to landmines placed during the Iran-Iraq war, in Western Azerbaijan, Ilam, Kurdistan, Kermanshah and Khuzestan.

40. **The Committee urges the State party to clear its entire territory from landmines and all remnants of the war as soon as possible, with the support of international organizations.**

Respect for the views of the child

41. The Committee remains concerned with regard to respect for the views of the child in judicial decisions concerning custody or divorce and in administrative decisions, when the child’s view is only heard through the father or paternal grandfather or another appointed guardian and not from the child directly. Furthermore, it is concerned that the views of the child are not heard in the family, at school and in society, owing to societal attitudes towards children, and that the State party has not taken measures to sufficiently inform the public about the right of children to participate in all matters affecting them.
42. In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party adopt and implement legislation recognizing the right of the child to be heard in all relevant legal proceedings by establishing systems and/or procedures for social workers and courts to comply with the principle. It also recommends that the State party conduct programmes and awareness-raising activities to promote the meaningful and effective participation of all children within the family, the community and schools, including within student council bodies, with particular attention to girls and to children in vulnerable situations.

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

43. The Committee appreciates that birth registration coverage has greatly improved in the past several years and has reached almost 97 per cent. However, it remains concerned at the reports that children of registered refugees and unregistered foreigners born in the Islamic Republic of Iran are not issued with a birth certificate, hampering their access to basic services, including education.

44. The Committee urges the State party to take measures to ensure the birth registration of all children, regardless of their parents’ legal status and/or origin. The Committee urges the State party, in doing so, to ensure that children of registered refugees and unregistered foreigners are provided with birth certificates without any conditions.

Nationality

45. The Committee takes note with appreciation of the Act on Determination of the Nationality of Children Born into Marriages of Iranian Women with Men of Foreign Nationality, of 2006, amending article 976 of the Civil Code which had previously conferred Iranian nationality only through _jus sanguinis_ on the paternal side. However, the Committee is concerned that, under the amendment, such naturalization is only possible upon reaching 18 years of age and thus does not address statelessness in childhood. In addition, the Act establishes difficult eligibility requirements for naturalization, including proof of the father’s documents and proof of marriage, which automatically excludes children born out of wedlock. Furthermore, the Committee regrets that the State party did not provide information on the number of children born to Iranian mothers and foreign fathers who have been naturalized since 2006.

46. The Committee strongly urges the State party to review the provisions of the Act on Determination of the Nationality of Children Born into Marriages of Iranian Women with Men of Foreign Nationality amending the Civil Code, and to ensure that all children who are born to Iranian mothers, including children born out of wedlock, are entitled to Iranian citizenship on the same conditions as children born to Iranian fathers. The Committee also recommends that the State party provide information on the number of children born to Iranian mothers who have been naturalized, in its next periodic report.

Freedom of expression, association and peaceful assembly

47. The Committee is concerned at the reports that content-based offences such as “propaganda against the State” or “insulting Islam” are not clearly defined and interpreted, and can incur prison terms, flogging, and even death sentences, thus limiting the right of children to freedom of expression. It is also concerned about the broad interpretation of
offences such as “membership in an illegal organization” and “participation in an illegal gathering” infringing the right of children to freedom of association and peaceful assembly.

48. The Committee recommends that the State party take the necessary measures to ensure full respect for the right of children to freedom of expression, association and peaceful assembly, and that those rights not be subjected to undue and vague limitations but that restrictions to those rights comply with international standards. The Committee urges the State party to review its legislation in order to ensure that children under the age of 18 years are exempt from criminal responsibility for such content-based offences.

Freedom of thought, conscience and religion

49. The Committee remains concerned about the continued discrimination against members of religious minorities, especially those that are not recognized by the State party, including the Baha’i religious minority. It is particularly concerned about harassment, intimidation and imprisonment of persons of the Baha’i faith, including their children, on the account of their religion. The Committee is also concerned that the hijab requirement for girls as young as 7 years of age irrespective of their religious affiliation constitutes a serious breach of article 14 of the Convention.

50. The Committee urges the State party to take measures to prevent and eliminate discrimination on the grounds of religion or belief and to ensure that members of religious minority groups, in particular persons of the Baha’i faith, are not persecuted, imprisoned or ill-treated on the account of their religion. The Committee also recommends that the State party review its hijab laws and regulations and ensure that the right of girls to wear or not to wear the hijab is fully respected.

Access to appropriate information

51. The Committee is concerned about the widespread censorship of information, stipulated by laws regulating the press and the Internet, which undermines the right of children to access information. The Committee is also concerned that any information, including harmless information, can be restricted in the name of national security without justification.

52. The Committee recommends that the State party review its laws and policies in order to provide children with age-appropriate information and that it take measures to ensure a reasonable balance between the threat to national security and freedom of expression.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

53. While welcoming the Islamic Penal Code of 2013 abolishing corporal punishment and the flogging of children under the age of 18 years for crimes under the ‘ta’zir’ category, the Committee remains seriously concerned that this Code retains punishment for children who have reached the legal age of criminal responsibility (9 lunar years for girls and 15 lunar years for boys) for crimes under the ‘hadiud’ and ‘qisas’ categories, with sentences involving torture or cruel or degrading treatment or punishment, which have been and continue to be applied to children. While recognizing the decree of the Supreme Leader not to have children witness public executions, the Committee is concerned about the negative impact of still-ongoing public executions witnessed by children, on their mental health and well-being. Furthermore, it is concerned at the reports that LGBTI children are subjected to
electric shocks and the administration of hormones and strong psychoactive medications for the purpose of “curing” them.

54. In light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of Sustainable Development Goal 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee strongly urges the State party to immediately repeal all provisions which authorize or condone cruel, inhuman or degrading treatment of children. It also recommends that the State party put an end to public executions, which have an irreversible negative effect on the mental health of children who witness them, by implementing the above-mentioned decree. Furthermore, the Committee urges the State party to ensure that LGBTI children are not subjected to cruel and degrading treatment such as electric shocks and the administration of hormones and strong psychoactive medications, and that those responsible for these acts are held accountable.

Corporal punishment

55. The Committee is seriously concerned that article 1179 of the Civil Code allows for “reasonable punishment of children for correction or protection purposes” and that article 158 (d) of the Islamic Penal Code of 2013 provides for the disciplining of children by parents or guardians “within normal and sharia-sanctioned boundaries”. Furthermore, it is concerned that corporal punishment is not prohibited in schools.

56. In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to review its legislation with a view to prohibiting all forms of corporal punishment irrespective of its purpose, including by parents, guardians and teachers, and instead to promote positive, non-violent and participatory forms of child-rearing and discipline.

Sexual exploitation and abuse

57. The Committee deplores the fact that the State party allows sexual intercourse involving girls as young as 9 lunar years and that other forms of sexual abuse of even younger children is not criminalized. The Committee is seriously concerned that article 1108 of the Civil Code, which obliges wives to fulfil the sexual needs of their husbands at all times, places child brides at risk of sexual violence, including marital rape.

58. The Committee urges the State party to repeal all legal provisions that authorize, condone or lead to child sexual abuse and to ensure that perpetrators of child sexual abuse are brought to justice. The State party should also increase the legal age of consent to sexual relations to 16 years. The Committee also urges the State party to increase the legal age of marriage to 18 years and to criminalize marital rape. Furthermore, the Committee recommends that the State party develop programmes and policies for the prevention, recovery and social reintegration of child victims, including child brides, in accordance with the documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Harmful practices

59. The Committee is seriously concerned about reports of the increasing number of girls aged 10 and younger who are subjected to child and forced marriages to much older men. The Committee is also concerned that although female genital mutilation is criminalized by article 663 of the Islamic Penal Code, it continues to be performed on large numbers of girls in Kurdistan, Western Azerbaijan, Kermanshah, Ilam, Lorestan and
Hormozgan. Furthermore, it is concerned about the legalization of polygamy, allowing men to marry two permanent wives and any number of temporary wives.

60. The Committee strongly urges the State party to:

(a) Develop awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders, and judges and prosecutors;

(b) Introduce and enforce national laws prohibiting all forms of child marriage and ensure that children who have been married can file a complaint on family matters such as divorce and custody of their children, and for financial compensation;

(c) Ensure that those responsible for the approval of forced and child marriage, including judges, parents, guardians, and religious or traditional leaders, are held accountable;

(d) In the light of its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, take measures to enforce article 663 of the Islamic Penal Code and to stop, effectively, the practice of female genital mutilation throughout the country;

(e) Review its legislation with a view to banning polygamy, which is contrary to women’s and girls’ dignity and infringes their human rights and freedoms, including equality and protection within the family.

F. Family environment and alternative care (arts. 5, 9-11, 18 (1 and 2), 20, 21, 25 and 27 (4))

Family environment

61. The Committee is seriously concerned about the discrimination between the treatment of men and the treatment of women including married girls below the age of 18 years, in the State party’s legislation on family relations, which recognizes husbands as the exclusive heads of households (article 1105 of the Civil Code). It is also concerned about the discrimination against girls in inheritance laws, whereby boys are entitled to twice the share of inheritance that girls are entitled to.

62. With reference to paragraph 27 of the present document, the Committee urges the State party to revise its Civil Code and all other relevant legislation to ensure equal rights of girls in family relations and provide girls with the right to inheritance on equal terms with boys. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations, and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

Children deprived of a family environment

63. The Committee deplores article 26 of the Act on the Protection of Children and Adolescents with No Guardian or Abusive Guardians of 2012, which allows for marriage between a father and his adopted child, paving the way for the sexual abuse of children in adopting families, despite the State party’s assurances that this does not take place in practice. The Committee is also concerned about the growing number of children deprived
of a family environment, especially among children belonging to ethnic minorities, whose parents have been either imprisoned or killed.

64. The Committee urges the State party to revise the Act on the Protection of Children and Adolescents with No Guardian or Abusive Guardians of 2012 in a way that prohibits any marriage or other sexual arrangements with an adopted child. It also recommends that the State party take all necessary measures to ensure the right of all children, especially children belonging to ethnic minorities, to grow up in a family environment. The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children, which are annexed to General Assembly resolution 64/142.

Children in prison with their mothers

65. The Committee is concerned that children, in particular Baha’i children, living with their mothers in prison have reportedly developed medical problems due to poor living conditions that they are subjected to in prisons.

66. The Committee recommends that the State party take measures to provide adequate living conditions in prisons for all mothers with children and that it ensure that prison has the most limited effect possible on children’s mental and physical development.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)

Children with disabilities

67. The Committee welcomes the information provided by the State party that it is in the process of including children with disabilities in mainstream schools and assessing the effects of its legislation in this regard. However, it regrets the lack of information on the extent of such inclusion and on measures taken to provide human, technical and financial support for the process. It also regrets the lack of information on the access of children with disabilities to health-care facilities and the support and assistance available to families with children with disabilities.

68. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to set up a comprehensive strategy for the inclusion of children with disabilities and:

(a) Collect data on children with disabilities and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;

(b) Set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;

(c) Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes;

(d) Train and assign specialized teachers and professionals for integrated classes providing individual support and due attention to children with learning difficulties.
Health and health services

69. The Committee is concerned that early pregnancies of girls below the age of 15 years have resulted in high rates of maternal and infant mortality, and that insufficient investment has been made by the State party in the health clinics and other facilities in remote rural areas. It is also concerned about the Bill on the Comprehensive Population and Family Excellence Plan, which places significant restrictions on accessing contraceptives and criminalizes abortion-related medical services.

70. The Committee draws the State party’s attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party take all necessary measures to prevent early pregnancies by prohibiting child marriages and providing access to contraceptives and to safe abortion, and to post-abortion care services, throughout the country. It also recommends that the State party decriminalize abortions in all circumstances and ensure that the views of the pregnant girl are always heard and respected in abortion decisions. Furthermore, the Committee recommends that the State party take measures to increase the allocation of public funds to improve the health situation of inhabitants of remote areas, focusing in particular on the health infrastructure. In doing so, the State party should seek financial and technical assistance from UNICEF and the World Health Organization, among others.

Adolescent health

71. The Committee notes that the State party advised, during the dialogue, that sexual and reproductive health information was included in school curricula in some parts of the country, but it is concerned that this information is not sufficient. The Committee is also concerned that LGBTI children have no access to information about gender identity or sexual orientation and that transgender persons are forced to undergo surgical treatment.

72. In the light of its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents throughout the country and ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections. It also urges the State party to take measures to provide LGBTI children with access to information on gender identity and sexual orientation. Furthermore, it urges the State party to put an end to forcible surgical treatment of transgender persons.

Environmental health

73. The Committee is concerned about the adverse environmental effects of the river diversion programme, sugar-cane farming and industrial pollution in Khuzestan province and about the negative impact that this has on the enjoyment by Ahwazi Arabs of their rights to an adequate standard of living and health.

74. The Committee recommends that the State party take urgent steps to counter the impact of river diversions and industrial activity in Khuzestan on agriculture and human health, which includes environmental pollution and water shortages.

Standard of living

75. The Committee is concerned about the high levels of poverty in certain underdeveloped regions. In particular, it is concerned about poor living conditions in regions traditionally inhabited by ethnic minorities, that in some cases completely lack basic services such as electricity, plumbing, sewage systems, public transport, medical
facilities or schools, which has a direct negative impact on the rights of children living in those regions.

76. The Committee recommends that the State party strengthen its efforts to further reduce poverty and extreme poverty, in particular in provinces populated by ethnic minorities, such as Sistan and Baluchestan, Khuzestan and Kurdistan. The Committee recommends that the State party take immediate steps, inter alia by increasing budgetary allocations, to improve housing and living conditions in these regions, including the provision of access to safe drinking water, adequate sanitation, electricity, transportation facilities, schools and health-care centres.

H. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

77. The Committee welcomes the progress in the area of education, including the high rate of enrolment of children in primary and secondary schools. However, the Committee is concerned about:

(a) The high dropout rates of girls in rural schools upon reaching puberty, and of indigenous Arab children;

(b) The restrictions on the right of girls to education, by court ruling, if the husband finds the wife’s education to be “incompatible with the interests of the family or with his or his wife’s dignity”;

(c) Lack of availability of education in the native languages of ethnic minorities, such as Azeri, Kurdish, Arabic and other languages;

(d) Identification, intimidation and harassment of Baha’i children in schools and the lack of access for such children to higher education;

(e) Harassment, bullying and expulsion of LGBTI children from schools for failing to observe social expectations of femininity or masculinity;

(f) Lack of female teachers in rural areas;

(g) The differences in teaching staff capacities and in the materials and equipment available, between schools in urban and rural areas.

78. The Committee recommends that the State party:

(a) Ensure that girls, including married girls, have access to primary and secondary education without any barriers, including those established by husbands, parents and communities, and raise the awareness of the public about the importance of education, in particular among indigenous Arab communities;

(b) Take measures to provide access to education based on the national curriculum in the native languages of ethnic minorities, in particular in Azeri, Kurdish, Arabic and other languages;

(c) End the practice of identifying Baha’i children in schools and intimidating and expelling children on account of their religion;

(d) Prohibit, prevent and punish the harassment, bullying, and expulsion from schools of LGBTI children;

(e) Invest in training and providing more female teachers, especially in rural areas of the country;
(f) Ensure adequate human, technical and financial resources to schools in rural areas.

Rest, leisure, recreation and cultural and artistic activities

79. The Committee is concerned that girls are severely limited in their right to take part in cultural, artistic and sports activities both within and outside schools, partly due to the enforcement of the hijab on girls from the age of 7 years. It is also concerned that women and girls are forbidden from sports stadiums as this is considered to lead to “immoral consequences”, which is in violation of article 31 of the Convention.

80. The Committee draws the State party’s attention to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, and urges the State party to stop discriminating against girls in access to these rights, and to ensure that they are guaranteed the same rights to enjoy cultural, artistic and sports activities on equal terms with boys.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d), and 38-40)

Asylum-seeking and refugee children

81. The Committee notes with appreciation that the State party is one of the largest refugee-hosting countries in the world, but regrets the lack of gender- and age-disaggregated statistics on its refugee population. The Committee is concerned that:

(a) While the State party provides access to education and health for registered refugees, those without a valid registration (Amayesh card) face difficulties in accessing all services, including education;
(b) Refugee children are forced to pay school fees, while education is free for Iranian children;
(c) Children can easily be separated from their families in the process of deportation, with no opportunity for communication or for challenging the deportation.

82. The Committee recommends that the State party:

(a) Systematically collect disaggregated data on its refugee and asylum-seeking children in order to be able to develop programmes and policies that respond to their needs;
(b) Ensure prompt registration of all its asylum-seeking and refugee children in order to provide them with access to all basic services, including health care and education for free;
(c) Ensure that unaccompanied asylum-seeking and refugee children are given guardianship, free legal assistance with immigration proceedings, and access to adequate shelter, food, health care and education;
(d) Ensure that immigration proceedings involving children are decided on the basis of the best interests of the child, and prevent separation of families during the deportation process.

Children belonging to minority or indigenous groups

83. The Committee is deeply concerned at the widespread discrimination against children from ethnic minorities, such as the Ahwazi Arab, Azerbaijani Turkish, Baloch and
Kurdish minorities. It is particularly concerned about the reports of targeted arrests, detention, imprisonment, killing, torture and execution of members of such groups by law enforcement and judicial authorities. The Committee is also concerned that children of ethnic minority groups have no access to newspapers, books and journals in their native languages and that their art and culture is under severe pressure.

84. The Committee recommends that the State party take active measures to officially recognize ethnic and linguistic minority groups and that it provide them with opportunities to learn, communicate and practise their language, art, culture and religion without any undue interference. It also urges the State party to ensure that reports of unlawful arrests, detention, imprisonments, killings, torture and executions targeted against members of minority groups, including children, are promptly investigated and the perpetrators are held accountable.

Economic exploitation, including child labour

85. The Committee notes the information provided by the State party about the work of labour inspectors in the country, but is seriously concerned about the large number of children employed under hazardous conditions, such as in garbage collection, brick kilns and industrial workshops, without protective clothing and for very low pay. The Committee is particularly concerned about the 2003 law that exempts workshops with fewer than 10 employees from labour regulations, which increases the risks of economic exploitation of children.

86. The Committee urges the State party to:

(a) Prohibit the employment of children below the age of 18 years in hazardous conditions that jeopardize physical, mental or moral health and the safety of children;

(b) Ensure that all forms of enterprises and workshops remain within the domain of labour regulations and are systematically monitored and controlled by labour inspectors for potential violations of the rights of child workers;

(c) Seek technical assistance in this regard from the International Programme on the Elimination of Child Labour of the International Labour Office.

Children in street situations

87. The Committee is concerned that some children continue to live in the streets, and are subjected to various forms of economic exploitation, use drugs, suffer from sexual abuse and exploitation by the public and police officers and are at a greater risk of HIV/AIDS infection.

88. The Committee urges the State party to:

(a) Develop a comprehensive strategy to protect children in street situations and reduce their number, including identifying the underlying causes, such as poverty, family violence, migration, and lack of access to education, with the aim of preventing and reducing this phenomenon;

(b) In coordination with NGOs and with children themselves, provide children in street situations with the necessary protection, including a family environment, adequate health-care services, the possibility to attend school and other social services;

(c) Ensure that children in street situations are not subjected to discrimination, abuse or harassment by the public and by law enforcement officials and that they are not subjected to arbitrary arrest and illegal detention;
(d) Promptly investigate complaints concerning ill-treatment and abuse of children in street situations;
(e) Support family reunification programmes if in the best interests of the child.

Sale, trafficking and abduction

89. The Committee remains concerned about the ongoing issue of the trafficking and sale of persons under the age of 18 years, particularly young girls from rural areas, facilitated by “temporary marriages” or “sigheh”, as well as the trafficking of girls from Afghanistan to the Islamic Republic of Iran, sold or sent by their families, as highlighted in the Committee’s previous concluding observations (see CRC/C/15/Add.254, para. 70).

90. The Committee reiterates its previous recommendation (see CRC/C/15/Add.254, para. 71) that the State party take all appropriate legislative and administrative measures to prevent and eliminate this phenomenon and to ensure that traffickers are prosecuted, convicted and punished.

Administration of juvenile justice

91. The Committee notes that the new Criminal Procedure Code of 2015 introduces juvenile courts and provides for the creation of a special office of prosecutors for juveniles. However, the Committee is seriously concerned that:

(a) The age of criminal responsibility, especially for girls, for whom it is set at 9 full lunar years for certain crimes, is still extremely low;
(b) The general courts maintain jurisdiction over serious and sexual crimes;
(c) Children charged with serious crimes involving the death penalty or imprisonment for more than five years cannot choose a lawyer during the initial investigation phase;
(d) Courts are not granted the power to mitigate sentences and detention;
(e) The Criminal Procedure Code does not prescribe a time limit on the pretrial detention of children;
(f) There are no procedural guarantees to preserve the privacy of child defendants;
(g) Boys are detained together with adults in small towns, and girls are detained together with adults throughout the country.

92. In the light of its general comment No. 10 (2007) on children’s rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee strongly urges the State party, as a matter of priority, to:

(a) Increase the age of criminal responsibility for girls, and ensure that girls and boys are treated on equal terms under the whole criminal justice system;
(b) Expeditiously implement the establishment of specialized juvenile courts and procedures with adequate human, technical and financial resources for all cases involving children, including those charged with the most serious crimes, designate specialized judges for children and ensure that such specialized judges receive appropriate education and training;
(c) Ensure the provision of qualified and independent legal aid to children in conflict with the law, if possible by the choice of the child defendant, at an early stage of the procedure and throughout the legal proceedings;

(d) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(e) Alternative measures to pretrial detention should be strengthened and applied as much as possible in order to ensure that this deprivation of liberty is really a measure of last resort and is for the shortest time possible;

(f) Ensure procedural guarantees to preserve the privacy of children in conflict with the law throughout the investigation and trial proceedings;

(g) In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.

93. To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Inter-agency Panel on Juvenile Justice, and seek technical assistance in the area of juvenile justice from members of the Panel and relevant international bodies.

J. Ratification of the Optional Protocols

94. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, consider ratifying the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on a communications procedure.

K. Ratification of international human rights instruments

95. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, consider ratifying the core human rights instruments to which it is not yet a party, namely the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

96. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the report for which is overdue as of 16 April 2013.
V. Implementation and reporting

A. Follow-up and dissemination

97. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third and fourth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

98. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 11 August 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee’s harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

99. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.
TAB 9
In 2019, Iran’s judiciary dramatically increased the cost of peaceful dissent, sentencing dozens of human rights defenders to decades-long prison sentences. Repressive domestic security agencies, in particular the Islamic Revolutionary Guard Corps’ (IRGC) Intelligence Organization, continue to suppress civil society activists, such as detained environmentalists, including through reported abuse and torture in detention. As broad United States sanctions impact the country’s economy and Iranians’ access to essential medicines, authorities maintain a tight grip over peaceful assembly, particularly labor-related protests.
Right to Peaceful Assembly and Free Expression

Iranian authorities brutally repressed nationwide protests that erupted after the increase of fuel prices on November 25. Video footage and eyewitness accounts that emerged after a near total government shutdown of the internet in the country show security forces directly targeting protesters who posed no threat to life. According to Amnesty International, as of December 4, at least 208 people had reportedly been killed in the protests, and a member of the parliament estimated that security forces had arrested about 7,000 people. As of December 4, the government has refused to announce the total number of deaths, and detainees remained at great risk of mistreatment.

Iran’s judiciary and security agencies continue to use vaguely defined provisions in the penal code to arrest and prosecute activists for peaceful assembly and free expression.

On January 20, authorities arrested Ismael Bakhshi, a prominent labor activist, and Sepideh Gholian, a journalist and labor activist, after they alleged that they had been tortured when they were detained in the aftermath of sugarcane factory labor protests in November 2018. On September 7, rights groups reported that branch 26 of Tehran’s revolutionary court had sentenced Bakhshi and Gholian to 14 years and 19 years and 6 months respectively for their peaceful activism. The court also sentenced Amir Amirgholi, Sanaz Allahyari, Asal Mohammadi, and Amir Hossein Mohammadifar, members of the editorial board of a labor-related online forum called Gam, who have also been detained since January, to 18 years each in prison on similar charges. If the verdicts are upheld, each of the six labor rights defenders will have to serve at least seven years of their prison sentence. In October, authorities temporarily released the labor activists until the court of appeal issues a verdict in their case.

On May 1, plainclothes police arrested at least 35 activists who had gathered in front of the Iranian parliament in a peaceful demonstration organized by independent labor organizations. Most were released on bail, but in August branch 28 of Tehran’s revolutionary court sentenced Atefeh Rangriz, an activist, and Marizeh Amiri, a journalist, both of whom have been detained on with 74 lashes and 10 years and 6 months in sentences are upheld, Rangriz and Amiri must serve
“cooperating with an enemy state.” Marzan has also been convicted of insulting authorities and sacred beliefs. If his sentence is upheld, he will serve 11 years.

In August, authorities also arrested at least 16 activists in Tehran and Mashhad who had called for resignation of Ayatollah Khamenei, Iran’s supreme leader, in an open letter.

Death Penalty and Inhumane Punishment

According to rights groups, Iran had executed at least 227 people as of November 1, compared to 253 in 2017.

The decrease in the total number of executions over the past two years is largely due to a 2017 amendment to Iran’s drug law that increased the requirements for imposing the death penalty for drug-related charges.

The judiciary also executed one person below the age 18 and at least 2 individuals who were sentenced to death for crimes they allegedly committed as children. Under Iran’s current penal code, judges can use their discretion not to sentence to death individuals who committed their alleged crime as children. However, several individuals who were retried under the penal code for crimes they allegedly committed as children have been sentenced to death again.

Iranian law considers acts such as “insulting the prophet,” “apostasy,” same-sex relations, adultery, and certain non-violent drug-related offenses as crimes punishable by death. The law also prescribes the inhumane punishment of flogging for more than 100 offenses, including the “disrupting public order” charge that has been used to sentence individuals for their participation in peaceful assemblies.

Human Rights Defenders and Civil Society Activists

Scores of human rights advocates, including Narges Mohammadi and Atena Daemi, remain behind bars for their peaceful activism.

On March 11, authorities sentenced Nasrin Sotoudeh, a prominent human rights lawyer, to 33 years in prison and 148 lashes for her peaceful activism, including defending women who
Sotoudeh, who has been detained since June 2018, will have to serve at least 12 years in prison.

Since January 2018, authorities have detained environmentalists Houman Jokar, Sam Rajabi, Taher Ghadirian, Morad Tahbaz, Amirhossein Khaleghi, Sepideh Kashani, Niloufar Bayani and Abdolreza Kouhpayeh, all members of a local biodiversity conservation group, on accusations of espionage. Another environmentalist arrested at the time, Kavous Seyed Emami, a Canadian-Iranian professor and environmentalist, died in detention in February 2018.

While Iranian authorities claimed that he committed suicide, they have not conducted an impartial investigation into his death and placed a travel ban on his wife, Maryam Mombeini, until October. During a trial session in February 2019, Niloufar Bayani stated in the courtroom that the detained environmentalists faced psychological torture and were coerced into making false confessions. Authorities have not publicly provided any evidence concerning any of the detained environmentalists’ alleged crimes, while several senior Iranian government officials have said that they did not find any evidence to suggest that the detained activists are spies.

Due Process Rights and Fair Trial Standards

On March 7, Iranian leader Ayatollah Ali Khamenei appointed Ebrahim Raeesi, who served on a four-person committee that ordered the execution of several thousand political prisoners in 1988, to lead Iran’s judicial branch. Iranian courts, and particularly the revolutionary courts, regularly fall far short of providing fair trials and use confessions likely obtained under torture as evidence in court. Authorities routinely restrict detainees’ access to legal counsel, particularly during the investigation period.

Several individuals charged with national security crimes, as well as human rights defenders Arash Sadeghi and Saeed Shirzad, suffered from a lack of adequate access to medical care in detention.

The IRGC’s Intelligence Organization continues to arrest Iranian dual and foreign nationals on vague charges such as “cooperating with a hostile state.” At least a dozen of these individuals remain behind bars, deprived of due process, and are routinely subjected to pro-government media smear campaigns.

Women’s Rights, Sexual Orientation, and Gender Identity

Iranian women face discrimination in personal status matters related to marriage, divorce, inheritance, and child custody. A married woman may not obtain a passport or travel outside the country without the written permission of her husband. Under the civil code, a husband is...
Iranian women, unlike men, cannot pass on their nationality to their foreign-born spouses or their children. However, after more than a decade of women’s rights activism, on October 2, jurists, finally approved an amended law that the Iranian parliament had passed on March 13, that now allows Iranian women married to men with foreign nationality to request Iranian citizenship for their children under age 18. A child who has already turned 18 could directly request Iranian citizenship. The law, however, required the Intelligence Ministry and the Intelligence Organization of the Islamic Revolutionary Guard Corps (IRGC) to certify that there is no “security problem” before approving citizenship.

On June 26, the Supreme Court issued a unanimous opinion that obliged the state compensation fund to pay the difference in Diya, a compensation paid to a victim’s family, between men and women in cases of death and bodily injuries.

Over the past two years, Iranian courts have handed down harsh sentences to dozens of women who protested compulsory hijab laws in Iran, as well as well-known human rights defenders, including Farhad Meysami and Reza Khandan, Sotoudeh’s husband, who supported their efforts.

On July 31, branch 31 of Tehran’s revolutionary court sentenced Yasman Ariani, her mother Monireh Arabshahi, and Mojgan Keshavarz, who were all arrested for protesting compulsory hijab laws, to 5 years for “assembly and collusion to act against national security,” one year for “propaganda against the state,” and 10 years for “encouraging and providing for [moral] corruption and prostitution.” The court sentenced Keshavarz to an additional seven-and-a-half years for “insulting the sacred.” If these sentences are upheld on appeal, each woman will serve at least 10 years of their sentence.

On August 27, the court sentenced Saba Kordafshari, a 22-year-old woman who was also arrested for protesting compulsory hijab, to 15 years in prison for “encouraging and providing for [moral] corruption and prostitution,” seven-and-a-half years for “assembly and collusion to act against national security,” and one-and-a-half years for “propaganda against the state.” If the sentences are upheld, she will have to serve at least 15 years.

On September 2, Sahar Khodayari, a 29-year-old woman who was arrested in March when she tried to enter a stadium to watch a football game, set herself on fire in front of the court after she was threatened with a six-month imprisonment. Khodayari was reportedly charged with “wearing improper hijab” and “confrontation with the police.” Her death sparked domestic and
Iranian law allows girls to marry at 13 and boys at age 15, as well as at younger ages if authorized by a judge. Efforts by a number of parliamentarians to increase the minimum age of marriage have been blocked by the judicial parliamentary commission.

Iranian law vaguely defines what constitutes acts against morality, and authorities have long prosecuted hundreds of people for such acts, as well as for consensual extramarital sex.

Under Iranian law, same-sex conduct is punishable by flogging and, for men, the death penalty. Although Iran permits and subsidizes sex reassignment surgery for transgender people, no law prohibits discrimination against them.

Treatment of Minorities

Iranian law denies freedom of religion to Baha’is and discriminates against them. Authorities continue to arrest and prosecute members of the Baha’i faith on vague national security charges, and close down or suspend licenses for businesses owned by them. Iranian authorities also systematically refuse to allow Baha’is to register at public universities because of their faith.

The government also discriminates against other religious minorities, including Sunni Muslims, and restricts cultural and political activities among the country’s Azeri, Kurdish, Arab, and Baluch ethnic minorities.

Disability Rights

People with disabilities face stigma, discrimination, and lack of accessibility when accessing social services, healthcare, and public transportation and may receive medical treatment, including electroshock therapy, without their informed consent. Local and national authorities have taken insufficient steps to address the situation.

During the 2018-2019 school year, only 150,000 out of an estimated 1.5 million children with disabilities of school age were enrolled in school, based on government figures, and more than half of them were segregated or isolated from other students. Estimates put the total number of school-age children with disabilities in Iran at 1.5 million. One serious problem...
is a mandatory government medical test that deems some children with disabilities “uneducable” and excluded them from education altogether. Other barriers include physical inaccessibility of school buildings, discriminatory attitudes of school staff, and lack of adequate training for teachers and school administrators in inclusive education methods.

The United States has increasingly targeted Iran with broad economic sanctions. While the US government has built exemptions for humanitarian imports into its sanction regime, banking restrictions have drastically constrained the ability of Iranian entities to finance such humanitarian imports, including vital medicines and medical equipment, causing serious hardships for ordinary Iranians.

In February, European Union foreign ministers adopted conclusions reaffirming support for and commitment to the Joint Comprehensive Plan of Action over Iran’s nuclear activities, and expressing concerns about the human rights situation in Iran. In April, the EU renewed for one year its targeted sanctions responding to human rights violations in Iran, which are in place since 2011.

In March and in September, the European Parliament adopted resolutions on the human rights situation in Iran, focusing on human rights defenders, women’s rights, and the situation of dual nationals in Iran. The resolutions called for the release of arbitrarily detained activists, as well as an amendment to article 48 of the country’s Criminal Procedure Law to ensure that all defendants have the right to be represented by a lawyer of their choice and to a fair trial.
China’s Global Threat to Human Rights

subtitle

Kenneth Roth
Executive Director
Two Years After #MeToo Erupts, A New Treaty Anchors Workplace Shifts
Holding Companies to Account: Momentum Builds for Corporate Human Rights Duties
As Killer Robots Loom, Demands Grow to Keep Humans in Control of Use of Force
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SUBMIT
STATE-SPONSORED HOMOPHOBIA

GLOBAL LEGISLATION OVERVIEW UPDATE

December 2019

ilga.org
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As we prepare to start a new year—and a new decade—we are proud to present our member organisations and the general public with an update of the Global Legislation Overview of the State-Sponsored Homophobia report. This end-of-year update will help us keep up to date with the progress (and the backtracking) that we have seen take place around the world in terms of sexual orientation law since the launch of the latest edition of our report.

In the last few years we have seen unprecedented progress as a result of our advocacy work at the national, regional and global level. Never before had our communities achieved such level of legal protection in so many countries around the world and we have numerous reasons to celebrate and rejoice. In more than 70 countries “sexual orientation” has been explicitly enshrined in local regulations, national laws and constitutions to protect us from discrimination. Rainbow families are being recognized in an ever-increasing number of jurisdictions and a global tendency towards decriminalisation of consensual same-sex sexual acts has now been established.

However, this is a time when being complacent about our achievements is one of the worst mistakes we can ever make. The polarizing trends that are taking place around the world in terms of sexual orientation law since the launch of the latest edition of our report.

As much as we would love to report about uncontested progress, we issue this update of the Global Legislation Overview of our State-Sponsored Homophobia report with an eerie feeling.

Soon after we launched the 13th edition of the report, Brunei shocked our communities—and the whole world—by enacting one of the most egregious pieces of legislation of the last few decades. Soon after, yet another African country joined the list of criminalising countries: Gabon. Another one has inexplicably defended and retained such laws (Kenya) and, in Asia and Africa, at least three other countries are currently considering criminalising bills which may soon see the light (Indonesia, Equatorial Guinea, and Egypt).

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2 Luz Elena Aranda is a Bisexual activist. She studied Dramatic Literature at UNAM and Ethnology at ENAH, in addition to a technical career in Production in Media and Communication at the Ansel Adams Photography School. She is the General Director of Las Reinas Chulas Cabaret and Human Rights AC and Director of the International Cabaret Festival. She has worked in different organizations, including ProDesarrollo, Finanzas and Microempresa (where she developed the theater component for the Methodology for the Incorporation of the Gender Approach in the Mexican Microfinance Institutions MEGIM), Faces and Voices FDS, AC (where she created the campaign against poverty I look, I know, I act), and Oxfam Mexico, where she was a consultant for the project Building an Integrated approach to inequality: indigenous peoples, rural populations and women victims of violence in Mexico. She obtained the Leadership Scholarship from the MacArthur Foundation through the Mexican Society for Women’s Rights AC (SEMILLAS) and the recognition “Women investing in women” by the same institution. She is part of generation 54 of the Global Women in Management program: Advancing Women’s Economic Opportunities sponsored by CEDPA and EXXON MOBIL. Since 2014 he is a member of the ILGALAC Regional Council.
Europe and North America, two regions of the world that had shown clear signs of steady progress, are failing to keep up with that trend and show distressing signs of backtracking in the form of restrictive caselaw, relentless violence, fierce opposition to legal initiatives to protect our rights, so-called “licences” to discriminate based on religious beliefs, and unseen levels of hate speech that are making headlines. Decriminalisation efforts seemed to have gone wrong in Oceania and yet no criminalising country in the region seems to be taking clear steps to support our claims. In this context, we deeply regret having to report that since March 2019 more of us have been allegedly executed for whom we love, and effectively imprisoned or arrested under existing laws in several countries.

In any case, being aware of all these intense battlefronts does not make our accomplishments any less important. We are a resilient movement and we have always been thriving even in great adversity. Our siblings in Botswana gave us all an invaluable dose of hope when they managed to scrap the legal provisions that made us all criminals in that country. Our siblings in Taiwan further reinforced that feeling of joy when marriage equality became a reality for the first time in Asia thanks to their tireless work and after courageously surviving the heavy blow of a hateful referendum that was so devastating for the local community that even claimed the lives of some of our most valued youth. More countries now protect us from discrimination based on sexual orientation in their constitutions and have legal provisions against hate crimes and incitement to hatred, violence and discrimination. The challenge with these laws will now be fighting for their effective implementation.

Now, as more and more of us organise and take to the streets for our cause, as we file well-researched lawsuits before local and international courts and as we tenaciously advocate before national governments and international organisations, we are also committing to protect one another and to take more time for self-care and healing: a much needed priority in times of vicious backlash.

We enthusiastically look forward to what lies ahead, hoping for numerous opportunities for change and improvement, but we are also realistically aware that challenges are becoming more frequent and more demanding. This realisation, far from deterring us, will lead us to outdo ourselves and achieve even more. Because our lives are at stake.

To all those involved in the production of this update, our sincere appreciation.
ILGA World is now preparing for the start of a new decade: a new strategic plan, a renovated governing structure, and new board and staff members that are coming from all corners of the world to keep up the organisation’s work and further its global leadership role on SOGIESC issues.

In line with this, in 2018 ILGA World decided to open an in-house staff position to focus on research and set up a strategy on how to better assist our member organisations — and the whole world — in having access to key data to boost and improve our advocacy efforts globally. Since then, and as anticipated by our former Co-Secretaries General in their foreword of the 13th edition of State-Sponsored Homophobia, ILGA World’s research has entered a transition stage as we devote time and effort to rethink and redesign the ways in which the information collected by ILGA World’s global office in Geneva is made available to the world.

In the last few years, information technologies have radically changed the way in which we access, produce and share information. Today, massive amounts of data are at the reach of a fingertip and have become easily available for a large portion of the world’s population. In the era of fake news and false claims against us, the real challenge lies in having access to reliable, evidence-based and up-to-date information. As our detractors become more sophisticated and aggressive in their attacks against our quest for equality, we need to develop more specific and versatile tools to better inform our efforts, our arguments and our strategies.

The development of these tools will take a considerable amount of time an effort from all our team. But because we know that many of us out there constantly need to track how the world is moving on these issues, while those new tools are being developed, ILGA World will keep updating the core sections of the State-Sponsored Homophobia report with a view towards producing more analytical research in the future.

We are very excited and looking forward to a very promising future and to all the fabulous opportunities that lie ahead in our way. It will not be simple, easy or free of difficulties, but we know it will be worth the effort.

About this update

This update to the Global Legislation Overview tracks the laws in force in all 193 UN Member States and other non-UN Member jurisdictions under four categories: criminalisation, restriction, protection and recognition.

The first category covers the provisions that criminalise consensual same-sex sexual intercourse or other kinds of same-sex sexual acts (usually captured under vague terms such as “indecency” or “immoral acts”).

Under “Restriction”, we track the laws that represent legal barriers to freedom of expression on SOGI issues and freedom of association (registration or operation of sexual orientation related (SOR) civil society organisations).

Under “Protection”, the report lists countries under six categories related to protection from discrimination at different levels (constitutional protection, broad protection and employment
protection), criminal liability for offences committed on the basis of sexual orientation, prohibition of incitement to hatred, discrimination or violence based on sexual orientation, and bans on “conversion therapies”.

Finally, under “Recognition”, we list countries under four categories: same-sex sex marriage, partnership recognition for same-sex couples, joint adoption by same-sex couples and second parent adoption by same-sex couples.

In the last section of the report, “The World at a Glance” we provide a reference chart that includes information on the laws in force in all 193 UN Member States and non-UN Member jurisdictions.

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Gabriel Galil has assisted the team in reviewing certain sections of the report. We extend our gratitude for his time and readiness to help.

Daniele Paletta, ILGA World’s Senior Communications Officer, continued to provide the team with invaluable assistance. It is thanks to his hard work and commitment that the entire world gets to know about this report.

We are also particularly grateful for the updates and feedback we received from Maria von Känel, Philipp Braun, Nacho Esteban, Simón Perera and Caleb Orozco.

In November 2019, ILGA World published a call for feedback and contributions for this update. We warmly thank all of those who replied with comments, corrections, feedback and useful comments and information. Special thanks to:

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- Tamás Dombos (Hungarian LGBT Alliance);
- Vladana Vasić (Sarajevo Open Centre, Bosnia and Herzegovina).
The second decade of the twenty-first century is coming to an end and the world map of sexual orientation law is active and changing as it has ever been. As we look back on an intense year, we realise how the dynamics of progress and backtracking are becoming more complex and more nuanced, making it impossible to reduce the multiple dimensions of this subject to one single line of analysis.

In this article we will explore the most salient developments around sexual orientation issues that took place at a global scale in 2019. Our aim is to provide our readers with a snapshot of this year’s major victories, defeats and challenges in the hope that this outlook on the current state of things will be of use in our reflections and debates to face what lies ahead.

To this aim, we will follow the structure of the legal categories covered by ILGA World, namely criminalisation, restriction, protection and recognition.

**CRIMINALIZATION**

*Keeping up with the global trend to decriminalise*

On 11 June 2019, the High Court of Botswana decriminalized consensual same-sex sexual acts. This highly expected decision was celebrated around the world as one of the major legal victories in our quest for equality in 2019.

The local human rights advocacy group Lesbians, Gays, and Bisexuals of Botswana (“LEGABIBO”) had been admitted as *amicus curiae* (“a friend of the court”) and thus became a key player in the judicial proceedings by presenting factual and legal evidence on how criminalisation perpetuates stigma, intolerance and violence against members of the LGBT community.

The unanimous decision handed down by judges Tafa, Meburu and Dube determined that the provisions that criminalised “carnal knowledge against the order of nature” were incompatible with the Constitution of Botswana and, more specifically, that they collided with its fundamental freedoms clause (Article 3), with the right to privacy (Article 9) and, most interestingly, with the non-discrimination clause (Article 15). In line with numerous precedents, the Court ruled that the term “sex” in this clause, should be “generously and purposively interpreted to include ‘sexual orientation’.”

In reaction to the ruling, the UN Independent Expert on SOGI stressed that decisions like this one show gay, lesbian, bisexual, trans and other gender-diverse people in Botswana that “they are in a country in which their dignity and integrity are valued and effectively protected under the rule of law”.

Good news also came from Hong Kong (China) when, after numerous litigation attempts, the High Court finally struck down and re-interpreted several provisions under the Crimes Ordinance that discriminatorily imposed higher penalties for offences committed by gay men.

Last, but not least, Canada equalised the age of consent for all kinds of sex when Bill C75 received royal assent, thereby eliminating a discriminatory provision on consent for anal sex that disproportionately affected non-heterosexual men.

By mid-year, encouraging news came from the Kingdom of Bhutan, where the National Assembly made a decisive step towards decriminalisation of consensual same-sex intimacy when it approved the Penal Code (Amendment) Bill by an overwhelming majority on June 10. The bill now needs to be approved by the upper house of Bhutan’s bicameral Parliament (the National Council) before it comes into force.

**Appeals lurking on the horizon**

The enthusiasm and joy that the decision in Botswana brought about was partly shadowed by the fact that the Government decided to appeal the decision shortly after. This appeal means that the provisions that were struck down by the High Court might be reinstated if the appellate decision turns out to be negative.
In at least two other cases, decisions that have decriminalised consensual same-sex sexual acts between adults have been appealed either by the State or by the Roman Catholic Church: Trinidad and Tobago and Belize. The former is a case that may even reach the Privy Council (with a potential impact on numerous Commonwealth countries); in the latter, the limited appeal filed by the State does not have the potential to reinstate the criminalising provisions. However, the Roman Catholic Church is still appealing to question the whole content of the decision.

The Roman Catholic Church has appealed the judicial decision that decriminalised consensual same-sex sexual acts in Belize

Decriminalisation efforts continue to be among the priorities of numerous ILGA member organisations in many parts of the world, but strategies and decisions as to how and when to question criminalising laws vary greatly according to region. Local organisations continue to strategise, discuss and advocate for change relying on their own expertise but also gathering internationally to share and exchange experiences on how victories were achieved in different part of the globe.

In 2019, lawsuits were filed in the Caribbean island nation of Dominica and in the African island nation of Mauritius.

In the same line, in November 2019, the Eastern Caribbean Alliance for Diversity and Equality (ECADE) announced the launch of a set of five legal challenges to criminalising laws in Barbados, Saint Kitts and Nevis, Antigua and Barbuda, Grenada, and Saint Lucia.

In Singapore, another lawsuit has been brought before local courts, adding to other pre-existing legal challenges that are currently being heard by Singaporean courts.

The excitement and hope generated by the Supreme Court of India decision in Navtej still lingers with us. Not only did this decision reduce considerably the number of people living under criminalising laws, but it also created momentum to discuss further change, as in India there is still no national law to protect people from discrimination based on sexual orientation.

On the road to the wrong side of history

For the last ten years, ILGA only had to report on countries repealing laws that criminalise consensual sexual conduct. In fact, the last edition in which we had to regrettably report that a country had decided to contravene international human rights standards to make consensual same-sex acts a criminal conduct was in 2010, after Burundi enacted a Penal Code criminalising “sexual relations with someone of the same sex.”

In March 2019 we had to report again that Chad had gone down the same lamentable path, enacting a new Penal Code with a specific provision for consensual same-sex acts.

Most worryingly, we now have to report that yet another country has followed suit. On July 5, 2019, Gabon adopted a new Penal Code that criminalizes consensual same-sex sexual relations, thus becoming the latest case of legal regression in this regard. Earlier this year, African activists Julie Makuala Di Baku and Jean Paul Enama had reported that arrests for “moral attacks” based only on the form of dressing “translating sexual orientation” were taking place in Gabon, even before this law was enacted, so now there is even less hope for improvement in the short run.

Gabon adopted a new Penal Code that criminalizes consensual same-sex sexual relations

Besides Gabon’s entry into the list of criminalizing countries, one of the most disturbing news our communities learnt this year came from Brunei. In early April, the sultanate officially announced the enactment of its Syariah Penal Code, which, among other worrying aspects, imposes the death penalty by stoning for consensual same-sex sexual acts.

The uproar caused by this Code prompted government officials to state that they would extend the existing moratorium on the death penalty to the newly enacted Criminal Code. Even though this announcement alleviated the extreme nature of the measure to a certain extent, this law is still in place and in full force, hence, there is no reassurance of non-enforcement given by any official that will relax our state of alert. Needless to say, such statements do not in any way counter or alter the abhorrent social message that a law like this sends out to the local community and to the whole world.
In one of the most lamentable events of the year, in May 2019, the High Court of Kenya upheld the country’s law criminalizing consensual same-sex sexual activity. In the aftermath of this major blow to local LGBT communities, the Government of Kenya issued a grim statement in response to a UNAIDS press release condemning this decision, declaring that the court’s decision must be respected, as it is an effective method to contain the country’s HIV epidemic, and that UNAIDS’ language is “unbecoming of a United Nations organization”.

Last, but not least, no major development seemed to have taken place with regard to decriminalisation in Oceania. In November 2019, an attempt to decriminalize same-sex sexual activity in the Cook Islands was u-turned, reportedly due to pressure from local churches.

More criminalising bills under discussion

Our communities are in state of alert and extremely concerned by the information coming from several other countries in which criminalising laws have been introduced and are being discussed in local legislatures.

Even though in Egypt consensual same-sex sexual acts are already heavily prosecuted and penalised under a number of laws forbidding “debauchery” and “scandalous acts”, a draft law that would make such acts officially punishable by a minimum prison sentence of 7 years has advanced to the Parliament’s Legislative and Constitutional Committee. While there are no updates on this bill as of December 2019, Egyptian authorities have continued arresting several people for consensual sexual activity with people of the same sex, deemed “sexual perversion” (see section below).

Secondly, in the aftermath of Gabon’s enactment of its new Penal Code, it was reported that the neighbouring Equatorial Guinea was in the process of preparing a draft bill that would also criminalize consensual same-sex sexual activity. Thirdly, a draft Penal Code introduced in Indonesia would be easily used to prosecute people on the grounds of their sexual orientation.

In Uganda, news about the possibility of the reintroduction of the bill that would, among other things, impose the death penalty for “aggravated homosexuality” (popularly known as the “kill the gays” bill) stirred anxiety both at the local level and internationally. Earlier this year, the Parliament of Uganda informed that a group of so-called “ex-gays” had petitioned the Speaker of Parliament, Rebecca Kadaga, saying that they thought the bill “would help create awareness about sexual orientation”. A few months later, the Ugandan Minister of Ethics and Integrity, Simon Lokodo, reportedly declared that there were plans to reintroduce the bill, as several MPs gave favourable opinions, expressing the need for such law. However, the plans to reinstate the bill were subsequently denied by the government.

In response to this situation, Sexual Minorities Uganda (SMUG) issued a statement and a clarion call specifically addressed to the local LGBTQI+ community and to local and international allies.

Equatorial Guinea is in the process of preparing a draft bill that would also criminalize consensual same-sex sexual activity

For its part, the European Parliament issued a resolution expressing grave concern and urged the government to stand by the statement made by President Museveni’s spokesperson.

Furthermore, SMUG’s statement and media sources coincide on the ostensible raise of violence and hostility against sexual and gender diversity in the country, including instances of brutal killings and mob attacks.

Criminalisation in armed or security forces

In parallel to criminal provisions that apply to the population at large, in many countries, armed and security forces still have internal regulations that punish consensual same-sex intimacy or establish harsher penalties for same-sex sexual interaction when sanctions are imposed on all kinds of sexual activity.

ILGA World does not yet systematically compile these discriminatory provisions, but different sources have brought a few of these provisions to our attention.

For instance, since 1998, same-sex sexual activity has been banned in the military in the Bolivarian Republic of Venezuela under Article 565 of the Military Justice Code, which proscribes “sexual acts against the order of nature”.

In South Korea, a provision amended as recently as 2013, still punishes consensual anal sex with two years’ imprisonment with labour. In July 2019, Amnesty International launched a report documenting the existence of these laws and the abuse and harassment they legitimise and urged the government of South Korea to repeal all of these discriminatory provisions still in force.
In India, LGBT people are banned from serving in the military, although not explicitly. Following the 377 decision, several high-ranking members of the army resented the Supreme Court decision, and a bill that would explicitly allow LGBT people to openly serve in the military was introduced to the Indian Parliament in December 2018. In response, the National Police spokesperson said that the decision was justified on the basis of religion and morality.

In Indonesia, a 29-year-old police officer lodged a challenge against his dismissal from the National Police on the basis of discrimination against his sexual orientation. In response, the National Police spokesperson said that the decision was justified on the basis of religion and morality.

Anything but dormant laws

It is not uncommon for government to argue that laws that criminalise consensual same-sex sexual acts are only dormant regulations that are not actually enforced. However, in 2019 ILGA was able to collect information from almost 20 countries where the State has either arrested, charged, prosecuted, sentenced, jailed and even executed individuals for crimes or allegations consisting of, or related to, consensual same-sex sexual activity. If we add to this list the number of countries in which ILGA was able to track instances of enforcement in 2018, the total rises to more than 35 UN Member States.

The following paragraphs recapitulate the extremely limited information that ILGA World was able to collect on how several UN Member States are still actively using the law and the apparatus of the State to criminalise consenting adults because of their sexual orientation. In these reports, it becomes apparent how the affronts to dignity and equality posed by the mere existence of these laws are coupled with abuse, humiliation and violence when they are actively enforced. In fact, these instances of enforcement constitute a legitimised way of translating social prejudice into destructive violence with the complicity of the law.

As a major caveat, we need to clearly state that we are aware that what we compile in this section is the tip of the iceberg: with the only exception of the official information published by the Kingdom of Morocco, the cases that we report are only those that made it to media reports or came to the knowledge of organisations or activists who document these violations.

An even greater number of these instances of enforcement regularly fly under the radar and go unaccounted for several reasons. In many countries, especially in non-urban settings, the reach of the media can be almost non-existent or marginal. Judicial systems can also be extremely opaque in many countries, and clear information on legal proceedings can be extremely difficult to access.

Due process—and even the rule of law—are highly compromised in certain parts of the world and in several countries large parts of the territory are not controlled by the central government: under these circumstances, it is almost impossible to keep track of enforcement instances.

Instances of enforcement constitute a legitimised way of translating social prejudice into destructive violence with the complicity of the law

Linguistic issues may also complicate accurate reporting as, in many countries, news reports tend to refer to consensual same-sex activity between adults using unclear, disparaging or ambiguous terms. In other contexts, when these laws are enforced, it is common practice that no formal proceedings are actually initiated and, therefore, no official record is kept. In fact, testimonies show that law enforcement agents tend to use these laws as tools to blackmail or extort victims without practising a formal arrest, let alone informing judicial authorities.

Additionally, victims rarely have the possibility to denounce arrests or unfair proceedings, out of fear of reprisals or suffering the stigma of being associated with homosexuality. Family honour codes also contribute to their almost non-existent possibilities of seeking redress.

Enforcement today

In April 2019, media reports indicated that a mass execution carried out in Saudi Arabia included 5 men who had been convicted of “homosexual acts” after they were allegedly coerced to confess. The country also arrested a gay man for posting a photo wearing shorts on social media, as well as two men for kissing in public. Shortly after, a national promo video labelled homosexuality as a form of “extremism.”

Furthermore, reports indicate that a well-known gay Kurdish singer was charged for “spreading corruption on earth” and could face execution in Iran. In June, when Iran’s Foreign Minister was asked about the execution of homosexuals in his country he simply responded: “Our society has moral principles. And we live according to these
principles. These are moral principles concerning the behaviour of people in general. And that means that the law is respected, and the law is obeyed.”55 In September, an openly gay journalist from Argentina who was visiting on holidays was arrested and denied entry in the country after being asked about this sexual orientation.56

Official records published by the government of Morocco show that a striking number of 170 individuals were charged with “homosexuality” in 2018.57

In Egypt, reports indicate that several men have been arrested for alleged “homosexual acts” during 2019.58 In January, Egyptian TV presenter Mohammed al-Ghality was found guilty of “contempt of religion” and “incitement to debauchery” and sentenced to one year in prison for interviewing a gay man on his TV show.59 In March 2019, Egyptian authorities arrested Malak al-Kashif, a female transgender activist, who was subjected to forced anal examinations and kept in a prison for male inmates.60

Convictions on the grounds of sodomy in Tunisia have reportedly been on the rise.61 In early 2019, media outlets reported that a 23-year-old Tunisian man who had been raped was subjected to a judicial forced anal examination upon reporting the crime. However, he was eventually sentenced to six months in prison on charges of “homosexual conduct”.62 Shams, the country’s leading LGBT organization, sent a letter to Tunisia’s Head of Government asking for the young man’s acquittal.63 According to All Out, the Court of Appeals upheld the conviction in May, but lawyers managed to have him released on parole shortly after.64

In late-November, the Lusaka High Court in Zambia affirmed a 15-year prison sentence imposed on two gay men for having consensual sex.65 The couple had been found guilty for “acts against the order of nature” by a lower court in August 2018 after being reported to the police by an employee of the hotel where they were staying. Forced anal examinations were conducted on the accused as an evidentiary requirement.66 A few days after the decision was published, the Young African Leaders initiative (YALI) expressed that the couple had been given “leniency” by the sentencing judge, “who administered the minimum sentence of 15 years when he could have opted for the maximum life imprisonment” as allowed by Zambian laws in force.67

In Senegal, a man was sentenced to six months in prison for consensual sex with another man in late 2018. He was arrested and sentenced after a video showing him having sex with another man went viral in Dakar. The woman who filmed them without their knowledge, and then shared the video, was sentenced to 2 years (3 months effective) for distribution of content against morality.68 LGBTI group Arc-en-Ciel Senegal pointed out that the “hunt” for sexual minorities in the country had increased considerably in late 2018.69

Similarly, two men were reported to the police by their family members in Sierra Leone, after being caught having sex in their house. The couple was able to escape and managed to leave the country before they were arrested. As of November 2019, their location is uncertain.70

In November 2019, the Nigerian police arrested two women rumoured to be in a couple in the city of Edo and declared a “war” on lesbians.71 In the lack of protective laws, LGBT people in the country are harassed and humiliated with total impunity.72

In August 2019, donors and activists joined forces to achieve the early release of a gay man who was serving a three-year sentence for homosexuality in Cameroon.73

A Court in Zambia affirmed a 15-year prison sentence imposed on two gay men for having consensual sex

In September, 3 gay men were arrested in Kenya for consensual same-sex acts.74 In April, following calls from local residents and religious figures, State authorities issued a warning and vowed to prosecute the allegedly growing number of individuals engaging in public displays of affection (PDA) with people of their same sex in the town of Juja, Kiambu County.75

In the weeks following the announcement that harsher legislation would be revived in Uganda (see subsection above for more details), 16 men were arrested on suspicion of homosexuality.76 In November 2019, 125 people were arrested and 67 imprisoned for “nuisance” in a bar, but rights activists said it was a bid to intimidate the LGBT community. Local reports indicated that detainees were brutally thrown into patrol cars, beaten and dragged, and kept locked in inhumane conditions.77 The Ugandan police reportedly performed at least 16 forced anal examinations among those who remained in detention.78

In Malaysia, five men were jailed for “attempting intercourse against the order of nature”, and four of them were subsequently caned.79 In November, two Vietnamese men, aged 22 and 29, pleaded guilty and were consequently fined by a local Court for “immoral activities” in a hotel room in Penang, Malaysia. The couple had been arrested by the
State Immigration Department several days before.80

In Turkmenistan, a 24-year-old doctor, Kasymberdy Garayev, disappeared for several days after he was summoned to a police station in Ashgabat on October 24.81 According to reports, he was summoned after he shared his experience as a gay man with a local media outlet, hoping that by telling his story he could help others in Turkmenistan who were in a similar situation.82 During the interview, he also explained how he had been entrapped by an undercover police officer in 2018: after corresponding with him online he was arrested upon meeting with him at a public place, taken to a police station, humiliated and tortured.83 Even though he had used a pseudonym for the interview, he was located by Turkmen authorities a few days later, after the security service launched a search in the health sector in Ashgabat. In response to his disappearance, Amnesty International issued a call for urgent action.84 Garayev finally reappeared a few days later and retracted from all of his previous statements.85 The Turkmen authorities then demanded all medical personnel to get tested for STIs, after deeming Garayev as immoral and a dishonour to the medical profession.86

Chechnya – the plight goes on

In May 2019, Human Rights Watch issued an updated report on the critical situation in Chechnya.87 At least 23 gay men are said to have been arrested by the local police and being subjected to abuse, electroshock torture, and even rape.88 Since the beginning of the region’s crackdown on the LGBT community in 2017, over 70 people have found refuge in Canada and Western Europe.89

Also since then, unknown people identifying as Chechen police officers have been regularly contacting activists of the Russian LGBT Network and uttering death threats, ostensibly due to the organisation’s work with Chechen LGBT survivors. Notably, on May 17, seven unknown people (three of them Chechens) broke into the apartment of one of the volunteers working with the organisation. Four of the men said they were police officers but refused to identify themselves.90 The men were apparently looking for the Emergency Help Program coordinator, who had been a vital element in the escape of several survivors of the persecution in Chechnya. In May 2019, the case of a survivor was brought before the European Court of Human Rights.91

RESTRICTION

Criminalisation of consensual same-sex sexual acts is by no means the only legal tool that hostile States embrace. State-sponsored prejudice against sexual diversity can also take the form of illegitimate barriers to certain human rights based on provisions of law.

These barriers—either explicit or otherwise—not only constitute effective obstacles for the exercise of rights today, but they also severely curtail any prospect of change for the future, as they usually attack three key rights that are instrumental to any advocacy activity: the right to freedom of expression, freedom of peaceful assembly and freedom of association.92 In 2019, numerous states have enacted new legal barriers while others have continued to enforce existing ones. The following is only an enumeration of the main instances of restriction of rights that ILGA World could identify throughout the year.

Attacks against organisations

In March 2019, ILGA World found that at least 41 UN Member States have introduced or interpreted legal provisions to restrict the possibilities of registering or running NGOs that work on sexual orientation issues.93 The justification for these restrictions is usually on the basis that these organisations’ activities are “illegal”, “immoral” or “against public interest”. On top of these legal impediments, several States have continued to actively ban or question the activities of organisations.

All LGBTQ-related activities were banned by the Palestinian Authority in the West Bank

In August, all LGBTQ-related activities were banned by the Palestinian Authority in the West Bank.94 As reported by alQaws, a local LGBT organisation, the spokesperson for the PA police issued a statement declaring that they prohibited any event organised or held by alQaws for gender and sexual diversity in Palestine, on the basis that they go against “traditional Palestinian values”, and accused the organisation of being “foreign agents”. Furthermore, the police called on citizens to report any “suspicious” activities.95 Soon after the statement was released, persecution and threats increased considerably.96
Among the organisations whose work was in line with the current administration’s values”, the country’s NGOs whose work was allegedly “not contrary to our religious dictates and our society’s Arabic and Islamic culture.” This was the government’s seventh attempt to disband the human rights organisation. On May 20, the Tunis Court of Appeal ruled in favour of Shams.

In September, a court in Russia ordered the disbandment of the Russian LGBT Network and the Russian LGBT Community because their posts on social media “deny family values, propagate non-traditional sexual relations and cause disrespect to parents and other family members.” The Russian LGBT Network announced their intention to appeal to the St. Petersburg City Court.

In Tanzania, the shrinking of the civil society space has continued to impact groups working on LGBTQ issues, including police raids of meetings and workshops, arrests of participants, and the destruction and confiscation of property. In the same line, media reports indicate that in November 2019, the Ugandan government shut down 73% of the country’s NGOs whose work was allegedly “not in line with the current administration’s values”. Among the organisations whose work was terminated were NGOs working on LGBT issues.

In Zambia, a Member of Parliament raised a motion to ban all political parties supporting LGBT rights in the country. Even though the initiative appeared to be politically motivated, the discussion in Parliament led to crossed accusations which included extremely hostile speeches demonising sexual and gender diversity.

Restriction of parades and events

Restrictions imposed by governments on the right to peaceful assembly not only hinder advocacy and visibility efforts but they also legitimate social prejudice against sexual and gender diversity. These barriers deny our right to gather, to come together, to demonstrate and to empower our communities.

In Ankara, Turkey, LGBT public events have been banned since November 2017. In April 2019, the 12th Administrative Court lifted this ban, but in November, 19 activists were charged with “participating in unlawful assembly” after attending a Pride march at the Middle East Technical University campus. The case was adjourned to 12 March 2020, but the defendants face up to 3 years in prison if convicted. In Istanbul, the frequency and violence of similar attempts to disband LGBT events have also increased. On June 30, police fired tear gas at attendants of Istanbul Pride, which was being held in defiance of authorities after being banned for the fifth year in a row. In August, the Turkish police, armed with water cannon and riot vehicles, forced the cancellation of the “Queer Olympix” LGBTQ sports festival in Istanbul moments before it was set to begin. Pride marches were also banned in the southern province of Mersin, as well as in the cities of Antalya and Izmır, by their respective governors. In the latter city, a court suspended the ban a few days later, but this did not stop police from intervening in the march and detaining 17 to 20 people.

In September 2018, General Security officers attempted to unlawfully shut down a conference on gender and sexuality in Lebanon and took names of all conference participants from the hotel registry, including those from countries with severely hostile anti-LGBT legislation. Human Rights Watch raised a complaint before UN human rights officials, but in August 2019, the organisation reported that participants of the conference had been banned from re-entering Lebanon. General Security justified its decision on grounds of “state security” and “protecting society from imported vices” that “disrupt the security and stability of society.”

The local police, armed with water cannons and riot vehicles, forced the cancellation of an LGBTQ sports festival in Istanbul

In October, after a long battle, the organisers of Montego Bay Pride in Jamaica were granted permission to host a forum at the Montego Bay Cultural Centre. However, their permission was ultimately revoked by a local court and the event could not be held.

In Russia, a theatre festival was banned for promoting “hatred against men and non-traditional family relations” under the law that prohibits “gay propaganda”. In August, at least 11 LGBT activists were detained at an unauthorised Pride event in Saint Petersburg. In late September, the Mayor of the Hernandarias district, Paraguay, signed a resolution banning an LGBT pride parade in his jurisdiction. Amnesty International filed an unconstitutionality action against the aforementioned resolution before Paraguay’s Supreme Court of Justice.

In May, several people were arrested in Cuba for holding a pride march in Havana that had not been
authorised by the government. A few days prior, the Organising Committee of the twelfth edition of the Cuban Conferences against Homophobia and Transphobia announced that Cuban Conga against Homophobia and Transphobia would not be held in 2019. While Cenesex explained that there were indications that foreign organisations were planning to use the Conga to oppose the Cuban government, speculations on the unexpected change in the program referred to an increasing influence of the Catholic and Evangelical churches in the country’s politics.

On occasion, hostile countries cancel events or ban the entry of people whose presence in the country would allegedly “undermine local values”. For instance, in October, the government of Kuwait cancelled a performance by a Korean pop band based on rumours that the band’s members were gay, thus going against Kuwait’s alleged morals and values. In Zambia, openly gay South African media personality Somizi Mhlongo was banned from attending an event in Lusaka because he could “tear the country apart” and undermine its morals.

Attacks on freedom of expression

Effective enjoyment of the right to freedom of expression—including both the possibility of disseminating and having access to ideas—is a fundamental requirement to advocate for change, to share critical ideas and to debunk myths, stereotypes and preconceptions, among many other elements that are key components of our strategies. In 2019, numerous governments continued to enforce restrictive laws and policies that impaired or obstructed the possibilities of openly speaking or sharing unbiased information about sexual orientation issues.

An Iranian activist was prosecuted and charged with “collusion against national security by normalising same-sex relations”

In Russia, more activists have been charged under Federal Law No 135-FZ, commonly known as “anti-gay propaganda law”. In July, Alexander Yubors was charged with spreading “homosexuality propaganda among minors” after participating in a series of activities focused on the rights of LGBT people. In September, the Ural State University of Economics (USUE) reportedly threatened a student with expulsion after his pink phone case and membership in pro-LGBT social media groups fuelled suspicions about his alleged sexual orientation.

In February, Iranian activist Rezvaneh Mohammadi was prosecuted and charged with “collusion against national security by normalising same-sex relations”. As 6Rang reports, she was interrogated for 26 days and later transferred to a women’s ward. This appears to be the first time that an activist faces such an accusation in Iran with the possibility of being sentenced to up to five years imprisonment.

In February, the Ministry of Religious Affairs and National Guidance of Zambia ordered the cancellation of a television programme for allegedly “promoting homosexuality”. Justifying the measure, Minister Godfridah Sumaili stated: “Our stand as a Christian nation is clear and the laws of the land speak louder.”

In Brazil, national and local authorities ordered the cancellation and terminated the funding of a number of artistic displays and materials (such as films, books, seminars, performances, and television series) addressing LGBT-related topics. In Rio de Janeiro, the mayor censored the display and sale of a comic book containing a same-sex romance on the pretence of the “protection of the children.” The Supreme Court considered the mayor’s act discriminatory and ordered its suspension. President Jair Bolsonaro declared that these actions did not constitute censorship, but were merely an attempt to “preserve (Brazil’s) Christian values”, and described funding for LGBT-related screenplays as “throwing money away”. Right after his statement a funding procedure for four LGBT-related movies was suspended.

In numerous countries, films with references to same-sex relations were censored. The British-American film “Rocketman”, based on the life of Sir Elton John, was completely banned or heavily cut at least in Samoa, Russia, Malaysia, Egypt and the Cook Islands. Responding to questions from a media outlet, the Ministry of Justice and Courts Administration Principal Censor of Samoa explained that the film contained “acts that are not good for public viewing, and against the law.”

In China, it was reported that the film “Bohemian Rhapsody” would only be released after scenes of same-sex couples kissing were removed from the film. Only a few days earlier, Mango TV, a local
TV streaming service, had reportedly substituted the phrase "gay man" with "special group" in its subtitles of actor Rami Malek’s speech at the Academy Awards Ceremony.147

In Indonesia, several films and other artistic materials with LGBT-related content have also been censored under the argument that "they could damage the morale of Indonesia’s young generation".148 In June 2019, the head of Indonesia’s National Population and Family Planning Agency (BKKBN) referred to homosexuality as "a disease" and labelled LGBTI citizens the "main enemy of national development".149

PROTECTION

During 2019 more laws against discrimination based on sexual orientation were enacted in some UN Member States.

Constitutional protection

In most countries around the world, the level of protection granted by a constitutional clause is usually the highest possible. This is so because constitutions are regularly set at the summit of the normative hierarchy, meaning that the entire legal framework of a country should abide by it. In other words, no law or regulation can contravene what is written in the constitution. However, it should be noted that the inclusion of an antidiscrimination clause in the Constitution explicitly including “sexual orientation” does not automatically translate into full equality.

For example, prohibitions of incitement to hatred or violence, legal protections for same-sex unions or adoption rights will require the enactment of specific laws providing for those particular rights. In any case, advocating for those laws when there is a constitutional clause prohibiting discrimination based on sexual orientation should, in principle, be considerably easier.

The list of countries that have explicitly included protection against discrimination based on sexual orientation in their constitutions now includes Cuba and San Marino, raising the total number to 11 UN Member States.150

In early 2019, Cuba went through a legislative process by which the constitution was heavily reformed. Among the new provisions is an antidiscrimination clause that explicitly forbids discrimination based on sexual orientation.

Likewise, San Marino made a constitutional amendment to include sexual orientation among the prohibited grounds of discrimination.

Protections against discrimination

A total of 57 UN Member States have laws that protect people from discrimination based on sexual orientation in the provision of goods and services, education, health and employment.

In late 2018, the Federated States of Micronesia amended Section 107 of its penal code to forbid the enactment of any law that is discriminatory towards LGB people.

In Kosovo—where constitutional protection has existed since 2008—the new Penal Code enacted this year makes it a crime for anyone to deny or restrict any of the rights defined by the Constitution, the law or any other provisions based on their sexual orientation (among other grounds).

North Macedonia enacted the Law on Prevention of and Protection against Discrimination, which offers broad protections against discrimination on the grounds of sexual orientation.

The list of countries that have explicitly included protection against discrimination based on sexual orientation in their constitutions now includes Cuba and San Marino

Adding to the protection afforded by the constitution and other laws, in September, the Portuguese Parliament passed Law No. 83/2019, which forbids discrimination on the basis of sexual orientation in housing.

As we reported earlier this year, in January 2019 Angola made considerable progress on legal protections against discrimination. The Penal Code that repealed the provisions that criminalised consensual same-sex sexual acts included broad protections against discrimination.

In the United States of America—where protections against discrimination vary greatly in each state—151 the Supreme Court announced it would discuss and deliberate whether LGBT employees are protected by currently existing federal employment discrimination laws.152 Meanwhile, the governors of Kansas and Ohio signed executive orders to protect LGBT state employees from discrimination within their respective jurisdictions.153 Indeed, as of October 2019, half of LGBT adults in the USA lived in states
Protection from so-called “conversion therapies”

A number of subnational level bills banning so-called “conversion therapies” were enacted throughout 2019, notably in the United States of America.

In effect, this harmful practice was effectively outlawed in the states of Colorado, Maine, Massachusetts, and New York, as well as in Puerto Rico. Furthermore, on August 2, Gov. Roy Cooper signed an executive order to forbid public funding for “conversion therapy” for minors in North Carolina. The state of Utah, USA, is set to approve a bill to ban “conversion therapy” in January 2020. Similar bills are pending or soon to be introduced in Canada (federal), France, Germany, and Poland, among others.

In late November, a bill that would have punished performers of “conversion therapy” with up to three years in prison was initially approved by the State Congress of Jalisco in Mexico. However, discussion of this bill was adjourned until January 2020 due to pressure from socially conservative groups.

Brazil: Court battles against the ban on “conversion therapies”

Brazil was the first UN Member State to enact a nationwide ban by means of a resolution issued by the Federal Council of Psychology (known for its acronym in Portuguese as “CFP”). The CFP resolution faced resistance from the moment it was issued in 1999, especially from the Organisation of Christian Psychologists and Psychiatrists (locally known as CPPC - Corpo de Psicólogos e Psiquiatras Cristãos) known for their pathologizing views on “healing homosexuality.”

In one of the rare instances of enforcement, in 2009, the CFP punished Rozângela Alves Justino, a Christian psychologist, with public censure. Since then, Justino has led several lawsuits at the local and federal level in repeated attempts to have Resolution 1/99 repealed or partially invalidated. Additionally, as she continued to offer conversion therapies, the CFP finally revoked her license in 2017. Later on, Justino became an adviser for MP Sóstenes Cavalcante (DEM-RJ) in the Federal Chamber of Deputies.

As a result of an actio popularis filed by Justino in the Federal District, two conflicting judicial decisions were issued in 2017 by a federal judge, questioning the interpretation of the ban and opening the door for psychologists to offer confidential “sexual reorientation”.

In 2019, a member of the Supreme Federal Tribunal (STF) issued an interim decision to suspend the effects of the lower federal magistrate, thereby reinstating the ban in full force. The case is still pending before the Supreme Federal Tribunal.

Backtracking in protection?

Despite this encouraging news, unsettling information came from countries in which legal safeguards are already in place: Switzerland and South Korea.

Article 8 of the Swiss Constitution includes the expression “way of life” as a prohibited ground of discrimination. Even though this expression had been largely interpreted as encompassing “sexual orientation”, in 2019 the Swiss Federal Court issued a judgment saying the Equality Act does not include “homosexual persons” and, therefore, there would not exist protection against discrimination based on sexual orientation.

In November 2019, members of the South Korean National Assembly proposed an amendment to the National Human Rights Commission Act (one of the few laws explicitly mentioning “sexual orientation”) to eliminate the term “sexual orientation” as a protected ground against discrimination. The bill would also restrict the definition of “gender” to gender assigned at birth. Amnesty International labelled this initiative “a shameful amendment.”

RECOGNITION

Same-sex marriage

In 2019, more jurisdictions legalised same-sex marriage, both by means of judicial decisions or laws enacted by local legislatures.

Taiwan’s same-sex marriage victory was one of the most celebrated achievements in 2019

On May 24, 2017, the Constitutional Court of Taiwan issued Judicial Yuan Interpretation No. 748, which asserted that the Civil Code’s clauses pertaining to marriage were unconstitutional and gave the Parliament two years to grant marriage rights to same-sex couples. Despite this constitutional interpretation, Christian groups in Taiwan were able to garner enough support to conduct a referendum on November 24, 2018, for
Taiwanese voters to either accept or reject marriage equality, *inter alia*. With roughly 3 million people voting in favour of same-sex marriage and 7 million people voting against it, the referendum was unfavourable for LGBT people, causing severe mental health issues, such as suicidal ideation, to a significant number of members of the Taiwanese LGBT community. Notwithstanding the negative precedent set by the referendum, a draft bill to enforce Judicial Yuan Interpretation No. 748 was approved by the Executive Yuan on May 17, 2019. After its due process, same-sex marriage in Taiwan thus became legal on May 24. Taiwan’s victory was one of the most celebrated achievements in 2019, especially after the negative outcome of the 2018 referendum, and raised hopes for further progress in the region.

In Ecuador, following the publication of two Constitutional Court rulings from June in the official gazette, same-sex marriage became legal on July 8. The decision in Ecuador largely follows the standards set by the Advisory Opinion issued by the Inter-American Court of Human Rights, adding yet another victory to its legacy.

Throughout 2019, same-sex marriage was also legalised in several states of Mexico (Baja California Sur, Hidalgo, Nuevo León, Oaxaca, and San Luis Potosí). On the other side of the Atlantic, on October 21, legislation came into force requiring Northern Ireland to legalise same-sex marriage. In January 2020, Northern Ireland will become the last constituent country of the United Kingdom to extend marriage to same-sex couples. On March 29, same-sex marriage in the Cayman Islands (an autonomous British Overseas Territory in the western Caribbean Sea) was legalised, in line with a call for action by the House of Commons Foreign Affairs Committee for all British Overseas Territories (OT) to do so. However, this legalisation was reversed after a government appeal in November.

On a similar note, the city of Yokohama in Japan began issuing certificates recognising same-sex partnerships on December 2.

**Assisted Reproduction**

In October 2019, the French National Assembly approved in vitro fertilization (IVF) for lesbian couples and single women. Nonetheless, this initiative is yet to receive approval at the Senate, which is set to debate the issue in January 2020. Conversely, in June 2019, the Constitutional Court of Italy ruled that assisted fertilization was not a right for same-sex couples and may be legally refused.

**Our Families are Not Welcome Here**

In contrast to the progress achieved in several parts of the world in terms of protections for our families, some countries are moving in the opposite direction. In July, Russia’s Investigative Committee launched a criminal case against officials who allowed a man cohabiting with another man to adopt children in 2010. The incident began when one of the man’s two adopted boys, 12 years old, was taken to a Moscow hospital with a stomachache and a doctor called the police after the boy mentioned that he was living with two fathers. In May 2019, the Zimbabwe Cabinet approved a bill to ban same-sex marriages, in line with the national Constitution.

Likewise, on October 17, the National Assembly of Panama approved a constitutional amendment that defines marriage exclusively as the union between one man and one woman. This led to heated protests by LGBT activists in the country, and while there are no further legal updates as of December 2019, the Panamanian President has declared that his government will petition to revoke the discriminatory articles within the constitutional amendment.

In Mexico, the state congresses of Sinaloa (in June), Yucatán (in July), Zacatecas (in August), and Puebla (in October) rejected proposals to amend their local legislation to allow same-sex couples to marry, despite the fact that the National Supreme Court of Justice considers same-sex marriage bans unconstitutional.

In the same month, the Minister of Home Affairs and Immigration of Namibia declared that Namibia would remain firm in its non-recognition of same-sex marriages, in spite of a recent decision to grant a permanent residence permit to a South African woman married to a Namibian woman.
In August, following the legalization of same-sex marriage in Taiwan, and despite pressure from activists, a spokesperson of the Chinese Parliament declared that the People’s Republic of China would remain firm in its limitation of marriage to a man and a woman. Similarly, in October, Hong Kong’s Court of First Instance ruled against a lesbian activist that had challenged the city’s ban on same-sex unions.

**UN Eyes set on the Venezuelan Crisis**

The UN High Commissioner for Human Rights has been paying special attention to the ongoing crisis in Venezuela. In a recent report, she indicated that, even though key economic indicators began to decline dramatically well before 2017, the economic and social situation continued to rapidly deteriorate in 2019, limiting the enjoyment of economic and social rights of millions of people. In this context, hyperinflation is affecting the ability to purchase basic foods, medicine, and other essential goods.

The UN High Commissioner has also expressed concern about recent actions taken to pass a law that criminalizes activities of domestic human rights organizations that receive funds from abroad. She stressed that “this law, if passed and applied, would further reduce the democratic space.”

Among the most serious consequences of the ongoing crisis, especially for LGBTI people, is the current lack of access to all types of contraceptives, with several cities facing a 100% shortage, increasing the risk of contracting HIV. In this regard, UNAIDS has indicated that HIV treatment coverage “has plummeted” in Venezuela and people living with HIV are emigrating to other countries to seek access to HIV treatment and other health-related care.

In light of the scale of the migration process triggered by the crisis, the Regional Inter-Agency Coordination Platform was established pursuant to the request by the UN Secretary-General to UNHCR and IOM in 2018. In fact, the exodus of Venezuelan nationals is already the largest in the modern history of Latin America: it is estimated that there will be 5.3 million refugees and migrants from Venezuela by the end of December 2019. The Platform has identified LGBTI people among those exposed to higher risks of being victims of sexual assault, trafficking networks for sexual exploitation and survival sex, as well as HIV/AIDS, other sexually transmitted infections and ostracism by family and communities. Additionally, this massive emigration phenomenon has generated a sensitive reduction of the number of LGBTI activists involved in advocacy in the country.

In June 2019, civil society organizations from all over the region reacted to this complex situation by creating the First Regional Network for the Protection of LGBTI + Refugees, asylum seekers and migrants from Latin America and the Caribbean.

In 2016, during its second cycle UPR, the State of Venezuela admitted that protecting the rights of Venezuelans of diverse sexual orientation and gender identity was still a “major challenge.” Several UN Treaty Bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, had previously warned about the lack of comprehensive legislation protecting people based on their sexual orientation and gender identity and urged the State to take action in this regard. Despite this, no laws have been enacted since then.
Notes & Sources

1 Lucas Ramón Mendos is ILGA World’s Senior Research Officer.

2 Enrique López de la Peña is ILGA World’s current Research Intern. He earned his Bachelor of Arts in Political Science, with minors in Linguistics and Arabic, from New York University Abu Dhabi in May 2019. In 2017, he served as the International Press Manager for TLVFest (the Tel Aviv International LGBT Film Festival). He has conducted research on areas such as political psychology, international conflict resolution and prevention, diversity, interculturalism, and LGBTQ rights. His undergraduate thesis project, titled “Perspective Taking to Reduce Implicit Homophobic Behaviour in Mexico”, was a survey experiment aiming to discover whether fostering empathy towards LGBTQ people among Mexican adults could increase their displays of solidarity towards the LGBTQ community.


4 Expectations increased considerably after a set of delays postponed the hearings and the final date of the decision. See: Roberto Igual, “Botswana | Frustration as decriminalisation case postponed”, Mamba Online, 4 June 2018.

5 “LM v Attorney General of Botswana: Challenging Criminalisation of same-sex Sexual Relationships: Fact Sheet”, Southern Africa Litigation Centre (website); See also: Khany Grant and Anneke Meerkatter, “The law needs to change, we want to be free”: The impact of laws criminalising same-sex relationships in Botswana (United Nations Development Programme, Southern Africa Litigation Centre & Lesbians, Gays and Bisexuals of Botswana, 2018).

6 With regard to the provisions criminalising “indecency” (Section 167) the Court held that it was unconstitutional “to the extent that it applied to acts committed in private” and therefore decided to sever the word ‘private’ from the provision.


10 High Court of the Hong Kong Special Administrative Region, Yeung Chu Wing v. Secretary For Justice (2019) HKCFI 1431, 30 May 2019. See also: Chris Lau, “Victory for Hong Kong’s LGBT community as High Court abolishes four offences that criminalise sex between men”, South China Morning Post, 30 May 2019.


15 “Trinidad and Tobago may backtrack on gay sex and this is how to stop it”, Gay Star News, 12 April 2019.

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Consensual Same-Sex Sexual Acts: LEGAL

Highlights

123 UN Member States
64% UN Member States

<table>
<thead>
<tr>
<th>Region</th>
<th>Consensual Acts</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFRICA</td>
<td>21 /54</td>
<td>39%</td>
</tr>
<tr>
<td>LAC</td>
<td>24 /33</td>
<td>73%</td>
</tr>
<tr>
<td>NORTH AMERICA</td>
<td>2 /2</td>
<td>100%</td>
</tr>
<tr>
<td>ASIA</td>
<td>20 /42</td>
<td>52%</td>
</tr>
<tr>
<td>EUROPE</td>
<td>48 /48</td>
<td>100%</td>
</tr>
<tr>
<td>OCEANIA</td>
<td>8 /14</td>
<td>43%</td>
</tr>
</tbody>
</table>

Introduction

This section presents annotated entries on the 123 UN Member States where consensual same-sex sexual acts are not criminalised. Information on several non-UN Member jurisdictions is also included.

Some of these States never contained a criminalising provision in their Penal Codes, while others consciously removed the relevant law, initiated within parliaments or by the imperatives set by courts of law.

NOTE Legality of same-sex sexual acts cannot be read as evidence of a safer living environment for people with diverse sexual orientations or gender identities or expressions. In many of the States listed below, social stigmatisation of people who are perceived as non-heterosexual or non-cisgender remains alarmingly high. In fact, in many of them, early decriminalisation dates can be explained by historical reasons completely unrelated to activism or lower hostility towards non-heterosexual forms of sexuality.

What does International Human Rights Law say?

Everyone has the right to be free from criminalisation and any form of sanction arising directly or indirectly from that person’s actual or perceived sexual orientation, gender identity, gender expression or sex characteristics.

Yogyakarta Principle 33.

States shall repeal criminal and other legal provisions that prohibit or are, in effect, employed to prohibit consensual sexual activity among people of the same sex who are over the age of consent.

Yogyakarta Principles 2(b) and 6(b).
## Africa (21)

<table>
<thead>
<tr>
<th>No.</th>
<th>Country</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Angola</td>
<td>2019</td>
<td>In January 2019, Angola enacted a new Penal Code that does not criminalise same-sex sexual acts. Angola started the revision of its criminal law in 2004 through a presidential order that created the Commission for the Reform of Justice and Law. This commission mandated, among other things, the drafting of a new Penal Code for the country.¹</td>
</tr>
<tr>
<td>2</td>
<td>Benin</td>
<td>1877</td>
<td>The Penal Code of Benin does no criminalise consensual same-sex sexual acts between adults. A number of amendments trying to criminalise have failed to pass into law. Since 1947, article 331 of the Penal Code sets the age of consent for different-sex sexual activity at 13 but at 21 for same-sex consensual activity.</td>
</tr>
<tr>
<td>3</td>
<td>Botswana</td>
<td>2019</td>
<td>On 11 June 2019, the High Court of Botswana decriminalized consensual same-sex sexual acts.² The decision determined that the provisions that criminalised &quot;carnal knowledge against the order of nature&quot; were incompatible with the Constitution of Botswana³ and, more specifically, that they collided with the right to privacy (Article 9) and the non-discrimination clause (Article 15).⁴ In line with numerous precedents, the Court ruled that the term &quot;sex&quot; in this clause, should be &quot;generously and purposively interpreted to include 'sexual orientation',&quot;⁵</td>
</tr>
<tr>
<td>4</td>
<td>Burkina Faso</td>
<td>1960</td>
<td>Prior to and since independence from France in 1960, Burkina Faso has no law outlawing consensual same-sex sexual acts for men or women in its Penal Code.</td>
</tr>
<tr>
<td>5</td>
<td>Cape Verde</td>
<td>2004</td>
<td>The Penal Code does not criminalise consensual same-sex sexual acts between adults. However, before it came into force, Article 71 of the now-obsolete 1886 penal code provided for &quot;security measures&quot; for people who habitually practice &quot;vice against the nature&quot;.</td>
</tr>
<tr>
<td>6</td>
<td>Central African Republic</td>
<td>1961</td>
<td>Since independence from France, the Penal Code of the CAR has not outlawed consensual same-sex sexual acts between adults in private. However, article 85 criminalizes &quot;acts against nature committed in public&quot;, defining them as &quot;attacks on public morals&quot; and imposing harsher penalties compared to other attacks on morals. Local CSOs indicate that these provisions have been used to blackmail and arbitrarily arrest LGBT people.⁶</td>
</tr>
<tr>
<td>7</td>
<td>Congo</td>
<td>1940</td>
<td>In the Republic of Congo Brazzaville, the text of the Penal Code (as amended in 2006), only prohibits same-sex sexual behaviour with a person younger than 21 years, while the age of consent for different-sex is 18.</td>
</tr>
</tbody>
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¹ Presidential Order No. 124/12, 27 November 2004.
³ With regard to the provisions criminalising "indecency" (Section 167) the Court held that it was unconstitutional “to the extent that it applied to acts committed in private” and therefore decided to sever the word ‘private’ from the provision.
⁵ Id., para. 156.
### Côte d’Ivoire

**Post-independence from France’s rule in 1960, Côte d’Ivoire did not criminalise consensual same-sex sexual acts between adults in its Penal Code, yet the age of consent differs under sections 356 and 358: 15 for different-sex, and 18 for same-sex. Despite the fact that no law exists which criminalises consensual same-sex sexual relations among adults, at the end of 2016 a judge in the city of Sassandra used article 360 of the Penal Code to condemn 2 men to 18 months imprisonment. They were caught in the act by the uncle of one of the men and, after having been reported to the authorities, they admitted before the judge that they were in a loving relationship.**

### Democratic Republic of the Congo

**There are no provisions outlawing consensual same-sex sexual acts between adults in the 2004 Penal Code of the DRC. However, Article 176 of that code—which criminalizes activities against public decency—has been used as the legal basis to criminalize LGBT persons. The Human Rights Committee expressed concern about this and recommended that the State ensure that no person is prosecuted under Article 176 of the Penal Code because of their sexual orientation or gender identity, as well as enact anti-discrimination legislation that expressly includes sexual orientation and gender identity.**

### Djibouti

The Penal Code contains no provisions prohibiting consensual same-sex sexual acts between adults.

### Equatorial Guinea

The Penal Code in force in Equatorial Guinea is a 1963 revision of the Spanish Criminal Code that dates back to the Francoist era. This Code does not contain specific provisions on same-sex sexual acts between adults.

- In the aftermath of Gabon’s enactment of its new Penal Code (which criminalised consensual same-sex sexual acts), it was reported that Equatorial Guinea was in the process of preparing a draft bill that would also criminalize consensual same-sex sexual activity.

### Guinea-Bissau

The Penal Code which remained in force after the independence from Portugal was repealed in 1993 with the enactment of a new Penal Code which contains no provisions criminalising consensual same-sex sexual acts between adults.

### Lesotho

In Article 52 of the Penal Code Act (into force in 2012), sodomy is not mentioned. This article erases the punitive enumeration of [male] sodomy indicated in Section 185(5) of the 1939 Criminal Procedure and Evidence Act.

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7. Penal Code (Ivory Coast), article 360: “Whoever commits acts which constitute an affront to public modesty will be sentenced to imprisonment of between three months and two years, and with a fine of between 50,000 and 500,000 francs. If the affront to public modesty is considered an indecent act or against nature with a person of the same sex, the sentence will be imprisonment of between six months and two years, and a fine of 50,000 to 300,000 francs”.


9. Penal Code of the DRC, article 176: “A person who engages in activities against public decency will be liable to a term of imprisonment of eight days to three years and/or fined twenty-five to one thousand zaires”.


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<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Description</th>
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<tbody>
<tr>
<td>14</td>
<td>Madagascar</td>
<td>1960</td>
<td>Prior to and following its independence from France in 1960, the <em>Criminal Code</em> does not prohibit consensual same-sex sexual acts between adults. However, since 1999, article 331 sets the age of consent at 14 for different-sex sexual acts and 21 for same-sex.</td>
</tr>
<tr>
<td>15</td>
<td>Mali</td>
<td>1961</td>
<td>Neither the 2001 <em>Penal Code</em> (nor its predecessor, the 1961 <em>Penal Code</em>) stipulates provisions targeting consensual same-sex sexual relations between adults.</td>
</tr>
<tr>
<td>16</td>
<td>Mozambique</td>
<td>2014</td>
<td>In July 2014, the Parliament approved Law 35/2014 repealing earlier criminalising provisions (articles 70 and 71 of the 1886 Penal Code had imposed penalties on people who “habitually practiced vices against nature”). This revised Penal Code came into force in June 2015.</td>
</tr>
<tr>
<td>17</td>
<td>Niger</td>
<td>1961</td>
<td>The <em>Penal Code</em> (with amendments up to 2003) does not specify provisions against consensual same-sex sexual relations, yet Sections 278 and 282 specify that the age of consent differs: 21 for same-sex sexual acts, and 13 for different-sex.</td>
</tr>
<tr>
<td>18</td>
<td>Rwanda</td>
<td>1980</td>
<td>The Rwanda <em>Penal Code</em> (1980) does not contain consensual same-sex acts criminalising provisions, yet articles 358 and 362 set the age of consent as unequal: 16 for different-sex and 18 for same-sex sexual activity. The legal and social situation of LGBT people in Rwanda is captured in a 2016 report, which points to severe stigmatisation.</td>
</tr>
<tr>
<td>19</td>
<td>São Tomé &amp; Príncipe</td>
<td>2012</td>
<td>Sao Tomé and Príncipe’s <em>Penal Code</em>, adopted in 2012, contains no provision for criminalisation of consensual same-sex sexual activity between adults. This 2012 text drops former references to “acts against nature” that were contained in the earlier colonial-era Penal Code.</td>
</tr>
<tr>
<td>20</td>
<td>Seychelles</td>
<td>2016</td>
<td>In July 2016, Seychelles amended Sections 151(a and c) to the 1955 <em>Penal Code</em> came into force, thereby decriminalising “(a) ...carnal knowledge of any person against the order of nature” that is consensual and amongst adult persons.</td>
</tr>
<tr>
<td>21</td>
<td>South Africa</td>
<td>1998</td>
<td>Following a case decided by the Constitutional Court of South Africa, the State abrogated laws carried through from the 1955 <em>Penal Code</em> in which Article 600(1) and 601 criminalised consensual same-sex sexual conduct between adults, including the common-law crime of sodomy.</td>
</tr>
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</table>

**Latin America and the Caribbean (24)**

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Argentina</td>
<td>1887</td>
<td>Law No. 1,920 enacted Argentina’s first federal <em>Penal Code</em>, which entered into force in 1887 and made no reference to consensual sexual acts between adults. However, until very recently local regulations issued by provincial, municipal and local authorities targeted “homosexualism” and/or regulated morality, vice and</td>
</tr>
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mores. LGBT people were heavily persecuted under these regulations.

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Legal Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Bahamas</td>
<td>1991</td>
<td>Same-sex sexual acts in private were decriminalized by amendment to the Sexual Offences Act (1989), and came into force in 1991. Under Section 16(1)(2) of the Sexual Offences and Domestic Violence Act (1991) the age of consent differs for same-sex (18) and different-sex (16) sexual acts.</td>
</tr>
<tr>
<td>3</td>
<td>Belize</td>
<td>2016</td>
<td>The country’s colonial-era sodomy law was declared unconstitutional by the Belize Supreme Court. The Court revised the language of Section 53 of the Criminal Code and ordered the insertion of a clause to exclude consensual sexual acts between adults in private. Interestingly, the court dismissed the National Evangelical Association of Belize (NEAB) to join the litigation, although the Catholic church appealed the decision.</td>
</tr>
<tr>
<td>4</td>
<td>Bolivia</td>
<td>1832</td>
<td>The first Criminal Code of Bolivia (1831) entered into force in 1832. This Code largely followed the Spanish Criminal Code of 1822 that contained no provision on sodomy. There are no criminalising provisions for same-sex sexual acts between consenting adults in private in the current (2010) Penal Code.</td>
</tr>
<tr>
<td>5</td>
<td>Brazil</td>
<td>1831</td>
<td>The first Criminal Code of Brazil contained no provision on sodomy. However, it has been indicated that other provisions of that Code were used to persecute persons who engaged in same-sex sexual acts. In 2015 the Supreme Court of Brazil declared that the expressions “pederasty or not” and “homosexual or not” under article 235 of the 1969 Military Penal Code are not constitutional. These provisions had been used to restrict same-sex activity.</td>
</tr>
<tr>
<td>6</td>
<td>Chile</td>
<td>1999</td>
<td>Article 10 of Law No. 19,617 amended Article 365 of the Penal Code by decriminalizing consensual same-sex sexual acts between consenting adults. However, that same provision sets the age limit at 18 for “same-sex carnal access”, and 14 for other sexual acts. Local organizations denounce that Article 373, which criminalises “acts against decency and good mores” is used as a tool to criminalise LGBT people. In its 2nd cycle of the UPR, the Government of Chile committed to repealing this article in a forthcoming Penal Code revision.</td>
</tr>
</tbody>
</table>

14 Federación Argentina LGBT, *Informe sobre códigos contravencionales y de faltas de las provincias de la República Argentina y la Ciudad Autónoma de Buenos Aires en relación con la discriminación y la represión a gays, lesbianas, bisexuales y trans* (2008).
15 Caleb Orozco v AG of Belize Supreme Court Claim No. 668 of 2010. For more information on the decision, see: "UNIBAM: And Justice For All", 7 News Belize, 10 August 2016; Ion Cacho, "Orozco vs AG 2016", YouTube (website), 11 August 2016; "About Orozco v AG", URAP Project (website), accessed 5 March 2019; IACHR Hails Unconstitutionality Decision on Criminalization of Consensual Sexual Relations between Same Sex Adults in Belize". OAS (website), 22 August 2016.
16 "Evangelical Application for Appeal Dismiss, They Must Pay Caleb’s Costs", 7 News Belize, 4 October 2016.
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<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Colombia</td>
<td>1981</td>
<td>Decriminalisation of “homosexual carnal knowledge” occurred through repeal of Article 323(2) in the 1980 Penal Code (effective January 1981). In 1999, the Constitutional Court Decision C-507/1999 repealed (or reinterpreted) certain provisions of Executive Order No. 85/1989 which established that “being homosexual” or “committing acts of homosexualism” were affronts against Military Honour.</td>
</tr>
<tr>
<td>8</td>
<td>Costa Rica</td>
<td>1971</td>
<td>The 1941 Penal Code criminalized sodomy under article 233. With the enactment of the 1971 Penal Code consensual same-sex acts in private were decriminalised. However, “scandalous sodomy” remained a misdemeanour under article 378(15), until it was repealed by article 2 of Law No. 8,250 in 2002. In 2013, the last provisions which provided for security measures in cases of “homosexualism” were repealed by Resolution N° 010404 issued by the Constitutional Chamber. In 2008, the Committee against Torture noted that local provisions in Costa Rica on “public morals” granted the police and judges discretionary power to discriminate on the basis of sexual orientation.</td>
</tr>
<tr>
<td>9</td>
<td>Cuba</td>
<td>1979</td>
<td>The Social Defence Code, which deemed “homosexual practices” as a “social threat” and imposed preventive measures to combat it, was repealed in 1979 by the New Criminal Code of Cuba. This Code did not criminalise homosexuality per se. However, Article 359(1) criminalised those who made “public display of their homosexual condition” (repealed by Article 303(1) of Law No. 62 of 1987) or bothered or solicited others with “homosexual requests” (amended by Executive Order-Law No. 175 in 1997 to refer only to “sexual” requests).</td>
</tr>
<tr>
<td>10</td>
<td>Dominican Republic</td>
<td>1822</td>
<td>The first Criminal Code in force in the Dominican Republic, imposed after the Haitian invasion in 1822, did not criminalise consensual same-sex sexual acts between adults in private. The new 2007 Criminal Code does not innovate in this regard. However, Article 210 of the 1966 Police Justice Code still outlaws sodomy (defined as a “sexual act between persons of the same-sex”) among members of police forces.</td>
</tr>
<tr>
<td>11</td>
<td>Ecuador</td>
<td>1997</td>
<td>Article 516(1) of the Penal Code imposed a penalty of 4-8 years in prison for “acts of homosexualism” which did not fall under the crime of rape. This provision was repealed by the 1997 Constitutional Court decision in Case No. 111-97-TC. In 2014, the new Organic Integral Penal Code entered into force. In 2016, the Inter-American Court of Human Rights issued its decision in the Homero Flor Freire case regarding the powers of dismissal encoded in the 1997 Rules of Military Discipline for consensual same-sex sexual acts between adults.</td>
</tr>
</tbody>
</table>

21 Committee against Torture, Conclusions and recommendations of the Committee against Torture for Costa Rica, CAT/C/CRI/CO/2, 7 July 2008.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Salvador</td>
<td>1822</td>
<td>The first Penal Code of El Salvador was enacted in 1826 following the Spanish Criminal Code of 1822 that contained no provisions on consensual same-sex sexual acts between adults. In 2003, the Human Right Committee noted that local provisions (&quot;ordenanzas contravencionales&quot;) were being used to discriminate against people on account of their sexual orientation.23</td>
</tr>
<tr>
<td>Guatemala</td>
<td>1871</td>
<td>According to Guatemalan historian Manuel Fernandez, consensual same-sex sexual acts were decriminalized as a result of the 1871 Revolution &quot;on the constitutional grounds that private sexual acts between consenting adults were not the concern of the state&quot;.24 The new Penal Code (updated version) entered into force in 1877.</td>
</tr>
<tr>
<td>Haiti</td>
<td>1804</td>
<td>When Haiti became independent from France in 1804, no law criminalising consensual same-sex sexual acts was introduced, and no such law has come into the Penal Code since. France repealed its sodomy laws in 1791 (see entry below).</td>
</tr>
<tr>
<td>Honduras</td>
<td>1899</td>
<td>Consensual same-sex sexual acts between adults have been legal since the entry into force of the 1899 Penal Code of Honduras.</td>
</tr>
<tr>
<td>Mexico</td>
<td>1872</td>
<td>The first federal Penal Code of Mexico was approved in 1871 and entered into force in 1872.25 This Code made no reference to consensual same-sex acts between adults.</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>2008</td>
<td>In 2007, the New Penal Code repealed the 1974 Penal Code that had criminalised &quot;sodomy&quot; under article 204.</td>
</tr>
<tr>
<td>Panama</td>
<td>2008</td>
<td>Presidential Executive Order No. 332 of 31 July 2008 repealed section 12 of Executive Order No. 149 of 20 May 1949, which criminalised &quot;sodomy&quot;. The Executive Order states that &quot;sodomy was the term by which homosexuality was referred to prior to 1973&quot;.</td>
</tr>
<tr>
<td>Paraguay</td>
<td>1880</td>
<td>The first Penal Code of Paraguay of 1880 was adapted from the Penal Code of the Province of Buenos Aires (Argentina), in force there since 1877. This code made no reference to consensual same-sex acts between adults. However, Article 138 of the Penal Code currently in force specifies that the age of consent for &quot;homosexual acts&quot; is 16, while it is set at 14 for different-sex sexual acts.</td>
</tr>
<tr>
<td>Peru</td>
<td>1924</td>
<td>Article 272 of the 1863 Penal Code criminalized sodomy. Since the inception in the 1924 Penal Code, consensual same-sex sexual acts have been legal. However, civil society indicates that Article 183 of the Penal Code on &quot;obscene exhibitions and publications&quot;, provides the legal basis for State discrimination regarding issues such as public display of affection.26</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Suriname</td>
<td>1975</td>
<td>When Suriname became fully independent from the Netherlands in 1975, no sodomy law was in force and no such law has been reintroduced since then. Sodomy was repealed in the Netherlands in 1811. However, Section 302 of the Criminal Code stipulates that the age of consent for same-sex acts is 18 (limit established at “minority age”), while it is 16 for different-sex sexual relations.</td>
</tr>
<tr>
<td>Trinidad &amp; Tobago</td>
<td>2018</td>
<td>The 2018 High Court of Trinidad and Tobago ruling in Jason Jones v AG of Trinidad and Tobago established that buggery and serious indecency laws were unconstitutional in Trinidad and Tobago. This decision follows the line of Caleb Orozco v The AG of Belize.</td>
</tr>
<tr>
<td>Uruguay</td>
<td>1934</td>
<td>The 1934 amendment of the Penal Code repealed the crime of ‘sodomy’ in Uruguay. It bears mentioning that this provision was placed under the section on ‘rape’: this, together with other indicia in local case law, suggests that the crime of ‘sodomy’ repealed in 1934 referred to non-consensual same-sex acts.</td>
</tr>
<tr>
<td>Venezuela</td>
<td>1836</td>
<td>Since 1836, when Venezuela produced its first Penal Code, consensual same-sex sexual activity has not been criminalised. As reported by the IACHR, in 1997, the Supreme Court of Venezuela declared the unconstitutionality of the Law on Vagrants and Crooks, which had been used to prosecute LGBT persons. However, same-sex sexual activity continues to be criminalized in the military under Article 565 of the Military Justice Code. Cases of harassment and dismissal of LGBTQ members of the army in recent years have been reported.</td>
</tr>
<tr>
<td>Canada</td>
<td>1969</td>
<td>The enactment of the Criminal Law Amendment Act (Bill C-150) in 1969 introduced an exception that decriminalized “buggery” between spouses or two persons over 21 years of age who had consented to the commission of the act. In 1988, Section 159(2)(b) of the Criminal Code replaced that buggery law altogether, but retained a different age of consent: 18 for “acts of anal intercourse” and 16 for non-anal sex. This provision was impugned by five provincial courts. In 2019, the age of consent for all kinds of sex was equalised when Bill C75 received royal assent, thereby eliminating a discriminatory provision on consent for anal sex that disproportionally affected non-heterosexual men.</td>
</tr>
</tbody>
</table>

27 Supreme Court of Trinidad and Tobago, *Jason Jones vs Attorney General of Trinidad & Tobago and others*, H.C.720/2017. CV.2017-00720, 4 April 2018.
Consensual Same-Sex Sexual Acts: LEGAL

<table>
<thead>
<tr>
<th>Country</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>United States of America</td>
<td>1962</td>
<td>2003</td>
<td>Under the USA federal system, all 50 States enact their own Criminal Codes. “Sodomy” was criminalized throughout the USA until 1962, when Illinois became the first State to decriminalise consensual same-sex sexual acts between adults. In 2003 all remaining sodomy statutes—still in force in 14 States—were invalidated by the Supreme Court verdict in Lawrence v. Texas (2003). Age of consent laws also vary across the USA. Three States still keep laws establishing unequal laws of consent: Alabama, Kansas and Texas.</td>
</tr>
</tbody>
</table>

Asia (20) + Taiwan (China) + Palestine (West Bank only)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Description</th>
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<tbody>
<tr>
<td>Bahrain</td>
<td>1976</td>
<td>Repealing the colonial British code that had pervaded the Persian Gulf, Bahrain’s current Penal Code was enacted in 1976. This code decriminalised consensual same-sex sexual acts between adults. However, it set the age of consent at 20 for different-sex and at 21 for same-sex sexual acts.</td>
</tr>
<tr>
<td>Cambodia</td>
<td>1953</td>
<td>Following royal request, in 1867 Cambodia became a French Protectorate, thereby coming under French law, which had decriminalised same-sex sexual acts between consenting adults in 1791. Following 1946, and Independence in 1953, no criminalising provisions were added to the Penal Code in this regard.</td>
</tr>
<tr>
<td>China</td>
<td>1997</td>
<td>China’s current Penal Code (1997) contains no explicit prohibition of consensual sexual acts between persons of the same-sex. Explicit prohibitions of “consenting jijian” (sodomy) were abolished in China around 1912 (end of Qing Dynasty). However, a ‘hooliganism’ provision in the 1979 Penal Code was used to target male same-sex activity until the code was repealed in 1997. Same-sex sexual acts were decriminalised in the territories of Hong Kong in 1991 and Macau in 1996 respectively.</td>
</tr>
<tr>
<td>East Timor</td>
<td>1975</td>
<td>On Independence from Portuguese rule in 1975, the new Penal Code (2009 revision) made no mention of a prohibition on same-sex sexual acts between consenting adults in private.</td>
</tr>
<tr>
<td>India</td>
<td>2018</td>
<td>On 6 September 2018, the Supreme Court of India declared that Section 377 of the Penal Code is unconstitutional. For more information on the Supreme Court decision, see: “Decriminalising the Right to Love: Navtej Singh Johar v. Union of India” by Arvind Narra in the Global Perspectives section of this report.</td>
</tr>
</tbody>
</table>

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32 Hannah Cartwright, Legal Age of Consent for Marriage and Sex for the 50 United States (Global Justice Initiative, 2011).
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>1976</td>
<td>Most parts. Having achieved independence from Dutch governance in 1945, the Indonesian Penal Code has no provisions outlawing same-sex sexual relations. The 2002 Law on Child Protection sets an unequal age of consent for same-sex (18) and different-sex (16) acts. Several jurisdictions in Indonesia criminalise consensual same-sex sexual acts between adults. See: entry for Indonesia in the “Criminalisation” chapter of this report.</td>
</tr>
<tr>
<td>Israel</td>
<td>1988</td>
<td>Although the 1977 Penal Law contained a sodomy provision, at Section 347, the parliament repealed that provision in 1988.</td>
</tr>
<tr>
<td>Japan</td>
<td>1882</td>
<td>According to some scholarship, consensual same-sex sexual activity was never criminalised in modern Japan (except a very short period 1873-1881).</td>
</tr>
<tr>
<td>Jordan</td>
<td>1960</td>
<td>Jordan is one of the few Middle Eastern countries where consensual same-sex sexual acts are not criminalised. See: Penal Code of 1960. However, levels of stigma and discrimination directed at LGBT people is significant.</td>
</tr>
<tr>
<td>Laos</td>
<td>1954</td>
<td>Following independence from France in 1954 (with subsequent non-criminalisation), the 1989 Penal Code made no provisions to criminalise consensual same-sex sexual acts.</td>
</tr>
<tr>
<td>Mongolia</td>
<td>1961</td>
<td>In 1961, under the Mongolian People’s Revolutionary Party, consensual same-sex sexual acts were decriminalised. This position remained through the 2002 Criminal Code.</td>
</tr>
<tr>
<td>Nepal</td>
<td>2007</td>
<td>Article 1 of Chapter 16 of Part 4 of the Muluki Ain (National Code) enacted in 1963 criminalises “unnatural sexual intercourse”, a term which was undefined and open to different interpretations. The uncertainty however was clarified in Sunil Babu Pant and Others v Nepal Government and Others, where the Nepal Supreme Court ruled that same-sex sexual intercourse was not to be construed as “unnatural”. Though the new Criminal Codes Act which replaced the Muluki Ain appears to continue to criminalise “unnatural sex”, it should be read in light of this case.</td>
</tr>
<tr>
<td>North Korea</td>
<td>1950</td>
<td>There appears to be no laws penalising consensual same-sex sexual activities between adults in the Criminal Code of 1950, which was updated in 2009.</td>
</tr>
</tbody>
</table>

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35 Jacob Wirtschafter, “In much of the Middle East, it’s getting more dangerous to be gay”, PRI, 30 August 2016.
Palestine (West Bank) 1960
The West Bank (Palestine) aligns with the Jordanian Penal Code of 1960, where consensual same-sex sexual acts between adults are not penalised under the law.39

16 Philippines 1932
The 1932 Revised Penal Code (RPC) does not criminalise consensual same-sex activities between adults. In line with the adoption of the Napoleonic Code, when the Philippines came under Spanish control in 1822, “sodomy” provisions were first repealed.

17 South Korea 1962
The 1962 Criminal Act (updated 2009) of South Korea contains no provisions criminalising consensual same-sex sexual acts between adults. Article 305 (amended 1995) indicates 13 as the age of consent (information verified by practitioners in South Korea, as there are English versions of the Criminal Act that state 15 as the age of consent). The fact that such equal age protection is not afforded to the crime of rape is highlighted in Rainbow Action against Sexual Minority Discrimination’s Shadow Report to CAT in March 2017.40

Taiwan (China) 1954

18 Tajikistan 1998
There are no restrictions on adult, consensual same-sex sexual acts between adults in the 1998 Criminal Code of Tajikistan (amended to 2010).

19 Thailand 1957
The Thai Penal Code of 1956 came into force in 1957 and has no criminalising provision on consensual same-sex sexual acts between adults.

20 Vietnam 1945
Following independence from France in 1945 (with subsequent non-criminalisation), the 1999 Penal Code made no provisions to criminalise consensual same-sex sexual acts between adults.

Europe (48) + Kosovo

1 Albania 1995
Prior to its repeal by Article 116 of the Criminal Code, the previous Article 137 penalised “homosexuality” amongst men with up to 10 years imprisonment.

2 Andorra 1791
As a co-principality with France, Andorra was subject to the same Penal Code provisions that decriminalised “sodomy” in 1791.

3 Armenia 2003
Armenia’s former Soviet Union provision that punished consensual sex between adult men with five years imprisonment (under Article 116), was repealed in the 2003 Criminal Code.

4 Austria 1971
The previous Penal Code of 1852 penalised (with five years imprisonment) “sodomy” between men, and unusually in Europe, amongst women. The 1971 Criminal Code lifted all such sanctions.

<table>
<thead>
<tr>
<th>Country</th>
<th>Year(s)</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Azerbaijan</td>
<td>2000</td>
<td>Prior to 1988, aligned to the Soviet Union provisions, Article 113 criminalised “anal intercourse between men”. This was repealed by a new Criminal Code that came into force in 2000.</td>
</tr>
<tr>
<td>Belarus</td>
<td>1994</td>
<td>‘Homosexual acts’ were criminalised with up to five years imprisonment under Article 119(1) in line with the Soviet Union code, and was repealed under the Belarus 1994 Criminal Code.</td>
</tr>
<tr>
<td>Belgium</td>
<td>1830</td>
<td>Neither the Napoleonic Code of 1810 (which Belgium operated under until independence in 1830) nor the Belgian Penal Code of 1867 conferred penal sanctions for consensual same-sex sexual activity between adults.</td>
</tr>
<tr>
<td>Croatia</td>
<td>1977</td>
<td>The provisions of 1951 Yugoslavia Criminal Code regarding consensual same-sex relations were rescinded in the Croatian Penal Code of 1977, and the age of consent was equalised in 1998.</td>
</tr>
<tr>
<td>Cyprus</td>
<td>1998</td>
<td>Under Section 171 of the 1959 Criminal Code, male/male sexual ‘unnatural acts’ could be punishable with five year’s imprisonment. This clause was removed in the 1998 following the Modinas v Cyprus case. Northern Cyprus decriminalised in 2014, the last part of Europe to do so.</td>
</tr>
<tr>
<td>Czechia</td>
<td>1961</td>
<td>The current Criminal Code came into force in 1962, which removed sodomy provisions from previous ruling codes (that of Austria ruled Bohemia and Moravia, and Slovakia used the Hungarian penal code).</td>
</tr>
<tr>
<td>Denmark</td>
<td>1933</td>
<td>Replacing a Criminal Code and a series of laws that criminalised sodomy, the 1933 Penal Code removed provisions on consensual adult same-sex sexual relations.</td>
</tr>
<tr>
<td>Finland</td>
<td>1971</td>
<td>The 1889 Criminal Code was revised in 1971 to remove Chapter 20 ‘Unlawful sexual intercourse and other lewdness’.</td>
</tr>
<tr>
<td>France</td>
<td>1791</td>
<td>The newly-formed constitutional monarchy of France adopted a Penal Code that removed sodomy provisions, thus becoming the world’s first country to decriminalise same-sex sexual acts between consenting adults. Pursuant to Article 73 of the French Constitution, the law applies to the Overseas Departments of Martinique, Guadeloupe, Saint Barthélemy, French Guyana, Mayotte, and Réunion, and to the islands of Saint Pierre and Miquelon.</td>
</tr>
</tbody>
</table>

41 "Northern part of Cyprus decriminalises homosexuality", EU Intergroup on LGBT rights (website), 27 January 2014.
<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year(s)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Georgia</td>
<td>2000</td>
<td>The <a href="https://en.wikipedia.org/wiki/Criminal_Code_of_Georgia">Criminal Code</a> of Georgia removed the pre-existing sodomy provisions that were carried through from the Soviet Union period.</td>
</tr>
<tr>
<td>19</td>
<td>Greece</td>
<td>1951</td>
<td>Prior to the post-war 1951 <a href="https://en.wikipedia.org/wiki/Penal_Code_of_Greece">Penal Code</a>, consensual male same-sex sexual acts were outlawed. Articles 339 and 347 stipulate the age of consent: ‘contact against nature between males’ is 17, while for different-sex that age is 15.</td>
</tr>
<tr>
<td>21</td>
<td>Iceland</td>
<td>1940</td>
<td>The <a href="https://en.wikipedia.org/wiki/General_Penal_Code_of_Iceland">General Penal Code</a> of 1940 removed the provisions of 1869 Penal Code. Clause 178 that stipulated, &quot;unnatural forms of sexual intercourse are punishable by a term in prison&quot;.</td>
</tr>
<tr>
<td>23</td>
<td>Italy</td>
<td>1890</td>
<td>The first Italian <a href="https://en.wikipedia.org/wiki/Penal_Code_of_Italy">Penal Code</a> in 1889 had no prohibition on consensual same-sex sexual acts between adults in private.</td>
</tr>
<tr>
<td>26</td>
<td>Liechtenstein</td>
<td>1989</td>
<td>The <a href="https://en.wikipedia.org/wiki/Criminal_Code_of_Liechtenstein">Criminal Code</a> was revised in 1989 to remove Sections 129 and 130 “lewdness against the order of nature”.</td>
</tr>
<tr>
<td>28</td>
<td>Luxembourg</td>
<td>1795</td>
<td>As Luxembourg came into the possession of France, any sodomy provisions from its <a href="https://en.wikipedia.org/wiki/Criminal_Code_of_Luxembourg">Criminal Code</a> were removed in 1795.</td>
</tr>
<tr>
<td>30</td>
<td>Moldova</td>
<td>1995</td>
<td>The <a href="https://en.wikipedia.org/wiki/Criminal_Code_of_Moldova">Criminal Code</a> of Moldova removed the pre-existing sodomy provisions (at Article 106) that were carried through from the Soviet Union period.</td>
</tr>
<tr>
<td>31</td>
<td>Monaco</td>
<td>1793</td>
<td>As Monaco was in the possession of France, it removed any sodomy provisions from its <a href="https://en.wikipedia.org/wiki/Penal_Code_of_Monaco">Penal Code</a> in 1793.</td>
</tr>
</tbody>
</table>

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42 "Germany to pay convicted gays 30 million euros – media", DW News, 8 October 2016.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Netherlands</td>
<td>1811</td>
<td>When the Kingdom of Holland became annexed to France in 1811, the Napoleonic Penal Code of 1810 came into operation containing no provision on sodomy, and that standard applies in the current Penal Code, as well as to the three Netherlands Associates (Aruba, Curâao and St Maarten) and in the their Territories of Bonaire, Saba and St Eustatius.</td>
</tr>
<tr>
<td>North Macedonia</td>
<td>1996</td>
<td>The Criminal Code of 1996 removed provisions regarding consensual [male] same-sex relations (penalised with one year in jail) that were previously encoded under Article 101.</td>
</tr>
<tr>
<td>Norway</td>
<td>1972</td>
<td>&quot;Indecent intercourse&quot; between men was decriminalised by repeal of Paragraph 213 in Norway’s Penal Code of 1972.</td>
</tr>
<tr>
<td>Poland</td>
<td>1932</td>
<td>After its independence in 1918, Poland returned to the Napoleonic tradition that it had enjoyed in the early-19th century, and subsequently its 1932 Penal Code contains no criminalising provisions regarding consensual same-sex sexual relations amongst adults.</td>
</tr>
<tr>
<td>Portugal</td>
<td>1983</td>
<td>Under the reign of Louis I form 1886 on, Portugal criminalised consensual same-sex sexual acts between men, but that law was repealed in the 1983 Penal Code.</td>
</tr>
<tr>
<td>Romania</td>
<td>1996</td>
<td>Prior to 1996, Section 200 of the Penal Code had penalised &quot;sexual relations between persons of the same-sex&quot; with 1-5 years imprisonment. This was then repealed but replaced with a clause &quot;committed in public or producing a public scandal&quot;, which was itself removed in 2001.</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>1993</td>
<td>Article 121(1) of the 1934 Criminal Code of the Soviet Union had stated &quot;sexual relations of a man with a man (pederasty)&quot; was punishable with up to five years imprisonment. This is the model language that was transposed into penal codes in States throughout the former-Soviet Union. The 1993 Criminal Code removed such provisions from the Russian law.</td>
</tr>
<tr>
<td>San Marino</td>
<td>2004</td>
<td>Although San Marino decriminalised &quot;sodomy&quot; in 1865, it was re-introduced at article 274 into the Penal Code in 1975, targeting those who &quot;habitually&quot; practice (not known to have been ever implemented). This was finally repealed in the 2004 Penal Code.</td>
</tr>
<tr>
<td>Serbia</td>
<td>1994</td>
<td>In its modern history, and as part of the Kingdom of Yugoslavia in 1918, &quot;lewdness against the order of nature&quot; in Serbia was banned. The 1994 Criminal Code removed that prohibition.</td>
</tr>
<tr>
<td>Slovakia</td>
<td>1962</td>
<td>The current Criminal Code came into force in 1962, and removed sodomy provisions from previous ruling codes (Slovakia relied on the Hungarian law that had previously referred to &quot;crimes against nature&quot;).</td>
</tr>
</tbody>
</table>

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43 Adrian Chan-Wyles, "The USSR and Homosexuality Part 1 (Article 121)", The Sanghakommune, 28 December 2016.
<table>
<thead>
<tr>
<th>No.</th>
<th>Country</th>
<th>Year</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>42</td>
<td>Slovenia</td>
<td>1977</td>
<td>When Slovenia was still a part of Yugoslavia in 1976, work on the <a href="#">Criminal Code</a> to remove provisions penalising consensual same-sex sexual acts commenced, and the resultant law came into force in 1977.</td>
</tr>
<tr>
<td>43</td>
<td>Spain</td>
<td>1979</td>
<td>Following the re-establishment of constitutional democracy in Spain after Franco, consensual same-sex sexual intercourse amongst males was removed as an offence in the <a href="#">Penal Code</a>.</td>
</tr>
<tr>
<td>44</td>
<td>Sweden</td>
<td>1944</td>
<td>Sweden removed its 'sodomy' provisions from the <a href="#">Penal Code</a> in 1944, specifying freedom for both men and women in the subsequent revision.</td>
</tr>
<tr>
<td>45</td>
<td>Switzerland</td>
<td>1942</td>
<td>Although various cantons had remained with the Napoleonic Code since 1798 in not penalising same-sex sexual relations, the entire country became free from such criminalisation by way of the <a href="#">Penal Code</a> that came into force in 1942.</td>
</tr>
<tr>
<td>46</td>
<td>Turkey</td>
<td>1858</td>
<td>The <a href="#">Turkish Imperial Penal Code of 1858</a> (thought to be based on the 1810 French Penal Code) makes no mention of consensual same-sex sexual acts between adults, and neither does the current <a href="#">Penal Code</a>.</td>
</tr>
<tr>
<td>47</td>
<td>Ukraine</td>
<td>1991</td>
<td>&quot;Homosexual acts&quot; were criminalised with up to five years imprisonment in line with the Soviet Union code of 1934: this was repealed under the Ukraine <a href="#">Criminal Code</a> of 1991.</td>
</tr>
<tr>
<td>48</td>
<td>United Kingdom</td>
<td>1967</td>
<td>In 1861, the death penalty for &quot;buggery&quot; was abolished across the United Kingdom, but the offence was codified in Section 61 of the <a href="#">Offences Against the Person Act (1861)</a> as life sentence, and the lesser misdemeanour of gross indecency was codified in Section 11 of the <a href="#">Criminal Law Amendment Act 1885</a>, with a penalty of up to two years imprisonment, hard labour possible. These were the model laws that spread throughout the Commonwealth. England and Wales removed the provisions in 1967, Scotland in 1981, and Northern Ireland in 1982 (following the <a href="#">Dudgeon</a> case at the European Court of Human Rights). Various entities attached to the UK similarly repealed: Akrotiri &amp; Dhekelia (2000), Anguilla (2001), Bailiwick of Guernsey (1983), Bermuda (1994), British Virgin Islands (2001), Cayman Islands (2001), Falkland Islands (1989), Gibraltar (1993), Isle of Man (1992), Jersey (1990), Montserrat (2001), Pitcairn, South Georgia, St Helena, Turks &amp; Caicos Islands, and all other territories (2001).</td>
</tr>
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## Oceania (8)

<table>
<thead>
<tr>
<th>Country</th>
<th>Decriminalisation Dates</th>
<th>Decriminalisation Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Australia</strong></td>
<td>1975, 1997</td>
<td>Decriminalisation of consensual same-sex sexual acts took place variously across the eight provinces of Australia between 1975 and 1997. In 1975, South Australia abolished the offences of “buggery”, “gross indecency” and “soliciting for immoral sexual purposes”, and 22 years later the last jurisdiction to decriminalise was Tasmania in 1997. Following the seminal UN Human Rights Committee’s finding of incompatibility in <em>Toonen v. Australia</em> in 1994 (primarily on the basis of privacy), the federal government introduced Section 4(1) of the <em>Human Rights (Sexual Conduct) Act 1994</em> to uphold that principle in Australian law.</td>
</tr>
<tr>
<td><strong>Fiji</strong></td>
<td>2010</td>
<td>In 2005, in its decision in <em>Dhirendra Nadan and Thomas McCosker v. The State</em>, the High Court of Fiji invalidated two convictions based on sections 175(a), 175(c) and 177 of the <em>Penal Code</em> which criminalised “carnal knowledge against the order of nature” and indecent practices. These provisions were finally repealed by the <em>Crimes Decree 2009</em>, which came into force in February 2010.</td>
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<td><strong>Micronesia</strong></td>
<td>1982</td>
<td>The first 1982 legal code of the FSM (which included criminal provisions) did not contain any provision criminalising same-sex consensual sexual acts between adults and no such provision has been introduced since.</td>
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<td><strong>Nauru</strong></td>
<td>2016</td>
<td>In May 2016 the <em>Crimes Act 2016</em> repealed the Criminal Code 1899 that itself was drawn from the 1899 Queensland Criminal Code. The Government of Nauru stated that this law — by far the most comprehensive new law in the country — removed homosexuality as an offence. Nauru had previously accepted three recommendations to decriminalise same-sex sexual activity in its 1st cycle of the UPR in 2011.</td>
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<td><strong>New Zealand</strong></td>
<td>1986, 2007</td>
<td>The General Assembly passed the <em>Homosexual Law Reform Act 1986</em> which decriminalised sexual acts between consenting men aged 16 and over. Same-sex sexual acts between consenting women were not illegal. In 2007 Niue (associated state) and Tokelau (dependent territory) decriminalised same-sex consensual relations as a result of the amendment of the Niue Act by the <em>Niue Amendment Act 2007</em>. The act came into force on 20 September 2007. In February 2017, the government of New Zealand announced that it would introduce legislation to open an application process to quash historical convictions for consensual sex between men.</td>
</tr>
</tbody>
</table>

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45 "Nauru decriminalises homosexuality", RadioNZ, 27 May 2016.
46 Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review (Nauru), A/HRC/17/3/Add.1, 30 May 2011.
Palau
2014
Palau repealed its legal provisions that criminalised consensual same-sex sexual activity between gay men, introducing a new Penal Code with no such provisions, signed by the President in April 2014. Palau had previously accepted three recommendations to decriminalise same-sex sexual activity in its 1st cycle of the UPR in 2011.

Vanuatu
1981
Soon after becoming an independent State in 1980, Vanuatu enacted its first Criminal Code (in force 1981), which did not criminalise same-sex activity between persons over 18 years of age. The 2006 Consolidation of the Criminal Code maintained the same provision under Section 99. In that same year, the Penal Code (Amendment) Act 2006 (in force March 2007) repealed section 99 altogether, which had the effect of equalising ages of consent for same-sex and different-sex sexual acts at 15.

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48 “Palau decriminalises homosexuality”, Human Dignity Trust, 15 October 2014.
Consensual Same-Sex Sexual Acts: ILLEGAL

Highlights

68 UN Member States  
35% UN Member States

AFRICA  LAC  NORTH AMERICA  ASIA  EUROPE  OCEANIA
32 /54  9 /33  0 /2  21 /42  0 /48  6 /14

Introduction

This section provides an overview of the countries that still criminalise consensual same-sex sexual acts between adults.

The chart specifies the specific terms used by the provisions in force to refer to such acts. In several cases, the law is very specific as to what conduct falls under the scope of the provision. In others, vague terms such as "acts against nature", "indecency", "immoral acts", leave the door open to arbitrary interpretation, which frequently leads to the discretionary use of these norms to persecute LGBT people.

Singapore is the only country that does not criminalise sexual intercourse itself, but still keeps laws against "acts of gross indecency". The rest of the countries have provisions that, one way or another, criminalise same-sex intercourse.

As recorded in the “Criminalisation” section of this report, instances of judicial prosecution and conviction for consensual same-sex sexual acts between adults in private still take place in several criminalising countries.

What does International Human Rights Law say?

Everyone has the right to be free from criminalisation and any form of sanction arising directly or indirectly from that person’s actual or perceived sexual orientation, gender identity, gender expression or sex characteristics.

Yogyakarta Principle 33.

States shall repeal criminal and other legal provisions that prohibit or are, in effect, employed to prohibit consensual sexual activity among people of the same sex who are over the age of consent.

Yogyakarta Principles 2(b) and 6(b).
<table>
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<tr>
<th>N</th>
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THE CARIBBEAN

AFRICA

Asia

ASIA

ILGA World
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<td>Penal Code, Section 82.</td>
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<td>Livat (sexual intercourse between men)</td>
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<td>Possible</td>
<td>Whipping</td>
<td>Penal Code, article 92 and others.</td>
<td>2019</td>
<td>Musahhah y cualquier otro acto homosexual</td>
<td>ALL GENDERS</td>
<td>10 years</td>
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<td>46</td>
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<td>Iran</td>
<td>Penal Code, Articles 233 - 234.</td>
<td>2013</td>
<td>Livat (penetration of man’s penis into another male person’s anus)</td>
<td>MALE</td>
<td>-</td>
<td>Yes</td>
<td>Caressing</td>
<td>Islamic Penal Code Articles 235 - 240</td>
<td>2013</td>
<td>Tafkhiz, Musahhah and any other homosexual act</td>
<td>ALL GENDERS</td>
<td>100 lashes</td>
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Certain Provs. in Indonesia

See entry for “Certain Provinces in Indonesia” in the “Criminalisation” section of this report.

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<td>Consensual intercourse between men</td>
<td>MALE</td>
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<td>No</td>
<td>No</td>
<td>Penal Code Article 198</td>
<td>1976</td>
<td>Lewd signal or act in a public place</td>
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<td>Penal Code, Article 534.</td>
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<td>Penal Code, Sections 377A - 377B.</td>
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<td>Intercourse against the order of nature</td>
<td>ALL GENDERS</td>
<td>20 years</td>
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<td>Penal Code Section 377D</td>
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<td>Maldives</td>
<td>Penal Code, Section 411.</td>
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<td>Intercourse with a person of the same sex</td>
<td>ALL GENDERS</td>
<td>8 years</td>
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<td>Penal Code Section 412</td>
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<td>Indecent acts</td>
<td>ALL GENDERS</td>
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<td>Erotic acts with a person of the same sex</td>
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<td>Obscene act in public</td>
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<td>Sura 7:80/81</td>
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<td>Besogolzhilik (male sexual intercourse)</td>
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<td>Homosexuality and lesbianism</td>
<td>ALL GENDERS</td>
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<td>100 lashes</td>
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**Oceania**

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<td>Tuvalu</td>
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<td>Unnatural offences</td>
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**Cook Islands**

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GLOBAL LEGISLATION OVERVIEW

RESTRICTION

STATE-SPONSORED HOMOPHOBIA (UPDATE) 2019
Legal Barriers to Freedom of Expression on SOGIESC issues

Introduction

This section covers laws and regulations that have been enacted to restrict the right to freedom of expression in relation to sexual orientation issues.

This can take several forms: restrictions on expressions of same-sex intimacy and restrictions on expressions of support or positive portrayals of non-heterosexual identities and relationships. These restrictions can be imposed on individuals generally, as well as educators and the media.

Morality codes pertaining to public discussion have long been in force in some Arabic States. However, a new legal vehicle has been employed more recently to criminalise expressions of affirmation or support for homosexuality, known as "propaganda laws".

Some countries have also recently introduced laws that criminalise communications between individuals on same-sex dating applications or websites and even aggravate penalties if that communication leads to sexual encounters.

What does International Human Rights Law say?

Everyone has the right to freedom of opinion and expression, regardless of sexual orientation, gender identity, gender expression or sex characteristics.

Yogyakarta Principle 19

States shall [...] take all necessary legislative, administrative and other measures to ensure full enjoyment of freedom of opinion and expression, [...] including the receipt and imparting of information and ideas concerning sexual orientation, gender identity, gender expression and sex characteristics [...].

Yogyakarta Principle 19.a
## Legal Barriers to Freedom of Expression on SOGIESC Issues

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Law/Article</th>
<th>Description</th>
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<td><strong>Algeria</strong></td>
<td>2014</td>
<td>Article 333 bis (Reiterated) of the Penal Code</td>
<td>Penalises the possession, dissemination or display of anything contrary to “decency” with imprisonment from 2 months to 2 years and a fine between 500 Da to 2000 Da. Under the second paragraph of article 333 (Modified) the “indecent exposure of an act against the order of nature” constitutes aggravated crime against good mores.</td>
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<tr>
<td><strong>Cameroon</strong></td>
<td>2010</td>
<td>Article 83 of the Law on Cybersecurity and Cybercrime (Law No. 2010/12 of 2010)</td>
<td>Criminalises electronic communication between individuals of the same sex for the purpose of sexual proposition. Penalties are enhanced when the communication is actually followed by sexual intercourse. Sections 264 of the Penal Code (2016) criminalises the public utterance of any immoral speech and the drawing of the public’s attention to any occasion of immorality. In light of the criminalisation of same-sex intimacy, a legal scholar has suggested that a publicly uttered speech advocating “unnatural sexual indulgence” would be considered immoral.</td>
</tr>
<tr>
<td><strong>Egypt</strong></td>
<td>1937</td>
<td>Individuals have been prosecuted for publicly expressing support for LGBTQI communities under article 86bis of the Penal Code (1937).</td>
<td>Article 25 of the Law on Cyber Crimes (Law No. 175/2018) states that “anyone who publishes online content that threatens society’s and family’s values shall be punished for at least six months of prison and a fine of at least fifty thousand pounds.” In 2017, the Supreme Council for Media Regulation (SCMR) released an order to ban all forms of support towards the LGBT community on media outlets.</td>
</tr>
<tr>
<td><strong>Ethiopia</strong></td>
<td>2004</td>
<td>Article 640 of the Penal Code</td>
<td>Criminalises the possession or dissemination of grossly indecent material, including providing information on how to procure them. A wide range of websites are reported to be blocked in Ethiopia, including the websites LGBTI groups and organisations.</td>
</tr>
<tr>
<td><strong>Kenya</strong></td>
<td>2009</td>
<td>Section 12 of the Film and Stage Plays Act</td>
<td>Restricts the exhibition of films according to the discretion of the Kenya Film Classification Board. According to the Board’s Classification Guidelines (2012) films with themes that “glamorise a homosexual lifestyle” are either age-restricted to those above 18 years old or banned.</td>
</tr>
</tbody>
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2. For more information see the essay “Rights of LGBTQI people in Egypt: Between State, Society, and de facto Criminalisation” written by an anonymous group/collective working on LGBTQI issues in the MENA region in the entry for Egypt in the “Criminalisation” section of this report.
3. “All Forms of Support to the LGBT Community to be Banned on Media Outlets: SCMR”, *Egyptian Streets*, 1 October 2017.
In April 2018, the Board issued a ban against the film "Rafiki" on the basis that it was intended to promote lesbianism in Kenya though this was temporarily lifted for seven days by a High Court judge after the film was nominated at the Academy Awards. In 2014, the Board also banned another film, "Stories of Our Lives" similarly for "promoting homosexuality".

<table>
<thead>
<tr>
<th>No.</th>
<th>Country</th>
<th>Year</th>
<th>Legislation</th>
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<tbody>
<tr>
<td>6</td>
<td>Libya</td>
<td>1953</td>
<td>Article 421 of the Penal Code refers to distribution of &quot;articles of an indecent nature&quot;. As Article 410 criminalises indecent acts between persons of the same sex, content relating to same-sex intimacy would fall under the definition of &quot;articles of an indecent nature&quot;.</td>
</tr>
<tr>
<td>7</td>
<td>Morocco</td>
<td>1962</td>
<td>Article 483 of the Penal Code criminalises acts or gestures of public obscenity and indecency. In 2015, two men were prosecuted under this law for kissing in public as an act of protest.</td>
</tr>
<tr>
<td>8</td>
<td>Nigeria</td>
<td>2014</td>
<td>Section 5(2) of the Same-sex Marriage (Prohibition) Act (2014) provides that a person who &quot;directly or indirectly makes public show of same-sex amorous relationships&quot; may receive a penal sentence of up to 10 years imprisonment.</td>
</tr>
<tr>
<td>9</td>
<td>Somalia</td>
<td>1964</td>
<td>Article 402 prohibits the commission of any obscene act while Article 403 of the Penal Code (1964) prohibits the sale, distribution and exhibition of any obscene object. Article 404 deems acts and objectives as obscene where they, in the general opinion, are offensive to modesty. Article 409, which criminalises same-sex intimacy, is part of the same chapter on offences against modesty in the legislation.</td>
</tr>
<tr>
<td>10</td>
<td>Sudan</td>
<td>1991</td>
<td>Article 152 of the Penal Code criminalises the making, portrayal, possession or dissemination of any material contrary to public morals. The National Telecommunications Corporation (NTC) blocks websites considered &quot;offensive to public morality&quot;. Sources indicate that while pornography is the primary target of this censorship, LGBT content and dating sites are also subject to it.</td>
</tr>
<tr>
<td>11</td>
<td>Tanzania</td>
<td>1981</td>
<td>Article 175 of the Penal Code stipulates materials that are tending to &quot;corrupt morals&quot; may not be distributed, sold or exhibited. Article 154 which criminalises same-sex intimacy is located in Chapter XV, titled &quot;Offences Against Morality&quot;. In 2017, 12 people were arrested for &quot;promoting homosexuality&quot;.</td>
</tr>
<tr>
<td>12</td>
<td>Togo</td>
<td>1980</td>
<td>Article 392 and 394 of the Penal Code penalise the publication and distribution of materials &quot;contrary to public morals&quot;, &quot;decency&quot;. Offences against morality include &quot;unnatural acts&quot; with a person of the same sex under Article 392.</td>
</tr>
</tbody>
</table>

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6 "Moroccan men jailed for four months for kissing in public", The Telegraph, 19 June 2015.
7 Association for Progressive Communications (APC) and Humanist Institute for Cooperation with Developing Countries (Hivos) Global Information Society Watch 2015: Sexual rights and the internet (APC & Hivos, 2015).
8 Katherine Swindells, "12 arrested in Tanzania for 'promoting homosexuality'", Pink News, 18 October 2017.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Legal Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tunisia</td>
<td>2004</td>
<td>Amended in 2004, Article 226bis of the Penal Code of 1913 criminalises any act that publicly draws attention to the opportunity to commit debauchery through any form of writing, audio or visual recording. This law is found in the same section titled &quot;Section III: attacks on morals&quot; where the law criminalising same-sex intimacy is located.</td>
</tr>
<tr>
<td>Uganda</td>
<td>1995</td>
<td>Under Section 9 of the Press and Journalist Act 1995, the Media Council is authorised to censor films, plays and other media content for public consumption. In 2017, the Media Council banned a Dutch film for &quot;glorifying homosexuality&quot;. The Broadcasting Council, established under the Electronic Media Act, is similarly empowered to regulate radio content pursuant to the minimum broadcasting standards of First Schedule which prohibits programmes that are contrary to &quot;public morality&quot;; in 2004, it fined a radio station for hosting gay men during a live talk show on the basis that it was &quot;contrary to public morality.&quot; The Ugandan government has also tried to explicitly prohibit the &quot;promotion&quot; of homosexuality under the defunct Anti-Homosexuality Act 2014 (struck down in August 2014) and The Prohibition of Promotion of Unnatural Sexual Practices Bill.</td>
</tr>
<tr>
<td>Zambia</td>
<td>2005</td>
<td>Article 178(g) of the Zambian Penal Code criminalises any act of soliciting for immoral purposes in a public place. This provision was used as the legal basis to arrest and prosecute Paul Kasonkomona. In 2013, he was arrested after he appeared on a television programme arguing that the rights of sexual minorities and sex workers, should be recognised in order to effectively address the HIV epidemic. Kasonkomona was eventually acquitted two years later. In 2019, the Minister of Religious Affairs and National Guidance, Godfridah Sumaili, ordered the cancellation of a television programme for allegedly &quot;promoting homosexuality.&quot;</td>
</tr>
</tbody>
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12 *Sumaili tells Zambezi Magic to cancel 'Lusaka Hustle'*, Zambian Eye, 2 February 2019.
### Latin American and the Caribbean (11)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Action</th>
</tr>
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<tbody>
<tr>
<td><strong>Paraguay</strong></td>
<td>2017</td>
<td>The Ministry of Education and Sciences issued Resolution No. 29.664/2017 prohibiting the dissemination and use of educational materials referring to “gender theory and/or ideology”. The Inter-American Commission on Human Rights (IACHR) noted that this measure “represents a setback for the rights of women, people with diverse sexual orientations and gender identities, and children to receive an education free of stereotypes that are based on ideas of inferiority or subordination”.</td>
</tr>
</tbody>
</table>

**Is there more in LAC?**

**Brazil**

In 2019, local authorities ordered the cancellation and terminated the funding of a number of artistic displays and materials (such as films, books, seminars, performances, and television series) addressing LGBT-related topics, notably in Rio de Janeiro. President Jair Bolsonaro declared that these actions did not constitute censorship, but were merely an attempt to “preserve (Brazil’s) Christian values” and described funding for LGBT-related screenplays as “throwing money away”. On October 7, 2019, the Federal Public Prosecutor of Rio de Janeiro determined that the government had acted in a discriminatory way and ordered Ancine (the National Audiovisual Agency) to resume its call for the production of LGBT-related public television content. However, the government could appeal this decision.

**Jamaica**

In Jamaica, approval is required from the Cinematograph Authority under the Cinematograph Act to present a film. In 2013, a film about two lesbians who were murdered by their boyfriends was banned though no reason was given by the Cinematograph Authority. Though the Cinematograph Authority has the power to make rules to approve or ban films, those rules are not publicly available.

**Haiti**

In 2017, the Senate voted to ban marriage equality as well as “any public demonstration of support for homosexuality and proselytizing in favour of such acts.”

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13 Ministerio de Educación y Ciencias (Paraguay), Resolución No. 29.664/2017, por la cual se prohíbe la difusión y la utilización de materiales impresos como digitales, referentes a la teoría y/o ideología de género, en instituciones educativas dependientes del ministerio de educación y ciencias, 5 de octubre de 2017; Teo Armus, “Paraguay Bans Material on ‘Gender Ideology’ in Public Schools”, NBC News, October 18, 2017.


North America (0)

Is there more in North America?

In the United States of America, seven states (that make up around 17.4% of the total population) have enacted local laws—informally referred to as ‘No Promo Homo Laws’—which prohibit educators from discussing same-sex intimacy in an affirming or positive manner. For example, in Alabama and Texas, educators must emphasise that ‘homosexuality is not a lifestyle acceptable to the general public’. In Arizona, educators cannot promote or portray homosexuality as a “positive alternative lifestyle”. In South Carolina, educators cannot discuss non-heterosexual relationships except in the context of sexually transmitted diseases. The other states with such laws are Oklahoma, Louisiana and Mississippi.

In March 2017, the governor of Utah signed SB 196, revising the state law that prohibited the “advocacy of homosexuality” in schools. Because less than half of the country’s population is affected by these laws, the US is not included in the list.

In April 2019, Arizona lawmakers voted in favour of Senate Bill 1346, which effectively barred a 1991 law that forbade HIV and AIDS instruction due to its alleged “promotion of a homosexual lifestyle”.

Asia (15)

1. Afghanistan 1965
   - Articles 32 and 33 of the Afghanistan Press Law (1965) prohibit the use of the press to incite others to commit an offense or to “seek depravity” (which includes the publication of articles which tend to debase public morals). Additionally, article 31(1) of the Law on Mass Media (2006) also prohibits the publication of matters “contrary to principles of Islam”.
   - In 2014, the Afghan government threatened to prosecute a gay activist for using social media to advocate for LGBT issues. In 2009, it was reported that a memoir by a gay Afghan man could not be distributed in the country.

2. China 2015
   - Following the removal of a gay-themed web series, China issued the General Rules for Television Series Content Production banning content which “expresses or displays abnormal sexual relations or sexual behaviour, such as homosexuality”.
   - In 2017, a directive was circulated that prohibits content relating to homosexuality as well. In 2018, China’s top social networking site, Weibo, announced a plan to censor gay-related content but reversed its decision after public backlash. In October 2018, a novelist whose work included homoerotic content was sentenced to 10 years’ imprisonment for making and selling “obscene material” for profit.

26 Josh Horwitz et al., “China’s new television rules ban homosexuality, drinking, and vengeance”, Quartz, 3 March 2016.
In February 2016, the Indonesian Broadcasting Commission (KPI) released the Circular to All Broadcasting Companies on Effeminate Men which prohibits all broadcasting companies from representing sexual and gender diversity in men. In the same month, it also released a statement banning TV and radio programmes that “promoted” the LGBT lifestyle on the basis that it was in violation of the Broadcasting Program Standards (2012) in the name of protecting children.30

In 2016, the Indonesian Ulema Council released a fatwa that rejected “all forms of propaganda, promotion and support towards lesbian, gay, bisexual and transgender (LGBT) in Indonesia”, with the Council’s chairman, Maruf Amin, declaring that “LGBT activities and campaign are forbidden in Islam and other Abrahamic religions.”31

Over the past few years, the Communications Ministry has been trying to ban same-sex dating applications on mobile phones albeit unsuccessfully.32

The Press Law contains a variety of limitations on material that may be considered offensive to the public. The government has used this law and the Law on Computer Crimes (Law No. 71,063 of 2009) to shut down newspapers and websites with content related to sexual orientation.33

Article 37 of the Press and Publication Law prohibits the publication of content that “encourages perversion or lead to moral corruption”.

In July 2017, the Jordanian Audiovisual Commission blocked access to an LGBTQIA-inclusive online magazine on the basis that they had not applied for a license.34

Article 21 of the Press and Publications Law prohibits the publication of anything that would insult the public morals or instigate others to violate the public order or to violate the laws or to commit crimes, even if the crime did not occur. This law was extended to include online publications pursuant to the Law Regulating Electronic Media (Law No. 8 of 2016).

In 2017, the Ministry of Information prohibited the screening of a Disney film (The Beauty and the Beast) that contained a same-sex kiss.35 In October 2019, the same Ministry gave a last-minute order to cancel a performance by a Korean pop band in Kuwait for its alleged “failure to adhere to local customs and values”.36 While no further details were officially provided, several media outlets reported that the cancellation was due to a false rumor that all of the band’s members were gay.37


"Jordan blocks access to LGBTQ online magazine", Committee to Protect Journalists, 8 August 2017.


"The reason why the Korean band D-Crunch was not allowed to perform in Kuwait", Arab Times, 28 October 2019.

"Because You’re GAY! K-Pop Band "D-Crunch" Got Kicked off Stage in Kuwait. Watch Their Devastated Reaction!", Al Bawaba, 28 October 2019.
<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Legislation and Description</th>
</tr>
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<tbody>
<tr>
<td>7</td>
<td>Lebanon</td>
<td>1943</td>
<td>Article 532 of the Penal Code prohibits the possession, making, or distributing of materials that may incite others to immorality. In May 2018, an organiser of Beirut Pride was detained for organising a demonstration that incite immorality. In January 2019, the Ministry of Telecom reportedly ordered a ban on Grindr (an online dating app mostly used by gay men).</td>
</tr>
<tr>
<td>8</td>
<td>Malaysia</td>
<td>2018</td>
<td>In 2010, the Film Censorship Board (LPF) relaxed its ban on &quot;homosexual content&quot; pursuant to the Film Censorship Act, provided that gay characters became straight at the end. In 2018, in a response to a parliamentary question and following a national controversy over a gay kiss in a Disney film, the deputy home minister reiterated that LGBT content will be banned from broadcast unless there were &quot;lessons to be learnt&quot;, pursuant to guidelines set by the LPF.</td>
</tr>
<tr>
<td>9</td>
<td>Oman</td>
<td>1984</td>
<td>Articles 25 and 28 of the Publications and Publishing Law (1984) prohibit the publication of anything that &quot;disrupt the public order or call people to embrace or promote anything deemed in contravention of the principles of the Islamic religion&quot; or &quot;that might prejudice the public code of conduct, moral norms or divine religions&quot;. Article 42 of the 2007 Executive Regulations promulgated under the Telecommunications Regulation Law prohibits a person from using telecommunication services that contain data or information which are &quot;contrary to the public ethic system, infringe the religious practice or upset others or promote any subject breaching the law&quot;. In September 2013, the newspaper The Week was shut down for one week after printing an article about the country's LGBT community. In 2015, the Ministry of Information was purportedly taking legal action against a French radio station based in Oman that hosted a gay Omani activist who spoke about the challenges of being gay in the country.</td>
</tr>
<tr>
<td>10</td>
<td>Pakistan</td>
<td>2016</td>
<td>Section 34 of the Prevention of Electronic Crimes Act (2016) grants the Pakistan Telecommunication Authority the power to remove or block access to content if it considers it necessary in the interest of the glory of Islam, public order, decency, or morality. Prior to this law, the government has already been banning LGB-related content online and in the media.</td>
</tr>
</tbody>
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38 Hugo Lautissier, “Beirut Pride’s Hadi Damien Q&A: Lebanon’s LGBT movement is ‘growing’”, Middle East Eye, 19 May 2018.
40 “It’s OK to be gay in Malaysian movies - as long as you go straight”, Herald Sun, 22 March 2010.
44 Zofeen T Ebrahim, “Pakistan’s gay website ban reflects bigotry”, Index on Censorship, 15 October 2013; “The gay kiss that was censored in Pakistan”, GayTimes, 1 February 2016.
<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Legislation/Policy</th>
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</thead>
<tbody>
<tr>
<td>11</td>
<td>Qatar</td>
<td>2004</td>
<td>Article 296 (3)-(4) of the Penal Code (2004) states, “One is convicted to no less than a year and no more than three years in prison in case of (3) Leading, instigating or seducing a male anyhow for sodomy or immorality and (4) Inducing or seducing a male or a female anyhow to commit illegal or immoral actions”. In 2018, it was reported that LGB-content were censored in international newspapers.45</td>
</tr>
<tr>
<td>12</td>
<td>Saudi Arabia</td>
<td>2007</td>
<td>Article 6 of the Anti-Cyber Crime Law (2007) prohibits the production, publication and promotion of online content or webpages that the government deems to be pornographic or in violation of religious values or public morals or order. For instance, in January 2018, Saudi police arrested a group of men who had uploaded a video of a “gay wedding”.46</td>
</tr>
<tr>
<td>13</td>
<td>Singapore</td>
<td>2016</td>
<td>The Info-communications Media Development Authority promulgated a series of Codes of Practices for broadcast media, radio, films and the internet, all of which prohibit the positive portrayal or advocacy of homosexuality and lesbianism. The authorities may also censor the media or impose age restrictions based on these regulations and have done so many times.47</td>
</tr>
<tr>
<td>14</td>
<td>Syria</td>
<td>1948</td>
<td>Article 208 of the Syrian Penal Code prohibits offensive public utterances in writing, graphics, images, etc. Prior to the civil war, it was reported that films on LGBT content were censored.48</td>
</tr>
<tr>
<td>15</td>
<td>United Arab Emirates</td>
<td>2003</td>
<td>Article 3(5)(4) of Law on Combating Cybercrimes (Law No. 5 of 2012) criminalises the condoning, provoking or promoting of sin through the computer network or any information technology means or a website. The Telecommunications Regulatory Authority also blocks websites that “promote destructive principles such as homosexuality” as part of its Internet Access Management Regulatory Policy. In 2018, the Knowledge and Human Development Authority of the Dubai Government banned a textbook used in a private international school for “violating the religious and traditional norms in the UAE” because it featured a family with two mothers.49</td>
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Legal Barriers to Freedom of Expression on SOGIESC issues

16  🇺🇳 Yemen  1990

Article 103 of the Law on the Press and Publications (Law No. 25 of 1990) prohibits the publication or dissemination of “anything which undermines public morals”.

In 2004, a court sentenced three journalists to imprisonment for publicly discussing homosexuality and interviewing men jailed for homosexuality. In 2012, a government-funded cultural magazine, Al Thaqafiya, was shut down for publishing a review of an Egyptian film that contained a scene depicting lesbian sex.

Is there more in Asia?

**Kazakhstan**

Kazakhstan’s Constitutional Council announced on May 26, 2015, that a proposed legislation on “propaganda of non-traditional sexual orientation” is unconstitutional.

On a more positive note, on July 30, 2019, the Supreme Court of Kazakhstan ruled that a Facebook user violated the privacy rights of two women after posting, without their consent, a video of the women kissing to solicit hostile reactions from other users. This ruling invalidated a lower court’s decision that justified the public shaming on the grounds that what was shown in the video was against the “moral foundations of society”.

**Kyrgyzstan**

In 2014, the government of Kyrgyzstan had introduced a bill that copied Russia’s legislation against “gay propaganda”, with additional jail sentences for people who “promote homosexual relations” through the media. The bill had a second reading in June 2015 with little discussion, no questions asked of the 28 MPs who sponsored it, and 90 votes in favour. However, in May 2016, the Parliamentary Committee on Law, Order and Fighting Crime withdrew the draft legislation for further consideration, and to date, it has not been put back before the parliament.

**Lebanon**

In May 2019, OGERO (the Lebanese state’s fixed network owner & maintainer) blocked Grindr, a popular dating app for gay men, on the orders of the Public Prosecutor’s Office. Shortly after, it was announced that all internet service providers in the country would follow suit. The ban on Grindr came after a similar but more short-lived block in January 2019. Lebanese authorities acknowledged their decision to ban Grindr but never provided an explanation for it. It is unclear whether the ban is still enforced as of November 2019.

**Europe (3)**

1  🇧🇾 Belarus  2017

The Bill on the Protection of Children from Information Harmful to their Health and Development was passed and came into effect in July 2017 as Law No. 362-Z2.

Similar to Russia’s propaganda law, Article 37 prohibits the dissemination of information that “discredits the institution of family and marriage”.

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### Legal Barriers to Freedom of Expression on SOGIESC issues

#### Lithuania 2014
In January 2014, the Lithuanian Parliament introduced amendments to the Code of Administrative Violations of Law (at Section 214 and elsewhere) penalising activities or publication that violate so-called constitutionally-established family values.

These amendments were enacted in the context of the Law on the Protection of Minors against the Detrimental Effect of Public Information that came into effect in March 2010.

#### Russian Federation 2013
Federal Law No 135-FZ which prohibits the promotion of non-traditional sexual relations among minors has been used to prosecute a range of people since it was enacted, including activists, websites and the media.50

*For more information on this law, read “The Censorship “Propaganda” Legislation in Russia” by Alexander Kondakov at page 213 of the 13th edition of State-Sponsored Homophobia.*

In March 2019, it was reported that a theatre festival was banned in the Far East region of Komsomols-on-Amur for promoting "hatred against men and non-traditional family relations". The festival organizer and the underage actors in her collective were questioned by a police anti-extremism unit. Local reports stated that authorities were alerted by the use of the words “blue” and “pink” in one of the plays’ titles, as these colours are colloquially used as synonyms of LGBTQ community in the country.51

On July 1, 2019, an LGBT activist was charged with spreading “homosexuality propaganda among minors” because of his participation in various events related to LGBT rights in Russia.62

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**Is there more in Europe?**

**Armenia**
In Armenia, an attempt was made in 2013 to introduce an amendment to the Administrative Offences Code to impose fines for “propaganda of non-traditional sexual relations” but subsequently withdrawn.63 In October 2018, a similar law was introduced in the legislature.64

**Hungary**
The Hungarian government issued a decree in 2018 to revoke accreditation and funding for gender studies programmes at the two universities that offer them in the country. This was because the Hungarian government believed that there are only two genders and did not wish to spend public funds in this area.65

**Latvia**
The Latvian parliament successfully passed amendments to the Education Law in 2015 which obliges education institutions to provide students with ‘moral’ education that mirrors constitutional values, especially regarding marriage and family.66 It had previously failed to enact an anti-gay propaganda law in 2013, which aimed to prohibit children as participants or spectators of events aimed at the promotion of LGBT relations.67

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60 Trudy Ring, "LGBT Website Gay.ru Blocked Within Russia", The Advocate, 2 April 2018.
62 “LGBT Activist From Yaroslavl is Accused of "Propaganda of Homosexual Relations Among Minors"”, Russian LGBT Network, 2019.
65 “Hungary to stop financing gender studies courses: PM aide”, Reuters, 14 August 2018.
Moldova

In 2013, the Moldovan government first enacted then repealed an anti-gay propaganda law inspired by the Russian law in its bid to join the European Union. Two bills were tabled in 2016 and 2017 to ban “propaganda of homosexual relations among minors” and censor public distribution of information about non-heterosexual relationships and identities and remain under legislative consideration.

Poland

In March 2017, draft propaganda legislation was proposed in Poland to ban homosexual people from the teaching profession. The proposed bill was never voted on due to a change in the party compositions of the Polish parliament following new elections. In late 2018, the Polish president said that he would “seriously” consider a law banning “homosexual propaganda” in schools.

Turkey

In Ankara, a ban on LGBT public events remains in force since November 2017, when Turkey was declared under state of emergency. However, the ban was not lifted after situation was normalized in July 2018. On the contrary, the Ankara governor’s office informed law enforcement and other authorities that it remained in force. Human Rights Watch indicated that this ban means that all public LGBTI-related discussions are banned in Ankara province.

Ukraine

Ukraine had tried to “protect” children from “propaganda” about homosexual relations with Draft Law 1155 and Draft Law 0945. However, after international pressure, they were removed from parliamentary consideration in April 2014.

Oceania (0)

Is there more in Oceania?

Samoa

In 2019 the movie “Rocketman” was censored in Samoa. Responding to questions from a media outlet, the Ministry of Justice and Courts Administration Principal Censor of Samoa explained that the movie contained “acts that are not good for public viewing, and against the law.”

72 “Yasaklama Kararına ilişkin Basın Duyurusu” (Press Release on Prohibition Decision), Governor of Ankara (Website), 19 November 2017.
75 Principal Censor stands by decision to ban Rocketman”, Samoa Observer, 10 June 2019.
Legal Barriers to the Registration or Operation of Sexual Orientation-Related CSOs

Highlights

41 UN Member States
21% UN Member States

AFRICA
20 /54
84%
20%
0%

LAC
0 /33
0%
0%
0%

NORTH AMERICA
0 /2
0%
0%
0%

ASIA
18 /42
64%
36%
0%

EUROPE
2 /48
94%
6%
0%

OCEANIA
1 /14
0%
10%
0%

Introduction

The ability of sexual orientation-related (SOR) civil society organisations (CSOs) to formally register and operate in a country allows them to more effectively serve and advocate for SOR issues.

Registration refers to the ability of organised groups to be recognized as independent legal entities under the law, which would allow them to receive funding and conduct their activities formally. In this section, a SOR CSO is defined as one that is explicitly sexual orientation-related, whether in its name or registration documents. While some NGOs may achieve registration by using non-explicit names or descriptions (e.g. as “human rights” or “sexual health” groups), they would not be regarded as SOR CSOs for the purpose of ascertaining the existence of legal barriers to registration.

Additionally, even if SOR CSOs may be able to get formal registration, they may also be prevented from effectively conducting their activities and advocacy. In this section we also include States with laws that may seriously interfere or obstruct the work of SOR CSOs. This may include legal restrictions on funding or the types of activities that are permitted.

What does International Human Rights Law say?

Everyone has the right to freedom of peaceful assembly and association, including for the purposes of peaceful demonstrations, regardless of sexual orientation, gender identity, gender expression or sex characteristics.

Persons may form and have recognised, without discrimination, associations based on sexual orientation, gender identity, gender expression and sex characteristics, and associations that distribute information to or about, facilitate communication among, or advocate for the rights of, persons of diverse sexual orientations, gender identities and expressions and sex characteristics.

Yogyakarta Principle 20
Methodology Note

Mapping the legal barriers to the registration or operation of sexual orientation-related civil society organisations can be quite challenging. Unlike other laws, which may be more straightforward in their wording or in its effects, the barriers that usually prevent the registration or operation of organisations can be more difficult to trace in the abstract.

Therefore, in order to confirm the existence of a legal barrier, additional information needs to be gathered with regard to the official response or explanation given to a failed attempt to register an organisation. In this regard, this section does not pretend to be exhaustive. Other countries with legal barriers may be included if more information becomes available.

In this section ILGA lists States in two tiers:

- **TIER 1: confirmed legal barriers.**
  ILGA has found that there may be an explicit prohibition against SOR activities or associations, where the law specifically forbids SOR NGOs from registering. Although this kind of prohibitions exist, they are quite rare.

  Most cases include countries with NGO laws that prohibit the registration of groups that engage in illegal, immoral or “undesirable” activities or purposes. These provisions may be interpreted to prohibit SOR NGOs, what is often the case in countries where consensual same-sex sexual acts are criminalised. Tier 1 countries are those for which ILGA was able to corroborate that local groups have been actually denied registration of a SOR CSO based on a provision of law. Reference to the source in which the rejection was documented is always provided.

- **TIER 2: legal barriers very likely to exist.**
  This tier includes countries for which ILGA was not able to find evidence of official rejection but where criminalisation of same-sex intimacy, restrictive NGO laws and generalised hostility (state-sponsored or otherwise) make it very unlikely that a request for registration will be accepted.

  Lack of evidence of official rejection can be attributed to various reasons. First, in several countries no SOR CSO or civil society groups are known to exist on the ground. In others, for various reasons (exposure, governance, interference, cost, etc.), groups expressly choose not to pursue NGO status, and opt for other creative strategies to be able to operate at the policy level.

  For example, in countries with the death penalty or harsh penalties for same-sex consensual acts, where activists may find it too dangerous even to organise or come out, it is highly likely that any attempt at registration will be denied. Additionally, when the legal terminology used to criminalise same-sex intimacy is the same or similar to that used in the provisions on CSO registration, the likelihood of a legal barrier increases.

  Additionally, as most laws on NGOs and associations prohibit the registration of organisations with “illegal purposes”, the criminalisation of same-sex activity can be indicative of a legal barrier to register a SOR CSO. However, this cannot be taken as a hard and fast rule given that in many countries that still criminalise, local courts have argued that advocating for the rights of LGBT people cannot be equated with the sexual acts that fall under sodomy laws. Therefore, not every criminalising country is included in this second tier.
## Africa (12)

<table>
<thead>
<tr>
<th>Tier 1: Confirmed Legal Barriers</th>
<th>Country</th>
<th>Year</th>
<th>Legal Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Burkina Faso</td>
<td>2015</td>
<td>Article 16 of Law 064-2015/CNT on freedom of association allows authorities to reject the registration of groups that are based on a cause or object that is &quot;illicit, or contrary to laws and good morals&quot;. Repeated attempts by LGBT organizations to register with the Ministry of Territorial Administration, Decentralization, and Security were not approved though no explanation was provided for the refusals.¹</td>
</tr>
<tr>
<td>2</td>
<td>Burundi</td>
<td>1992</td>
<td>Decree-Act No. 1/11 of 18 April 1992² allows the authorities to deny registration when the object of the association is contrary to the law, public order or morality.³ Activists have reported being unable to register their groups except when they focus on HIV/AIDS issues.⁴</td>
</tr>
<tr>
<td>3</td>
<td>Cameroon</td>
<td>1999</td>
<td>Law no 99/014 of 22 of December 1999⁵ regulates NGOs in Cameroon, which are required to pursue aims that are in the “public interest”⁶. Groups report that they face obstacles in the process of obtaining legal recognition and some groups have had to exclude any reference to LGBT people to become legally registered.⁷</td>
</tr>
<tr>
<td>4</td>
<td>Democratic Republic of Congo</td>
<td>2001</td>
<td>Article 3 of the Decree-Law No. 004 of 20 July 2001 requires organisations seeking registration to undergo a two-tiered process, with legal personality granted by the Minister of Justice after a favourable opinion is received from the ministry responsible for the sector in which the organization is engaged. According to a joint submission by 6 SOR NGOs to the 2017 UPR, most organisations have been denied registration when they make reference to LGBT persons in their constitutions.⁸</td>
</tr>
<tr>
<td>5</td>
<td>Egypt</td>
<td>1964/2017</td>
<td>Article 14(2) of The Law of Associations and Other Foundations Working in the Field of Civil Work (Law No. 70 of 2017) prohibits associations from any &quot;activities that result in destabilizing the national unity, national security, public law and order, and public morals&quot;. As a result of hostile state and social attitudes, groups have not been able to register their organisations officially and often have to work secretly and anonymously to avoid state persecution.⁹</td>
</tr>
</tbody>
</table>

² No online text of law could be located.
⁵ No online text of law could be located.
<table>
<thead>
<tr>
<th></th>
<th>Year(s)</th>
<th>Law/Provision</th>
</tr>
</thead>
</table>
| **Liberia**    | 1977    | Section 21(1) of the **Associations Law of 1977** provides that a non-profit corporation may be formed for “any lawful purposes”. In November 2016, the Trans Network of Liberia (TNOL) sought registration as a legal entity with the Liberia Business Registry but was refused on the basis that its articles of incorporation include activity which is not allowed in Liberia.  

|                | 2004    | Article 4 of the **Law on Associations (Law No. 04-038 of 5 August, 2004)** prohibits the recognition of associations that are based on a purpose that is contrary to law and morality. In June 2005, the governor of the District of Bamako cited this law to refuse official recognition of a gay rights association.  

| **Mauritania** | 1964    | Article 3 of Act No. 64-098 of 9 June 1964 on associations limits the freedom to legally engage in activities unless prior authorisation has been granted from the Ministry of the Interior. A request for official recognition of the Nouakchott Solidarity Association, the country’s only LGBT group, has been denied by local authorities.  

> “Germany keeps blocking activist training — this time for a Mauritanian”, *Erasing 76 Crimes*, 20 February 2017. |
| **Morocco**    | 1958    | Article 3 of the **Decree Regulating the Right of Association (Decree 1-58-376 of 1958)** prohibits associations from engaging in activities that, *inter alia*, “breach the laws or public morals” or “offend Islam”. Further amendments to the 1958 law were made in **Decree 2-04-969 of 2005**, which include prohibitive provisions, such as capacities of the association at start-up. Akaliyat, a Moroccan organization, attempted to register in 2016 but authorities refused even to take the application and hustled those applying out of the registration office.  

|                | 2013    | Article 4(1) of Nigeria’s **Same-sex Marriage (Prohibition) Act** prohibits “the registration of gay clubs, societies and organisations, their sustenance, processions and meetings”. Articles 5(2) and (3) impose a 10-year prison sentence on anyone who “registers, operates or participates in gay clubs, societies organization” or “supports” the activities of such organisations. In 2018, a group called “Lesbian Equality and Empowerment Initiatives” lost their appeal challenging the refusal of the Corporate Affairs Commission (CAC) to register them under the Companies and Allied Matters Act. The judge held that the group’s name was “in collision with an existing and operational law”, referring to the Same-sex Marriage (Prohibition Act).  

> Ikechukwu Nnochiri, “Court throws out suit seeking registration of lesbian group”, *Vanguard News* (Nigeria), 18 November 2018. |
Section 30(1)(a) of the Non-Governmental Organizations Act states that an "organisation shall not be registered under this Act, where the objectives of the organisation as specified in its constitution are in contravention of the laws of Uganda".

Sexual Minorities Uganda’s (SMUG) application for registration was rejected on the ground that its name and objectives were unacceptable because same-sex sexual relations were criminalised in the country. They sued the Uganda Registration Services Bureau in 2016 and the judgment is pending.


Section 8 of the Societies Act 1958 empowers the Registrar of Societies to refuse to register any society that is prejudicial to or incompatible with the peace, welfare or good order in Zambia.

In 1998, the Registrar of Societies refused to entertain activists who tried to register their group, Lesbians Gays and Transgender Association (LEGATRA), and said that he could not register the group "any more than I could a Satanic organisation". While there are several LGBTI human rights organisations, they operate underground and strategically negotiate the dangerous legal landscape.

In 2016, several UN Special Procedures expressed concern regarding undue delays, the subsequent refusal to register and arrests of civil society and defenders in the registration of the Engender Rights Centre for Justice on grounds of “soliciting for immoral purposes”.

In October 2019, a Member of Parliament raised a motion seeking to ban political parties and organizations that support LGBT rights in Zambia. The motion eventually expired because of time.

The Law on Associations (Law 12-06 of 2012) affords the government broad discretion to refuse to register an association with an object that is contrary to “good mores” (bonnes moeurs). The title of the section of the Penal Code that criminalises “homosexual acts” uses the same terminology. The law also imposes heavy fines and criminal penalties for members or leaders of informal associations.

Local LGBT groups have reported that gathering publicly or registering an organisation under this legal framework is


Lily Phiri, Canaries in the coal mines: an analysis of spaces for LGBTI activism in Zambia (The Other Foundation, 2017), 18.

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

For more information, see ZMB 4/2015.

“MP moves Motion in Parliament to Ban Political Parties that support Gay, Lesbian, Bisexual and Transgender rights”, Lusaka Times, 10 October 2019

The Law on Public Meetings and Gatherings (Law 91-19 of 1990), contributes to a repressive legal environment. Article 9 of this law 91-91 prohibits any gathering that opposes “good mores” (bonnes moeurs). The title of the section of the Penal Code that criminalises “homosexual acts” uses the same terminology.
impossible. Human rights activists have also expressed the fear that supporting or advocating LGBT rights will “result in the immediate withdrawal of accreditation.”

14 **Ethiopia** 2009

In Ethiopia, Article 69 of the Charities and Societies Proclamation Law (Law No. 621/2009) prohibits the registration of any group that is contrary to “public morality” or is illegal. This has led activists in Ethiopia to believe that they cannot be legally registered though it has not been tested.

15 **Libya** 2016

Various articles within the Law of on associations and non-profit foundations of 21 April 1928 (amended 2016) could make the registration of a SOGI-based NGO virtually impossible.

16 **Malawi**

In Malawi, organisations working on LGBT issues were able to receive legal status after they strategically chose to register as a human rights organisation and used non-descriptive names to avoid additional scrutiny. Even then, they have been faced with significant obstacles to operate: in April 2011, the Ministry of Information and Civic Education held a string of press conferences to “expose” a funding proposal for SOGI issues it had ‘unearthed’, which had been submitted to the Norwegian Embassy. The Council for Non-Government Organisations in Malawi (CONGOMA) publicly denounced LGBT activism in May 2011 after a meeting with the President.

17 **Senegal**

In Senegal, *Prudence* is the only SOR NGO to have obtained registration with explicit language on sexual minorities in their by-laws. However, they are hesitant to renew their registration, fearing it could be rescinded when the documents are resubmitted. Some activists have also faced police harassment though their charges for “establishing an illegal organization” were eventually overturned on appeal.

18 **Somalia** 2010

In Somalia, the danger of coming out makes it practically impossible to even attempt registration though it is highly unlikely that registration would be successful anyway. Article 10 of the Law on Welfare (or Charitable) Non-Governmental Organisations, (Law No. 43/2010) which imposes a duty on NGOs to “respect the culture and belief of the people” while Article 11 prohibits NGOs from engaging in any act that violates the country’s laws. A community group of Somali activists based in Ethiopia has not been able to attempt registration due to the dangerous climate in the country.

19 **Sudan** 2006

In Sudan, the threat of the death penalty coupled with a rigorous registration process mandated under Section 8(1) of the

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29 Mariam Armissen, “We Exist: Mapping LGBTQ Organizing in West Africa” (Foundation for a Just Society), 19.


Legal Barriers to the Registration or Operation of Sexual Orientation-Related CSOs

Voluntary and Humanitarian Work (Organization) Act, 2006 makes it highly unlikely that an SOR CSO would be registered.

20 Tanzania 2016

Though there are existing registered organizations working on issues related to sexual orientation, in August 2016, the justice minister announced controversial new plans to suspend the registration of any charity or non-governmental organisation that supports homosexuality.32

In the same year, the health ministry shut down community-based HIV programmes that served men who have sex with men.33

There has been continued threats of violence against LGBT people and a taskforce was set up in late 2018 to “hunt” LGBT people, which have forced activists to hide for their own safety.34

Is there more in Africa?

Kenya

In March 2019, the Court of Appeal of Kenya ordered the Non-Governmental Organizations (NGOs) Coordination Board to register the National Gay Lesbian Human Rights Commission (NGLHRC) as a non-profit organization. However, this decision could still be appealed by the government in the Supreme Court.35

Mozambique

In 2017, the Mozambique Constitutional Council ruled in favour of an LGBT advocacy group after it had been refused registration on the basis of Law on Associations (Law No. 8/91) and held that the government’s interpretation of the law violated the principle of non-discrimination under the Constitution.36

Tunisia

In May 2019, the Court of Appeal upheld a 2016 ruling in favour of LGBT rights group Shams after the government had appealed against the decision that it should register the organisation.37 This followed another attempt to shut down the group on the basis of sharia law in April 2019.38 and it should mean that LGBT-related objectives are not any more a legal ground for refusing registration to SOR CSOs.

Latin American and the Caribbean (0)

Is there more in LAC?

Cuba

Even though the Cuban Law on Associations (Law No. 54) guarantees the constitutional right to freedom of association, the actual implementation of the law presents its nuances. The largest groups of LGBTI activism in the country, although without legal personality, work under the umbrella of the state-run National Center for Sex Education (CENESEX) and have relative autonomy to draw their bases and objectives, and even in some cases are already members of ILGA. The main limitation to the creation of new associations has to do with alignment with governmental directives.

33 “Now Tanzania also ends vital HIV programmes targeting gay men”, Mamba Online, 4 November 2016.
34 Nick Charity, “Tanzania taskforce to start ‘witch hunt’ to round up and imprison LGBT community”, Evening Standard, 1 November 2018.
35 Nita Bhalla, “Victory for Kenya’s LGBT+ community as charity wins right to be recognized”, Reuters, 22 March 2019.
### Haiti
A pending bill aims to prohibit public demonstrations of “support for homosexuality”, which would severely restrict the freedom of association and speech among LGBT activists. In 2016, the Massimadi arts and film festival that celebrates Haiti’s Afro-Caribbean LGBT community was shut down by the commissioner of Port-au-Prince on the basis that he was protecting public morals.

### Venezuela
The UN High Commissioner for Human Rights has expressed concern about recent actions taken to pass a law that criminalizes activities of domestic human rights organizations that receive funds from abroad. She stressed that “this law, if passed and applied, would further reduce the democratic space.”

### Asia (18)

<table>
<thead>
<tr>
<th>TIER 1: CONFIRMED LEGAL BARRIERS</th>
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</thead>
<tbody>
<tr>
<td><strong>1</strong></td>
</tr>
</tbody>
</table>

Only specific types of societies may be registered under the Societies Registration Act (1860) pursuant to Section 20 and activists have reported that registration of their groups have been rejected on the basis of the criminalisation of same-sex sexual conduct. In addition, due to threats to the safety of activists by state officials and citizens, activists have been unable to complete the registration process which requires them to meet with government officials.

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<table>
<thead>
<tr>
<th>#</th>
<th>Country</th>
<th>Year(s)</th>
<th>Legal Barriers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>China</td>
<td>1998, 2016, 2017</td>
<td>Article 11 of the <a href="#">Interim Regulations on the Registration and Administration of Private Non-enterprise Units</a> confers a discretion on the relevant authorities to approve the registration of associations, of which one ground is violation of Article 4. Article 4 specifies that such groups shall not endanger the “social interest” as well as the lawful rights and interest of other organizations and citizens, and shall not breach “social ethics” and “morality”. While some NGOs have been successful in registering, others have reported being rejected because their names or activities explicitly referred to issues on sexual orientation. Furthermore, under the <a href="#">Charities Law</a> (2016) only charitable organisations certified by the government are permitted to conduct public fundraising and uncertified individuals may be severely penalised for doing so. Also, in January 2017 the <a href="#">Law on the Management of the Activities of Overseas NGOs within Mainland China</a> came into force, severely impeding funding capabilities. These restrictions severely restrict the ability of CSOs, particularly those that have had their registration rejected, to raise funds and organise. In January 2019, the Municipal Affairs Bureau in the southern metropolis of Guangzhou shut down two organisations for “failure to register properly” by not explicitly declaring their objectives and activities related to sexual orientation.</td>
</tr>
<tr>
<td>3</td>
<td>Jordan</td>
<td>2008</td>
<td>Article 3 of the <a href="#">Law of Societies</a> (<a href="#">Law No. 51 of 2008 as amended by Law No. 22 of 2009</a>) prohibits the registration of any society which has illegal goals or purposes. In 2009, a registration application was rejected and a ministry official explained to the media that if the government authorized such an organization, it “would violate ‘public morals’ and ‘decency’.”</td>
</tr>
<tr>
<td>4</td>
<td>Kazakhstan</td>
<td>1996</td>
<td>Article 5 of the <a href="#">Law on Public Assembly</a> (1996) states that the formation and operation of public association infringing the health or moral principles of the citizens, as well as the activity of unregistered public associations are not allowed. <a href="#">Feminita</a>, a queer feminist collective, has been rejected multiple times since 2015 allegedly because of their focus on LGBT rights, the most recent of these refusals having occurred in September 2019. According to an Amnesty International report, there is no registered SOR CSO in operation as “obtaining registration for an NGO is a bureaucratically arduous process, and registration is often refused on spurious grounds”</td>
</tr>
</tbody>
</table>

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45 “China’s Complicated LGBT Movement”, The Diplomat, 1 June 2018.
48 “Kazakhstan’s Queer Feminist Uprising is Now”, Queer Here, 5 October 2015.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Legal Framework</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kyrgyzstan</td>
<td>1999</td>
<td>Article 12 of the Law on Non-commercial Organizations states that non-commercial organizations shall have the right to conduct &quot;any type of activity which is not prohibited by Law&quot;. While there are several registered groups, the Ministry of Justice of the Kyrgyz Republic denied registration to the public association Alliance and Social Services of Gays and Lesbians Pathfinder in January 2011 because it deemed that the &quot;designation of the words 'gay and lesbian' in a name of the legal entity promotes the destruction of moral norms and national traditions of the people of Kyrgyzstan&quot;.</td>
<td></td>
</tr>
<tr>
<td>Lebanon</td>
<td>1909</td>
<td>The Ottoman Law on Associations prohibits organisations that are founded on an &quot;unlawful basis&quot; and requires notification to the government upon the founding of an organisation, which will respond with a receipt that officially recognises the organisation. However, an LGBT group which applied for registration in 2004 never received any receipt though subsequent groups which did not describe themselves using any term related to sexual orientation or gender identity were successfully recognised. In May 2018, Lebanese General Security officers attempted to shut down a conference on LGBT Rights organised by the Arab Foundation for Freedoms and Equality (AFE) on the basis that it &quot;promoted homosexuality&quot; and drug abuse.</td>
<td></td>
</tr>
<tr>
<td>Malaysia</td>
<td>1966</td>
<td>Under Section 7(3)(a) of the Societies Act 1966, the Registrar of Societies shall refuse to register a local society where it appears that such a local society is unlawful or is likely to be used for &quot;unlawful purposes&quot;. In 2017, LGBTI group Pelangi Campaign's application for registration was rejected without any reason and its appeal was also rejected in 2018, citing section 7 of the Act, which empowers the Registrar of Societies to reject applications without the need to provide any reasons.</td>
<td></td>
</tr>
<tr>
<td>Singapore</td>
<td>1966</td>
<td>Section 4(2)(b) of the Societies Act allows the Registrar of Societies to refuse to register a society that it considers to be &quot;likely to be used for unlawful purposes or for purposes prejudicial to public peace, welfare or good order in Singapore&quot;. A gay advocacy group, People Like Us, was not allowed to register in 1997 and 2004, and the reason given in 2004 was on the basis of that provision.</td>
<td></td>
</tr>
</tbody>
</table>

TIER 2: LEGAL BARRIERS VERY LIKELY TO EXIST

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51 Id., 33.
56 Stephan Ortmann, Politics and change in Singapore and Hong Kong: Containing contention (Routledge, 2009), 154.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Law/Regulation</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>2005</td>
<td>Article 7 of the Law on Non-Governmental Organizations and article 5 of the Association Law</td>
<td>prohibit groups from engaging in activities that are illegal or against the “national interest”. Reports suggest that LGBT advocates largely function underground out of fear of persecution due to the threat of severe punishment.57</td>
</tr>
<tr>
<td>Bahrein</td>
<td>1989</td>
<td>Article 3 of Law No. 21 of 1989</td>
<td>stipulates that a group that is deemed to “contradicts the public order or moral” or undermines the “social order” is considered illegal. There are many restrictions and conditions set and as decision-making on what construes these is dispersed across government agencies, it is highly likely a SOGI-based application would be instantly rejected.</td>
</tr>
<tr>
<td>Kuwait</td>
<td>1962</td>
<td>Article 6(4) of the Law on Clubs and Public Welfare Societies (Law No. 24 of 1962)</td>
<td>states that “societies and clubs are not allowed to seek achieving any purpose that is illegal or defies ethics or related to purposes stipulated in the statute”. NGO registration is mandatory under articles 2 and 3 and an implausible prospect for SOR CSOs groups.</td>
</tr>
<tr>
<td>Iran</td>
<td>1979</td>
<td>Article 8 of the Executive Regulations Concerning the Formation and Activities of Non-Governmental Organizations (2005)</td>
<td>provides that the organisation’s constitution and activities must not be in violation of the Constitution. Article 26 of the Constitution of the Islamic Republic of Iran (1979) provides for the freedom of association provided that they do not violate “Islamic standards” and “the basis of the Islamic Republic”.</td>
</tr>
<tr>
<td>Oman</td>
<td>2000</td>
<td>Law No. 14 of 2000</td>
<td>confers the Ministry of Social Affairs and Labour the power to deny registration when it considers that the services to be provided by the association “are not needed” (or for “any other reasons”).58 Though there are no SOR CSOs in operation in Oman, it is likely that even if there was one, it would be refused registration in light of the hostile environment in the country.</td>
</tr>
<tr>
<td>Qatar</td>
<td>2004</td>
<td>Articles 1 and 35 of the Law on Private Associations and Foundations (Law No. 12 of 2004)</td>
<td>disallow associations from being “involved in political issues”, as human rights advocacy is often framed as. This limited margin of action coupled with the harsh penalties imposed to consensual same-sex sexual acts makes it very unlikely that a SOR NGO will get formal registration.</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>2016</td>
<td>Article 8 of the Civil Society Associations and Organisations Law (Royal Decree No. M/8, 19.2.1437H)</td>
<td>prohibits the establishment of an association if its charter conflicts with the provisions of Shariah, “public policy” or “public morality”.</td>
</tr>
<tr>
<td>Syria</td>
<td>1958</td>
<td>Various articles of Law No. 19/1958 (amended 1969)</td>
<td>allow the Ministry to appoint or remove board members, disallow political participation, foreign funding, and allow the registration to be rescinded at will. Further, article 35 allows any Board decision to be suspended “if it deems it to be against the law, the public order or morals”. This legal framework appears to pose severe barriers to the formal registration and the operation of a SOR NGO.</td>
</tr>
</tbody>
</table>

Besides the possible imposition of the death penalty under Shariah Law, local Penal Codes impose harsh penalties to consensual same-sex sexual acts. Moreover, Federal Law No. 2 (2008) confers broad powers of supervision (including sending representatives to meetings) and heavily restricts the activities that organisations can carry out without receiving first permission from the Ministry of Social Affairs. This legal framework appears to pose severe barriers to the formal registration of a SOR NGO.

Although Article 58 of the Constitution asserts the rights on citizens to form associations, the Penal Code in force imposes the death penalty for consensual same-sex sexual acts. Such provision coupled with the hostile situation on the ground makes it very unlikely that a request to formally register an organisation to advocate on issues of sexual orientation will be accepted.

Is there more in Asia?

Mongolia

The first LGBT NGO in Mongolia was denied registration in 2007 and was only granted legal status after domestic and international pressure in 2009.

North Korea

Civil society human rights activity of the type that would produce a SOGI-based NGO does not appear to be possible in North Korea. However, the amended Penal Code of 2009 does not refer to “illegal societies” as did the 1950 Code.

Palestine

In August 2019, in response to a planned gathering in Nablus by Palestinian LGBT group Al-Qaws, the Palestinian Authority banned LGBT groups from meeting in the West Bank under the pretense that they are “harmful to the higher values and ideals of Palestinian society.”

Europe (2)

TIER 1: CONFIRMED LEGAL BARRIERS

Belarus

Article 7 of Law on Public Associations prohibits the operation of unregistered associations. Attempts to register LGBT groups have been unsuccessful.

Activists have also faced harassment by State officials after submitting their registration application. The head of Gay Belarus, fearing for his personal safety, was forced to flee the country with his family in 2013.

59 For more information, see the entry for the United Arab Emirates in the Criminalisation section of this report.
60 Anne Leach, “Coming out for LGBT rights in outer Mongolia”, Gay Star News, 26 April 2013.
63 “Attempt To Register A LGBT Organisation in Belarus Provokes Police Raids”, Belarus Digest, 6 February 2013.
The “Foreign Agent” legislation has been employed to fine several LGBT organisations, which activists have criticised for discrediting the work that they carry out.65 Being labelled as a “foreign agent” also imposes further restrictions on funding and introduces bureaucratic burdens like extensive audits. It also confers supervisory powers on the state to interfere in the organisation’s affairs.

On July 16, 2019, the European Court of Human Rights ordered Russia to pay a fine of 42,500 euros for its refusal to give official recognition to three LGBT associations.66 Notwithstanding this ruling, in October 2019, a St. Petersburg court ordered the disbandment of the Russian LGBT Network and the Russian LGBT Community for posting information for the community on social media. The Russian LGBT Network then announced its plans to appeal to the St. Petersburg City Court.67

Is there more in Europe?

Turkey

Reflecting increasing tensions, in 2013, a Turkish court rejected an application by the authorities to shut down an organisation on the basis that it included a clause stating that it “may work in the field of sexual orientation”.68 In April 2019, the 12th administrative court lifted a ban on LGBT events in the capital city after an initial appeal to the court was rejected in November 2018.69 The ban was imposed using a law enacted during the state of emergency following the 2016 coup attempt.

Oceania (1)

TIER 1: CONFIRMED LEGAL BARRIERS

1      Fiji      1978

LGBT groups cannot be registered under the Charitable Trusts Act due to the limited scope of what constitutes a “charitable purpose”.

In 2014, several LGBT advocacy groups called on the government to revise the law to allow LGBT groups to register as legal entities.70

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65 "Russian member organisation fined as ‘foreign agent’", LGL National LGBT Rights Organisation Website, 9 March 2015.
67 Kyle Knight, “Russia Censors LGBT Online Groups”, Human Rights Watch, 8 October 2019.
68 “Ekogenc’s Closure Case Ends: Work in the area of sexual orientation is not “contrary to morality”, LGBTI News Turkey, December 19, 2014.
69 Alex MacDonald, "Court lifts ban on LGBT Pride events in Ankara", Middle East Eye, 19 April 2019.
GLOBAL LEGISLATION OVERVIEW

PROTECTION

STATE-SPONSORED HOMOPHOBIA (UPDATE) 2019
Constitutional Protection against Discrimination based on Sexual Orientation

Highlights

11 UN Member States
6% UN Member States

AFRICA
1 / 54

LAC
4 / 33

NORTH AMERICA
0 / 2

ASIA
1 / 42

EUROPE
4 / 50

OCEANIA
1 / 14

Introduction

Constitutions are the legal texts that collect the most fundamental legal principles of any given State. They usually set the organizational basis of the government and establish general rules that laws and regulations cannot contravene.

Additionally, most constitutions contain a list of fundamental rights and non-discrimination provisions. These provisions may be written in "broad" terms to apply to "all" people or may list a number of protected characteristics which cannot be the basis of discrimination in law (de jure) or in practice (de facto).

A few States have explicitly included the term "sexual orientation" in their non-discrimination clauses to protect people against discrimination based on that characteristic. This also means that the entire legal framework should abide by that legal principle. However, this is not always the case. Local courts can also read in "sexual orientation" into those general equality provisions, thus triggering inclusion of the term in State practice and in law.

In the following list, only those constitutions that spell out the term "sexual orientation" in an unambiguous way are listed.

What does International Human Rights Law say?

Everyone is entitled to enjoy all human rights without discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

Everyone is entitled to equality before the law and the equal protection of the law without any such discrimination whether or not the enjoyment of another human right is also affected.

The law shall prohibit any such discrimination and guarantee to all persons equal and effective protection against any such discrimination. [...]

Yogyakarta Principle 2
Constitutional Protection against Discrimination based on Sexual Orientation

### Africa (1)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Prohibition of sexual orientation discrimination was first included at Section 8 of the Interim Constitution that came into force in April 1994, and was carried through Section 9(3) of the Constitution of South Africa, 1996.</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Africa</td>
<td>1994</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1996</td>
<td></td>
</tr>
</tbody>
</table>

Is there more in Africa?

**Botswana**

Section 3 of the Constitution of Botswana entitles every person in the country to fundamental rights and freedoms regardless of “race, place of origin, political opinions, colour, creed or sex”. In June 2019, the High Court of Botswana ruled that “sex” in this section, should be “generously and purposively interpreted to include ‘sexual orientation’”.¹ This decision has been appealed by the government.

### Latin American and the Caribbean (4)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Prohibition of discrimination based on sexual orientation (among other grounds).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolivia</td>
<td>2009</td>
<td>Article 14 of the Constitution of Bolivia prohibits discrimination based on sexual orientation (among other grounds).</td>
</tr>
<tr>
<td>Cuba</td>
<td>2019</td>
<td>Article 42 of the Constitution of Cuba establishes that no person shall be discriminated on the basis of sexual orientation (among other grounds).</td>
</tr>
</tbody>
</table>
| Ecuador       | 1998 | Article 11(2) of the Constitution of Ecuador prohibits discrimination based on, inter alia, sexual orientation. \n
Furthermore, the Constitution contains several other relevant provisions: Article 66(9) enshrines the right of every person to make free, informed, voluntary and responsible decisions with regard to their sexuality, life and sexual orientation; Article 66(11) protects the rights of every person to the confidentiality of information on their sexual life; article 83(14) establishes as a “duty” and a “responsibility” of every Ecuadorian to respect and acknowledge diverse sexual orientations.

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Prohibition of discrimination based on &quot;sexual preferences&quot;.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mexico</td>
<td>2011</td>
<td>Article 1 of the Political Constitution of the United Mexican States (federal constitution) prohibits discrimination based on &quot;sexual preferences&quot;.</td>
</tr>
</tbody>
</table>

Several State Constitutions also prohibit such discrimination: Campeche (Art. 7, 2015); Chihuahua (Art. 4, 2013); Coahuila (Art. 7, 2013) (Art. 4, 2013); Colima (Art. 1; 2012); Durango (Art. 5, 2013); Guanajuato (Art. 1, 2015); Michoacán (Art. 1, 2012); Morelos (Art. 1bis, 2016); Nuevo Leon (Art. 1, 2016); Oaxaca (Art. 4, 2016); Puebla (Art. 11, 2011); Querétaro (Art. 2, 2016); Quintana Roo (Art. 13, 2010); San Luis Potosí (Art. 8, 2014); Sinaloa (Art. 4bis, 2013); Sonora (Art. 1, 2013); Tlaxcala (Art. 14, 2012); Veracruz (Art. 4, 2016); Yucatan (Art. 2, 2014) and Zacatecas (Art. 21, 2012).

¹ High Court of Botswana, Letsweletse Motshidiemang v. Attorney General (2019), 156.
Is there more in Latin America and the Caribbean?

**Argentina**
The Federal Constitution does not contain an explicit prohibition of discrimination based on sexual orientation. However, such prohibition is contemplated in the Constitution of the Autonomous City of Buenos Aires (Art. 11, 1996).

**Belize**
The Constitution forbids discrimination on the grounds of “sex, race, place of origin, political opinions, colour or creed” (Section 16(3), 1981). In August 2016, the Supreme Court of Belize ruled that this section is to be interpreted to extend to “sexual orientation”.

**Brazil**
The Federal Constitution does not contain an explicit prohibition of discrimination based on sexual orientation. However, several jurisdictions within the country do. These include the Constitutions of the States of Alagoas (Art. 2.1; 2001), Federal District (Art. 2.5; 1993), Mato Grosso (Art. 10.3; 1989), Pará (Art. 3.4; 2007), Santa Catarina (Art. 4.4; 2002) and Sergipe (Art. 3.2; 1989).

**Costa Rica**
The Constitutional Chamber of the Supreme Court of Justice has established that discrimination based on sexual orientation is contrary to the concept of dignity enshrined in the Political Constitution of Costa Rica.

*North America (0)*

Is there more in North America?

**Canada**
Constitutional protection against discrimination based on sexual orientation was introduced in paragraph 15(1) of the Canadian Charter of Rights and Freedoms by a 1995 decision issued by the Supreme Court of Canada in *Egan v. Canada*.

*Asia (1)*

<table>
<thead>
<tr>
<th>1</th>
<th>Nepal</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Section 18(3) of the <em>Constitution of Nepal</em> specifically explains that the State shall not discriminate against, inter alia, “sexual minorities”.</td>
<td></td>
</tr>
</tbody>
</table>

Is there more in Asia?

**Taiwan**
In 2017, the Taiwanese Constitutional Court issued *J.Y. Interpretation No. 748*, which declares that Article 7 of the Constitution also contemplates “sexual orientation”, thereby prohibiting discrimination on these grounds. Article 7 of the *Constitution of the Republic of China (Taiwan)* reads “All citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law.” This decision is binding upon all institutions of Taiwan.

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2 *Supreme Court of Belize, Caleb Orozco v. Attorney General of Belize* (2016), 94.
3 *Constitutional Chamber of the Supreme Court of Justice (Costa Rica), Resolution Nº 18660 - 2007*, 21 December 2007.
### Europe (4) + Kosovo

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kosovo</td>
<td>2008</td>
<td>Article 24(2) of the Constitution of Kosovo establishes that no one shall be discriminated against on grounds of their sexual orientation, among other grounds.</td>
</tr>
<tr>
<td>Malta</td>
<td>2014</td>
<td>Article 32 of the Constitution of Malta entitles the individual fundamental rights and freedoms regardless of sexual orientation, and Article 45(3) specifies such protection from discrimination.</td>
</tr>
<tr>
<td>Portugal</td>
<td>2004</td>
<td>The sixth constitutional revision incorporated the prohibition of discrimination on the basis of sexual orientation to article 13(2) of the Constitution of Portugal.</td>
</tr>
<tr>
<td>San Marino</td>
<td>2019</td>
<td>Article 4 of the Declaration of Citizen Rights of 1974 (one of the documents that are part of the Constitution of San Marino) was amended after a national referendum to explicitly include “sexual orientation” as a prohibited ground of discrimination.</td>
</tr>
<tr>
<td>Sweden</td>
<td>2011</td>
<td>Article 2 in Chapter 1 of the Constitution of Sweden mandates all organs of the State to exercise and promote equality and non-discrimination in health, employment, housing, education, and social security on the basis of sexual orientation. Similarly, Article 12 in Chapter 2 states that “No act of law or other provision may imply the unfavourable treatment of anyone” on account of their sexual orientation.</td>
</tr>
</tbody>
</table>

### Is there more in Europe?

**Andorra**

Article 6 of the Andorran Constitution establishes that “no one shall be discriminated against on the basis of birth, race, sex, origin, religion, opinion, or any other personal or social condition”. On December 20, 2008, the Constitutional Court of Andorra ruled that sexual orientation is included in “any other (...) condition”.

**Estonia**

An interpretation from 2011 by the Chancellor of Justice confirmed that Article 12 of the Estonian Constitution covers protection against discrimination based on sexual orientation, even if it is not explicitly mentioned there.

**Germany**

Discrimination on the basis of sexual orientation or sexual identity is constitutionally forbidden in five German states: Berlin (Art. 10), Thüringen (Art. 2), Bremen (Art. 2), Saarland (Art. 12), and Brandenburg (Art. 12).

**Slovenia**

In 2009, the Constitutional Court interpreted Article 14 of the Constitution as including “sexual orientation” among the protected grounds against discrimination. Furthermore, according to an official interpretation from 2015 by the Parliamnetarian Commission for Constitutional Affairs, the clause “any other personal circumstance” in Article 14 of the Slovenian Constitution includes individuals who are attracted to members of their same sex.

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4 Constitutional Court of Andorra, Causa 2008-17 RE (2008), 1.
6 Republika Slovenija Ustavno Sodišče, U-I-425/06-10 (2 July 2009).
7 National Assembly of the Republic of Slovenia, Sklep o zavrnitvi razpisa zakonodajnega referenduma o zakonu o spremembah in dopolnitvah zakona o zakonski zvezi in družinskih razmerjih (ZZZDR-D, EPA 257-VII) (2015), 5-6.
Constitutional Protection against Discrimination based on Sexual Orientation

**Switzerland**

Article 8 of the [Swiss Constitution](https://www.admin.ch/ch政党lice/-Constitution/de/) includes the expression “way of life” as a prohibited ground of discrimination. Even though this expression had been largely interpreted as encompassing “sexual orientation,” in 2019 the Swiss Federal Court issued a judgment saying the [Equality Act](https://www.admin.ch/ch政党lice/TLDE_1996/la/la1996/de/index.html) does not include “homosexual persons” and, therefore, there would not exist protection against discrimination based on sexual orientation.

**United Kingdom**

The constitution of the UK is made up of a mixture of convention, legislation, common law, international treaty obligations and the Royal Prerogative. There is no clear way of identifying which laws, if any, have ‘constitutional’ status. However, the government, parliament and courts of the UK have consistently and for several years upheld rights that protect LGBT people, which is akin to ‘constitutional’ protection on the grounds of sexual orientation. In particular, the [Equality Act 2010](https://www.gov.uk/government/publications/the-equality-act-2010) was passed with the primary purpose of codifying and supplementing the multiple documents that comprise the basis of anti-discrimination law in the UK. This document includes sexual orientation as a protected characteristic.

**Oceania (1)**

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiji</td>
<td>1997</td>
<td>Section 38(2) of the Constitution of Fiji (1997) prohibited discrimination based on a person’s “actual or supposed personal characteristics or circumstances” including sexual orientation (among other grounds). This Constitution was repealed in 2009. In 2013, the prohibition was kept under section 26(3)(a) of the Constitution of Fiji (2013).</td>
</tr>
</tbody>
</table>

Is there more in Oceania?

**New Zealand**

The Constitution of New Zealand incorporates multiple written and unwritten sources, such as court decisions, statutes, and Orders in Council, as opposed to a single document. Thus, Article 21 of the [Human Rights Act 1993](https://www.legislation.govt.nz/act/public/1993/0193/latest/DIV1-SEC3.html) (in Māori: Te Ture Tika Tangata 1993), which bans discrimination on the basis of sexual orientation, is akin to “constitutional protection” in other countries.

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Introduction

Legal protections against discrimination are a key element in the human rights legal framework of every country. They serve to ensure that the principle of equality before the law is fully observed and provide remedies to victims of acts of discrimination.

Despite the fact that the 1948 Universal Declaration of Human Rights was categorical in that “every person” is born free and equal in dignity and in rights, international and domestic non-discrimination clauses have had to enumerate the grounds on which unfair distinctions cannot be made. These grounds usually reflect the reasons why people have been historically discriminated (i.e., race, religion, nationality, language, sex/gender, etc.). As these grounds can vary greatly and can be difficult to enumerate exhaustively, equality laws generally contain “open clauses” (generally phrased “or any other ground”) into which other grounds can be read.

However, in many contexts there is strong resistance against including “sexual orientation” in those open clauses. Therefore, explicit protection on grounds of sexual orientation becomes of key importance to effectively protect people from discrimination.

What does International Human Rights Law say?

Everyone is entitled to enjoy all human rights without discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

Everyone is entitled to equality before the law and the equal protection of the law without any such discrimination. [...] The law shall prohibit any such discrimination and guarantee to all persons equal and effective protection against any such discrimination. [...] States shall adopt appropriate legislative and other measures to prohibit and eliminate discrimination in the public and private spheres on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

Yogyakarta Principle 2
## Africa (3)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Angola</td>
<td>2019</td>
<td>Section 197 of the Penal Code criminalises acts of discrimination based on sexual orientation with regard to the provision of goods and services, employment and obstructing economic activities.(^1)</td>
</tr>
<tr>
<td>2</td>
<td>Mauritius</td>
<td>2008</td>
<td>Sections 5, 6, 7 and 8 of the <em>Equal Opportunities Act 2008</em> establish general rules on discrimination based on the &quot;status&quot; of the aggrieved person. Section 2 includes &quot;sexual orientation&quot; in the definition of &quot;status&quot; and defines it as &quot;homosexuality (including lesbianism), bisexuality or heterosexuality&quot;. Section 3(2) establishes that the act applies to employment, education, qualifications for a profession, trade or occupation, the provision of goods and services, facilities or accommodation, among others.</td>
</tr>
<tr>
<td>3</td>
<td>South Africa</td>
<td>2000</td>
<td>Section 1 of the <em>Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000</em> includes sexual orientation as one of the prohibited grounds of discrimination.</td>
</tr>
</tbody>
</table>

## Latin American and the Caribbean (11)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bolivia</td>
<td>2010</td>
<td>Article 5 of the Law against Racism and All Forms of Discrimination (<em>Law No. 45 of 2010</em>) prohibits discrimination on the ground of sexual orientation (among others). Furthermore, Article 281sexies of the <em>Criminal Code</em> (as amended by said Act) criminalises any act of discrimination based on, inter alia, sexual orientation and aggravates the penalty if it is committed by public servants or by private individuals providing public services.</td>
</tr>
<tr>
<td>2</td>
<td>Brazil</td>
<td>1998</td>
<td>At the federal level, there is no law prohibiting discrimination on the basis of sexual orientation in broad terms. However, around 70% of the population resides in jurisdictions where local laws provide for such protection. Several jurisdictions have enacted laws banning discrimination based on sexual orientation with varying levels of protection: Amapá (2009); Amazonas (2006); Distrito Federal (2000); Espírito Santo (2014); Maranhão (2006); Mato Grosso do Sul (2006); Minas Gerais (2002); Pará (2007); Paraíba (2003); Piauí (2004); Rio de Janeiro (2015); Rio Grande do Norte (2007); Rio Grande do Sul (2002); Rondônia (2018); Santa Catarina (2003); São Paulo (2001); as well as a number of cities such as Fortaleza (1998), Recife (2002) and Vitória (2014).</td>
</tr>
<tr>
<td>3</td>
<td>Chile</td>
<td>2012</td>
<td><em>Law No. 20,609</em> (on the adoption of measures against discrimination)(^2) affords protection against discrimination based on sexual orientation (among other grounds) with regard to any constitutional right.</td>
</tr>
</tbody>
</table>

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1 The final version of the 2019 Penal Code has not yet been published. The number of the section may differ in the final version. The draft that was approved can be accessed [here](#).

2 This law is informally referred to as "Zamudio Law" in honour of Daniel Zamudio, a young gay man, who was brutally tortured and murdered because of his sexual orientation in Santiago de Chile in 2012.
### Broad Protections against Discrimination based on Sexual Orientation

<table>
<thead>
<tr>
<th>Country</th>
<th>Year(s)</th>
<th>Law/Article Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colombia</td>
<td>2011</td>
<td>Article 134A of the Criminal Code (as amended by Act No. 1.482 of 2011) criminalises acts of discrimination based on sexual orientation (among other grounds). Articles 136C(3) and 136C(4) aggravate the penalty if such are committed by public servants or while providing public services.</td>
</tr>
<tr>
<td>Cuba</td>
<td>2019</td>
<td>Even though there is no national law prohibiting discrimination in broad terms, the protection afforded by article 42 of the Constitution applies to all rights and duties.</td>
</tr>
<tr>
<td>Ecuador</td>
<td>1998</td>
<td>Even though there is no national law against discrimination based on sexual orientation, the constitutional prohibition of such discrimination applies to all rights and therefore offers broad legal protections.</td>
</tr>
<tr>
<td>Honduras</td>
<td>2013</td>
<td>Article 321 of the Criminal Code (as amended by Act No. 23 of 2013) criminalises acts of discrimination based on sexual orientation (among other grounds) and aggravates the penalty if they are committed by public servants.</td>
</tr>
<tr>
<td>Mexico</td>
<td>2011</td>
<td>The constitutional prohibition of discrimination based on sexual orientation is binding upon states and its local authorities. At the level of the federal government authorities, article 1(3) of the Federal Act to Prevent and Eliminate Discrimination includes “sexual preferences” as one of the prohibited grounds of discrimination. This law applies to employment, goods and services, health, and education, among others.</td>
</tr>
<tr>
<td>Peru</td>
<td>2004</td>
<td>Article 37(1) of the Constitutional Procedural Code establishes that the writ of amparo is the adequate remedy in cases of discrimination based on sexual orientation.</td>
</tr>
<tr>
<td></td>
<td>2017</td>
<td>Article 323 of the Criminal Code (as amended by Executive Order No. 1.323 of 2017) criminalises acts of discrimination on the basis of, <em>inter alia</em>, sexual orientation and aggravates the penalty if such acts are committed by public servants.</td>
</tr>
<tr>
<td>Suriname</td>
<td>2015</td>
<td>Article 175 of the Criminal Code (as amended by S.B. No. 44 of 2015) criminalises discrimination based on sexual orientation (among other grounds).</td>
</tr>
<tr>
<td>Uruguay</td>
<td>2004</td>
<td>Article 2 of the Law to combat Racism, Xenophobia and Discrimination (Law No. 17.817) includes “sexual orientation” among the prohibited grounds of discrimination. As per article 2, this law applies to all human rights and to all spheres of public life.</td>
</tr>
</tbody>
</table>

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**Is there more in Latin America and the Caribbean?**

**Argentina**

At the federal level, there is no law against discrimination on the basis of sexual orientation in broad terms. At least since 2005, several attempts to incorporate sexual orientation to the antidiscrimination law currently in force have failed. However, the Provinces of Chaco (2006); Córdoba (2007); Río Negro (2008); San Juan (2007); Santiago del Estero (2008) and the cities of Buenos Aires (1996, 2015) and Rosario (1996) have enacted local norms that grant different levels of protection.

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Broad Protections against Discrimination based on Sexual Orientation

North America (1)

1 Canada 1996  
Section 3(1) of the Canadian Human Rights Act (as amended in 1996) includes “sexual orientation” as a prohibited ground of discrimination. This law applies to goods and services, employment and health, among others.

Is there more in North America?

United States of America  
Protections against discrimination based on sexual orientation vary according to state. However, overall, less than 50% of the U.S. population lives in states where discrimination protection based on sexual orientation is offered in broad terms.

On May 17, 2019, the House of Representatives passed the Equality Act, which forbids discrimination on the grounds of sexual orientation, inter alia, in the provision of various goods and services, including healthcare.

In March 2019, the U.S. Supreme Court ruled in favour of a lesbian couple who was turned away by a B&B owner in Hawaii. On October 8, 2019, the U.S. Supreme Court began an evaluation of three cases to determine whether the Civil Rights Act of 1964 should be interpreted to prohibit employment discrimination on the basis of sexual orientation.

Asia (4) + Taiwan (China)

1 Israel 2000 2014  
A set of laws offer protection against discrimination based on sexual orientation various settings. Section 3(a) of the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law (2000) includes sexual orientation among the prohibited grounds of discrimination. In education, Section 5 of the Pupils’ Rights Law (2000) was amended in 2014 to include sexual orientation. Local laws also protect people in employment (see section below).

In February 2019, a pizzeria in Jerusalem was fined 16,000 new shekels after the Jerusalem Small Claims Court found it guilty of denying service to a man in August 2018 (during the city’s Pride festival) on the grounds of his sexual orientation.

2 Mongolia 2017  
Section 14(1)(1) of the Penal Code criminalises acts of discrimination based on sexual orientation. Section 14(1)(2)(3) aggravates penalties if such acts are committed by public officials.

3 Nepal 2015  
Even though there is no law expressly prohibiting discrimination based on sexual orientation, the constitutional prohibition enshrined in Section 18(3) of the Constitution of Nepal (proscribing discrimination against “sexual minorities”) offers broad protection against discrimination.

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4 See “Non-Discrimination Laws”, Movement Advancement Project (MAP) Website.
6 Kimberly Alters, "Supreme Court to revisit gay rights in landmark workplace discrimination case", Mic. 24 September 2019.
7 Nick Duffy, "Jerusalem pizzeria fined $4500 for refusing to serve gay man". Pink News. 27 February 2019.
South Korea 2001  
Article 30(2) of the National Human Rights Commission Act (2001) defines “unreasonable discrimination” based on sexual orientation (among other grounds) as a violation of the right to equality. This law applies to employment, provision of goods and services, education and more.

- In November 2019, members of the South Korean National Assembly proposed an amendment to this Act that would eliminate “sexual orientation” as a protected ground against discrimination. The bill would also restrict the definition of “gender” to gender assigned at birth. Amnesty International condemned this discriminatory amendment.8

Taiwan (China) 2017  
Even though there is no national law prohibiting discrimination in broad terms, the judicial interpretation issued by the Constitutional Court in J.Y. Interpretation No. 748—which declares that Article 7 of the Constitution also contemplates “sexual orientation”—applies to all rights and duties.

Is there more in Asia?

Japan

In 2018, the Tokyo Metropolitan Government enacted a law that prohibits discrimination on the basis of sexual orientation.9

Philippines


Additionally, several cities and barangays (villages) have also enacted local norms that forbid such discrimination: Angeles (Province of Pampanga, 2013), Antipolo (Province of Rizal, 2015), Bacolod (Province of Negros Occidental, 2013), Baguio (Province of Benguet, 2017), Batangas (Province of Batangas, 2016), Butuan (Caraga Region, 2016), Candon (Province of Ilocos Sur, 2014), Cebu (Province of Cebu, 2012), Dagupan (Province of Pangasinan, 2010), Davao (Province of Davao del Sur, 2012), General Santos (Province of South Cotabato, 2016), Iloilo (Province of Iloilo, 2018), Malabon (National Capital Region, 2018), Mandaluyong (National Capital Region, 2018), Mandaue (Province of Cebu, 2016), Orani (municipality in the Province of Bataan, 2019), Puerto Princesa (Province of Palawan, 2015), Quezon (National Capital Region, 2014), San Juan (National Capital Region, 2017), San Julian (municipality in the Province of Eastern Samar, 2014), Vigan (Province of Ilocos Sur, 2014); Barangay Bagbag (Quezon City, Metro Manila, 2009), Barangay Greater Lagro (Quezon City, Metro Manila, 2014), Barangay Pansol (Quezon City, Metro Manila, 2008).

Since 2001, a bloc of lawmakers in the Philippines have been attempting to pass a comprehensive bill that would ban discrimination on the grounds of sexual orientation, inter alia. Several drafts of this bill have expired after being blocked and becoming stalled in the senate, the most recent one being in July 2019.10 A new version of the bill was introduced a month later and is in the process of being discussed. President Rodrigo Duterte expressed mild support for the bill, stating his preference for a more general anti-discrimination law.11

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## Europe (34) + Kosovo

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year(s)</th>
<th>Article</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Albania</td>
<td>2010</td>
<td>Article 5 of the Protection from Discrimination Act (Law No. 10,221) prohibits discrimination on the basis of, <em>inter alia</em>, sexual orientation, both in the public and private sectors (Article 7.1). The scope of this protection includes employment (Chapter II), education (Chapter III) and goods and services (Chapter IV), among other contexts.</td>
</tr>
<tr>
<td>2</td>
<td>Andorra</td>
<td>2005</td>
<td>Article 338 of the Penal Code criminalises acts of discrimination based on sexual orientation (among other grounds) with regard to goods and services and employment, among others.</td>
</tr>
<tr>
<td>3</td>
<td>Austria</td>
<td></td>
<td>Each province (Burgenland, Carinthia, Salzburg, Styria, Tyrol, Upper Austria, Lower Austria, Vienna and Vorarlberg) has provisions prohibiting discrimination on grounds of sexual orientation with regard to goods and services offered by the provinces and communities, including social protection, social advantages, education and self-employment.</td>
</tr>
<tr>
<td>4</td>
<td>Belgium</td>
<td>2003</td>
<td>Article 4 of the Anti-Discrimination Law (2003) proscribed discrimination in the provision of goods and services, employment, economic, social, cultural and political activities and other matters, and Article 2 included sexual orientation as one of the protected categories. This law was substituted by Anti-Discrimination Law (2007). Articles 2 and 4 of the Anti-Discrimination Law (2007) ban discrimination based on, <em>inter alia</em>, sexual orientation. Article 5 determines that the prohibition applies, among other settings, to goods and services, including social protection (education) employment in the public and private spheres.</td>
</tr>
<tr>
<td>5</td>
<td>Bosnia and Herzegovina</td>
<td>2003</td>
<td>Article 2 of the Gender Equality Act (2003) prohibits sexual orientation discrimination, both in the public and private sectors (Article I), with regard to education (Chapter IV), employment (Chapter V), health (Chapter VII) and other matters. Article 2 of the Act of Prohibition of Discrimination (2009) proscribes discrimination on the basis of, <em>inter alia</em>, sexual expression or sexual orientation within the private and public spheres concerning employment, education, health and goods and services, among other matters (Article 6 also refers to the scope of application of the law). In 2016 this law was amended to include other groups, among other improvements.</td>
</tr>
<tr>
<td>6</td>
<td>Bulgaria</td>
<td>2004</td>
<td>Section 4(1) of the Law on Protection Against Discrimination (supplemented by SG No. 70 of 2004) bans direct and indirect discrimination based on sexual orientation (among other grounds) in employment (Section I), education (Section II), the field of goods and services (Article 37) and more.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Croatia</td>
<td>2009</td>
</tr>
<tr>
<td></td>
<td>Articles 1, 2 and 9 of the Anti-Discrimination Act prohibit direct and indirect discrimination because of sexual orientation (among other grounds) regarding employment, education, health, goods and services and other matters in the public and private sectors. Article 125 of the Penal Code criminalises acts of discrimination in the provision of goods and services and in employment based, <em>inter alia</em>, on sexual orientation.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Cyprus</td>
<td>2004</td>
</tr>
<tr>
<td></td>
<td>Article 6(1) of the Combating Racism and Other Forms of Discrimination (Commissioner) Act proscribes direct and indirect discrimination in the public and private spheres based on, <em>inter alia</em>, sexual orientation in matters such as employment, education, health and goods and services.</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Czechia</td>
<td>2009</td>
</tr>
<tr>
<td></td>
<td>Sections 2 and 3 of the Anti-Discrimination Act proscribe discrimination on the basis of sexual orientation (among other grounds). As per Section 1, the law applies to employment, health, education and goods and services.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Article 19(2)(12) of the Chancellor of Justice Act includes sexual orientation among the protected grounds for which claims on discrimination in the public and private spheres can be brought before the Chancellor of Justice. Article 152(1) of the Penal Code (as amended in 2006) proscribes the unlawful restriction of any right on the basis of, <em>inter alia</em>, sexual orientation. Sections 1 and 3 of the Equal Treatment Act (2009) prohibit direct and indirect discrimination based on sexual orientation (among other grounds). Section 2 determines that the law applies to employment, education, health, goods and services and others.</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Finland</td>
<td>2014</td>
</tr>
<tr>
<td></td>
<td>Section 8 of the Non-Discrimination Act prohibits any discriminatory act on the basis of sexual orientation within public and private activities. The law applies to education and employment and allows victims of discrimination to receive compensation from the authorities, education providers or suppliers of goods or services who discriminated against them.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>France</td>
<td>2001</td>
</tr>
<tr>
<td></td>
<td>Articles 225-1 and 225-2 of the Penal Code (as amended by Act No. 1066 of 2001) prohibit discrimination based on, <em>inter alia</em>, sexual orientation with regard to goods and services and employment, among other fields. Article 432-7 aggravates the penalty when committed by public authority or public service.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Georgia</td>
<td>2014</td>
</tr>
<tr>
<td></td>
<td>Articles 1 and 2(1) of the Act on the Elimination of All Forms of Discrimination prohibits every form of discrimination, including that based on sexual orientation. As per Article 3, the scope of this protection comprises all public and private fields of action.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Germany</td>
<td>2006</td>
</tr>
<tr>
<td></td>
<td>Sections 1 and 2 of the General Act on Equal Treatment prohibit discrimination based on, <em>inter alia</em>, sexual orientation and determine that the protection applies to employment, social protection (including health), education and the access to and supply of goods and services.</td>
<td></td>
</tr>
</tbody>
</table>
### Broad Protections against Discrimination based on Sexual Orientation

<table>
<thead>
<tr>
<th>Country</th>
<th>Year1</th>
<th>Year2</th>
<th>Year3</th>
<th>Law and Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hungary</td>
<td>2004</td>
<td></td>
<td></td>
<td>Articles 7(1), 8(m) and 9 of the <em>Equal Treatment and Promotion of Equal Opportunities Act (No. CXXV of 2003)</em> prohibit discrimination on the basis of sexual orientation. Under articles 4 and 5 the law applies to both public and private relationships in employment (Articles 21-23), health (Articles 24-25) and education (Articles 27-30), among others. Before the entry into force of this law, discrimination in health was already proscribed by Act No. CLIV of 1997 (Article 7-4).</td>
</tr>
<tr>
<td>Ireland</td>
<td>2000</td>
<td></td>
<td></td>
<td>Section 3(2)(d) of the <em>Equal Status Act</em> defines sexual orientation as a prohibited ground of discrimination. Chapter II lists the activities to which the ban on discriminatory acts applies: the disposal of goods and the provision of services (Section 5), education (Section 7) and others.</td>
</tr>
<tr>
<td>Kosovo</td>
<td>2004</td>
<td>2019</td>
<td></td>
<td>The constitutional prohibition of discrimination based on sexual orientation is reinforced by Articles 1 and 2 of the <em>Anti-Discrimination Act</em> which include “sexual orientation” among the prohibited grounds. As per article 4, the protection applies to employment, health, education, access to and supply of goods and services and more. Furthermore, the new <em>Penal Code</em> (2019) makes it a crime for anyone to deny or restrict any of the rights defined by the Constitution, the law or any other provisions based on their sexual orientation (among other grounds).</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>2016</td>
<td></td>
<td></td>
<td>Article 283(4) of the <em>Penal Code</em> proscribes acts of discrimination based on sexual orientation in broad terms. Article 283(6) refers to the denial of services based on sexual orientation.</td>
</tr>
<tr>
<td>Lithuania</td>
<td>2000</td>
<td>2003</td>
<td></td>
<td>Article 169 of the <em>Criminal Code</em> penalises discrimination on the ground of, <em>inter alia</em>, sexual orientation in political, economic, social, cultural, labour and other activities. Articles 1 and 2 of the <em>Equal Treatment Act</em> (2003) ban direct and indirect discrimination because of sexual orientation (among other grounds). The law applies to education (Articles 4 and 8), employment (Articles 5 and 7), consumer protection (Articles 6 and 9) and other spheres. Article 1(2)(3) of the <em>Law on the Rights of Patients and Compensation of the Damage to their Health</em> (2010) reinforces this protection in health environments.</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>2006</td>
<td></td>
<td></td>
<td>Article 1 of the <em>Equality Act (No. 28 of 2006)</em> prohibits discrimination based on sexual orientation (among other grounds). Article 2 states that the protection applies to the public and private sectors with regard to, <em>inter alia</em>, employment, health, education and the access to and provision of goods and services. Furthermore, Article 21 amends Article 454 of the <em>Penal Code</em> to criminalise acts of discrimination based, <em>inter alia</em>, on sexual orientation.</td>
</tr>
</tbody>
</table>
21 **Malta** 2012

The broad protection afforded by article 13(2) of the Constitution is complemented by the Equality for Men and Women Act which prohibits discrimination based on sexual orientation in employment and education, among others.

Article 2(6) of the Teachers (Code of Ethics and Practice) Regulations (2012) and Chapter 525 Art 3(1)(a) of the Mental Health Act (2017) reinforces this protection in education and health environments respectively.

22 **Montenegro** 2010


Article 19 states that everyone has the right to express their sexual orientation as well as the right not to declare it.

23 **Netherlands** 1994

Section 1 of the Equal Treatment Act includes sexual orientation as a prohibited ground of direct and indirect discrimination (among others). Such protection concerns, *inter alia*, employment (Sections 5-6a) and goods and services (Section 7).

Section 137(f) of the Penal Code proscribes taking part or supporting activities aimed at discrimination against persons because of “their hetero or homosexual orientation”.

24 **North Macedonia** 2019

Article 5 of the Law on Prevention of and Protection against Discrimination forbids discrimination on the grounds of sexual orientation.

25 **Norway**

2008

2013

2018

In 2008, Article 186 of the new Penal Code (2005) was amended by Law No. 4 (2008) to criminalise discrimination in the provision of goods and services based on sexual orientation.

The Sexual Orientation Anti-Discrimination Act (2013) prohibited direct and indirect discrimination based on sexual orientation under Chapter 2 in all sectors and fields of action (Section 2).

This law was repealed by the Equality and Anti-Discrimination Act (2018), which now proscribes any type of discriminatory act based on, *inter alia*, sexual orientation under Section 6. As per Section 2, the law applies to all sectors of society.

26 **Portugal**

2005

2012

2019

Even though there is no national law prohibiting discrimination in broad terms, the protection afforded by Article 13(2) of the Constitution applies to all rights and duties.

Furthermore, Article 7 of the Students’ Statute - Lei 51/2012 reinforces this protection in education environments.

In September 2019, the Portuguese Parliament passed Law 83/2019, which forbids discrimination on the basis of sexual orientation in housing.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year(s)</th>
<th>Relevant Laws and Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Romania</strong></td>
<td>2000-2014</td>
<td>Article 2(1) of the Ordinance on the Prevention and Punishment of All Forms of Discrimination (Law No. 137/2000) bans discrimination on the basis of sexual orientation (among other grounds). As per Article 1, such protection applies, <em>inter alia</em>, to employment, education and health. Under article 297(2) of the Penal Code (approved in 2009, in force since 2014), it is an offence for a civil servant to impede the exercise of a right of a person or to create for them a situation of inferiority on the basis of their sexual orientation.</td>
</tr>
<tr>
<td><strong>San Marino</strong></td>
<td>2019</td>
<td>Even though there is no national law prohibiting discrimination in broad terms, the protection afforded by Article 4 of the Declaration of Citizen Rights of 1974 (one of the documents that are part of the Constitution of San Marino) applies to all rights and duties.</td>
</tr>
<tr>
<td><strong>Serbia</strong></td>
<td>2010</td>
<td>Articles 1 and 2 of the Prohibition of Discrimination Act ban any discriminatory act, direct or indirect, on the basis of sexual orientation (among other grounds). The law applies to employment, public services, and education, among others.</td>
</tr>
<tr>
<td><strong>Slovakia</strong></td>
<td>2008</td>
<td>Section 2.1 of the Act on Equal Treatment in Certain Areas and Protection against Discrimination (as amended by Act No. 85 of 2008) prohibits sexual orientation discrimination. Section 3.1 determines that the law applies to everyone in the field of employment and similar legal relations, health, goods and services and education, among others.</td>
</tr>
<tr>
<td><strong>Slovenia</strong></td>
<td>2016</td>
<td>Article 1 of the Protection against Discrimination Act (2016) prohibits discrimination on the basis of sexual orientation (among other grounds) in the public and private spheres concerning all activities in the political, economic, social, cultural, civil and other fields. As per Article 2, some of these are: employment, health, education and good and services.</td>
</tr>
<tr>
<td><strong>Sweden</strong></td>
<td>1987-2009</td>
<td>Discrimination based on sexual orientation in the provision of goods and services was outlawed for the first time under the Penal Code in 1987 (as amended by Law 1987:610). Sections 1 and 3 of the Prohibition of Discrimination Act (2003) included sexual orientation as one of the protected categories against discrimination in employment, provision of goods and services and health, among other contexts.</td>
</tr>
</tbody>
</table>
That law was repealed by the Discrimination Act (2009), which also prohibits direct and indirect discrimination based on, *inter alia*, sexual orientation. This law applies to employment (Sections 1-4 and 9), education (Sections 5-8), provision of goods and services (Section 12-12c), health (Sections 13-13b), among others.

The Equality Act (Sexual Orientation) Regulations 2007 (No. 1263) and the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 (No. 439), laid under Part 3 of the Equality Act 2006, protected against discrimination on the basis of sexual orientation with regard to goods, facilities and services and education, among other fields. This law was revoked by Equality Act 2010.

The Equality Act 2010 lists sexual orientation as a protected category (Section 4) and prohibits direct (Section 13) and indirect (Section 19) discrimination. Section 25(9) defines sexual orientation discrimination. Such protection applies to services and public functions, employment and education.

Is there more in Europe?

**Denmark**

Article 1 of the Act on Prohibition of Unequal Treatment on the Grounds of Race etc (1987) offers protection against discrimination in the provision of goods and services.

Ordinance no. 182 (2007) prohibits discrimination based on sexual orientation in broad terms in the autonomous country of the Faeroe Islands.

**Italy**

A bill that would offer broad protections against discrimination based on sexual orientation is still pending before the Senate.14

**Switzerland**

Even though there is no federal law explicitly proscribing discrimination based on sexual orientation, article 28 of the Civil Code technically provides the legal basis for the protection of “personality”. However, in April 2019, the Federal Court held in a case involving a former unit commander in the Swiss Armed Forces that the Law on Equality did not apply to discrimination on the basis of sexual orientation.15

In 2018, Article 261bis of the Criminal Code was amended to penalise discrimination based on sexual orientation in the provision of goods and services. This amendment will be subject to a popular vote (which will be held in February 2020).16

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14 Senato della Repubblica, Atto Senato No. 404, XVII Legislatura.
16 Confederation Suisse, Votation Populaire: 9 février 2020 (Deuxième objet: Interdiction de la discrimination en raison de l’orientation sexuelle).
### Oceania (4)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Legal Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fiji</strong></td>
<td>1997-2013</td>
<td>Even though there is no law expressly prohibiting discrimination based on sexual orientation, the constitutional prohibition of discrimination based on sexual orientation enshrined in section 26(3)(a) of the Constitution of Fiji (2013) offers broad protection against discrimination.</td>
</tr>
<tr>
<td><strong>Micronesia</strong> (Federated States of)</td>
<td>2018</td>
<td>On November 12, 2018, the Micronesian Congress passed Bill 20-258, updating the country's anti-discrimination law to include sexual orientation in Section 107 of Chapter 1 of the Code of the Federated States of Micronesia.</td>
</tr>
<tr>
<td><strong>New Zealand</strong></td>
<td>1993</td>
<td>Section 21(1)(m) of the Human Rights Act 1993 includes sexual orientation (&quot;heterosexual, homosexual, lesbian or bisexual&quot;) among the prohibited grounds of discrimination. This law applies to employment, goods and services and education, among others.</td>
</tr>
</tbody>
</table>
Protection against Discrimination based on Sexual Orientation in Employment

Highlights

77 UN Member States
40% UN Member States

AFRICA
LAC
NORTH AMERICA
ASIA
EUROPE
OCEANIA

<table>
<thead>
<tr>
<th>Region</th>
<th>Number</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFRICA</td>
<td>7 /54</td>
<td></td>
</tr>
<tr>
<td>LAC</td>
<td>15 /33</td>
<td></td>
</tr>
<tr>
<td>NORTH AMERICA</td>
<td>1 /2</td>
<td></td>
</tr>
<tr>
<td>ASIA</td>
<td>5+ /42</td>
<td></td>
</tr>
<tr>
<td>EUROPE</td>
<td>42+ /50</td>
<td></td>
</tr>
<tr>
<td>OCEANIA</td>
<td>7 /14</td>
<td></td>
</tr>
</tbody>
</table>

Introduction

A person’s ability to earn a living, and the opportunity to flourish in one’s work life without discrimination based on a personal characteristic (sexual orientation), has increasingly been recognised as a fundamental right in States across the globe.

Notably, legal protections against unfair dismissal motivated by one’s sexual orientation (as well as other employment related protections) have been enacted even in countries where consensual same-sex sexual acts are still criminalised.

We also note where significant parts of a country have provincial ordinances that offer similar or partial protections, but where the law is not in force at the national or federal level.

Even though progressive case law may have extended employment protections based on open equality clauses, in the following list, only those laws that spell out the term “sexual orientation” in an unambiguous way are listed.

What does International Human Rights Law say?

Everyone has the right to decent and productive work, to just and favourable conditions of work and to protection against unemployment, without discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

States shall take all necessary legislative, administrative and other measures to eliminate and prohibit discrimination in public and private employment, including in relation to vocational training, recruitment, promotion, dismissal, conditions of employment and remuneration;

Yogyakarta Principle 12.
## Africa (7)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year(s)</th>
<th>Legal provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Angola</td>
<td>2019</td>
<td>Section 197 of the Penal Code criminalises acts of discrimination based on sexual orientation, including with regard to employment.¹</td>
</tr>
<tr>
<td>2</td>
<td>Botswana</td>
<td>2010</td>
<td>Section 23(d) of the Employment Act (2010) prevents employers from terminating contracts of employment on the basis of sexual orientation (among other grounds).</td>
</tr>
<tr>
<td>3</td>
<td>Cape Verde</td>
<td>2008</td>
<td>Article 45(2) of the Labour Code forbids an employer from requesting information about the employee’s “sexual life”. Article 406(3) imposes sanctions on employers who dismiss employees based on their sexual orientation.</td>
</tr>
<tr>
<td>4</td>
<td>Mauritius</td>
<td>2008</td>
<td>Part III of the Equal Opportunities Act (2008) prohibits discrimination in employment and Section 2 refers to sexual orientation as one of the protected classes.</td>
</tr>
<tr>
<td>5</td>
<td>Mozambique</td>
<td>2007</td>
<td>Articles 4(1) and 108(3) of the Labour Act No. 23 of 2007 prohibit discrimination based on, inter alia, sexual orientation. Moreover, Article 5 establishes the employer’s obligation to respect the employee’s privacy, including their “sexual life”.</td>
</tr>
<tr>
<td>6</td>
<td>Seychelles</td>
<td>2006</td>
<td>Sections 2, 46(A)(1) and 46(B) of the Employment Act 1995 (as amended by Act No. 4 of 2006) prohibit discrimination based on sexual orientation (among other grounds).</td>
</tr>
</tbody>
</table>

### Is there more in Africa?

**Namibia**  
(PROTECTION REPEALED)

Namibia is one of the rare cases in which a provision protecting people from discrimination based on sexual orientation was repealed by a legislative body.

As early as 1992, local activists successfully lobbied to include “sexual orientation” among the prohibited grounds of discrimination in the Labour Act. In 2004, a new labour law was discussed in Parliament and the inclusion of the term was a topic of heated debates, resulting in the exclusion of the term from the final text.² However, this law never came to force. The Labour Law currently in force was enacted in 2007 and does not include “sexual orientation” among the prohibited grounds of discrimination.

¹ The final version of the 2019 Penal Code has not yet been published. The number of the section may differ in the final version. The draft that was approved can be accessed here.
² “Justice Minister scorns homosexuality as ‘criminal’”, The Namibian, 7 May 2004.
# Latin American and the Caribbean (15)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Law Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bolivia</td>
<td>2010</td>
<td>Article 5 of the Law against Racism and All Forms of Discrimination <em>(Law No. 45 of 2010)</em> prohibits discrimination on the ground of sexual orientation (among others). Furthermore, article 281sexies of the Criminal Code <em>(as amended by said Act)</em> criminalises any act of discrimination based on, <em>inter alia</em>, sexual orientation. These laws ban sexual orientation discrimination in broad terms and therefore apply to employment.</td>
</tr>
<tr>
<td>2</td>
<td>Brazil</td>
<td></td>
<td>At the federal level, there is no piece of legislation prohibiting employment discrimination on the basis of sexual orientation. However, around 70% of the population reside in jurisdictions where local laws provide such protection. Several jurisdictions have enacted laws banning discrimination based on sexual orientation with varying levels of protection that explicitly specify they apply to employment: Amazonas (2006); Distrito Federal (2000); Espírito Santo (2014); Maranhão (2006); Mato Grosso do Sul (2006); Minas Gerais (2002); Pará (2011); Paraíba (2003); Piauí (2004); Rio de Janeiro (2015); Rio Grande do Norte (2007); Rio Grande do Sul (2002); Santa Catarina (2003); São Paulo (2001); as well cities such as Fortaleza (1998) and Recife (2002). Article 8 of the Regulation <em>(Portaria)</em> No. 41/2007 issued by the Ministry of Labour and Employment prohibits employers to request documents or information related to the employee's sexuality.</td>
</tr>
<tr>
<td>3</td>
<td>Chile</td>
<td>2017</td>
<td>Article 2 of the Labour Code <em>(as amended by the Modernization of Labour Relations Act No. 20.940 of 2016)</em> includes sexual orientation among the prohibited grounds of discrimination.</td>
</tr>
<tr>
<td>4</td>
<td>Colombia</td>
<td>2011</td>
<td>Article 134A of the Criminal Code <em>(as amended by Act No. 1.482 of 2011)</em> criminalises acts of discrimination based on sexual orientation (among other grounds) while Article 136C(3) and (4) aggravates the penalty if such are committed by public servants or while providing public services. These provisions ban sexual orientation discrimination in broad terms and therefore apply to employment. Article 136C(6) also includes the motive of denying or restricting labour rights as an aggravating factor.</td>
</tr>
<tr>
<td>6</td>
<td>Cuba</td>
<td>2014</td>
<td>Article 2(b) of the Labour Code <em>(Act No. 116)</em> establishes the right of every person to have a job, either in the private or the public sector, according to the needs of the economy and their personal choice without discrimination based on sexual orientation (among other grounds).</td>
</tr>
<tr>
<td>Country</td>
<td>Year(s)</td>
<td>Law and Provisions</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>--------------------</td>
<td></td>
</tr>
<tr>
<td>Honduras</td>
<td>2013</td>
<td>Article 321 of the Criminal Code (as amended by Act No. 23 of 2013) criminalises acts of discrimination based on sexual orientation (among other grounds) and aggravates the penalty if they are committed by public servants. This provision bans sexual orientation discrimination in broad terms and therefore applies to employment.</td>
<td></td>
</tr>
<tr>
<td>Mexico</td>
<td>2003</td>
<td>The Federal Act to Prevent and Eliminate Discrimination prohibits employment discrimination in Article 9(IV) and lists “sexual preferences” as a protected class in Article 1(III). Article 149ter(II) of the Federal Criminal Code criminalises employment discrimination based on sexual orientation and aggravates penalties for employers and public servants.</td>
<td></td>
</tr>
<tr>
<td>Nicaragua</td>
<td>2008</td>
<td>Article 315 of the Criminal Code (Title 10, Crimes against Labour Rights) criminalises employment discrimination based on &quot;sexual option&quot;.</td>
<td></td>
</tr>
<tr>
<td>Peru</td>
<td>2004, 2017</td>
<td>Article 37(1) of the Constitutional Procedural Code establishes that the writ of <em>amparo</em> is the adequate remedy in cases of discrimination based on sexual orientation (among other grounds). This law provides a remedy for sexual orientation discrimination in broad terms and therefore applies to employment. Article 323 of the Criminal Code (as amended by Executive Order No. 1323 of 2017) criminalises discrimination on the basis of, <em>inter alia</em>, sexual orientation and aggravates the penalty if such acts are committed by public servants. This applies to employment.</td>
<td></td>
</tr>
<tr>
<td>Saint Lucia</td>
<td>2006</td>
<td>Section 131(1)(a) of the Labour Code prohibits unfair dismissal based on an employee’s sexual orientation (among other grounds).</td>
<td></td>
</tr>
<tr>
<td>Suriname</td>
<td>2015</td>
<td>Article 175 of the Criminal Code (as amended by S.B. 2015 No. 44) criminalises discrimination based on sexual orientation (among other grounds). This provision bans sexual orientation discrimination in broad terms and therefore applies to employment.</td>
<td></td>
</tr>
<tr>
<td>Uruguay</td>
<td>2004, 2013</td>
<td>Article 2 of the Act to combat Racism, Xenophobia and Discrimination (Law No. 17,817) includes “sexual orientation and identity” among the prohibited grounds of discrimination. This provision bans sexual orientation discrimination in broad terms and therefore applies to employment. Article 2(A) of the Promotion of Youth Employment Act (Law No. 19,133) bans discrimination on the basis of sexual orientation (among other grounds) in employment.</td>
<td></td>
</tr>
</tbody>
</table>
Protection against Discrimination based on Sexual Orientation in Employment

Is there more in Latin America and the Caribbean?

**Argentina**

Articles 34(o) and 35(j), 37(h) and 121 of the Executive Order No. 214 (2006), which is applicable only within the National Administration Service, prohibit discrimination in employment on the basis of sexual orientation (limited scope ban).

At the federal level, there is no piece of legislation prohibiting discrimination on the basis of sexual orientation in broad terms (see section above).

**El Salvador**

Article 1 of the Executive Order No. 56 of 2010 prohibits discrimination based on sexual orientation within the Public Administration Service only (limited scope ban).

Is there more in North America?

**United States of America**

At the federal level, there is no piece of legislation prohibiting employment discrimination on the basis of sexual orientation. Several states have enacted laws that do so with varying levels of protection.\(^3\) Barely under 50% of the population of the USA lives in States which grant protection against discrimination in employment.

Furthermore, Executive Order No. 13,087 of 1998 prohibits discrimination in employment by the federal government on the basis of sexual orientation (limited scope ban).

In March 2017, the US Court of Appeals for the 7th Circuit became the first federal appeals court to determine that the Civil Rights Act 1964 protects workers from discrimination based on sexual orientation.\(^4\) In February 2018, the US Court of Appeals for the 2nd Circuit followed suit.\(^5\)

Is there more in Asia?

**Asia (5) + Taiwan and Macau**

**Israel**

Section 2(a) of the Law on Employment (Equal Opportunities) (Law No. 5748-1988) as amended in 1992 provides that “an employer shall not discriminate among his employees or among persons seeking employment on account of their [...] sexual tendencies”.

**Macau (China)**

Article 6(2) of Law No. 7/2008 prohibits discrimination based on sexual orientation in employment.

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\(^3\) "State Employment Non-Discrimination Laws", Movement Advancement Project (MAP) Website.


<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Relevant Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mongolia</td>
<td>2017</td>
<td>Section 14(1)(1) of the Penal Code criminalises acts of discrimination based on sexual orientation. Section 14(1)(2)(3) aggravates penalties when such acts are committed by public officials. This provision bans sexual orientation discrimination in broad terms and therefore applies to employment.</td>
</tr>
<tr>
<td>Nepal</td>
<td>2015</td>
<td>Even though there is no law expressly prohibiting discrimination based on sexual orientation in employment, the constitutional prohibition enshrined in Section 18(3) of the Constitution of Nepal (proscribing discrimination against “sexual minorities”) necessarily applies to employment.</td>
</tr>
<tr>
<td>South Korea</td>
<td>2001</td>
<td>Article 30(2) of the National Human Rights Commission Act (2001) mandates the Commission to investigate acts of discrimination based on sexual orientation in employment.</td>
</tr>
<tr>
<td>Taiwan</td>
<td>2004</td>
<td>Article 12 of the Gender Equity Education Act (2004) specifies that both private and public schools of all levels shall respect faculty and staff’s sexual orientation.</td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>Article 5 of the Employment Service Act (as amended by Presidential Order No. 09600064151 of 2007) and Chapter 2 of the Gender Equality in Employment Act (as amended by Presidential Order No. 0970003951 of 2008) prohibit employment discrimination on the basis of sexual orientation.</td>
</tr>
<tr>
<td></td>
<td>2008</td>
<td></td>
</tr>
<tr>
<td>Thailand</td>
<td>2007</td>
<td>The Ministry of Labour’s Regulation on Thai Labour Standards and Social Responsibility of Thai Businesses B.E. 2547 (discussed here) prohibits discrimination against workers on numerous grounds, including “personal sexual attitude.”</td>
</tr>
</tbody>
</table>

**Is there more in Asia?**

**Timor Leste** *(PROTECTION REPEALED)*

In an another rare case of legal regression, Regulation No. 2002/5 (On the Establishment of a Labour Code for East Timor), which prohibited discrimination in employment on the basis of sexual orientation, was repealed in 2012 by Law No. 4/2012 on Labour. The new labour law does not contemplate such prohibition.

**Europe (42) → Kosovo**

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Relevant Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>2010</td>
<td>Articles 12-16 of the Law on Protection from Discrimination (Law No. 10,221) provide for protection from discrimination in employment. Article 5 includes “sexual orientation” as one of the prohibited grounds of discrimination. Additionally, Article 9(2) of the Labour Code (as amended by Law No. 135/2015) prohibits discrimination in employment.</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td></td>
</tr>
</tbody>
</table>

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7 See entry for Namibia in “Is there more in Africa” above.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Law/Act</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andorra</td>
<td>2003-2009</td>
<td>Employment Contract Act (No. 8/2003)</td>
<td>Section 3 listed &quot;sexual orientation&quot; as a protected ground within labour relations. This law was repealed in 2009 by the Labour Relations Code which prohibits discrimination based on sexual orientation under Articles 3, 75 and 76(5). Under Article 95(3), discriminatory treatment by the employer based on sexual orientation (among other grounds) is considered a &quot;very serious&quot; infraction.</td>
</tr>
<tr>
<td>Austria</td>
<td>2004</td>
<td>Equal Treatment Act</td>
<td>The Equal Treatment Act (as amended by Act No. 65 of 2004) bans sexual orientation discrimination in employment (Chapter 2).</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>2005</td>
<td>Law on Protection Against Discrimination</td>
<td>Section 4(1) of the Law on Protection Against Discrimination (supplemented by SG No. 70 of 2004) bans direct and indirect discrimination based on sexual orientation (among others).</td>
</tr>
<tr>
<td>Cyprus</td>
<td>2004-2009</td>
<td>Combating Racism and Other Forms of Discrimination (Commissioner) Act</td>
<td>Article 6(1) of the Combating Racism and Other Forms of Discrimination (Commissioner) Act proscribes direct and indirect discrimination based on sexual orientation. The Equal Treatment in Employment and Occupation Act 2004 (as amended by Act No. 86(I) of 2009) protects sexual orientation against discrimination in employment (Articles 3, 4 and 6).</td>
</tr>
<tr>
<td>Country</td>
<td>Year(s)</td>
<td>Protection Measures</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
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</tr>
<tr>
<td>Estonia</td>
<td>2004-2011</td>
<td>Article 19(2)(12) of the Chancellor of Justice Act includes &quot;sexual orientation&quot; among the protected grounds for which claims on discrimination can be brought before the Chancellor of Justice. Articles 1(1) and 2 of the Equal Treatment Act prohibit employment discrimination based on sexual orientation. Article 152(1) of the Penal Code prescribes the unlawful restriction of any right on the basis of sexual orientation.</td>
<td></td>
</tr>
<tr>
<td>Finland</td>
<td>1995-2014</td>
<td>Section 9 (Chapter 11) of the Criminal Code (as amended by Act No. 578 of 1995) protects, <em>inter alia</em>, &quot;sexual preference&quot; against discrimination in trade or profession. Section 3 (Chapter 47, on labour offences), criminalises work discrimination based on sexual orientation (among other grounds). Section 8 of the Non-Discrimination Act (2014) prohibits any discriminatory act on the basis of sexual orientation (among other grounds) and Section 7 sets out a range of employment contexts to which such ban applies.</td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>2014</td>
<td>Articles 1 and 2(1) of the Act on the Elimination of All Forms of Discrimination prohibits discrimination based on sexual orientation. These provisions ban sexual orientation discrimination in broad terms and therefore apply to employment.</td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>2006</td>
<td>Sections 1 and 2 of the General Act on Equal Treatment prohibit discrimination based on sexual orientation (among other grounds). Part 2 (Chapters 1-4) describes a range of employment contexts in which such ban applies.</td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td>2005-2016</td>
<td>Articles 1, 4 and 8 of the Act Against Discrimination (Law No. 3304 of 2005) prohibit discrimination based on sexual orientation in employment. Additionally, Article 2(2)(b) of Law 4443/2016 also includes &quot;sexual orientation&quot; among other prohibited grounds.</td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>2004</td>
<td>Articles 7(1), 8(m) and 9 of the Equal Treatment and Promotion of Equal Opportunities Act (No. CXXV of 2003) define direct and indirect discrimination on the basis of sexual orientation as a violation of the equal treatment principle. Articles 21-23 deal with employment.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Country</td>
<td>Year(s)</td>
<td>Law/Act/Decree Description</td>
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<tr>
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<tr>
<td>18</td>
<td>Iceland</td>
<td>2018</td>
<td>Article 7 of the <em>Act on Equal Treatment in the Workplace</em> prohibits discrimination in the labour market on the basis of, <em>inter alia</em>, sexual orientation (Article 1). Articles 8 and 9 specify what constitutes discrimination in employment.</td>
</tr>
<tr>
<td>20</td>
<td>Italy</td>
<td>2003</td>
<td>Legislative Decree No. 216 of 2003 instituted sexual orientation as a protected ground of discrimination (among others) within employment.</td>
</tr>
<tr>
<td></td>
<td>Kosovo</td>
<td>2004</td>
<td>Article 2 of the <em>Anti-Discrimination Act</em> prohibits direct and indirect discrimination based on sexual orientation (among other grounds). Article 2(1-4) defines employment in the public and private sectors as a sphere covered by such protection.</td>
</tr>
</tbody>
</table>
| 21  | Latvia       | 2006-2013 | Article 7(1-2) of the *Labour Act* (as amended in 2006) establishes the right to work, to a fair, safe and healthy working environment and to a fair wage without any direct or indirect discrimination based on, *inter alia*, sexual orientation.  
Article 2 of the *Act on Prohibition of Discrimination of Natural Persons Engaged in Economic Activity* (2013) specifies sexual orientation as a protected ground of discrimination in economic activities. |
| 22  | Liechtenstein| 2016    | Article 283(4) of the *Penal Code* proscribes acts of discrimination based on sexual orientation in broad terms and, therefore, applies to employment. |
| 23  | Lithuania    | 2000-2002-2005 | Article 169 of the *Criminal Code* penalises discrimination on the ground of, *inter alia*, sexual orientation. This provision bans sexual orientation discrimination in broad terms and therefore applies to employment.  
Article 129 of the 2002 *Labour Code* also prohibits discrimination based on sexual orientation (among other grounds) in employment. This is reinforced by Articles 1 and 2 of the *Equal Treatment Act* (2005). |
| 24  | Luxembourg   | 1997-2006 | Articles 454 and 455(5-6) of the *Criminal Code* (as amended by Act No. 19 of 1997) criminalise sexual orientation discrimination within the exercise of an economic activity and employment. Article 456 aggravates the penalty if the acts are committed by public servants or individuals carrying out public functions.  
<p>| 25  | Malta        | 2004    | The <em>Equal Treatment in Employment Regulations (Legal Notice 461 of 2004)</em> prohibit discriminatory treatment based on, <em>inter alia</em>, sexual orientation in relation to employment (Sections 1(3), 2 (a), 3), both within the public and private sectors. |</p>
<table>
<thead>
<tr>
<th>Country</th>
<th>Year-Range</th>
<th>Law/Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moldova</td>
<td>2013</td>
<td>Article 7 of the [Law on Equality (Act No. 121)] specifies that discrimination on the basis of sexual orientation is banned in the employment sphere only.</td>
</tr>
<tr>
<td>Montenegro</td>
<td>2010</td>
<td>Article 16 of the [Act on Prohibition of Discrimination] refers to discrimination in employment, having set out in Articles 2 and 19 that sexual orientation is protected against it.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>1994</td>
<td>While Section 1 of the [Equal Treatment Act] bans sexual orientation discrimination, Sections 5(1), 6 and 6a deal with discrimination in employment. Section 8(1) renders invalid a termination of employment if based on a prohibited ground.</td>
</tr>
<tr>
<td>Norway</td>
<td>1998, 2006, 2013, 2018</td>
<td>Section 55(A) of the [Act relating to Worker Protection and Working Environment (No. 4 of 1977)] (as amended in 1998) protected employees from discrimination based on sexual orientation. This law was repealed by the [Working Environment Act (2005)], which prohibits sexual orientation discrimination in employment under Sections 13-1(7) and 13-4(3). The [Sexual Orientation Anti-Discrimination Act], which aims to promote equality irrespective of sexual orientation, bans discrimination in employment in Chapter 4. This law was repealed by Equality and Anti-Discrimination Act. Section 6 of the [Equality and Anti-Discrimination Act] proscribes sexual orientation discrimination. Sections 25, 26 and 26a deal with employers’ and employer and employee organizations’ duties to promote equality. Chapter 5 contains provisions relating to employment relationships.</td>
</tr>
<tr>
<td>Poland</td>
<td>2004, 2010</td>
<td>Articles 11(3) and 18(3)(a) of the [Labour Code] prohibit direct or indirect discrimination on the basis of sexual orientation in employment. Article 94(2b) establishes the employer’s duty to act against such discrimination. According to Article 8(a), the prohibition on sexual orientation discrimination contained in the [Act on Equal Treatment (2010)] applies only to employment.</td>
</tr>
<tr>
<td>Portugal</td>
<td>2003, 2009</td>
<td>Article 23 of [Law 99/2003] included “sexual orientation” among the prohibited grounds of discrimination in employment. This law was repealed in 2009 by the new Labour Code. Articles 24 (on the right to equal access to employment and work), and 16 (on the right to privacy) of the [Labour Code] explicitly protect the status of sexual orientation (among others).</td>
</tr>
<tr>
<td>No.</td>
<td>Country</td>
<td>Year(s)</td>
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<tr>
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<tr>
<td>34</td>
<td>San Marino</td>
<td>2019</td>
</tr>
<tr>
<td>35</td>
<td>Serbia</td>
<td>2010-2015</td>
</tr>
<tr>
<td>36</td>
<td>Slovakia</td>
<td>2008</td>
</tr>
<tr>
<td>39</td>
<td>Sweden</td>
<td>1987-2009</td>
</tr>
<tr>
<td>40</td>
<td>Switzerland</td>
<td>2000</td>
</tr>
</tbody>
</table>

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It is understood that sexual orientation has been read into numerous laws because of the protections afforded to that status in the country’s Constitution, where the words “way of life” at Article 8 have been interpreted to include SOGI. However, in April 2019, the Federal Court held in a case involving a former unit commander in the Swiss Armed Forces that the Law on Equality did not apply to discrimination on the basis of sexual orientation (see section on broad protection against discrimination above).
## Protection against Discrimination based on Sexual Orientation in Employment

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukraine</td>
<td>2015</td>
<td>Article 2(1) of the Labour Code (as amended by Act No. 785-VIII of 2015) includes sexual orientation as one of the prohibited grounds for employment discrimination.</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>2003</td>
<td>The Employment Equality (Sexual Orientation) Regulations 2003 (No. 1661) and The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (No. 497), were introduced to protect against sexual orientation discrimination in the sphere of employment. Revoked by Equality Act 2010.</td>
</tr>
<tr>
<td></td>
<td>2010</td>
<td>Part 5 of the Equality Act 2010 deals with employment discrimination. Sections 4, 13, 19, 25(9) and 26 define sexual orientation as one of the prohibited grounds.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In Gibraltar, Part III of the Equal Opportunities Act 2006 refers to discrimination in employment. Sections 3 and 10 protect sexual orientation against any act of discrimination.</td>
</tr>
<tr>
<td>Oceania (6) + Cook Islands</td>
<td></td>
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</tr>
<tr>
<td>1 Australia</td>
<td>1996</td>
<td>Section 3(m) of the Workplace Relations Act 1996 includes “sexual preference” among the grounds of discrimination that the law intends to prevent and eliminate. Furthermore, Section 659(f) prohibits termination of employment based on the employee’s sexual orientation (among other grounds).</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>Section 351 of the Fair Work Act 2009 bans any act of discrimination against an employee on the basis of sexual orientation (among other grounds).</td>
</tr>
<tr>
<td>2 Fiji</td>
<td>2007</td>
<td>Section 6(2) of the Employment Relations Promulgation 2007 (Promulgation No. 36 of 2007) proscribes discrimination based on sexual orientation (among other grounds) in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship. Section 75 also includes sexual orientation as a prohibited ground (among others) for discrimination in employment.</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>Articles 10(b)(2) and 10(c) of the Public Service (Amendment) Decree 2011 (Decree No. 36 of 2011) prohibit discrimination based on sexual orientation (among other grounds) within public service.</td>
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<tr>
<td>Kiribati</td>
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<tr>
<td>Micronesia</td>
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<tr>
<td>New Zealand</td>
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<tr>
<td>Cook Islands</td>
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<tr>
<td>Samoa</td>
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<tr>
<td>Tuvalu</td>
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</tbody>
</table>

9 The online version of the text could not be located.
Criminal Liability for Offenses Committed on the Basis of Sexual Orientation

Introduction

Some states have introduced two legal vehicles to address the violence motivated by sexual orientation, popularly known as “hate crimes”.

The first is the enactment of a stand-alone criminal offence that criminalises the infliction of violence or harm on a victim motivated by their sexual orientation (real or perceived).

The second is the introduction of a legal provision that confers on the judiciary the power to enhance the criminal punishment where the offence was committed motivated by the victim’s sexual orientation. These legal provisions are often referred to as “aggravating circumstances”. The scope of these provisions can extend to specific types of crimes, such as murder and assault, or apply generally to all criminal offences.

The UN Human Rights Committee has recommended states to specifically criminalise acts of violence that are based on sexual orientation or gender identity, for example, by enacting hate crimes legislation concerning sexual orientation and gender identity.1

What does International Human Rights Law say?

Everyone, regardless of sexual orientation, gender identity, gender expression or sex characteristics, has the right to security of the person and to protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual or group.

States shall: [...] Take all necessary legislative measures to impose appropriate criminal penalties for violence, threats of violence, incitement to violence and related harassment, based on the sexual orientation, gender identity, gender expression or sex characteristics.

Yogyakarta Principle 5

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1 Consideration of reports submitted by States parties under article 40 of the Covenant. Concluding observations of the Human Rights Committee: Poland, CCPR/C/POL/CO/6, 15 November 2010, para. 8.
Africa (3)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Section/Article</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Angola</td>
<td>2019</td>
<td>Section 71(1)(c) of the Penal Code includes “discrimination based on sexual orientation” among the aggravating circumstances for all crimes established in the code.²</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Cape Verde</td>
<td>2015</td>
<td>Article 123 of the Penal Code aggravates the penalty for homicides committed on the basis of the victim’s sexual orientation.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Sao Tomé e Principe</td>
<td>2012</td>
<td>Article 130(2)(d) of the Penal Code aggravates the crime of homicide when motivated by hatred towards the sexual orientation of the victim.</td>
<td></td>
</tr>
</tbody>
</table>

Latin American and the Caribbean (11)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Section/Article</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Argentina</td>
<td>2012</td>
<td>Article 80(4) of the Penal Code establishes aggravated penalties only for homicides motivated by “hate towards the sexual orientation of the victim” (among other grounds). Article 90 aggravates the crime of injuries under the same aggravating circumstances.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Bolivia</td>
<td>2010</td>
<td>Articles 40bis of the Penal Code aggravates the penalties of crimes motivated by any of the discriminatory grounds included in Article 281 quinquies and sexies (the latter includes sexual orientation).</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Brazil</td>
<td>2019</td>
<td>On June 13, 2019, the Federal Supreme Court ruled that Brazil’s Law on crimes motivated by racial prejudice (Law No. 7,761) will encompass crimes motivated by the victim’s sexual orientation and gender identity until the National Congress drafts a more specific law.³</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Chile</td>
<td>2012</td>
<td>Article 12(21) of the Penal Code (as amended by Article 17 of Law No. 20,609) includes “sexual orientation” among the aggravating circumstances that trigger harsher penalties.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Colombia</td>
<td>2000</td>
<td>Article 58(3) of the Penal Code states that motivation based on the victim’s sexual orientation constitutes an aggravating circumstance. Furthermore, Article 134A (introduced by Law 1,482 of 30 November 2011) criminalises acts of racism and discrimination, including those based on sexual orientation.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Ecuador</td>
<td>2009</td>
<td>Article 177 of the Penal Code criminalises acts of hate, whether physical or psychological, based on sexual orientation. This provision also establishes aggravated penalties for physical harm and death caused by acts of hate based on sexual orientation (among other grounds).</td>
<td></td>
</tr>
</tbody>
</table>

² The final version of the 2019 Penal Code has not yet been published. The number of the section may differ in the final version. The draft that was approved can be accessed here.
³ “STF enquadra homofobia e transfobia como crimes de racismo ao reconhecer omissão legislativa”, Supremo Tribunal Federal (website), 13 June 2019.
### Criminal Liability for Offenses Committed on the Basis of Sexual Orientation

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Salvador</td>
<td>2015</td>
<td>Article 129(11) of the Penal Code (as amended by D.L. No. 106/2015) aggravates the crime of homicide when it is perpetrated based on the victim’s sexual orientation.</td>
</tr>
<tr>
<td>Honduras</td>
<td>2013</td>
<td>Article 27(27) of the Penal Code (as amended by Decree No. 23-2013) establishes that motivation based on the victim’s sexual orientation (among other grounds) operates as an aggravating circumstance.</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>2008</td>
<td>Article 36(5) of the Penal Code establishes aggravated penalties for crimes motivated by the victim’s sexual orientation.</td>
</tr>
<tr>
<td>Peru</td>
<td>2017</td>
<td>Article 46(d) of the Penal Code (as amended by Legislative Order No. 1,323) aggravates penalties for crimes motivated by the victim’s sexual orientation.</td>
</tr>
<tr>
<td>Uruguay</td>
<td>2003</td>
<td>Article 149ter of the Penal Code (as amended by Law 17.677 of 2003) provides for enhanced penalties for crimes motivated by “sexual orientation” or “sexual identity”.</td>
</tr>
</tbody>
</table>

**Is there more in Latin America and the Caribbean?**

**Mexico**

There are no provisions aggravating penalties for crimes motivated by the victim’s sexual orientation at the federal level. However, some jurisdictions have included such provisions in their local Penal Codes, such as Baja California Sur (Arts. 131, 138, 192; 2017); Coahuila (Art. 103(A)(5), 2005); Colima [homicide only] (Art. 123bis, 2015); Mexico City (Art. 138(8), 2009); Michoacán [homicide only] (Art. 121, 2014); Puebla (Art. 330bis, 2012); and Querétaro (Art. 131(4), 2015).

**North America (2)**

1. **Canada** 1996 Article 718.2(a)(i) of the Canadian Criminal Code establishes that a sentence should be increased if there is evidence that the offence was motivated by bias, prejudice or hate based on sexual orientation (among other grounds).

2. **United States of America** 2008 Section 249(a)(2) of the United States Code provides for enhanced penalties for crimes motivated by perceived or actual sexual orientation (also known as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act).

Numerous states have enacted hate crimes laws that include sexual orientation (see full list here by MAP).

**Asia (2)**

1. **East Timor** 2009 Article 52(2)(e) of the Penal Code 2009 includes motivation on discriminatory sentiment on grounds of, inter alia, sexual orientation as a general aggravating circumstance for all crimes.
### Criminal Liability for Offenses Committed on the Basis of Sexual Orientation

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Legislation/Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mongolia</td>
<td>2017</td>
<td>Section 10(1)(2)(14) of the Penal Code aggravates penalties for homicides motivated by hate towards the victim's sexual orientation.</td>
</tr>
<tr>
<td><strong>Europe (26) + Kosovo</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Albania</td>
<td>2013</td>
<td>Article 50(i) of the Criminal Code establishes that motivation related to sexual orientation is an aggravating circumstance for all crimes.</td>
</tr>
<tr>
<td>Andorra</td>
<td>2005</td>
<td>Article 30 of the Criminal Code considers sexual orientation an aggravating circumstance for crimes motivated by hate or bias.</td>
</tr>
<tr>
<td>Austria</td>
<td>2016</td>
<td>Article 33(1)(5) of the Criminal Code aggravates crimes motivated by the victim’s sexual orientation, by reference to Article 283(1)(1).</td>
</tr>
<tr>
<td>Belgium</td>
<td>2007</td>
<td>Various offences in the Criminal Code were amended by Law No. 2007-05-10/35 to establish enhanced punishments where the motive of the crime is hatred against, contempt for or hostility to a person based on their sexual orientation. This includes indecent assault and rape (Article 377bis) and manslaughter and intentional injury (Article 405 quater).</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>2006</td>
<td>All three constituent units of Bosnia and Herzegovina have enacted hate crime legislation that is inclusive of sexual orientation: Federation of Bosnia and Herzegovina (2016), Republika Srpska (2013), Brcko District (2006).</td>
</tr>
<tr>
<td></td>
<td>2013</td>
<td></td>
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<tr>
<td></td>
<td>2016</td>
<td></td>
</tr>
<tr>
<td>Croatia</td>
<td>2006</td>
<td>Article 151(a) of the old Penal Code (2006) specified a criminal offence based on, inter alia, &quot;sexual preference&quot;. Since 2011, Article 87(20) of the new Penal Code (in force since 2013) establishes that penalties shall be aggravated when crimes are committed based, inter alia, on the victim's sexual orientation.</td>
</tr>
<tr>
<td></td>
<td>2013</td>
<td></td>
</tr>
<tr>
<td>Cyprus</td>
<td>2017</td>
<td>The Criminal Code (Amendment) Law (Law 31(I)/2017) amended the Criminal Code to insert Article 35A, which provides for the aggravation of penalties when crimes are committed because of the victim’s sexual orientation.</td>
</tr>
<tr>
<td>Denmark</td>
<td>2004</td>
<td>Section 81(6) of the Criminal Code recognises as an aggravating circumstance the situation where the offence stems from the victim’s sexual orientation.</td>
</tr>
<tr>
<td>Finland</td>
<td>2011</td>
<td>Chapter 6, Section 5(1)(4) of the Criminal Code includes sexual orientation as an aggravating circumstance in sentencing.</td>
</tr>
<tr>
<td>France</td>
<td>2001</td>
<td>Article 222-12 of the Criminal Code criminalises violence specifically on the grounds of sexual orientation. Article 132-77 makes discrimination on the grounds of sexual orientation an aggravating circumstance.</td>
</tr>
<tr>
<td></td>
<td>Country</td>
<td>Year</td>
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</tr>
<tr>
<td>11</td>
<td>Georgia</td>
<td>2012</td>
</tr>
<tr>
<td>12</td>
<td>Greece</td>
<td>2008</td>
</tr>
<tr>
<td>13</td>
<td>Hungary</td>
<td>2013</td>
</tr>
<tr>
<td>14</td>
<td>Lithuania</td>
<td>2009</td>
</tr>
<tr>
<td>16</td>
<td>Montenegro</td>
<td>2013</td>
</tr>
<tr>
<td>17</td>
<td>North Macedonia</td>
<td>2018</td>
</tr>
<tr>
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<td>Norway</td>
<td>2004</td>
</tr>
<tr>
<td>19</td>
<td>Portugal</td>
<td>2007</td>
</tr>
</tbody>
</table>
### Criminal Liability for Offenses Committed on the Basis of Sexual Orientation

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Romania</td>
<td>2006</td>
<td>In 2006, Article 75 the old Penal Code (1968) was amended by Law No. 278 (2006) to incorporate aggravate crimes when committed because of the victim's sexual orientation, among other grounds. In 2014, a new Penal Code (adopted in 2009) entered into force. The provision containing the aggravating circumstances is now found under Article 77. Subsection (h) contains the specific reference to the victim’s “sexual orientation”.</td>
</tr>
<tr>
<td>San Marino</td>
<td>2008</td>
<td>Law no. 66 introduced Article 179bis to the Penal Code of San Marino, which recognises circumstances of discrimination on the basis of sexual orientation as an aggravating factor in criminal sentencing.</td>
</tr>
<tr>
<td>Serbia</td>
<td>2013</td>
<td>Article 54a of the Criminal Code recognises the commission of an offence on the basis sexual orientation and gender identity, <em>inter alia</em>, as aggravating circumstances in relation to hate crimes.</td>
</tr>
<tr>
<td>Slovakia</td>
<td>2013</td>
<td>Article 140(f) of the 2006 Criminal Code was updated in 2013 to include the commission of an offence on the basis of sexual orientation as an aggravating factor.</td>
</tr>
<tr>
<td>Spain</td>
<td>2010</td>
<td>Article 22(4) of the Penal Code was amended by Law No. 5/2010 to include “sexual orientation” as an aggravating circumstance of criminal responsibility.</td>
</tr>
<tr>
<td>Sweden</td>
<td>2010</td>
<td>Article 29(2) of the Penal Code states that in the assessment of a crime’s penalty value, special consideration must be given if the crime was motivated by a person or group’s sexual orientation.</td>
</tr>
</tbody>
</table>

**Is there more in Europe?**

<table>
<thead>
<tr>
<th>Country</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Netherlands</td>
<td>Neither the Criminal Code nor the Criminal Procedure Code provide for aggravating circumstances based on the victim’s sexual orientation. However, the <em>Instruction on Discrimination</em> (in force since 2007) issued by the Public Prosecution Service establishes that the public prosecutor must increase the sentence they demand by 25 per cent when such motivation is present in any given case.4</td>
</tr>
<tr>
<td>Switzerland</td>
<td>In September 2019, the Swiss Parliament narrowly approved a motion to collect statistical data on hate crimes against LGBTQ people.5</td>
</tr>
</tbody>
</table>

---

4 Rick Lawson et al., *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation – Netherlands* (Leiden, 2008), 32.
5 "Schweizer Parlament für statistische Erfassung von Hassverbrechen gegen LGBT". GGGat. 27 September 2019.
Oceania (2)

1 New Zealand 2002 Article 9 of the Sentencing Act 2002 provides that it is an aggravating factor where the offender committed the offence partly or wholly because of hostility towards a group of persons who have an enduring common characteristic such as sexual orientation (among other grounds).

2 Samoa 2016 Section 7(1)(h) of the Sentencing Act 2016 increases the penalties for crimes committed partly or wholly because of hostility towards a group of persons who have an enduring common characteristic such as sexual orientation (among other grounds).

Is there more in Oceania?

Australia There is no federal law establishing that motivation based on sexual orientation is an aggravating circumstance. New South Wales (Art. 21A(2)(h), 2002) appears to be the sole state with such provisions in force.
Prohibition of Incitement to Hatred, Violence or Discrimination based on Sexual Orientation

Highlights

43 UN Member States
22% UN Member States

Introduction

In some states, it is an offence to incite to hatred, violence or discrimination on the basis of sexual orientation. In restricting the freedom of such forms of speech, these laws recognise the paramount importance of securing the safety and protection of marginalised communities.

The wording and scope of these laws vary greatly. Some statutes aim to prohibit “hate speech” or speech with the ability to directly incite people to commit “violence”, while others include a wide array of terms such as “hatred”, “harassment”, “discrimination”, “intolerance” or “segregation”.

A few states have enacted laws that proscribe debasing or humiliating a specific social group, either in broad terms or in statues regulating broadcasting services.

As with many other laws, judicial interpretations may have widened the enumerated groups of people protected by statutes, especially when they have an open clause to that effect. However, the following list includes States that have enacted laws explicitly including sexual orientation among protected grounds.

What does International Human Rights Law say?

Everyone, regardless of sexual orientation, gender identity, gender expression or sex characteristics, has the right to State protection from violence, discrimination and other harm, whether by government officials or by any individual or group.

Yogyakarta Principle 30

States shall: [...] Take appropriate and effective measures to eradicate all forms of violence, discrimination and other harm, including any advocacy of hatred that constitutes incitement to discrimination, hostility, or violence on grounds of sexual orientation, gender identity, gender expression or sex characteristics, whether by public or private actors [...].

Yogyakarta Principle 30(b)
Prohibition of Incitement to Hatred, Violence or Discrimination based on Sexual Orientation

## Africa (2)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Incitement to discrimination based on sexual orientation is criminalised under article 382 of the new Penal Code.¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Angola</td>
<td>2019</td>
<td>The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, prohibits unfair discrimination, hate speech and harassment. Section 1(22) includes &quot;sexual orientation&quot; within the definition of &quot;prohibited grounds&quot;.</td>
</tr>
</tbody>
</table>

### Is there more in Africa?

**Tanzania**

In March 2018, the Tanzanian Government published The Electronic And Postal Communications (Online Content) Regulations, 2018, which forbid online publishing of hate speech and contemplate sexual orientation as a protected characteristic.

## Latin American and the Caribbean (9)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Incitement to acts of harassment aimed at causing harm based on sexual orientation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bolivia</td>
<td>2010</td>
<td>Article 281 septies of the Penal Code of Bolivia criminalises any act of dissemination or incitement to hatred based on sexual orientation (among other grounds). Sexual orientation is included by reference to Article 281 quinquies.</td>
</tr>
<tr>
<td>2</td>
<td>Brazil</td>
<td>2019</td>
<td>On June 13, 2019, the Federal Supreme Court ruled that Brazil’s Law on crimes motivated by racial prejudice (Law No. 7,761) will encompass crimes motivated by the victim’s sexual orientation and gender identity until the National Congress drafts a more specific law.² Under Article 20 of this law, incitement to hatred is criminalised. Furthermore, several jurisdictions have enacted local administrative (non-criminal) provisions that proscribe incitement explicitly mentioning “sexual orientation”: Amazonas (2006); Mato Grosso do Sul (2005); Pará (2011); Paraíba (2003); Rio de Janeiro (2015); and the city of Recife (Pernambuco).</td>
</tr>
<tr>
<td>3</td>
<td>Colombia</td>
<td>2011</td>
<td>Article 134B of the Penal Code (as amended by Law 1,482 of 30 November 2011) criminalises any incitement to acts of harassment aimed at causing harm based on sexual orientation.</td>
</tr>
<tr>
<td>4</td>
<td>Ecuador</td>
<td>2009</td>
<td>Article 176 of the Penal Code criminalises the incitement to discrimination based on sexual orientation.</td>
</tr>
<tr>
<td>5</td>
<td>Honduras</td>
<td>2013</td>
<td>Article 321-A of the Penal Code (as amended by Decree No. 23-2013) criminalises incitement to hatred or discrimination based on sexual orientation.</td>
</tr>
</tbody>
</table>

¹ The final version of the 2019 Penal Code has not yet been published. The number of the section may differ in the final version. The draft that was approved can be accessed [here](#).

² "STF enquadra homofobia e transfobia como crimes de racismo ao reconhecer omissão legislativa", Supremo Tribunal Federal (website), 13 June 2019.
### Prohibition of Incitement to Hatred, Violence or Discrimination based on Sexual Orientation

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mexico</td>
<td>2014</td>
<td>Article 9(27) of the <strong>Federal Law to Prevent and Eliminate Discrimination</strong> was amended to outlaw incitement to hatred and violence. Article 1(3) of this law includes &quot;sexual preferences&quot; as one of the prohibited grounds. This law only applies to federal authorities.</td>
</tr>
<tr>
<td>Peru</td>
<td>2017</td>
<td>Article 323 of the Penal Code (as amended by <strong>Legislative Order No. 1,323</strong>) criminalises acts of discrimination based on sexual orientation either by the perpetrator or through another person.</td>
</tr>
<tr>
<td>Suriname</td>
<td>2015</td>
<td>Articles 175(a) and 176 of the Criminal Code (as amended by <strong>S.B. 2015 No. 44</strong>) criminalise incitement to hatred based on sexual orientation (by reference to Article 175 which includes the list of prohibited grounds).</td>
</tr>
<tr>
<td>Uruguay</td>
<td>2003</td>
<td>Article 149bis of the <strong>Penal Code</strong> (as amended by <strong>Law 17.677</strong> of 2003) criminalises the incitement to hatred or any form of violence based on sexual orientation.</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>Article 17 of <strong>Law No. 18.026</strong> criminalises the incitement to the crime of genocide, a crime contemplated under article 16 of the same law (&quot;sexual orientation&quot; is explicitly included in the definition).</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>Since 2015, Article 28 of the Law on Audio Visual Communication Services (<strong>Law No. 19,307</strong>) prohibits the dissemination of content which promotes or incites to violence based on sexual orientation (among other grounds).</td>
</tr>
</tbody>
</table>

**Is there more in Latin America and the Caribbean?**

**Argentina**

Although Article 212 of the **Penal Code** provides for the crime of incitement to violence without explicit reference to sexual orientation, Article 70 of the Law on Audiovisual Communication Services (**Law No. 26.522**) states that content that promotes or incites discriminatory treatment based on sexual orientation (among other reasons) should be avoided. The latter is not a criminal provision.

**North America (1)**

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada</td>
<td>1996</td>
<td>Section 319 of the <strong>Penal Code</strong> proscribes public incitement of hatred. By reference to Section 318(4), Section 319(7) includes &quot;sexual orientation&quot; among the &quot;identifiable group&quot; against which this crime can be committed. Under Section 320, publications deemed to be hate propaganda can be confiscated.</td>
</tr>
</tbody>
</table>

**Europe (31) + Kosovo**

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>2013</td>
<td>Section 265 of the <strong>Criminal Code</strong> (as amended by Law No. 44 of 2013) penalises those who incite hate or disputes on grounds of sexual orientation, as well as those who intentionally prepare, disseminate or preserve writings with such content for purposes of distributing by any means or forms.</td>
</tr>
<tr>
<td>Country</td>
<td>Year(s)</td>
<td>Legislation</td>
</tr>
<tr>
<td>-----------</td>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>Austria</td>
<td>2011</td>
<td>BGBl I No. 103/2011 amended Article 283 of Criminal Code to include “sexual orientation” as a protected ground against incitement to violence.</td>
</tr>
<tr>
<td>Belgium</td>
<td>2003-2007</td>
<td>Article 4 of the Anti-Discrimination Law (2003)(^3) penalised the incitement to discrimination, hatred or violence based on sexual orientation (among other grounds). Article 22 of the Anti-Discrimination Law (2007)(^4) prohibits the incitement to discrimination, hate, segregation or violence on the basis of a protected criteria. Article 4(4) includes “sexual orientation” among the list of protected criteria.</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>2004</td>
<td>The Protection Against Discrimination Act states that “harassment” (which includes hate speech and incitement) applies to sexual orientation, according to Articles 4(1) and 5.</td>
</tr>
<tr>
<td>Croatia</td>
<td>2006-2013</td>
<td>Article 151(a) of the old Penal Code (amended 2006) criminalised incitement to hatred based on, inter alia, “sexual preference”. Article 325 of the new Penal Code (in force since 2013) criminalises the incitement to violence or hatred directed against a group of people or a member of the group because of their sexual orientation.</td>
</tr>
<tr>
<td>Cyprus</td>
<td>2015</td>
<td>Article 2 of Law No. 87(I)/2015 inserted Article 99A in the Penal Code to criminalise the incitement to violence or hatred directed against a group of persons or members of a group of person for their sexual orientation.</td>
</tr>
<tr>
<td>Denmark</td>
<td>1987</td>
<td>Article 1 of Law No. 357 (1987) amended Article 266(b) of the Penal Code to include “sexual orientation” among the grounds for protection against statements or information by which a group of people are threatened, insulted or degraded.</td>
</tr>
<tr>
<td>Estonia</td>
<td>2006</td>
<td>Section 151(1) of the Penal Code specifies sanctions for incitement to hatred on the basis of sexual orientation.</td>
</tr>
<tr>
<td>Finland</td>
<td>2011</td>
<td>Chapter 11, Section 10 of the Criminal Code criminalises the public expression of an opinion or message that threatens, defames or insults a certain group on the basis of, inter alia, sexual orientation. Section 10(a) provides for enhanced punishment where that speech involves incitement or enticement to genocide, murder or serious violence.</td>
</tr>
<tr>
<td>France</td>
<td>2005</td>
<td>Article 20 of Law No. 1486 of 2004 amended article 24 of the Law on Freedom of the Press (Law No. 24 of 1881) to criminalise the incitement to hatred or violence against a person or group of persons on the grounds of their sexual orientation (among other grounds). Article 32 of the same law criminalises defamation on the basis of sexual orientation and Article 33 criminalises insult on the basis of sexual orientation (among other reasons).</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Country</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greece</td>
<td>2014</td>
<td>2019</td>
<td>Article 1 of Law No. 4285/2014 amended Article 1 of the Law on Public Incitement to Violence or Hatred (Law No. 927/1979) to criminalise the incitement to discrimination, hatred or violence based on sexual orientation (among other grounds). Under the new Penal Code (enacted in 2019), incitement to violence based on sexual orientation is set forth under Article 184(2).</td>
</tr>
<tr>
<td>Hungary</td>
<td>2013</td>
<td></td>
<td>Article 332 of the Criminal Code was amended to include &quot;incitement against a community&quot;. This clause lists sexual orientation as a prohibited ground.</td>
</tr>
<tr>
<td>Iceland</td>
<td>1996</td>
<td>2013</td>
<td>Article 2 of Law No. 135 (1996) amended Article 233 of the General Penal Code to include sexual orientation among the protected grounds against publicly mockery, defamation, denigration or threat. This provision is now found under Article 233(a). Furthermore, Act No. 54 (2013) amended Article 27 of the Law on Media (Law No. 38, 2011) to prohibit the promotion of hatred based on sexual orientation.</td>
</tr>
<tr>
<td>Ireland</td>
<td>1989</td>
<td></td>
<td>The Prohibition of Incitement to Hatred Act (Law No. 19, 1989) penalises incitement to hatred, violence or discrimination on the ground of, inter alia, sexual orientation.</td>
</tr>
<tr>
<td>Kosovo</td>
<td>2019</td>
<td></td>
<td>Article 141 of the new Penal Code (2019) penalizes those who publicly incite or spread hatred, discord and intolerance based on sexual orientation (among other grounds).</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>2012</td>
<td></td>
<td>Article I of the Law on the Amendment of the Media Law (2012) amended Article 6(2)(e) of the Media Law (2005) to prohibit media content that incites, encourages or endorses hate or discrimination based on sexual orientation (among other on grounds). The 2012 law also amended Article 41(1)(b) to prohibit advertising that contains discrimination based on sexual orientation.</td>
</tr>
<tr>
<td>Lithuania</td>
<td>2009</td>
<td></td>
<td>Article 1 of Law No. XI-330 (2009) amended Article 170 of the Criminal Code (which proscribes incitement to hatred, violence and discrimination) to include &quot;sexual orientation&quot; among the protected grounds. Article 2 of the same law added Article 170-1 which criminalises the creation of a group of accomplices, an organised group, or an organisation aiming at discriminating a group of persons on grounds of their sexual orientation.</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>1997</td>
<td></td>
<td>Article III of Law of 19 July 1997 inserted Article 457-1 into the Criminal Code to penalise acts of incitement to hatred or violence motivated by, inter alia, sexual orientation (by means of reference to grounds listed under Article 454).</td>
</tr>
<tr>
<td>Malta</td>
<td>2012</td>
<td></td>
<td>Articles 82A and 82C of the Criminal Code of Malta (amended by Act No. VIII of 2012) set out the circumstances and penalties for incitement to hatred and violence based on, inter alia, sexual orientation.</td>
</tr>
<tr>
<td>Country</td>
<td>Year 1</td>
<td>Year 2</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>--------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>Moldova</td>
<td>2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monaco</td>
<td>2005</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montenegro</td>
<td>2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>1994</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>1981</td>
<td>2008</td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td>2007</td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Marino</td>
<td>2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serbia</td>
<td>2010</td>
<td>2014</td>
<td></td>
</tr>
<tr>
<td>Slovakia</td>
<td>2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovenia</td>
<td>2008</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

19. Article 1 of the Code of Audio-visual Media Services (2019) defines “hate speech” as a message that propagates, incites, promotes or justifies hatred based on sexual orientation (among other grounds). Article 17(3) prohibits such hate speech in the national audio-visual space. Additionally, under Article 63, commercials cannot include or promote any discrimination based on sexual orientation.

20. Article 16 of the Law on Public Freedom of Expression proscribes incitement to hatred or violence based on sexual orientation.


22. Section 137(c) of the Penal Code prohibits the intentional making of an insulting statement about a group of persons based on, inter alia, their sexual orientation. Section 137(d) prohibits the incitement of hatred or discrimination about a group of persons based on, inter alia, their sexual orientation.

23. Law No. 14 (1981) amended Article 135(a) of the old Penal Code to criminalise the public utterance of a discriminatory or hateful expressions, defined as speech that is “threatening or insulting anyone, or inciting hatred or persecution of or contempt for anyone” because of their “homosexuality, lifestyle or orientation”.

In 2005, a new Penal Code entered into force. This code was amended by Law No. 4 (2008) to criminalises hate speech and incitement to hatred and violence based on sexual orientation under Article 185(c).

24. Article 1 of Law No. 59 (2007) amended Articles 240(1) and (2) of the Penal Code to proscribe incitement to discrimination, hatred or violence based on sexual orientation, among other grounds.

25. Law No. 66 (2008) amended Article 179 of the Penal Code of San Marino to include sexual orientation as a protected ground from incitement to hatred and violence (Article 179bis).


Article 75 of the Law on Public Information and Media (2014) establishes that ideas, opinions or information published in the media should not encourage discrimination, hatred or violence against a person or group of persons because of their sexual orientation (among other grounds).

27. Article 424(1) of the Slovak Criminal Code criminalises the incitement to violence, hatred or restrictions on their rights and freedoms against a group of persons or an individual for their “actual or suspected” sexual orientation.

28. Article 297(1) of the Penal Code criminalises the public provocation or stirring up of hatred, strife or intolerance on the basis of sexual orientation.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Law/Article/Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>1996</td>
<td>2015</td>
<td>Article 510(1) of the Penal Code was amended in 1995 (entered into force in 1996) to criminalise incitement to discrimination, hatred or violence based on sexual orientation. In 2015, Organic Law No. 1 (2015) amended (among others) Article 510 to criminalise, under Article 510(2), actions that involve humiliation, contempt or discredit based on sexual orientation and the exaltation or justification of crimes committed against a group for their sexual orientation (among other grounds).</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>2004</td>
<td>2008</td>
<td>Section 74 and Schedule 16 of the Criminal Justice and Immigration Act (2008) prohibits the incitement to hatred on the ground of sexual orientation. In 2004, Section 8 of the Public Order (Northern Ireland) Order 1987 was amended to comprehensively deal with incitement to hatred based on sexual orientation (Sections 9-13).</td>
</tr>
</tbody>
</table>

Is there more in Europe?

**Poland**

In mid-2019, the Warsaw District Court ordered Gazeta Polska, a government-aligned newspaper, to stop distributing hateful "LGBT-Free Zone" stickers in its publications.5

**Romania**

Article 25 of Law No. 278 (2006) amended Article 317 of the old Penal Code (1968) to penalise incitement to hatred based on sexual orientation (among other grounds). Under the new Penal Code (approved in 2009, in force since 2014) the crime of incitement to hatred or discrimination is found under Article 369. However, this provision does not mention any specific ground or characteristic for protection.

**Switzerland**

Article 261bis of the Criminal Code was amended to include "sexual orientation" in the provision that criminalises public incitement to hatred or discrimination, as well as the public dissemination of ideologies that systematically denigrate or defame members belonging to a protected group. This amendment will be subject to a popular vote which will be held in February 2020.6

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5 Kyle Knight, “Polish Court Rebukes "LGBT-Free Zone" Stickers”, Human Rights Watch, 1 August 2019.
6 Confederation Suisse, Votation Populaire: 9 février 2020 (Deuxième objet: Interdiction de la discrimination en raison de l’orientation sexuelle).
Oceania (0)

Is there more in Oceania?

**Australia**

There is no federal provision prohibiting incitement to hatred based on sexual orientation in Australia, and less than half (41%) the population live in areas where provincial laws specify such protection.

Article 123(3)(e) of the Broadcasting Services Act 1992 stipulates that Codes of Practice should take into account “the portrayal in programs of matter that is likely to incite or perpetuate hatred against, or vilifies, any person or group” on the basis of sexual orientation (among other grounds).

Several states have enacted laws which prohibit incitement based on sexual orientation: Australian Capital Territory (Art. 67A(1)(f), 2004); New South Wales (Sec 49ZT(1), 1993); Queensland (Sec. 124A(1), 2003); Tasmania (Sec. 19(c), 1999).
Bans against "Conversion Therapy"

Highlights

3 UN Member States
1.5% UN Member States

AFRICA
LAC
NORTH AMERICA
ASIA
EUROPE
OCEANIA
0 /54
2 /33
0 /2
0 /42
1 /50
0 /14

Introduction

The number of States that prohibit the pseudo-scientific practices of so-called “conversion therapy” is strikingly low.

Since our 2017 edition, there has been growing attention on this issue. Although we still have to report that only 3 UN Member States have nationwide bans, considerable progress has been made, especially at the subnational level.

Below we include the list of countries that have enacted bans against “conversion therapies” by means of a law (either civil or criminal) or other types of legal/official instruments. These do not include official position statements or directives issued by private professional associations or organisations.

Additionally, we map a few countries that have not enacted explicit bans on “conversion therapies” but have prohibited mental health diagnosis based exclusively on sexual orientation. Even though these laws do not ban these therapies explicitly, they may prevent licenced health professionals from administering some types of sexual orientation change efforts.

What does International Human Rights Law say?

Everyone has the right to the highest attainable standard of physical and mental health, regardless of sexual orientation, gender identity, gender expression or sex characteristics.

Yogyakarta Principle 17

States shall: Prohibit any practice [...] allowing intrusive and irreversible treatments [...] including [...] “reparative” or “conversion” therapies, when enforced or administered without the free, prior, and informed consent of the person concerned.

Yogyakarta Principle 10.e
### Latin American and the Caribbean (2)

<table>
<thead>
<tr>
<th>Country</th>
<th>Resolution</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>Resolution 1/99 issued by the Federal Council of Psychology, prohibits the “pathologisation of homoerotic behaviours and practices” and orders all licenced psychologists to “refrain from coercive or unsolicited treatment to homosexuals”. It also prohibits their participation in events or services offering a “gay cure”. In 2013, the Commission for Human Rights of Brazil’s lower house of Congress approved a bill that would repeal Resolution 1/99. The proposal was later abandoned. In 2017, a federal judge first overruled then reaffirmed Resolution 1/99 in a case brought by an evangelical Christian psychologist whose licence was revoked in 2016 after she offered &quot;conversion therapy&quot;. On 24 April 2019, a senior jurist of the Federal Supreme Court suspended a lower court’s decision to allow psychologists to perform &quot;conversion therapy&quot;. This suspension will remain valid until the matter is resolved by the Federal Supreme Court.</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>1999</td>
<td></td>
</tr>
<tr>
<td>Ecuador</td>
<td>Section 20(a) of the Ministerial Order No. 767 prohibits conversion therapies in rehabilitation institutions. Article 151(3) of the Comprehensive Organic Penal Code of 2014 also criminalizes any act of torture (defined in broad terms) perpetrated with the intention of modifying a persons' sexual orientation.</td>
<td></td>
</tr>
<tr>
<td>Ecuador</td>
<td>2013</td>
<td></td>
</tr>
</tbody>
</table>

### Is there more in Latin America and the Caribbean?

**Argentina**

Section 3(c) of the Law on Mental Health (2010) establishes that a person cannot be diagnosed on their mental health exclusively on the basis of their “sexual choice or identity”. This law does not ban conversion therapies explicitly, but it prevents health professionals, particularly psychiatrists, from legally engaging in sexual orientation change efforts (SOCE).

**Mexico**

A bill that would prohibit sexual orientation and gender identity change efforts was introduced in October 2018 and debated by the Federal Senate in February 2019.

**Uruguay**

Article 4 of the Mental Health Law (2017) prohibits any mental health diagnosis on the exclusive basis of sexual orientation and gender identity. This law does not ban conversion therapies explicitly, but it prevents health professionals, particularly psychiatrists, from legally engaging in sexual orientation change efforts (SOCE).

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1. Don Philips, 'Brazilian judge approves 'gay conversion therapy, sparking national outrage,'
Bans against “Conversion Therapy”

North America (0)

Is there more in North America?

Canada

While there are no nationwide bans on “conversion therapy” in Canada, an increasing proportion of cities and provinces have adopted or are considering adopting such bans. This includes the provinces of Manitoba (2015), Ontario (2015), Nova Scotia (2018), the city of Vancouver (2018), and the city of St. Albert (2019). Therefore, around 46% of the Canadian population lives in areas with legal bans in force. The Respect for Sexual Orientation and Gender Identity Bill was introduced in Nova Scotia in September 2018. A petition to ban “conversion therapy” nationally was presented to the Canadian House of Commons in January 2019. As a result of this petition, Liberal senator Serge Joyal tabled Bill S-260 in April. As of October 2019, the bill is still under consideration.

United States of America

There is no federal law banning “conversion therapy” at the federal level. However, by October 2019, a total of 18 states, in addition to the District of Columbia (2014) and Puerto Rico, had local laws proscribing these practices: California (2012); Colorado (2019); Connecticut (2017); Delaware (2018); Hawaii (2018); Illinois (2015); Maine (2019); Maryland (2018); Massachusetts (2019); Nevada (2017); New Hampshire (2018); New Jersey (2013); New Mexico (2017); New York (2019); Oregon (2015); Rhode Island (2017); Vermont (2016); Washington (2018). A number of counties and cities have also enacted local bans.

In California, Bill AB-2943, which considered advertising, offering to engage in, engaging in for sale, or selling services constituting sexual orientation change efforts (SOCE) an unlawful practice prohibited under the Consumer Legal Remedies Act, was withdrawn after being brought before its State assembly.

Asia (0)

Is there more in Asia?

China

Several court decisions have ruled in favour of victims of “conversion therapy” though there has not been a legislative ban against such practices. In December 2014, a Beijing court ruled that the electronic shock “therapy” the claimant received was not necessary because homosexuality did not require treatment and ordered the psychiatric clinic to pay 3,500 yuan in compensation and post an apology to its website. In December 2017, a court in Henan province ordered a city psychiatric hospital to publish an apology in local newspapers and pay the 38-year old male claimant 5,000 yuan in compensation on the basis that he was forcibly treated.

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5 Katie Dangerfield, ‘Petition to ban conversion therapy across Canada gains steam, survivor says it’s ‘long overdue’, Global News, 9 October 2018.
7 According to Movement Advancement Project (MAP), these are the counties and cities with local bans in force. (1) Counties: Albany County, NY (2018); Broward County, FL (2018); Erie County, NY (2018); Palm Beach County, FL (2017); Pima County, AZ (2017); Ulster County, NY (2017); Westchester County, NY (2018). (2) Cities: Albany, NY (2018); Allentown, PA (2017); Athens, OH (2017); Bay Harbor Islands, FL (2016); Bellefonte, PA (2018); Bethlehem, PA (2018); Boca Raton, FL (2017); Boynton Beach, FL (2017); Cincinnati, OH (2015); Columbus, OH (2017); Dayton, OH (2017); Delray Beach, FL (2017); Doylestown, PA (2017); Eau Claire, WI (2018); El Portal, FL (2017); Gainesville, FL (2018); Greenacres, Fl (2017); Key West, FL (2017); Lake Worth, FL (2017); Lakewood, OH (2018); Madison, WI (2018); Miami, FL (2016); Miami Beach, FL (2016); Milwaukee, WI (2018); New York City, NY (2017); North Bay Village, FL (2016); Oakland Park, FL (2017); Philadelphia, PA (2017); Pittsburgh, PA (2016); Reading, PA (2017); Riviera Beach, FL (2017); Rochester, NY (2018); Seattle, WA (2016); State College, PA (2018); Tampa, FL (2017); Toledo, OH (2017); Wellington Village, FL (2017); West Palm Beach, FL (2016); Wilton Manors, FL (2016); Yardley, PA (2018).
Bans against “Conversion Therapy”

India
In December 2018, a doctor was summoned by the Delhi High Court for allegedly violating the Indian Medical Council Act, after he was banned by the Delhi Medical Council for engaging in “conversion therapy”.11

Israel
A bill which would have banned “conversion therapy” performed on minors was rejected by the legislature in 2016.12 However, the Israel Medical Association (which represents around 90% of the country’s doctors) issued a ban on “conversion therapy” that would result in the expulsion of any doctor who performs such practices.13

Taiwan (China)
On February 22, 2018, the Ministry of Health and Welfare issued a public announcement (Yi-Zih No. 1071660970)14 stating that while legislative amendments to the Physicians Act to include “conversion therapy” as prohibited treatment were being debated, individuals and organisations carrying out such practices could be liable for an offence under the Children and Youth Welfare Act or the Criminal Code of the Republic of China.15

Indonesia
Negative development
In 2016, the Indonesian Psychiatrists Association (PDSKJI) classified “homosexuality”, “bisexuality” and “transsexualism” as mental disorders, which “can be cured through proper treatment”.16

Malaysia
Negative development
In 2017, the federal government’s Islamic Development Department endorsed and promoted “conversion therapy”.17 According to local sources, State officials have been organising “conversion therapy” courses aimed at transgender women.18

European Union
In March 2018, the European Parliament of the European Union approved a resolution that “welcomes initiatives prohibiting LGBTI ‘conversion therapies’” and called on member states to outlaw such practices.19

Germany
Following a statement against “gay conversion therapy” by German Health Minister Jens Spahn, a commission working towards ending these practices was created in April 2019. It is expected that a draft bill will be formally introduced before the end of 2019.20

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14 A free English translation of the official document can be accessed here. This translation was offered to ILGA World by Marriage Equality Coalition Taiwan.
17 ‘Sexual orientation can be changed, Jakim says in new LGBT video’, Malay Mail, 13 February 2017.
18 ‘Malaysian transgender conversion plan sparks alarm’, Malay Mail, 30 December 2017.
19 ‘European Parliament takes a stance against LGBTI conversion therapies for the first time’, Intergroup on LGBT Rights (web page), 1 March 2018.
Bans against “Conversion Therapy”

Poland
In February 2019, a group of MPs and activists submitted a draft bill to the Sejm (the lower house of the Polish parliament) to ban “gay conversion therapy”. The Polish Parliament is expected to hold its first reading of this bill sometime soon.21

Spain
Even though there is no nationwide ban, several jurisdictions within Spain have prohibited “conversion therapy”, including Madrid (2016), Murcia (2016), Valencia (2017) and Andalusia (2017).

Switzerland
The Federal Council has stated its opposition to banning “conversion therapies” in Switzerland, under the pretence that existing legislation is sufficient to protect people from them.22

United Kingdom
While the Counsellors and Psychotherapists (Regulation) and Conversion Therapy Bill 2017-19 is still making its way through the UK Parliament, a Memorandum of Understanding was signed by both NHS England and NHS Scotland to commit to ending the practice of “conversion therapy”.23

Oceania (0)

Is there more in Oceania?

Australia
Though there is no federal ban on “conversion therapy” in Australia, in September 2018, the Australian Senate passed a motion seeking to ban them across the country. Though not legally binding, the motion urges the federal government to pressure states to ban the practice.

In Victoria, under the Health Complaints Act, the Health Complaints Commissioner has the power to investigate and issue temporary or permanent bans on unregistered health providers, including those providing “conversion therapy”.24 In May 2018, the state government also launched an inquiry into such practices.25

Fiji
Section 3(1)(d) of the Mental Health Decree 2010 (Decree No. 54 of 2010) provides that a person is not to be considered mentally ill because they express or refuse or fail to express a particular sexual preference or sexual orientation. While this does not explicitly prohibit the practice of “conversion therapy”, it prevents health professionals, particularly psychiatrists, from legally engaging in sexual orientation change efforts (SOCE).

Nauru
Nauru’s Mentally Disordered Persons Act was amended in 2016 to introduce Section 4A(1)(d) under which a person cannot be regarded as mentally disordered if they express, exhibits or refuses or fails to express a particular sexual preference or sexual orientation. While this does not explicitly prohibit the practice of “conversion therapy”, it prevents health professionals, particularly psychiatrists, from legally engaging in sexual orientation change efforts (SOCE).

Samoa
Section 2 of the Mental Health Act 2007 provides that a person is not to be considered mentally ill because they express or refuse or fail to express a particular sexual preference or sexual orientation. While this does not explicitly prohibit the practice of “conversion therapy”, it prevents health professionals, particularly psychiatrists, from legally engaging in sexual orientation change efforts (SOCE).

22 “Councillors, advocates criticise Swiss government’s refusal to ban ‘gay conversion therapy’”. The Local. 4 October 2019.
GLOBAL LEGISLATION OVERVIEW

RECOGNITION

STATE-SPONSORED HOMOPHOBIA (UPDATE) 2019
Same-Sex Marriage

Highlights

27 UN Member States
14% UN Member States

AFRICA | LAC | NORTH AMERICA | ASIA | EUROPE | OCEANIA
1 / 54 | 6 / 33 | 2 / 2 | 0+ / 42 | 16 / 48 | 2 / 14

Introduction

Since 2001, an ever-increasing number of States have extended the definition of marriage to include same-sex couples. These amendments have been the result of the organised advocacy efforts carried out by civil society organisations in each country, regionally and internationally.

In most legal frameworks, the institution of marriage remains the most comprehensive legal vehicle for the official recognition of a loving relationship and the one that affords the largest number of benefits, rights and duties.

Therefore, the possibility of having access to such protection on an equal footing offers same-sex couples the stability and protection traditionally afforded to heterosexual people only.

What does International Human Rights Law say?

States shall ensure that laws and policies recognise the diversity of family forms [...] and take all necessary legislative, administrative and other measures to ensure that no family may be subjected to discrimination [...].

Everyone has the right to found a family, regardless of sexual orientation, gender identity, gender expression or sex characteristics. [...].

Yogyakarta Principle 24

Africa (1)

1 South Africa 2006

Despite the title of the law, the Civil Union Act (2006) confers the right to marriage to persons of the same-sex. In December 2018, the Civil Union Amendment Act (2018) repealed Section 6, which allowed a marriage officer to inform the Minister that they objected on the ground of conscience, religion, and belief to solemnising a civil union between persons of the same sex.
### Latin American and the Caribbean (6)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Argentina</td>
<td>2010</td>
<td>The Law on Marriage Equality (Law No. 26,618) is the federal law that provides for same-sex marriage nationwide.</td>
</tr>
<tr>
<td>2</td>
<td>Brazil</td>
<td>2013</td>
<td>Resolution No. 175 (2013) issued by the National Council of Justice states that notaries can no longer refuse to register same-sex marriage. Previously in May 2011, the Supreme Federal Court of Brazil had issued a decision indicating that same-sex “stable unions” should be converted to marriage and recommended the Congress to do so though no legislative action has been taken so far. Another decision recognised same-sex couples living in “stable unions” as “family units” and entitled to the same rights as heterosexual couples living in that kind of unions.</td>
</tr>
<tr>
<td>3</td>
<td>Colombia</td>
<td>2016</td>
<td>After several years of legal uncertainty, in 2016, Colombia’s Constitutional Court issued Decision SU214/16, establishing that notaries could no longer refuse to register same-sex marriages. In 2011, the Court had issued Decision C-577/11 recognising same-sex couples as “family entities” and ordered the Congress to legislate on the matter. To date, no law has been adopted.</td>
</tr>
<tr>
<td>4</td>
<td>Ecuador</td>
<td>2019</td>
<td>Same-sex marriage legalized on June 12, 2019 by means of two judgments issued by the Constitutional Court (10-18-CN/19 and 11-18-CN/19) which followed the standards set by the 2017 Advisory Opinion No. 24 of the I/A Court of Human Rights.</td>
</tr>
<tr>
<td>5</td>
<td>Mexico</td>
<td></td>
<td>There is no federal law on same-sex marriage. Some jurisdictions have enacted local laws providing for this right, including Baja California Sur (2019); Campeche (2016); Coahuila (2014); Colima (2016); Hidalgo (2019); Mexico City (2009); Michoacán (2016); Morelos (2016) [constitutional amendment]; Nayarit (2015); Nuevo León (2019); Oaxaca (2019) and San Luis Potosí (2019). In Quintana Roo (2012), same-sex marriages were allowed by local authorities through a progressive construction of local regulations. Similarly, in Baja California (2018) and Chihuahua (2017), local authorities have administratively allowed same-sex marriages to be performed. In several other States, judicial decisions have ordered the recognition of same-sex marriages: Aguascalientes (2019); Chiapas (2017); Jalisco (2016); Puebla (2017). In October 2019, however, legislators in Puebla modified the state’s Civil and Penal codes to ban same-sex marriage. Similarly, in August 2019, the congress of Zacatecas rejected a bill to legalize same-sex marriage. This case is now being revised by the Supreme Court.</td>
</tr>
</tbody>
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1 In June 2015, the Supreme Court of Mexico declared that bans on marriage equality were unconstitutional and states must recognise the marriage of same-sex couples conducted in other states. However, the lack of erga omnes effect of these decisions (they do not repeal legislation) means that same-sex marriages have been celebrated on a case-by-case basis (generally after a judicial decision) in States where legislation still does not provide for such unions.


In May 2019, Mexico’s foreign affairs secretary announced that all Mexican consulates will allow citizens to marry regardless of gender. In September 2019, the Senate received a draft bill that would provide constitutional endorsement to same-sex marriages.

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Law or Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uruguay</td>
<td>2013</td>
<td>Law on Marriage Equality (Law No. 19.075) redefined marriage as the union of two persons “of different or same-sex”. In September 2019, the government of Uruguay drafted a law project to allow foreign LGBT citizens to marry in the country.</td>
</tr>
</tbody>
</table>

Is there more in Latin America and the Caribbean?

**Costa Rica**

Following the Advisory Opinion issued by the Inter-American Court of Human Rights, the Supreme Court of Costa Rica held in August 2018 that sections of the Family Code prohibiting same-sex marriage are unconstitutional and ordered the Legislative Assembly to reform the law, failing which the ban would be abolished automatically by 26 May 2020. In October 2019, a project that would have only legalized civil unions, as opposed to marriages, for same-sex couples was abandoned.

**Chile**

A marriage equality bill has been pending in Congress since 2017 despite the government’s commitment to introduce marriage equality under a 2016 settlement agreement before the Inter-American Commission on Human Rights (IACHR). Following a Supreme Court ruling that affirmed the right to marry and found a family, a same-sex couple filed an appeal in January 2019 to be granted marriage by the Civil Registry. On February 14, 2019, the Supreme Court ruled in favour of the couple.

**Cuba**

The government had initially planned to include a constitutional amendment that would introduce a gender-neutral definition of marriage but such text was removed from the final draft.

**El Salvador**

The Constitutional Chamber of the Supreme Court of Justice rejected a marriage equality case in January 2019 on technical grounds. This followed the Supreme Court’s ruling that blocked lawmakers from ratifying a constitutional change that would bar same-sex marriage and prohibit same-sex couples from adopting children in early 2018, similarly due to procedural issues.

**Honduras**

Local activists filed two lawsuits with the Supreme Court to legalise same-sex marriage on the authority of the Advisory Opinion issued by the Inter-American Court of Human Rights. One was dismissed due to technical errors and the other case remains pending before the court.

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7 “Mexican consulates to perform same-sex marriages”, *The Tribune*, 16 May 2019.
15 “Cuba decides to scrap same-sex marriage law in new constitution despite majority support”, *The Telegraph*, 19 December 2018.
18 “Justicia de Honduras rechazó recurso por matrimonio igualitario”, *Agencia Presentes*, 13 November 2018.
**Peru**

In December 2016, March 2019 and August 2019, the National Registry of Identification and Civil Status (RENIC) was ordered to recognize and register same-sex marriages celebrated abroad. The same-sex marriage bill remains unpassed.19

<table>
<thead>
<tr>
<th>North America (2)</th>
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<tr>
<th>Asia (0) + Taiwan (China)</th>
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<tbody>
<tr>
<td>Taiwan (China)</td>
</tr>
</tbody>
</table>

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20 "Peru gay marriage bill ‘doomed’ this year: congressman", Reuters, 17 de mayo de 2019.

21 Daniel Villarreal Saturday, "Trump just started denying visas to same-sex partners of diplomats", LGBTQ Nation, 6 October 2018.


Same-Sex Marriage

This followed the referendum that prohibited legislators from amending the Civil Code to recognise same-sex marriages and required the enactment of a separate legislation to give effect to the judicial decision in 2017 that recognised a constitutional right to marry for same-sex couples.

In October 2019, a man from Macau and his partner, a Taiwanese citizen, announced their plans of filing an administrative appeal against the Taipei City Government after their attempt to register their marriage was rejected due to the couple’s transnational nature.24

Is there more in Asia?

**Cambodia**

Same-sex marriage is banned by the Constitution (Article 45), the Civil Code (Book 7) and the Law on the Marriage and Family (Article 3). Media reports have indicated that the current King, Norodom Sihamoni, supports the legalisation of same-sex marriage.25 With the help of local authorities, Rainbow Community Kampuchea (the country’s leading LGBT organization) created the “Declaration of Family Relationship” (DoFR), which is “a civil contract between two people who are willing to be together and share responsibility taking care of the family, children and distribute the joint asset, as legal spouses do”. As of May 2018, DoFR had been introduced to 50 communes in 15 out of Cambodia’s 24 provinces, and 21 couples had entered into such unions.26 However, in February 2018, police arrested a Cambodian-French same-sex (male) couple who was about to perform a wedding ceremony in the town of Kratié.27 Most notably, in July 2019, during its third Universal Periodic Review (UPR), Cambodia accepted recommendations from Iceland, the Netherlands and Canada to legalize same-sex marriage.28

**Israel**

Same-sex marriage is not legal in Israel but such marriages celebrated abroad can be registered before the Israeli Population Registry according to a 2006 ruling of the Israeli High Court, which renders the civil (legal) status of reputed and/or same-sex couples equal to that of legally married couples (see section Partnership Recognition for Same-Sex Couples below).29

**Japan**

In recent years, same-sex couples have filed a series of lawsuits challenging the constitutionality of Japan’s ban on same-sex marriage. In September 2019, a member of the National Diet called for a revision of the Constitution of Japan to extend marriage rights to same-sex couples.30

**Nepal**

In October 2017, Nepal’s Supreme Court ruled that foreign same-sex spouses of Nepali citizens can apply for non-tourist visas as dependents.31 In August 2018, former Prime Minister Baburam Bhattarai called for the legalization of same-sex marriage in Nepal.32 Already in February 2017, it was reported that the government intended to draft certain provisions to address the issue directly.33 However, as of November 2019, there are no updates regarding the same-sex marriage bill.34

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33 “Govt to introduce special laws to address the same-sex marriage”. Pahichan, 25 February 2017.
After rejecting an application by a gay couple who had married abroad and sought recognition of their relationship, the National Human Rights Commission of South Korea said that it does not “deny” same-sex marriage but must conduct a review before marriage equality can be recognised.\(^{35}\)

Europe (16)

1. **Austria** 2019

Following a decision by the Constitutional Court, same-sex marriage came into effect from 1 January 2019.\(^{36}\) The court had held that the distinction between marriage and a registered partnership constituted discrimination against same-sex couples.

2. **Belgium** 2003

In 2003 Belgium became the second UN Member State (after the Netherlands) to legalise same-sex marriage. An Act of Parliament amended Article 143 of the Civil Code to read: “Marriage is contracted by two persons of different-sex or of the same-sex”.

3. **Denmark** 2012

Section 2 of Law No.532 (2012) incorporates marriage between “two people of the same sex” into existing marriage laws. Same-sex marriage came into force in Greenland in early April 2016\(^ {37}\) and in The Faroe Islands in 2017.\(^ {38}\)

4. **Finland** 2017

In February 2015, the Finnish government signed a gender-neutral marriage law that amends the text of the law through Act 156/2015 to the marriage of “two persons” and which came into force on 1 March 2017.

5. **France** 2013

Article 1 of the Law Opening Marriage to Same-Sex Couples (Law No. 2013-404 of 17 May 2013) amended Article 143 of the Civil Code to establish that marriage is available to persons of the same or different sex. The law also applies to the overseas territories of French Polynesia, Guadeloupe and Martinique.

6. **Germany** 2017

The German parliament, adopted a law on marriage equality in July 2017, with the first marriages solemnized in October of that year.\(^ {39}\) The law gives same-sex couples the same rights as different-sex couples, including the right to joint adoption.

7. **Iceland** 2010

In 2010, the parliament passed Bill 138 on changes to the Marriage Act, of which Article 3.1 establishes the right to marry regardless of gender, thereby repealing the 1996 registered partnership law.

8. **Ireland** 2015

In October 2015, the Marriage Act 2015 was signed into law specifying its application to same-sex couples. The law replaced the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010. The law was enacted six months after the success of a legally binding Constitutional referendum to alter Article 41(4) to reframe marriage as gender-neutral.

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35 Kim So-hyun, “Rights panel says it doesn’t “deny” same-sex marriage” Korea Herald, 27 February 2019.  
36 “Distinction between marriage and registered partnership violates ban on discrimination”, Constitutional Court of Austria (website), 5 December 2017.  
38 Eir Nolsæ, “Same-sex marriage legalised in the Faroe Islands”, Faroeisland.to, 16 June 2017  
39 “German president signs gay marriage bill into law”, DW.com, 21 July 2017.
<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luxembourg</td>
<td>2015</td>
<td>Article 143 of the Civil Code was amended in 2014 (in force 1 January 2015) to simply say that two people of the same-sex can marry.</td>
</tr>
<tr>
<td>Malta</td>
<td>2017</td>
<td>The Marriage Act and other Laws (Amendment) Act was signed into law on 1 August 2017 and entered into operation on 1 September 2017. Amendments included eliminating any reference to &quot;husband and wife.&quot; In the term's place is the gender-neutral &quot;spouse&quot; to cover all situations such that same-sex marriage is made equal to heterosexual marriage.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>2001</td>
<td>Article 30 of the Act on the Opening up of Marriage states &quot;[a] marriage can be contracted by two persons of different-sex or of the same-sex&quot;, thereby making the Netherlands the first country in the world to enact same-sex marriage laws.</td>
</tr>
<tr>
<td>Norway</td>
<td>2009</td>
<td>Chapter 1, Section 1 of the 1993 Marriage Act (amended by Act of 27 June 2008 No. 53) states that &quot;[t]wo persons of opposite sex or of the same-sex may contract marriage&quot;.</td>
</tr>
<tr>
<td>Portugal</td>
<td>2010</td>
<td>Article 1 of Law No 9/2010 of 31 May states that the law allows for marriage of persons of the same-sex.</td>
</tr>
<tr>
<td>Spain</td>
<td>2005</td>
<td>The 2005 amendments made to Article 44(2) of the Civil Code state that marriage confers the same rights and responsibilities on same-sex couples as it does on spouses of different-sex.</td>
</tr>
<tr>
<td>Sweden</td>
<td>2009</td>
<td>In 2009 the 1987 Swedish Marriage Code was amended to be gender-neutral, thereby legalising same-sex marriage.</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>2014</td>
<td>Section 1(1) of the Marriage (Same-sex Couples) Act 2013 (in force 2014) simply states that &quot;marriage of same-sex couples is lawful&quot;. This Act is only applicable in England and Wales, where it repealed the Civil Partnership Act 2004. The Scottish Marriage and Civil Partnership (Scotland) Act of 2014 defines 'spouse' as being both different as well as same-sex. As per the provisions of the Northern Ireland (Executive Formation etc) Act 2019, same-sex marriage will be legalized in Northern Ireland by 13 January 2020. Same-sex marriage is also available in several British Overseas Territories. In 2019, the House of Commons Foreign Affairs Committee called for all British Overseas Territories to legalize same-sex marriages.</td>
</tr>
</tbody>
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40 Pitcairn Islands (2015), Ascension Island (2016), Isle of Man (2016), British Antarctic Territory (2016), Gibraltar (2016), Guernsey (2017), Falkland/Malvinas Islands (2017), Tristan da Cunha (2017), Saint Helena (2017), Jersey (2018) and Alderney (2018). In Bermuda, same-sex marriage was legalized by the Bermuda Supreme Court in May 2017 but the legislature passed the Domestic Partnership Act in December 2017 to limit marriage to between a man and a woman. However, the Supreme Court struck down the prohibition in June 2018 and dismissed the government’s appeal in November 2018. In December 2018, the government mounted a last-ditch legal attempt to appeal to the Privy Council. On May 29, 2019, the appeal was granted. Note: ILGA is aware of the sovereignty dispute between Argentina and the United Kingdom over the Falkland Islands/Islas Malvinas. Under Argentine law, same-sex marriage is legal since 2010. The British administration of the Islands, with effective control over that territory, legalised same-sex marriage in 2017.

### Is there more in Europe?

<table>
<thead>
<tr>
<th>Country</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armenia</td>
<td>The Ministry of Justice stated in July 2017 that all marriages performed abroad are valid in Armenia, including marriages between people of the same sex pursuant to Article 143 of the Family Code of Armenia.</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Same-sex marriage has been banned by Article 46 of the Constitution since 1994. In January 2018, the Sofia Administrative Court ruled against a lesbian couple who attempted to have their marriage (celebrated in the United Kingdom) recognized. In July 2019, following the Coman-Hamilton case by the Court of Justice of the European Union, the Supreme Court of Bulgaria upheld a 2018 ruling by a lower court that allowed an Australian-French lesbian couple (married in France) to reside legally in Bulgaria.</td>
</tr>
<tr>
<td>Latvia</td>
<td>Same-sex marriage is prohibited by Article 110 of the Constitution since 2006. Several attempts to legalize registered partnerships by same-sex couples since 1999 have been rejected, the most recent one being on 20 June 2019. Following the Coman-Hamilton case issued by the Court of Justice of the European Union, Latvia has granted residency rights to at least one same-sex couple married in Portugal.</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Same-sex marriage in Lithuania has been banned by Article 38 of the Constitution since 1992, as well as by Article 3(12) of the Lithuanian Civil Code. On 11 January 2019, in compliance with the European Court of Justice’s ruling on the Coman-Hamilton Case, Lithuania’s Constitutional Court ruled that the migration department must grant residence permits to foreign, same-sex spouses.</td>
</tr>
<tr>
<td>Romania</td>
<td>Same-sex marriage in Romania is banned by Article 227(1) of the Romanian Civil Code since 2009. In June 2018, the Court of Justice of the European Union (CJEU) ruled in favour of Adrian Coman, a Romanian citizen who –with support from the Romanian group ACCEPT – had filed a lawsuit before a Romanian court, seeking recognition of his marriage to Claibourn Hamilton (an American citizen) which had been celebrated in Belgium. The CJEU ruled that EU Member States were required to recognise same-sex marriages conducted in another EU Member State for the purpose of residency rights. In light of this decision, in September 2019, the Constitutional Court of Romania ruled that the State must grant residency rights to same-sex spouses of EU citizens and that same-sex couples enjoy the same rights to a private and family life, as different sex couples. A few days later, a referendum to amend the constitution in order to ban same-sex marriage failed due to poor turnout in October 2018.</td>
</tr>
</tbody>
</table>

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42 “The Court did not Recognize a Marriage Between Bulgarian Women in the UK”, Novinite.com, 12 January 2018.
49 For more information on the decision and its impact, see: Constantin Cojocariu, “A Brief Overview of the Latest Decisions by the Court of Justice of the European Union on SOGI issues” in ILGA World: Lucas Ramón Mendoza, State-Sponsored Homophobia 2019 (Geneva: ILGA, 2019), 76.
50 “Căsătoriile între persoane de același sex, repuse pe rol la CCR. Curtea Constituțională discută dosarul pe 5 iulie”, Liber Tatea, 7 June 2018.
51 “Romanian referendum to ban same sex marriage fails on low turnout”, CBC News, 7 October 2018; Luiza Ilie, “Romanian constitutional ban on same sex marriage fails on low vote turnout”, Reuters, 7 October 2018.
### Oceania (2)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Australia</td>
<td>2017</td>
<td>The Marriage Amendment (Definition and Religious Freedoms) Act 2017 legalized marriage between two persons of marriageable age, regardless of their gender. In 2019, the Department of Prime Minister and Cabinet proposed a series of amendments to the 2017 Marriage Act that would allow religious institutions to refuse certain services to LGBT people, including the use of venues for marriage ceremonies. The amendments would also prevent employers from dismissing employees who express disagreement with homosexuality, as was the case with a national rugby player in May 2019.</td>
</tr>
<tr>
<td>2</td>
<td>New Zealand</td>
<td>2013</td>
<td>Marriage (Definition of Marriage) Amendment Act of 2013 amended the Marriage Act 1955 to allow for marriage between 2 people &quot;regardless of their sex, sexual orientation, or gender identity&quot;. This law is not effective in any of New Zealand territories (Cook Islands, Niue or Tokelau).</td>
</tr>
</tbody>
</table>

---

52 Josh Taylor, "Coalition wants to amend Marriage Act as part of new laws to protect religious freedom", The Guardian, 3 July 2019.
53 Sarah Martin Chief, "Religious discrimination bill will safeguard people of faith, says attorney general", The Guardian, 7 July 2019.
Partnership Recognition for Same-Sex Couples

Highlights

31 UN Member States
16% UN Member States

<table>
<thead>
<tr>
<th>Region</th>
<th>Number</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFRICA</td>
<td>1</td>
<td>54</td>
</tr>
<tr>
<td>LAC</td>
<td>6</td>
<td>33</td>
</tr>
<tr>
<td>NORTH AMERICA</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>ASIA</td>
<td>1+</td>
<td>42</td>
</tr>
<tr>
<td>EUROPE</td>
<td>21</td>
<td>48</td>
</tr>
<tr>
<td>OCEANIA</td>
<td>2</td>
<td>14</td>
</tr>
</tbody>
</table>

Introduction

Several states have progressively recognised legal effects to stable relationships of two people of the same gender. Advocacy efforts by local organisations have led to various forms of recognition around the world. Legal recognition of rights and duties for same-sex couples was achieved through different legal vehicles, with different names and varying levels of recognition of rights.

Historically, partnership recognition for same-sex couples was achieved before same-sex marriage. Starting in Denmark in 1989 with the first “registered partnership” entered into by same-sex couples, an ever-increasing number of jurisdictions have made these unions available.

Previous editions of this publication have differentiated between forms of relationship recognition between those that offer a minimum protection and those conferring many of the rights enshrined in marriage between different sex couples. However, we find that this distinction is no longer as relevant as it used to be, as the status of those relationships have generally been strengthened.

What does International Human Rights Law say?

States shall ensure that laws and policies recognise the diversity of family forms, including those not defined by descent or marriage, and take all necessary legislative, administrative and other measures to ensure that no family may be subjected to discrimination [...].

Yogyakarta Principle 24(b)

States shall take all necessary legislative, administrative and other measures to ensure that any obligation, entitlement, privilege, obligation or benefit available to different-sex unmarried partners is equally available to same-sex unmarried partners.

Yogyakarta Principle 24(f)

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Partnership Recognition for Same-Sex Couples

**Africa (1)**

<table>
<thead>
<tr>
<th>Country</th>
<th>Year(s)</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Africa</td>
<td>2006</td>
<td>The Civil Union Act, 2006 confers the right to civil unions to persons of the same-sex. This is the same piece of legislation that allows for same-sex marriage.</td>
</tr>
</tbody>
</table>

**Is there more in Africa?**

**Namibia**

In January 2018, the Namibian government agreed to allow the same-sex partner of a Namibian man to remain in the country on a visitor’s permit just before his temporary work visa expired. The couple had applied to the High Court to issue a certificate of identity that would recognise the non-citizen partner as the spouse. No decision has been released yet.

While several cases regarding residency rights for same-sex partners await final decisions before the High Court, in October 2019 the Minister of Home Affairs declared that the Namibian government upholds its non-recognition of same-sex marriages.

**Latin American and the Caribbean (6)**

<table>
<thead>
<tr>
<th>Country</th>
<th>Year(s)</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>2002-2014</td>
<td>Civil unions were made available nationwide both for same-sex and different-sex couples by the new Civil and Commercial Code of 2014. Prior to this reform, they were recognised in the Province of Río Negro (2003), and the cities of Buenos Aires (2002), Villa Carlos Paz (2007) and Río Cuarto (2009).</td>
</tr>
<tr>
<td>Brazil</td>
<td>2011</td>
<td>Supreme Federal Court of Brazil recognised same-sex civil unions with <em>erga omnes</em> effects in two joint decisions (Ação Direta de Inconstitucionalidade 4,277 and Arguição de Descumprimento de Preceito Fundamental 132).</td>
</tr>
<tr>
<td>Chile</td>
<td>2015</td>
<td>The Law on Civil Union Agreement (Law 20,830) provides for civil unions, open to all couples (same-sex or not) that share a home, with the purpose of regulating the legal effects derived from their common affective life, and with a stable and permanent nature.</td>
</tr>
<tr>
<td>Colombia</td>
<td>2011</td>
<td>In C-577/11, the Constitutional Court held that while marriage may be defined as between a man and a woman under the Constitution, same-sex couples cannot be prohibited from legal recognition of their relationship. This <em>de facto</em> led to the judicial recognition of civil partnerships though no legislative reform has been introduced.</td>
</tr>
<tr>
<td>Ecuador</td>
<td>2008</td>
<td>Article 68 of the Constitution of Ecuador provides for civil unions regardless of the gender of spouses and establishes that these unions will be granted the same rights afforded to married couples, with the exception of adoption. On 22 August 2014, the Civil Registry issued Resolution No. 174 to allow same-sex couples to register their unions. On 21 April 2015, the National Assembly approved the Civil Code Amendment Law, which amends the Civil Code to incorporate the regulation of civil unions.</td>
</tr>
</tbody>
</table>

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3 Werner Menges, "Govt sticks to stance on same-sex marriage", The Namibian, 3 October 2019.
Partnership Recognition for Same-Sex Couples

**Uruguay**

- **2008**
- **Law 18,246** affords same-sex couples the right to have their union recognized (locally referred to as "unión concubinaria").

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**Is there more in Latin America and the Caribbean?**

### Costa Rica

- A 2013 amendment to the 2002 Law on Youth inserted a non-discrimination clause with regard to de facto unions which appeared to allow for same-sex civil unions (even though progressive caselaw used this clause as the legal basis to recognize same-sex de facto unions, Article 242 of the Family Code still restricts these unions to different-sex couples).

- In recent years, considerable progress has been made: in 2014, Governmental Social Security Agency (CCSS) granted health insurance benefits for same-sex couples, and in 2015 the Executive Order No. 38,999 was issued, addressing agencies within the Executive Branch to regulate certain rights for same-sex de facto unions (sick leave, care-leave, etc). In 2016, survivor's pensions were granted to same-sex couples.

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**Mexico**

- There is no federal law providing for civil unions. However, civil unions and other forms of registered partnerships are recognised in several jurisdictions within Mexico, such as Campeche (2013); Coahuila (2007); Colima (2013); Jalisco (2013); Mexico City (2007); Morelos (2016); Nayarit (2015).

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**North America (0)**

**Is there more in North America?**

### Canada

- Besides marriage (see previous section), civil unions, domestic partnerships and other forms of unions are available to same-sex couples in several jurisdictions: Alberta (2002); Manitoba (2001/2002); Nova Scotia (2001); and Quebec (2002).

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### United States of America

- Even though there is no federal law providing for civil unions, they are locally recognised in several states.4

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**Asia (1) + Taiwan (China)**

### Israel

- **1994**
- According to a submission by the State of Israel before the UN, two alternatives to the traditional institution of marriage exist for same-sex couples:
  1. Recognition of "Reputed Couples" (common-law partners), which enjoy similar legal rights and duties as legally married couples;
  2. Registration before the Israeli Population Registration of marriages celebrated abroad (according to a ruling of the Israeli High Court ruling in November 2006), which renders the civil (legal) status of reputed and/or same-sex couples equal to that of legally married couples.5

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Over 80% of the population lives in jurisdictions that allow same-sex couples to administratively register their relationships. The registration is archived in a partnership registry and some city governments have entered into agreements to share their registries so that partnerships recognized in one city or municipality would be recognized in the others. The registration confers on same-sex couples limited rights such as medical decision-making and other areas.

### Is there more in Asia?

#### China

In mid-2019, a same-sex couple married overseas became the first in Beijing to be named as each other’s legal guardian, a status which can be considered fairly similar to a civil union. More than 10 LGBT couples in other cities (such as Shanghai, Guangzhou and Chengdu) have gone through similar procedures. However, the guardianship appointment process for same-sex couples is said to be too complex and time-consuming, as well as a sign of the Chinese government’s “Three NO’s” policy on LGBT issues: “No approval, no disapproval, and no promotion.”

#### Hong Kong (Special Administrative Region of the People’s Republic of China)

In June 2019, the Court of Final Appeal held that it was discriminatory for the government to bar same-sex partners from spousal benefit. This concluded a four-year legal battle by the plaintiffs, after the High Court’s decision in their favour was overruled by the Court of Appeal in June 2018. In September 2019, the Hong Kong Court of Appeals called for an immediate review of the laws and policies that discriminate against same-sex couples. However, the following month, the Court of First Instance upheld Hong Kong’s ban on same-sex marriage.

#### Japan

Various cities and city wards have recognized civil partnerships by issuing partnership certificates, including Sapporo (2017), Fukuoka (2018) and Osaka (2018). In September 2019, a court ruling determined that domestic partners of the same sex should be covered, to a certain extent, by the same legal protections afforded to common-law marriages.

#### Thailand

Following a petition signed by 60,000 people in 2017, a bill that would allow same-sex couples to register as “life partners” and grant a limited number of the rights of heterosexual marriage was drafted and approved by the Cabinet of Thailand in 2018. The bill is expected to pass by late 2019 or early 2020.
### Europe (21)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andorra</td>
<td>2005-2014</td>
<td>Under Law 4/2005 same-sex couples have been able to enter into registered partnerships which granted limited rights. In November 2014, the General Council of Andorra introduced Law 34/2014 that recognised same-sex civil unions as holding equivalence to marriage in terms of most rights and the basis on which family can be founded.</td>
</tr>
<tr>
<td>Austria</td>
<td>2010</td>
<td>The Registered Partnership Act (Text No. 135/2009) originally set the legal framework for same-sex registered partnerships. The rights granted by the law were subsequently expanded both by legislative reform and judicial decisions.</td>
</tr>
<tr>
<td>Belgium</td>
<td>1998</td>
<td>The Law Establishing Legal Cohabitation of November 1998 confers limited rights to partners, although it was initially intended to address the falling marriage rates rather than to give rights to same-sex couples.</td>
</tr>
<tr>
<td>Croatia</td>
<td>2014</td>
<td>The Same-sex Life Partnership Act of July 2014 provides comprehensive civil union protections regarding recognition and maintenance, but the law has been criticized for being weak in relation to parenting rights.</td>
</tr>
<tr>
<td>Cyprus</td>
<td>2015</td>
<td>The Civil Partnership Law (L184(1)/2015) applies to same-sex and different-sex couples regarding financial and accommodation issues, but with limited familial protection.</td>
</tr>
<tr>
<td>Czechia</td>
<td>2006</td>
<td>The Registered Partnership Act (Law No. 115/2006) confers comprehensive civil union protections to same-sex partners only but same-sex couples were not allowed to adopt children. In 2016, the Czech Constitutional Court struck down the ban and ruled that individuals in a same-sex partnership may adopt individually, but not as a couple.</td>
</tr>
<tr>
<td>Estonia</td>
<td>2016</td>
<td>The Registered Partnership Act (2014) that entered into force on 1 January 2016 is open to same-sex and different-sex couples and contains limited adoption rights for joint adoption by a second parent, but ‘family status’ in Estonian law requires a union between a man and a woman.</td>
</tr>
<tr>
<td>Greece</td>
<td>2015</td>
<td>Article 1 of Law No. 4356 on Covenant Partnership of December 2015 confers gender-neutral partnership rights, and limited co-parenting provisions. This law does not grant the possibility for same-sex couples to adopt.</td>
</tr>
</tbody>
</table>

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17  “LGBT Parenting” (webpage), Životno Partnerstvo (website).
18  PL US 7/15.
### Partnership Recognition for Same-Sex Couples

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Legal Framework</th>
</tr>
</thead>
</table>
| **Hungary**   | 2009 | Act XXIX of 2009 on Registered Partnership and Related Legislation provide for same-sex registered partnerships, affording same-sex couples rights equal to marriage except for taking the partner’s name, joint and second parent adoption, assisted reproduction and presumption of paternity.

Additionally, Section 6:514 of the 2009 Civil Code sets out the provisions pertaining to gender-neutral limited de facto partnership not based on State registration. |
| **Italy**     | 2016 | Article 1 of Law No. 76 (2016) regarding civil partnership and cohabitation establishes it is limited to same-sex couples. This legislation provides for equality in matters of tax, social security and inheritance.

In 2012, the Court of Cassation denied a petition to recognise a same-sex marriage, but with a reasoning that represented a fundamental change in approach to the issue. |
| **Liechtenstein** | 2011 | The Act on Registered Life Partnership confers limited protections to same-sex partners and overtly denies joint parental rights at Section 9. |
| **Luxembourg** | 2004 | Civil unions for same-sex couples have been available since 2004 after the enactment of Law of 9 July 2004. They remain available to same-sex couples and they grant largely the same rights as marriage. |
| **Malta**     | 2014 | Section 4(1) of the Civil Unions Act confers “the corresponding effects and consequences in law of civil marriage” and, as per Section 3(2), applies to same-sex and different couples equally. |
| **Netherlands** | 1998 | Co-existing with same-sex marriage, Article 1:80(a)-(e), Book 1 of the Civil Code confers comprehensive protections to both same-sex and of different-sex civil partners. These unions are virtually equivalent to marriage.

The Netherlands’ constituent country, Aruba, does not allow same-sex marriage, but in September 2016 voted to allow civil partnerships. |
| **Portugal** | 2001 | Under Law no. 7/2001 de facto unions were legalised for same-sex couples. This type unions have not been repealed since the enactment of same-sex marriage. |
| **San Marino** | 2018 | In December 2018, the Law on the Regulation of Civil Unions (Law No. 147 of 20 November 2018) came into effect, allowing same-sex and opposite-sex couples to enter into a union and enjoy certain rights with regard to residency, social security, pension, healthcare and survivorship. |

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20 "Italy, Corte di Cassazione, Rights of same-sex couples, judgment n. 4184/12", Centre for Judicial Cooperation (website), accessed 22 January 2019.


22 "Understanding the legal implications of entering into a civil partnership (PACS)", Guichet.lu, accessed 10 June 2019.

### Article 8(1) of the Civil Partnership Registration Act (in force since February 2017) confers the rights to subsistence and maintenance, jointly owned property, occupancy, inheritance and partner healthcare, but is silent on joint or second parent adoption provisions (see Second Parent Adoption below).


### The Federal Law on Registered Partnership Between Persons of the Same-sex (RS 211.231) contains protective financial and property provisions.

### The Civil Partnership Act 2004 granted same-sex couples access to legal recognition of their relationships. These unions were originally offered only to same-sex couples but are now being extended to different-sex couples. In 2012, the Crown Dependency of Jersey introduced Civil Partner (Jersey) Law.

### Denmark was the first UN Member State to enact a nationwide law that legally recognized registered partnerships between people of the same sex. The Danish Registered Partnership Act came into effect on 1 October 1989. On that same day, Eigil and Axel Axgil, who had lived together since 1950, were the first same-sex couple to have their relationship legally recognized by the Danish State. This pioneering law was repealed in June 2012 after marriage became available for same-sex couples.

### The Act on Registered Partnerships legalised same-sex unions in 2002. However, after the law on marriage was amended to allow for same-sex marriage it is no longer possible to register a relationship under this law in Finland (see section above).

### The Act on Registered Life Partners provided significant protections for same-sex partners (to whom the Act is limited), and some familial scope regarding adoption (Section 9). This law was repealed when same-sex marriage was legalised (see section above). Therefore, no new registered partnerships can be formalised.

### The Civil Partnership and Certain Rights and Obligations of Cohabitants Act legalised same-sex civil partnerships in 2010. Following the enactment of the Marriage Act 2015 these partnerships are no longer available. If a couple decides to apply for marriage, their civil partnership is dissolved automatically.

### In May 2017, a bill to grant limited partnership rights to same-sex couples was preliminarily approved. As of November 2019, it is still pending in the Parliament.

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## Norway
(REPEALED AFTER SAME-SEX MARRIAGE)

With enactment of Act No. 40 of 30 April 1993 relating to Registered Partnership, Norway became the second country in the world (after Denmark) to legalise same-sex registered partnerships in 1993. With the enactment of same-sex marriage in 2009 (see section above) couples who had entered into registered partnerships were given the possibility of modifying their civil status to marriage, but no new registered partnerships can be formalised.

## Poland

A bill to regulate registered partnerships (including same-sex partnerships) was introduced to the Polish parliament in April 2018. As of November 2019, the bill has not been approved.27

## Romania

Several bills aiming to regulate same-sex civil partnerships have failed in the last few years.28 In 2018, the National Council for Combating Discrimination introduced a bill that would allow couples who cannot or do not want to marry to formally register their consensual union with civil status officers.29

### Oceania (2)

| 1 | 🇦🇺 Australia | 2002-2016 | In 2008, the Australian Government introduced reforms to remove the discriminations between de facto same-sex and different-sex de facto couples under the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008 and Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Act 2008. Civil unions are available (only to same-sex couples) in the Australian Capital Territory (2012) [domestic partnerships had been available in the ACT since 1994]. Registered partnerships are available in New South Wales (2010); Queensland (2012); South Australia (2016); Tasmania (2003); Victoria (2008). Domestic partnerships are available in South Australia (2007). De facto relationships are also recognized in Western Australia (2002) and in the Northern Territory (2004). |
| 2 | 🇳🇿 New Zealand | 2008 | The Civil Union Act (2004) provides for civil unions, available to same-sex or different-sex couples. |

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Joint Adoption by Same-Sex Couples

Highlights

27 UN Member States
14% UN Member States

AFRICA
LAC
NORTH AMERICA
ASIA
EUROPE
OCEANIA
1
4
2
1
17
2

What does International Human Rights Law say?

States shall take all necessary legislative, administrative and other measures to ensure the right to found a family, including through access to adoption [...].

Yogyakarta Principle 24(a)

Introduction

An ever-increasing number of States and jurisdictions have fully recognised the right to found a family and the possibility to jointly-adopt children to same-sex couples.

Depending on the legal requirements of joint adoption in each country, marriage (or even a formalised union) may not be a requirement. In countries where joint adoption is only possibly for married couples, the enactment of same-sex marriage laws automatically extended adoption rights, while in others specific amendments were subsequently made.

Africa (1)

1 South Africa 2002

In the 2002 Constitutional Court case Du Toit & Or, it was ordered that the words “or by a person whose permanent same-sex life partner is the parent of the child” be adjoined to bring Section 17(c) of the 1983 Child Care Act in line with the Constitution.
### Latin American and the Caribbean (4)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Argentina</strong></td>
<td>2010</td>
<td>The Law on Marriage Equality (Law No. 26,618) grants same-sex couples all rights derived from marriage, including joint adoption.</td>
</tr>
<tr>
<td><strong>Brazil</strong></td>
<td>2010</td>
<td>The Superior Court of Justice of Brazil (STJ) ruled in April 2010 that same-sex couples may adopt children. This judgment was upheld in the Supreme Federal Court of Brazil in August 2010.</td>
</tr>
<tr>
<td><strong>Colombia</strong></td>
<td>2015</td>
<td>In November 2015, the Constitutional Court issued Decision C-683/15 that same-sex couples in Colombia can jointly adopt children.¹</td>
</tr>
<tr>
<td><strong>Uruguay</strong></td>
<td>2009</td>
<td>Law Nº 18.590/Code of Childhood and Adolescence modified clauses in other laws related to adoption, thereby facilitating adoption by same-sex couples in civil unions. Law on Marriage Equality (Law No. 19,075) redefined marriage as the union of two people “of different or same sex” and granted same-sex couples all rights derived from marriage, including joint adoption.</td>
</tr>
</tbody>
</table>

### Is there more in Latin America and the Caribbean?

**Chile**

In May 2019, the Chamber of Deputies approved a bill for the comprehensive reform to the adoption system in Chile that would enable joint adoption for same-sex couples. The bill must be approved by the House of Senators so that it can take effect.²

**Costa Rica**

Article 103 of the Family Code provides for joint adoption at the request of both spouses. When same-sex marriage enters into force in May 2020 (see section on same-sex marriage), same-sex married couples will be able to jointly adopt under this provision. While the law in Costa Rica currently states that the father’s surname should be recorded first and the mother’s in second order, the Legislative Assembly is in the process of amending the Civil Code so that the order of surnames is decided by common agreement.³

**Ecuador**

Despite the legalization of same-sex marriage in Ecuador, article 68 of the Constitution limits the adoption of couples of different sexes.

**Mexico**

There is no federal law allowing for joint adoption by same-sex couples. In some jurisdictions legislation provides for joint adoption of married couples: Campeche (Art. 407, 2016); Chihuahua (2015); Coahuila (Art. 253, 2014); Colima (Art. 391(b), 2016); Jalisco (2016); Mexico City (2010); Michoacán (2016) Morelos (2016); Nayarit (Art. 385, 2016); and Veracruz (2011); among others. In 2019, as of October, four additional states have legalized adoption by same-sex couples: Aguascalientes, Hidalgo, Nuevo León and San Luis Potosí. Despite these laws, same-sex couples often face challenges when intending to adopt children. For instance, in Baja California, where adoption by same-sex parents has technically been legal since 2017, it was until October 25, 2019 that the first same-sex parent adoption in the state was allowed.⁴

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¹ For more information, see: “Adopción igualitaria”, Colombia Diversa (website) (In Spanish only).
³ Information provided to ILGA World by the Presidential Commissioner for LGBTIQ+ issues in Costa Rica.
⁴ EFE, “Una pareja de mujeres se convirtió en la primera familia homoparental, de Baja California, que adopta a un menor”. Infobae. 25 October 2019.
### North America (2)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>United States of America</td>
<td>2015</td>
<td>As a result of the Supreme Court decision in Obergefell v. Hodges, joint adoption by same-sex married couples is now available in all 50 states. However, there are several states that have laws permitting state-licensed child welfare agencies to discriminate against LGBT people, including married couples. Mississippi was the last state in the USA to remove blocks to joint adoption.</td>
</tr>
</tbody>
</table>

### Asia (1)

| 1 | Israel | 2008-2018 | Although revisions to the 1981 Adoption Law make no reference to ‘reputed spouses’, in 2008 the Attorney General declared it should nonetheless be interpreted as also relating to them. The right to joint adoption was affirmed in a 2018 decision by the High Court of Justice that ordered the Interior Ministry to list the names of a same-sex couple as the legal parents on the birth certificate of their adopted child. |

**Is there more in Asia?**

### Europe (17)

| 1 | Andorra | 2014 | Law 34/2014 recognises same-sex civil unions as holding direct equivalence to marriage, and Article 24 applies this to adoption rights of same-sex couples. |

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9. Greece was erroneously included under this section in the 13th edition of State-Sponsored Homophobia.
<table>
<thead>
<tr>
<th>No.</th>
<th>Country</th>
<th>Year</th>
<th>Key Information</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Austria</td>
<td>2016</td>
<td>In late 2014, the Constitutional Court in Austria ruled that provisions barring joint adoption by same-sex couples contravened the right to equality, and not in the best interest of the child. As such, Articles 178-185 of Civil Code are applicable to same-sex couples as of early 2016. The legalization of same-sex marriage in 2019 reaffirms the status of same-sex families as well.</td>
<td>“Constitutional Court Struck Down Joint Adoption Ban</td>
</tr>
<tr>
<td>3</td>
<td>Belgium</td>
<td>2006</td>
<td>Articles 4 and 5 of the “Law amending certain provisions of the Civil Code with a view to enabling adoption by persons of the same-sex” primarily concern Article 353 of the Civil Code and ensures full joint-parental rights.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Denmark</td>
<td>2010</td>
<td>Section 5.1 of 2010 Adoption Act (updated Adoption (Consolidation) Act 2014) sets out that a partner or spouse can jointly adopt. Greenland enacted such legislation in 2016.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Finland</td>
<td>2017</td>
<td>Section 9 of the 2012 Adoption Act stipulates that only persons who are married may adopt. On 1 March 2017, amendments to the Marriage Act that allow for gender-neutral marriage came into force.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>France</td>
<td>2013</td>
<td>Article 1 of the Law Opening Marriage to Same-Sex Couples (Law No. 2013-404 of 17 May 2013) updates Articles 345(1), 360 and 371(4) in the Civil Code regarding joint adoption.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Germany</td>
<td>2017</td>
<td>The passage of marriage equality allows same-sex couples to adopt children who are not biologically related to them.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Iceland</td>
<td>2010</td>
<td>Articles, 2, 8 and 29 of the 2010 Marriage Act stipulate the joint parental responsibilities of spouses: these apply to adoption.</td>
<td>“Malta’s first child adopted by a gay couple; parents appeal the public to educate others”, The Malta Independent, 15 July 2016.</td>
</tr>
<tr>
<td>9</td>
<td>Ireland</td>
<td>2015</td>
<td>Part 11 of the Children and Family Relationships Act 2015 (introduced a month before a Constitutional referendum on same-sex marriage) amends prior legislation to allow for joint adoption by same-sex couples.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Luxembourg</td>
<td>2015</td>
<td>With the introduction of full marriage equality in force in January 2015, Article 203 of the Civil Code was amended in 2014 (in force 1 January 2015) to assert the obligation of parents to their children, including those jointly adopted.</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Malta</td>
<td>2014</td>
<td>As reflected in Section 12 of the Civil Unions Act 2014, Article 100B(1) of the Civil Code was amended to guarantee full joint adoption rights to same-sex partners, with the first same-sex adoption approved by the Maltese Family Court in July 2016. The legalization of same-sex marriage (2019) reaffirms the status of same-sex families as well.</td>
<td>“Malta’s first child adopted by a gay couple; parents appeal the public to educate others”, The Malta Independent, 15 July 2016.</td>
</tr>
<tr>
<td>12</td>
<td>Netherlands</td>
<td>2001</td>
<td>Article 1 of the Dutch law on adoption by persons of the same-sex amends Article 227(1) of the Civil Code to allow for joint adoption by same-sex couples.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Norway</td>
<td>2009</td>
<td>In line with recent marriage provisions, Section 5 of the Adoption Act was amended to include same-sex partners as eligible to jointly adopt.</td>
<td></td>
</tr>
</tbody>
</table>
Joint Adoption by Same-Sex Couples

Is there more in Europe?

**Czechia**

In June 2016, the Constitutional Court ruled that people living in registered partnerships (regardless of their gender) should have no impediments to adopt children as individuals. However, joint and second parent adoption by same-sex couples remain illegal to date. A bill addressing this issue by attempting to legalize same-sex marriage was introduced to the Chamber of Deputies in June 2018. However, as of November 2019, the Chamber has failed to debate the bill.

**Greece**

Article 8 of the Child Adoption Law (Νόμος 4538/2018 - Μέτρα για την προώθηση των θέσεων της Αναδοχής και Υιοθεσίας και άλλες διατάξεις), ratified by the parliament in May 2018, grants same-sex couples the right to foster children, but not to adopt. As reported by local media, the the Greek Prime Minister explained that “fostering provides for the return of the child to its natural parents, who must retain contact with the child during its fostering time. It would not be an exaggeration to say that fostering is an act of altruism, solidarity, and service of those who choose it”.

**Poland**

In 2018, the Supreme Administrative Court ruled in favour of a lesbian couple who sought to register their child under both their names after local administrators rejected their request.

---

12 Section 3(3) of the Adoption of Infants Ordinance 2015 of Pitcairn Islands, and the Civil Partnership Act 2014 (converted to marriage in 2016) in Gibraltar both allow joint adoption, as does the law in Bermuda following a 2015 decision. The Isle of Man introduced joint adoption in 2011 to civil partners, and Jersey legislated for joint adoption in 2012 through the Civil Partner (Jersey) Law.


15 “Greek MPs approve child fostering by same sex couples”, China Daily, 9 May 2018.

16 “Lesbian CoupleGranted The Right To Register Child As Their Own In Poland”, The Huffington Post, 12 October 2018.
## Oceania (2)

<table>
<thead>
<tr>
<th></th>
<th>Country</th>
<th>Year</th>
<th>Details</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Australia</td>
<td>2002-2018</td>
<td>Joint adoption by same-sex couples is currently possible in all Australian States and Territories: Australian Capital Territory (2004); New South Wales (2010); Queensland (2016); South Australia (2017); Tasmania (2013); Victoria (2016); Western Australia (2002); Northern Territory (2018).</td>
</tr>
<tr>
<td>2</td>
<td>New Zealand</td>
<td>2013</td>
<td>Schedule 2 of the Marriage (Definition of Marriage) Amendment Act of 2013 amended the Adoption Act 1955 to allow for joint adoption by same-sex married couples. This law is not effective in any of New Zealand territories (Cook Islands, Niue or Tokelau).</td>
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Second Parent Adoption

Highlights

31 UN Member States
16% UN Member States

<table>
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<tr>
<th></th>
<th>AFRICA</th>
<th>LAC</th>
<th>NORTH AMERICA</th>
<th>ASIA</th>
<th>EUROPE</th>
<th>OCEANIA</th>
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<td>2 /2</td>
<td>1 /42</td>
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 Introduction

Second parent adoption is an important legal vehicle by means of which a person adopts the child of their partner.

For children of people who are in a same-sex stable relationship, being adopted by the partner of their parent may have multiple beneficial effects, such as increasing their protection, as well as their economic security and support.

Furthermore, the recognition of the link between the child and the second parent protects their respective rights and duties towards each other on an equal footing.

What does International Human Rights Law say?

States shall take all necessary legislative, administrative and other measures to ensure the right to found a family, including through access to adoption [...].

Yogyakarta Principle 24(a)

Africa (1)

1 South Africa 2006

Section 231(1)(c) of the Children’s Act (2005) stipulates that married persons or those in life partnerships are eligible to adopt, and the Civil Union Act (2006) confers those status to persons of the same-sex.
## Latin American and the Caribbean (4)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Law or Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Argentina</strong></td>
<td>2010</td>
<td>Law 26,618 (Law of Marriage Equality) grants same-sex couples all rights derived from marriage, including adoption. Article 631 of the Civil Code lays out the conditions by which the spouse of the biological parent may adopt their child. As per Article 621, courts may decide on the subsistence of links with other parents.</td>
</tr>
<tr>
<td><strong>Brazil</strong></td>
<td>2010</td>
<td>The Superior Court of Justice of Brazil (STJ) ruled in April 2010 that same-sex couples may adopt children. This judgment was upheld in the Supreme Federal Court of Brazil in August 2010.</td>
</tr>
<tr>
<td><strong>Colombia</strong></td>
<td>2014</td>
<td>The Constitutional Court of Columbia determined in its Decision SU-167 of 2014 that same-sex couples have the right to adopt the biological child of their partner.</td>
</tr>
<tr>
<td><strong>Uruguay</strong></td>
<td>2013</td>
<td>Law on Marriage Equality (Law No. 19,075) grants same-sex couples adoption rights. Article 139 of Law 17,823 (as amended by Law 18,590) establishes that adoption by the spouse of the biological parent is possible only if the link with the child and the other parent is terminated.</td>
</tr>
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</table>

Is there more in Latin America and the Caribbean?

**Costa Rica**

Under the Costa Rican legal framework, the second parent adoption is possible as long as both parents are married. Once same-sex marriage takes effect in May 2020, this will also be possible for same-sex couples. While the law in Costa Rica currently states that the father’s surname should be recorded first and the mother’s in second order, the Legislative Assembly is in the process of amending the Civil Code so that the order of surnames is decided by common agreement.1

**Mexico**

Second parent adoption for same-sex couples is not available in all states. Some jurisdictions have local regulations on the matter, among them: Campeche (Art. 408B, 2016); Coahuila (Art. 377, 2015), Colima (Art. 391(b), 2016); Mexico City (Art. 391(5), 2010); Nayarit (Art. 389(2), 2016).

## North America (2)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>United States of America</strong></td>
<td>2015</td>
<td>The availability and conditions for second parent adoption for same-sex couples varies by state. An NGO report states that about 29 states permit second parent adoption while 10 others have limited or prohibited adoption.2</td>
</tr>
</tbody>
</table>

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1 Information provided to ILGA World by the Presidential Commissioner for LGBTIQ+ issues in Costa Rica.
### Asia (1) + Taiwan (China)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Israel</strong></td>
<td>2005</td>
<td>In <em>Yaros-Hakak v. Attorney General</em> the Supreme Court of Israel judged that the State’s adoption law permitted second-parent adoption (without curtailing the first parent’s rights), according to the “supreme principle” that the best interests of the child should prevail.3</td>
</tr>
<tr>
<td><strong>Taiwan</strong> (China)</td>
<td>2019</td>
<td>The <em>Law on Same-Sex Marriage</em> allows same-sex couples to adopt children only if they are related to one of the partners. This limitation means that the only type of adoption that is currently available in Taiwan for same-sex couples is second parent adoption.</td>
</tr>
</tbody>
</table>

### Europe (21)

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Andorra</strong></td>
<td>2014</td>
<td><em>Law 34/2014</em> recognises same-sex civil unions as holding direct equivalence to marriage, and Article 24 applies this to adoption rights of same-sex couples.</td>
</tr>
<tr>
<td><strong>Austria</strong></td>
<td>2013</td>
<td>Following the return of <em>X. and others v. Austria</em> to the European Court of Human Rights in early 2013, Article 182 of the <em>Civil Code</em> was amended to allow same-sex second parent adoption. The legalization of same-sex marriage in 2019 reaffirms the status of families formed by same-sex couples.</td>
</tr>
<tr>
<td><strong>Belgium</strong></td>
<td>2006</td>
<td>Articles 8 of the *Law amending certain provisions of the Civil Code with a view to enabling adoption by persons of the same-sex primarily concern Article 353 of the Civil Code and ensures second-parent adoption rights.</td>
</tr>
<tr>
<td><strong>Denmark</strong></td>
<td>1999</td>
<td>Section (4)1 of the <em>Law amending the law on Registered Partnership</em> expressly sets out that a registered partner may adopt their partner’s child. Section 4(a)(2) of 2010 Adoption Act (updated <em>Adoption (Consolidation) Act</em> 2014) sets out that a partner or spouse can adopt the other’s child. Greenland enacted second parent adoption to same-sex couples in 2009. The Faroe Islands passed second parent adoption legislation which came into force in 2017.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Section/Article</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estonia</td>
<td>2016</td>
<td>Section 15(1-4) of the Registered Partner Act offer second-parent adoption rights to same-sex couples, where an individual may adopt the natural or adopted child of their partner.</td>
</tr>
<tr>
<td>Finland</td>
<td>2009</td>
<td>Section 9 of the 2001 Registered Partnership Act was amended in 2009 to clarify that civil partners could adopt, but not as constructed in adoption legislation. However, since coming into force in March 2017, Act 156/2015 confers full joint adoption rights to same-sex couples in Finland.</td>
</tr>
<tr>
<td>France</td>
<td>2013</td>
<td>Article 1 of the Law Opening Marriage to Same-Sex Couples (Law No. 2013-404 of 17 May 2013) inserted a paragraph 345(1)(a) to the existing Civil Code that establishes second parent adoption. The law also applies to the overseas regions of Guadeloupe and Martinique.</td>
</tr>
<tr>
<td>Germany</td>
<td>2005-2017</td>
<td>Article 9(7) of the Act on Registered Life Partnerships (2005) (to be read in conjunction with Title 2 [Adoption] of the Civil Code) legalised second parent adoption for same-sex couples. Following the passage of marriage equality which granted the same adoption rights to same-sex couples, the Federal Court of Justice held that being in a same-sex marriage does not automatically make the wife of the mother of a child the co-parent. The wife would have to apply to adopt the child, a process which has been described as “difficult and bureaucratic” and can take up to 18 months.</td>
</tr>
<tr>
<td>Iceland</td>
<td>2000</td>
<td>Section 6 of Law amending the Registered Partnership Act (1996) specifies that civil partners can adopt one another’s children.</td>
</tr>
<tr>
<td>Ireland</td>
<td>2015</td>
<td>Article 5 of the Children and Family Relationships Act 2015 (introduced a month before a Constitutional referendum on same-sex marriage) defines the civil partner and spouse under ‘parentage’.</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>2015</td>
<td>With the introduction of full marriage equality in force in January 2015, Article 203 of the Civil Code was amended to assert the obligation of parents to their children, including those in second parent adoption.</td>
</tr>
<tr>
<td>Malta</td>
<td>2014</td>
<td>As reflected in Section 12 the Civil Unions Act 2014, Article 100B(1) of the Civil Code was amended to guarantee full joint adoption rights to same-sex partners. The legalization of same-sex marriage reaffirmed the status of same-sex families as well.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>2001</td>
<td>Article 1 of the Dutch law on adoption by persons of the same-sex amends Article 228(f) of the Civil Code to allow for second parent adoption by same-sex couples, but only through a court application procedure which was eased in 2014.</td>
</tr>
</tbody>
</table>

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7 See also: “Adoption of Stepchildren in Gay and Lesbian Families in Iceland”, Gay Ottawa Archive, 13 June 2000.
<table>
<thead>
<tr>
<th>No.</th>
<th>Country</th>
<th>Year</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Norway</td>
<td>2009</td>
<td>Section 5 of the Adoption Act was amended to include same-sex partners as eligible to adopt. Section 13 regulates the adoption of the children of the spouse or cohabitant (stepchild adoption) and specifies that current or former same-sex spouses or cohabitants may not adopt a stepchild if the child has been adopted from a country that does not permit persons of the same sex to adopt together.</td>
</tr>
<tr>
<td>15</td>
<td>Portugal</td>
<td>2016</td>
<td>Articles 1-7 of the Law No.2/2016 establish that same-sex couples enjoy all the adoption rights of different-sex couples, and amends the appropriate areas of the Civil Code.</td>
</tr>
<tr>
<td>16</td>
<td>San Marino</td>
<td>2018</td>
<td>Article 10 of the Law no. 147 of 20/11/2018 on civil unions passed in November 2018 allows partners in a civil union to adopt their partner’s children.</td>
</tr>
<tr>
<td>17</td>
<td>Slovenia</td>
<td>2011</td>
<td>The right to step-parent adoption for same-sex couples was recognized by the Ministry of Labour, Family, Social Affairs and Equal Opportunities in 2011 on the basis of the 1976 Law on Marriage and Family Relations, despite the fact that Article 135 stipulates adopters must be married.8</td>
</tr>
<tr>
<td>18</td>
<td>Spain</td>
<td>2005</td>
<td>Article 67(7) of Law 13/2005 amends Article 175(4) of the Civil Code to allow for second parent adoption.</td>
</tr>
<tr>
<td>19</td>
<td>Sweden</td>
<td>2009</td>
<td>Article 8 of the Act on Parenting (2003) lay out the conditions for second parent adoption for married couples, same-sex and different-sex.</td>
</tr>
<tr>
<td>20</td>
<td>Switzerland</td>
<td>2018</td>
<td>As of January 1, 2018, the Civil Code (as amended in 2017) allows same-sex couples and cohabitants in de facto marriage relationships to adopt the children of their partners.9</td>
</tr>
<tr>
<td>21</td>
<td>United Kingdom</td>
<td>2005</td>
<td>Sections 144 and 150 of the Adoption and Children Act 2002 that entered into force in England and Wales in 2005, establish that second parent adoption applies to same-sex couples. Section 2 of the Adoption Agencies (Scotland) Regulations 2009 in Scotland defines civil partners as subject to the law, and in 2013 in Northern Ireland, the Court of Appeal mandated that civil partners enjoy second parent adoption. Several British Overseas Territories also recognize second-parent adoption.10</td>
</tr>
</tbody>
</table>

**Is there more in Europe?**

**Croatia**

Articles 45-49 of Same-sex Partnership Act (2014) falls short of providing second parent adoption rights, but the court can be petitioned to establish the right de facto.

---

8 “Ministry response in relation to the decision to adopt a biological child of a same-sex partner” [Odziv ministrstva v zvezi z odločbo o posvojitvi biološkega otroka istospolne partnerice], Ministry of Labour, Family, Social Affairs and Equal Opportunities (website), 19 July 2011.


10 Section 3(4) of the Adoption of Infants Ordinance 2015 of Pitcairn Islands, and the Civil Partnership Act 2014 (converted to marriage in 2016) in Gibraltar both accommodate second parent adoption. The Crown Dependencies of the Isle of Man introduced second parent adoption at Section 98 of the Civil Partnership Act 2011. Jersey legislated for second parent adoption in 2012 through the Civil Partner (Jersey) Law, and Guernsey approved second parent adoption coming into force in 2017 through the 2016 Same-Sex Marriage Law.
Italy

No law allows for second parent adoption, but there has been important judicial activity in this regard. A high profile case involving the adoption of the birth daughter of a lesbian partner was resolved in the couple’s favour in late 2016.\(^{11}\) The Court of Appeal of Naples ordered full recognition of second-parent adoption on 5 April 2016, and the Court of Appeal in Trento recognised the second father as a co-parent of twins through surrogacy.\(^{12}\) In September 2018, the Bologna Court of Appeal also affirmed an adoption order granted in the United States on the basis that it was in the best interests of the child to do so.\(^{13}\)

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### Oceania (2)

<table>
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<tr>
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<th>Country</th>
<th>Year</th>
<th>Second Parent Adoption Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Australia</strong></td>
<td>2002-2018</td>
<td>Second parent adoption by same-sex couples is currently possible in all Australian States and Territories: Australian Capital Territory (2004); New South Wales (2010); Queensland (2016); South Australia (2017); Tasmania (2013); Victoria (2016); Western Australia (2002); Northern Territory (2018).</td>
</tr>
<tr>
<td>2</td>
<td><strong>New Zealand</strong></td>
<td>2013</td>
<td>A step-parent in a same-sex couple is able to adopt their spouse’s child under the Adoption Act 1955 (as amended by the Marriage (Definition of Marriage) Amendment Act of 2013). This law is not effective in any of New Zealand territories (Cook Islands, Niue or Tokelau).</td>
</tr>
</tbody>
</table>

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12. “In landmark ruling, Italy recognizes gay couple as dads to surrogate babies”, The Local.it, 28 February 2017.
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<tr>
<th>No.</th>
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<th>Country</th>
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UN Member States CRIMINALISE consensual same-sex sexual acts
UN Member States DE FACTO CRIMINALISE consensual same-sex sexual acts
UN Member States DO NOT CRIMINALISE consensual same-sex sexual acts
UN Member State has provinces with criminalising provisions (Indonesia)
HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

REVIEW OF 2018
Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.
HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

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REGIONAL OVERVIEW

The killing of Palestinian protesters by Israeli forces in Gaza and the murder of journalist Jamal Khashoggi in a Saudi Arabian consulate glaringly illustrated the unaccountability of Middle Eastern and North African states that resorted to lethal and other violence to repress dissent.

The crackdown on civil society actors and political opponents increased significantly in Egypt, Iran and Saudi Arabia. In all, dozens of women human rights defenders there were targeted for advocating women’s rights or protesting against violence against women or sexual harassment. Across the region, authorities used arbitrary detention, excessive force against protesters and administrative measures to restrict civil society. Despite the repression, 2018, like 2017, saw limited positive developments at a legislative and institutional level with respect to women’s rights and violence against women. Developments in Lebanon and Tunisia raised faint hopes of the beginnings of change in the general situation in which same-sex sexual relations are criminalized across the region; however, authorities in these and other countries arrested and prosecuted people for their real or perceived sexual orientation. Armed hostilities in both Iraq and Syria decreased. As a result, fewer civilians were killed, but many continued to suffer the impact of serious violations, including war crimes, committed by all parties to the conflicts in Libya, Syria and Yemen particularly, as well as the devastating humanitarian situations that arose from or were exacerbated by their actions. Significant developments aimed at addressing past violations occurred in Lebanon and Tunisia. Ethnic and religious minorities faced persecution by states and armed groups in countries including Algeria, Egypt, Iran, Iraq and Saudi Arabia.
There were some positive developments at a legislative level in Morocco, Qatar and the United Arab Emirates (UAE) with respect to migrant and/or domestic workers, but workers in these and other countries continued to face exploitation and abuse and sub-Saharan migrants, as well as refugees and asylum-seekers, were subjected to a widespread crackdown in Maghreb countries. Restrictions on access to water for drinking and other household use in marginalized communities in Iran, Iraq and Tunisia raised concerns about discrimination and fuelled protests. Across the region, government measures in the name of security led to arbitrary detention and unfair trials, torture and other ill-treatment, denaturalization and border control orders, as well as, in Egypt, the use of banned weapons and extrajudicial executions. There were some limited positive developments with respect to the death penalty, but high numbers of individuals continued to be executed in Egypt, Iran, Iraq and Saudi Arabia, many after being sentenced to death in unfair trials. The political crisis in the Gulf that started in 2017 continued to impact the human rights of thousands of individuals living across the region, separating families and disrupting education.

**REPRESSION OF DISSERT**

**LETHAL AND OTHER VIOLENCE**

Two heavily mediatized events – the killing of scores of Palestinian protesters by Israeli forces in the Gaza Strip and the murder of journalist Jamal Khashoggi in the Saudi Arabian consulate in Istanbul, Turkey, on 2 October – glaringly illustrated the unaccountability of Middle Eastern and North African states that resorted to lethal and other violence to repress dissent. According to a local human rights organization, at least 180 were killed, among them 35 children, in the Gaza protests, which started in March and called for the right to return of refugees to land from which they were displaced 70 years earlier, and an end to the Israeli blockade of the Gaza Strip. Both events led to scrutiny and pressure for accountability, but not concrete action towards it. In the first case, the UN Human Rights Council established a commission of inquiry to look into the killings, many of which were unlawful, and other abuses, but the Israeli authorities characteristically refused to co-operate and past practice indicated that any domestic investigations would be deeply flawed and fail to deliver justice. In the second, senior officials in the governments of Saudi Arabia’s Western allies questioned the evolving official narrative about the killing and made statements to emphasize the importance of accountability. However, they failed to respond positively to civil society calls for a UN investigation, which, given the allegation that the kingdom’s crown prince was involved in the crime and the subservience of its judiciary to the palace, would have been the only process capable of exposing the truth about who ordered the murder.

In Syria, the government disclosed the death of some of those subjected to enforced disappearance in previous years by updating civil status records, but failed to provide the families with remains. Tens of thousands of people, including peaceful activists and government opponents, humanitarian workers, lawyers and journalists remained disappeared.

Elsewhere, states used excessive force to repress demonstrations. In Iran, where tens of thousands of men and women took to the streets throughout the year to protest against poverty, corruption, repression and authoritarianism, security forces beat unarmed protesters and used live ammunition, tear gas and water cannons against them, causing deaths and injuries. In Iraq, security forces in Basra killed over a dozen protesters and injured hundreds of others when they fired live ammunition and tear gas to disperse a series of protests demanding employment opportunities and better public services. In the West Bank and Gaza Strip, Palestinian security forces beat demonstrators peacefully protesting against the actions of their respective authorities.

**ARBITRARY DETENTION**

The crackdown on civil society actors and political opponents increased significantly in three of the region’s most powerful states: Egypt, Iran and Saudi Arabia. Arbitrary detention of activists and government critics had a chilling effect on freedom of expression across the region. Authorities often used counter-terrorism and security-related laws, including cyber-crimes legislation, to justify arrests and bring prosecutions.

In Iran, the authorities arbitrarily detained thousands of individuals, subjecting hundreds to unfair trials, lengthy prison sentences, torture and other ill-treatment. They detained, prosecuted or continued to imprison at least 112 women human rights defenders, some in reprisal for their work, some for peacefully protesting against the abusive, discriminatory and degrading practice of forced hijab (veiling) by taking off their headscarves in public.
In Egypt, the authorities arbitrarily arrested at least 113 people solely for peacefully expressing critical opinions, including many senior political figures who had publicly criticized the president or attempted to run against him in the presidential elections. They arrested over 30 human rights defenders, some of whom were subjected to enforced disappearance for periods of up to 30 days. Two women were arrested and convicted by courts after they spoke out against sexual harassment in Egypt on their Facebook accounts.

In Saudi Arabia, the authorities harassed, arrested and prosecuted government critics, academics, clerics and human rights defenders. In May, they launched a wave of arrests that included at least eight women human rights defenders who had campaigned against the ban on women driving and the male guardianship system. By the end of the year, virtually all Saudi Arabian human rights defenders were in detention or serving prison terms, or had been forced to flee the country.

In the Maghreb, the Algerian, Moroccan and Tunisian authorities all used penal code provisions to detain, prosecute and, in some cases, imprison journalists. In the Gulf, authorities in Bahrain and the UAE kept high-profile human rights defenders in jail on speech-related charges, while in Kuwait and Oman, government critics and protesters were arrested arbitrarily and, in some cases, prosecuted. Iraqi, Jordanian, Lebanese and Palestinian authorities also arbitrarily detained activists and others for voicing criticism of them or peacefully taking part in demonstrations. Israeli authorities used such measures to target activists, including human rights defenders, who criticized Israel’s continuing occupation of the West Bank and Gaza Strip.

**MUZZLING OF MEDIA AND ASSOCIATIONS**

New legislation threatening freedoms of expression, association or peaceful assembly came into effect in some countries. The Egyptian president ratified two laws muzzling independent media by giving the state almost total control over print, online and broadcast media.

The Palestinian president issued decrees that restricted freedom of expression and peaceful assembly, and limited the ability of civil society organizations to operate freely. The new penal code in Oman criminalized forms of association “aimed at combating the political, economic, social or security principles of the state”.

Authorities banned demonstrations and/or blocked the activities of civil society or political associations in North Africa, particularly in Algeria, Egypt and Morocco, and the Gulf, particularly in Bahrain and Saudi Arabia. In some countries, such as Iran, Iraq and Jordan, they blocked social media or disrupted access to the internet.

**WOMEN’S RIGHTS**

Dozens of women human rights defenders were targeted for advocating for women’s rights or protesting against violence against women or sexual harassment, particularly in Egypt, Iran and Saudi Arabia. However, 2018, like 2017, saw limited positive developments at a legislative and institutional level with respect to women’s rights and violence against women. While these were not sea changes, they were a tribute to years of struggle by the women’s rights movement.

**LEGISLATIVE CHANGES**

In the Maghreb, laws that included provisions combating violence against women came into effect. The Palestinian authorities repealed a provision that had allowed individuals suspected of rape to avoid prosecution and imprisonment if they married their victims. Similar welcome measures had been taken in Jordan, Lebanon and Tunisia in 2017. In Jordan, following a long-standing campaign by Jordanian women’s rights organizations, the government opened a shelter for women at risk of family violence in the name of “honour”.

Saudi Arabia lifted its ban on women driving. The step was a testament to the bravery of women human rights defenders who, for decades, drew international media attention to the prohibition and faced state persecution, including, in a development of bitter irony, before and after the ban was lifted in 2018. The government announced that women did not need the permission of a male guardian to start their own business, but it was unclear whether the reform was implemented in practice. In general, women were still required to have permission from a male guardian to enrol in higher education, seek employment, travel or marry.

Jordan and Qatar both adopted measures that allowed the children of female nationals married to foreign fathers to acquire permanent residency, but left them still unable to acquire citizenship.

**ENTRENCHED DISCRIMINATION**

Enforced discrimination against women in law and in practice, notably in matters of marriage and divorce, inheritance and child custody, remained a major issue in the region. Women and girls also remained inadequately protected against sexual and other gender-based violence. Their situation in conflict zones were of particular concern. In Libya, authorities failed to protect women from gender-based violence at the hands of militias and armed groups; this and smear campaigns on social media forced many women to withdraw from the public space altogether. In Yemen, the protracted conflict exacerbated discrimination against women and girls and left them with less protection from sexual and other violence, including forced marriage.

**RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE**

**DEVELOPMENTS IN LEBANON AND TUNISIA**

Developments in two countries raised faint hopes of the beginnings of change in the general situation in which same-sex sexual relations are criminalized.
across the region. In Lebanon, a district court of appeal ruled that same-sex consensual sex was not a criminal offence. In Tunisia, a draft law that included the decriminalization of same-sex sexual relations was submitted to the parliament.

**STATE PERSECUTION**

However, governments in these and other countries continued to heavily limit the enjoyment of the rights of LGBTI people in law and practice. In Lebanon, according to reports, police harassed and abused LGBTI people, especially in refugee and migrant communities, sometimes making use of a penal code provision that criminalizes “sexual intercourse contrary to nature”. In Tunisia, according to a local non-governmental organization (NGO), police arrested at least 115 individuals in relation to their perceived sexual orientation or gender identity, 38 of whom were later convicted of charges related to engaging in consensual same-sex sexual relations. They also subjected men accused of such relations to forced anal examinations, in violation of the prohibition of torture and other ill-treatment.

In Egypt, the authorities detained at least 13 men for “public indecency” or “habitual debauchery” on the basis of their real or perceived sexual orientation and gender identity. Palestinian security forces in the West Bank arbitrarily arrested and ill-treated five LGBTI activists, according to a local NGO.

In Oman, same-sex sexual relations continued to be criminalized under the new penal code issued in 2018.

**ARMED CONFLICT**

**ARMED HOSTILITIES**

In Libya, Syria and Yemen, the conflicts’ multiple actors continued to commit war crimes and other serious violations of international humanitarian law.
INTERNALLY DISPLACED PEOPLE

In Iraq, almost 2 million people remained displaced. Families with perceived ties to the armed group calling itself Islamic State (IS) were regularly prevented from returning to their homes or places of origin as a result of threats from neighbours, tribal and local authorities, and Iraqi forces. Those who managed to return said they were subjected to forced displacement and other abuses. Families, particularly those headed by women, were stigmatized and collectively punished for having perceived links with IS owing to factors outside their control. In IDP camps, many were denied access to food, water and health care. Women with perceived IS ties were subjected to sexual violence, primarily by armed actors affiliated with military and security forces in the camps.

In Libya, thousands of Libyan families remained internally displaced. Tawerghan families internally displaced since 2011 attempted to return to the town of Tawergha following an official decree, but were blocked by armed groups. A camp housing over 500 Tawerghan families was attacked by a militia, resulting in the forced eviction of around 1,900 internally displaced people.

In Syria, by the end of the year, 6.6 million people had been internally displaced since the start of the crisis in 2011. Thousands lived in makeshift camps that did not provide an adequate standard of living. Women whose husbands or fathers had been killed or gone missing during the conflict faced serious obstacles in claiming their property as the deeds were often in the name of their male relatives. Meanwhile, a new law threatened the rights of people who lived in certain informal settlements.

REFUGEES

There were a couple of minor positive developments relating to Syrian refugees in Lebanon, where a government measure facilitated birth registration for them, and Jordan, where an official campaign was launched to rectify the status of those living informally in urban areas. However, these were vastly overshadowed by the precarious nature in which the over 5 million refugees and asylum-seekers from Syria found themselves. Lebanon, Jordan and Turkey, the countries hosting most of the refugees, continued to block the entry of new refugees. The authorities in Lebanon and Turkey said that over 300,000 refugees returned to Syria. The dire humanitarian conditions in neighbouring countries – exacerbated by the lack of humanitarian aid, the inability of refugees to find jobs, and administrative and financial obstacles to obtain or renew residency permits – pushed refugees to return. The number of resettlement places and other safe and legal routes for refugees offered by Western and other states fell far below the needs identified by UNHCR, the UN refugee agency.
ACCOUNTABILITY AND TRANSITIONAL JUSTICE

DEVELOPMENTS IN LEBANON AND TUNISIA

Significant developments aimed at addressing past violations occurred in Lebanon and Tunisia. The Lebanese parliament passed a law creating a national commission to investigate the whereabouts of thousands of persons who went missing or were forcibly disappeared during the 1975-1990 armed conflict in Lebanon. Associations of families of the victims concerned, along with partner organizations, had campaigned for such a development for over three decades. Tunisia witnessed the passing of a key milestone in its transitional justice process. Its Truth and Dignity Commission finalized its work investigating past human rights violations despite an attempt by the parliament to end its work prematurely. Its final report identified individuals responsible for grave human rights violations and the reasons underlying grave violations and presented recommendations to ensure their non-recurrence. It referred 72 cases to trial before 13 specialized criminal chambers. These included cases of enforced disappearance, death under torture and killings of peaceful protesters.

GENERALIZED IMPUNITY

However, there was generalized impunity across the region for both past and ongoing violations. To take one glaring example that Amnesty International highlighted through its work, 2018 marked the 30th anniversary of the enforced disappearance and secret execution of thousands of imprisoned political dissidents in Iran. Despite the fact that these acts amounted to ongoing crimes against humanity, those responsible had evaded justice and in some cases had held or continued to hold powerful positions in Iran’s government and judiciary.

MINORITIES

STATE PERSECUTION

There was continuing state persecution against ethnic and religious minorities in the region. In Iran, hundreds of Azerbaijani Turks and Ahwazi Arabs, including minority rights activists, were arrested and detained in connection with peaceful cultural gatherings and protests. In Saudi Arabia, the public prosecution repeatedly called for the execution of several Shi’a activists on charges related to the peaceful exercise of their rights to freedom of expression, association and assembly. In Algeria, authorities harassed members of the minority Ahmadi religious movement, subjecting dozens of them to trial or investigation, and ordered the closure of at least eight churches or other places of Christian worship. In Egypt, the government continued to restrict the right of Christians to worship in law and practice. It granted full registration to only 588 out of almost 3,730 churches and associated buildings that had applied for it under a new law that required approvals from several state bodies, including security services.

LEGISLATIVE CHANGES

Israel passed a new law that described the Israeli state as being only for the Jewish people, confirming the status of the almost one fifth of the population who are Palestinian citizens of Israel as second-class citizens.

ARMED GROUP ATTACKS

Among many other abuses, IS claimed responsibility for suicide bombings and other deadly attacks targeting Shi’a Muslims in Iraq, a majority there but a minority in the region, and Coptic Christians in Egypt, leading to the deaths and injury of dozens of civilians.

Yazidis fleeing Mount Sinjar, Iraq, in August 2014, in the wake of attacks by the Islamic State armed group. The overwhelming majority of Yazidis remained displaced in 2018. © Amnesty International
LABOUR AND MIGRATION

MIGRANT LABOUR AND DOMESTIC WORKERS

There were some positive developments at a legislative level in Morocco, Qatar and the UAE with respect to migrant labour and/or domestic workers, but migrant workers continued to face exploitation in these and other countries, including Bahrain, Jordan, Kuwait, Lebanon, Oman and Saudi Arabia, in large part due to kafala (sponsorship) systems, which limited their ability to escape abusive working conditions.

In Morocco, the parliament passed a new law on domestic workers, entitling domestic workers to written contracts, maximum working hours, guaranteed days off, paid vacations and a specified minimum wage. Despite these gains, the new law still offered less protection to domestic workers than the Moroccan Labour Code, which does not refer to domestic workers.

In Qatar, a new law partially removed the exit permit requirement, allowing the vast majority of migrant workers covered by the Labour Law to leave the country without seeking their employers' permission. However, the law retained some exceptions, including the ability of employers to request exit permits for up to 5% of their workforce. Exit permits were still required for employees who fell outside the remit of the Labour Law, including over 174,000 domestic workers in Qatar and all those working in government entities.

In the UAE, the authorities introduced several labour reforms likely to be of particular benefit to migrant workers, including a decision to allow some workers to work for multiple employers, tighter regulation of recruitment processes for domestic workers and a new low-cost insurance policy that protected private sector employees' workplace benefits in the event of job loss, redundancy or an employer's bankruptcy.

TRANSIT MIGRANTS

In the Maghreb, sub-Saharan migrants, as well as refugees and asylum-seekers, faced a crackdown. In Algeria, the authorities subjected thousands to arbitrary detention, forcible transfer to the far south of Algeria and expulsion to neighbouring countries. Over 12,000 nationals of Niger and more than 600 nationals from other sub-Saharan African countries, including regular migrants, refugees and asylum-seekers, were summarily expelled to neighbouring Niger, according to international organizations monitoring the situation. In Morocco, thousands of sub-Saharan migrants, including children and pregnant women, were unlawfully arrested and transported to remote areas in the south of the country or close to the Algerian border.

The situation for refugees, asylum-seekers and migrants in Libya remained bleak. The authorities continued to unlawfully detain refugees, asylum-seekers and migrants, mainly those intercepted at sea, in centres that, while official, were largely controlled by militias. Refugees, asylum-seekers and migrants were kept in appalling conditions, subjected to forced labour, torture and other ill-treatment, and verbal abuse by guards, often to extract money from their families in exchange for their release. Women in particular were subjected to rape.

WORKERS' RIGHTS

The right to work and organize in trade unions was undermined in a number of countries. In Iran, thousands of workers staged peaceful demonstrations and strikes in protest at unpaid wages, poor working conditions and other grievances. Authorities arrested hundreds of peaceful protesters and strikers, sentencing many to prison terms and flogging. Bans on independent trade unions persisted. In Egypt, the authorities forcibly dispersed strikes and held trade unionists in prolonged pre-trial detention. They also removed the names of hundreds of outspoken, independent candidates from ballot papers for elections for leadership roles in independent and state labour unions.

HEALTH, WATER, SANITATION AND HOUSING

WATER

Restrictions on access to water for drinking and other household use in marginalized communities in Iran, Iraq and Tunisia raised concerns about discrimination and fuelled protests. In Iran, thousands of people in Khuzestan province, populated mostly by Iran's Ahwazi Arab minority, demonstrated against water shortages and poor quality water, including untreated water that had led to around 350 people contracting intestinal infections. In Iraq, tens of thousands of residents in the southern governorate of Basra were reported to have been poisoned and hospitalized by polluted drinking water, fuelling ongoing protests against government corruption and mismanagement of the neglected south. In Tunisia, water shortages and inadequate water distribution resulted in repeated water cuts in several regions, prompting protests.

OCCUPATION AND BLOCKADE

Israel's illegal air, land and sea blockade of the Gaza Strip entered its 11th year, restricting the movement of people and goods into and out of the area, and collectively punishing Gaza's 2 million residents. Throughout much of the year, the Gaza Strip suffered fuel shortages that resulted in a maximum of four hours of electricity per day. Israel reduced to a record low the number of medical permits issued to Gazan residents to allow them to enter Israel and the West Bank for treatment. Denial of medical permits led to the deaths of at least eight Palestinians, according to a local NGO. The situation was exacerbated by punitive measures imposed by the West Bank-based Palestinian authorities, which decreased electricity and water subsidies in Gaza and restricted the entry of medicine.

Meanwhile, Israel demolished 148 Palestinian properties in the West Bank, including East Jerusalem, 139 for

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lack of permits and nine for punitive reasons, according to a local NGO; 425 people, including 191 children, were left homeless as a result. The Israeli Supreme Court approved the demolition of Khan al-Ahmar village and forcible transfer of its residents to make way for illegal Jewish settlements. The village was home to 180 members of the Bedouin community and a school that educated 170 children in the area.

COUNTER-TERROR AND SECURITY

Government measures in the name of security led to gross human rights violations across the region.

COUNTER-TERRORISM OPERATIONS IN EGYPT

In Egypt, the Ministry of the Interior said that more than 164 people were shot dead in exchanges of fire with security forces during the year. Neither prosecutors nor other authorities investigated these incidents or allegations that many of the victims were unarmed and in police custody before being shot. Videos emerged that revealed the Egyptian air force's use of cluster munitions, banned under international law, in the military campaign in Sinai.

ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT AND UNFAIR TRIALS

Arbitrary detention and prosecutions after unfair trials were frequently recorded in security cases. Bahrain saw its first military trial of civilians under its new system of military jurisdiction over national security cases. In Egypt, courts issued death sentences and lengthy prison sentences after unfair mass trials and military trials. In Iraq, thousands of men and boys who were arbitrarily arrested and forcibly disappeared by central Iraqi and Kurdish forces while fleeing IS-held areas between 2014 and 2018 remained missing. Israeli authorities placed in detention or continued to detain thousands of Palestinians from the Occupied Palestinian Territories in prisons in Israel in violation of international humanitarian law. According to a local NGO, Israel held 480 Palestinians as administrative detainees at the end of the year. Torture and other ill-treatment of detainees held on grounds of security by forces in these and other countries were commonly reported.

DENATURALIZATION AND BORDER CONTROL ORDERS

Bahrain imposed denaturalization as a criminal penalty against those convicted in national security cases, stripping around 300 individuals of their nationality in 2018. In Tunisia, the authorities used border control orders to restrict the right to freedom of movement of thousands of individuals. Such measures were often imposed in a discriminatory manner based on appearance, religious practices or previous criminal convictions and without providing the reason or obtaining a court order.

DEATH PENALTY

There were some limited positive developments with respect to the death penalty in both law and practice. However, high numbers of individuals continued to be executed in Egypt, Iran, Iraq and Saudi Arabia, many after being sentenced to death in unfair trials.

The State of Palestine acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; it was the first state in the region to do so. However, no action was taken to translate this commitment into practice.

A new law in Saudi Arabia stipulated a maximum prison sentence of 10 years for juvenile offenders in cases where they might otherwise be sentenced to death; however, it excluded crimes punishable by death under Shari'a (Islamic law). At least four juvenile offenders remained at risk of execution at the end of the year.

In Iran, the number of drug-related executions dropped following amendments to the anti-narcotics law. However, courts continued to impose death sentences, as well as other cruel punishments such as flogging, amputation and blinding, and numerous executions were carried out after unfair trials, some in public. A number of juvenile offenders were executed.

Bahrain and Kuwait did not carry out executions in 2018, having resumed them in 2017 after hiatuses of several years. Nonetheless, like all other states in the region except for Israel, they continued to hand down death sentences.
ALGERIA

People’s Democratic Republic of Algeria
Head of state: Abdelaziz Bouteflika
Head of government: Ahmed Ouyahia

The authorities unduly restricted the rights to freedom of expression, peaceful assembly and association, including by arbitrarily arresting and detaining journalists and activists using harsh Penal Code provisions. Authorities maintained a de facto ban on protests in the capital, Algiers, and sometimes used excessive force to disperse peaceful demonstrations across the country. The authorities kept many associations in legal limbo. Judicial authorities harassed members of the Ahmadi religious movement because of their beliefs. A new law on health took effect, guaranteeing access to health care for all citizens; the grounds for legal abortion were not extended, however. The authorities continued a discriminatory crackdown on sub-Saharan migrants, refugees and asylum-seekers, subjecting several thousand to arbitrary arrest, detention and expulsion. Impunity for past abuses remained widespread. Death sentences were handed down; there were no executions.

BACKGROUND

Speculation continued over whether President Abdelaziz Bouteflika, who had not made a public speech since 2012 owing to ill health, would run for a fifth presidential term in 2019.

In July, the UN Human Rights Committee, which monitors state parties’ compliance with the International Covenant on Civil and Political Rights, reviewed Algeria’s record.

In October, political tensions increased after the governing coalition elected a new parliamentary speaker; supporters of the ousted speaker called the move illegal. Throughout the year, peaceful protesters expressed socioeconomic grievances.

FREEDOM OF EXPRESSION

The authorities continued to use Penal Code provisions to stifle freedom of
Adlène Mellah, was sentenced to
expression. At least seven journalists and
six activists were arrested and detained
under such provisions. In some cases,
they were tried, convicted and even
sentenced to prison terms.

Between 31 May and 1 June, journalists
Khelaf Benhadda, Said Boudour and Adlène Mellah and whistle-blower
Noureddine Tounsi were arrested for
“insulting institutions” and “undermining
national unity” after they covered a
corruption scandal in the city of Oran. All
were released without charge on 4 June.

On 6 June, the court of appeal in
the city of Relizane upheld a two-
year prison sentence against activist
Abdallah Benoum on charges related to
“exploiting the wounds of the national
tragedy”, referring to the internal conflict
which had engulfed Algeria in the 1990s,
after he published Facebook posts critical
of the government.

On 21 June, an appeal court in Bejaia
confirmed the conviction of activist and
blogger Merzoug Touati in relation to
peaceful online posts but reduced his
prison sentence from 10 to seven years.
In 2017 he had used social media to call
for Bejaia residents to protest against a
new finance law and to broadcast an
interview he had conducted with an
Israeli government spokesperson who
disputed accusations by the Algerian
authorities that the Israeli authorities
were involved in protests in Algeria.
Algerian authorities said Merzoug Touati
had “encouraged civil unrest”.

On 7 August, a court in the city of
Ghardaia sentenced blogger Salim Yezza
to a suspended one-year prison term for a
Facebook post that accused the authorities
of practising discrimination against the
Moazibites, an Amazigh ethnic minority.

Journalists - Merouane Boudiab and
Abdou Semmar were detained for more
than 15 days in October and November
on charges that included defamation
after publishing, among other things,
allegations that the governor of Algiers
acted improperly in the context of a
housing construction project. They were
released on 8 November, but the case
remained open.

On 11 November, journalist Said
Chitour was sentenced to 16 months’
imprisonment (as well as a one-year
suspended prison term) following a
one-day trial in which he was convicted of
espionage for selling classified
documents to foreign diplomats. He was
released the same day, having already
spent 16 months in detention. The
conviction relied mainly on evidence
that he had produced reports on political
and human rights issues in Algeria and
provided them to foreign embassies.

On 25 December, the director of online
newspapers Algeria Direct and Dzair
Press, Adlène Mellah, was sentenced to
one year in prison and a fine of 100,000
dinars (around US$840) for “incitement
to an unarmed gathering” and civil
“rebellion”. The police had arrested him
on 9 December in Algiers, where he was
taking part in a protest in support of a
jailed Algerian singer.

FREEDOM OF ASSEMBLY

Authorities maintained a de facto ban on
protests in Algiers under an unpublished
decree from 2001. Security forces
arbitrarily dispersed some gatherings on
the grounds that they were unauthorized.
An assembly organized to mark the 30th
anniversary of the UN’s adoption of the
Human Rights to commemorate the 70th
anniversary of the UN’s adoption of the
Universal Declaration of Human Rights.

Between January and April, law-
enforcement officials in Algiers dispersed
a number of peaceful demonstrations
by trainee doctors protesting about their
working conditions, sometimes using
excessive force. On 3 January, security
officials forcibly entered a hospital in
Algiers and used electroshock devices and
batons to prevent thousands of medical
staff from leaving the hospital to march,
injuring at least two dozen of them.
Protests on 19 March and 24 April were
also forcibly dispersed, with police on the
second occasion forcing dozens of people
onto buses and then dumping them far
from Algiers, including in the town of
Lakhdaria, more than 70km away.

In July, security forces in the city of
Ouergla forcibly dispersed a protest
against unemployment.

In September, authorities prevented
supporters of Mouwataina, a political
group opposed to a fifth presidential term
for President Bouteflika, from peacefully
gathering in the cities of Constantine and
Bejaia. Authorities in Bejaia detained
at least three of the group’s founding
members for several hours before
releasing them without charge.

FREEDOM OF ASSOCIATION

The authorities kept many associations,
including Amnesty International Algeria,
in legal limbo by failing to respond
to registration applications submitted
as required by the highly restrictive
Associations Law.

On 27 February, without warning,
security forces sealed the offices of two
local NGOs – Algerian Women Claiming
their Rights and the Feminist Association
for the Development of the Person
and the Exercise of Citizenship. The
authorities claimed the NGOs were not
legally registered but lifted the bans on
their activities in March.

In July, local authorities in Oran banned
the seventh meeting of the Migration
Platform, a group of 15 national NGOs,
on the grounds that they did not have
“prior authorization for a public
meeting”. In November, local authorities
in Bejaia banned without providing
justification a public event organized by
the Algerian League for the Defence of
Human Rights to commemorate the 70th
anniversary of the UN’s adoption of the
Universal Declaration of Human Rights.

FREEDOM OF RELIGION AND BELIEF

Judicial authorities harassed members of
the minority Ahmadi religious movement
because of their beliefs, subjecting
dozens of them to trial or investigation,
violation of their rights and the feminist association for the development of the person and the exercise of citizenship.
Islamic dogma” and membership of an unauthorized association. He was still awaiting trial at the end of the year.

During the year, local authorities in several regions ordered the closure of at least eight churches or other places of Christian worship, seven of them Protestant, saying that they did not comply with a 2006 decree on “non-Muslim cults” and security standards. In June, local authorities allowed two Protestant churches in the Oran region to reopen after they had sealed them in February.

**Migrants, Refugees and Asylum-Seekers**

The authorities continued a crackdown on sub-Saharan migrants that began in August 2017, subjecting several thousand of them to arbitrary arrest, detention, forcible transfer to the far south of Algeria and expulsion to neighbouring countries. In April, security forces hit migrants with batons and kicked them during raids and mass arrests in the city of Oran.

During the year, over 12,000 nationals of Niger and more than 600 nationals from other sub-Saharan African countries, including regular migrants, refugees and asylum-seekers, were summarily expelled to neighbouring Niger, according to international organizations monitoring the situation. In parallel, the authorities forcibly transported over 11,000 nationals of sub-Saharan African countries to the border with Niger and left them there and took similar action against more than 3,000 others whom they left at the border with Mali. In some cases, the security forces compelled migrants at gunpoint to walk through the desert to cross the borders.

According to UNHCR in Algeria, on 26 December, the Algerian authorities deported at least 100 Syrian, Yemeni and Palestinian nationals to the border with Niger and left them stranded in the desert. These included several registered refugees and asylum-seekers who had previously been detained in Tamanrasset.

In April, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families reviewed Algeria’s second report on this issue and expressed concerns regarding the collective expulsion to Niger of regular and irregular migrant workers, as well as refugees and asylum-seekers, who were often abandoned in the desert. The committee stated that those expelled were at high risk of violence, including sexual violence and exploitation.

In its concluding observations, the committee recommended that the Algerian government develop a comprehensive strategy for labour migration and allow migrant workers, including those in an irregular situation, to access justice, police services, health care, education, social security and housing without fear of being arrested, detained or deported by the authorities.

The authorities continued to convict Algerians attempting to reach Europe through locations other than official border exit posts for the crime of “unlawfully exiting the country”, imposing on them suspended sentences of to up to six months in prison, as well as fines.

**Women’s Rights**

In August, a new law on health took effect, guaranteeing equal access to health care for all citizens, introducing measures to protect women from violence and improving provisions for maternal health. The grounds for legal abortion were not extended, however “Therapeutic interruption of pregnancy” remained authorized only on the grounds of threats to the life of a pregnant woman or girl, or serious threats to their “psychological and mental health”. Abortion in all other circumstances was still criminalized, with punishment of up to five years' imprisonment for doctors and two years for women and girls.

Women were discriminated against in law and practice. The Family Code continued to discriminate against women in matters of marriage, divorce, child custody and guardianship, and inheritance.

The Penal Code continued to prohibit rape without defining it or explicitly recognizing marital rape as a crime.

**Impunity for Past Abuses**

The authorities took no steps to counter the overwhelming impunity that existed for grave human rights abuses and possible crimes against humanity, including unlawful killings, enforced disappearances, rape and other forms of torture, committed by security forces and armed groups in the 1990s during Algeria’s internal conflict.

**Death Penalty**

Courts continued to hand down death sentences. No executions had been carried out since 1993.
BAHRAIN

Kingdom of Bahrain
Head of state: Hamad bin Al Khalifa
Head of government: Khalifa bin Salman al-Khalifa

Suppression of freedom of expression on political issues remained widespread, with many high-profile dissidents imprisoned on speech-related charges. Public protests remained officially banned in the capital. The government further curbed the right to freedom of association by making legislative amendments that had de facto discriminatory impact on Shi’a groups. The authorities continued to impose denaturalization as a criminal penalty against those convicted in national security cases, stripping roughly 300 individuals of their nationality. Bahrain’s first military trial of civilians since 2011 was accompanied by reports of torture or other ill-treatment of the defendants that were never adequately investigated. Bahraini prisons continued to be characterized by arbitrary punitive action, degrading treatment of prisoners, and withholding and/or unjustifiable delay of medical care. Women faced discrimination in law and in practice. Migrant workers faced exploitation. Bahrain continued to issue death sentences in 2018, though no executions were reported. The country remained closed to independent outside observers.

BACKGROUND

Bahrain held elections for the lower, non-appointed house of its National Assembly, the Council of Deputies, in November. With all opposition political societies previously dissolved and their membership banned from fielding candidates, no opposition political figures were able to run.

Bahrain remained a part of the Saudi Arabia-led coalition engaged in the armed conflict in Yemen and the Gulf regional crisis in which Bahrain, Saudi Arabia and the United Arab Emirates (UAE) severed relations with Qatar in 2017.

FREEDOM OF EXPRESSION

Suppression of freedom of expression on political issues remained widespread, with many high-profile dissidents imprisoned on speech-related charges. Most human rights defenders in Bahrain had been jailed, silenced or forced to move abroad since 2016.
Human rights defender and prisoner of conscience Nabeel Rajab continued serving multiple prison sentences based on his exercise of freedom of expression, while new speech-based charges and convictions continued to be added against him. In January Bahrain’s highest judicial authority, the Court of Cassation, upheld his conviction for criticizing the authorities in a television interview for refusing to allow journalists and human rights groups into the country. In February a criminal court sentenced him to five years in prison for commenting on Twitter on the war in Yemen and ill-treatment in a Bahraini prison. This conviction was upheld on appeal in June and by the Court of Cassation on 31 December.

Ali Salman, the leader of Bahrain’s largest opposition political society, al-Wefaq, remained imprisoned on speech-related charges throughout 2018, and faced spurious new charges of “spying” related to telephone conversations he had with senior Qatari officials during the country’s 2011 uprising. Though he was acquitted of the spying charges in June, an appeals court overturned that verdict in November, sentencing him to life.

FREEDOM OF ASSOCIATION AND ASSEMBLY

Public protests remained officially banned in the capital, Manama, while the government took several steps to further legally curb the right to freedom of association. In June Bahrain amended its Law on Associations to bar members of political opposition groups from participation on the boards of civil society organizations. In the same month the government also revised the Law on the Exercise of Political Rights in order to ban “active leaders and members of dissolved political associations” from running for office, thus preventing the major religious and secular political opposition groups in Bahrain from standing for election to public office. Both laws had a de facto discriminatory effect by further excluding the civic leadership of Shi’a groups – which are more heavily represented in the political opposition than Sunnis – from participation in governance and civic life.

REVOCATION OF NATIONALITY AND STATELESSNESS

Bahrain continued to create a stateless population within its borders by imposing denaturalization as a criminal penalty against those convicted in national security cases. Amnesty International tallied around 300 individuals stripped of their nationality in 2018, bringing the total figure since 2012 up to over 800. The Bahraini government expelled four of these ex-citizens in January, and a significant number emigrated, mainly to Iran, Iraq and Europe; those who remained within Bahrain lived as conditional residents, facing socioeconomic marginalization. Non-nationals were not automatically eligible for government benefits provided to most of the native population such as housing subsidies and were unlikely to be hired within the public sector, which makes up a disproportionately large share of the labour market.

UNFAIR TRIALS

There continued to be credible reports in 2018 of coercion, including torture or other ill-treatment, being commonly used, especially in national security cases, in order to extract “confessions”, which were then allowed to be used in court to convict defendants. In January a military court convicted civilians, including individuals who had been subject to enforced disappearance. It was the first military trial of civilians since 2011 and the first under Bahrain’s new system of military jurisdiction over national security cases.

Trials of excessive numbers of defendants in the same cases continued in civilian courts, including a mass trial in June in which 115 defendants were stripped of their Bahraini nationality.

TORTURE AND OTHER ILL-TREATMENT

Bahrain’s first military trial of civilians since 2011 was accompanied by reports of torture or other ill-treatment of the defendants that were never adequately investigated. The National Institution for Human Rights, in a retrospective review based largely on the accounts of Bahraini authorities, discounted the claims of torture, although the evidence it reviewed was consistent with the possibility of torture or other ill-treatment.

Bahraini prisons continued to be characterized by arbitrary punitive action, degrading treatment of prisoners, and withholding and/or unjustifiable delay of medical care. Prisoners with extremely grave conditions such as cancer and multiple sclerosis faced unaccountable delays in receiving their medication, and requests for surgery needed to alleviate chronic pain – in some cases allegedly due to injuries sustained at the hands of security forces or prison guards – were rarely granted. In an egregious case, Ahmed Merza Ismaeel, the brother-in-law of Shi’a political leader Sheikh Ali Salman, continued to be deprived of medication to manage his sickle-cell anaemia – an extremely painful blood disease – and had been in need of a cholecystectomy (surgery to remove the gall bladder) since summer 2016. The Ministry of Interior Ombudsman’s office proved unresponsive or ineffective in addressing complaints of medical neglect in most of the cases Amnesty International documented.

The authorities subjected Nabeel Rajab and a group of 11 other prisoners of conscience held in Jaw prison to various forms of harassment and degradation. In the most serious form of mistreatment, the prison administration continued to refuse members of the group access to proper medical care unless they submitted to shackling. Though distribution of medication would not require prisoners to leave their cells, the prison administration refused to give prisoner of conscience Hassan Mshaima all of his medications unless he submitted to shackled trips to the prison infirmary. As a result, he had to be hospitalized for diabetic hyperglycaemia in January.

In September, guards under the commanding officer at Isa Town Women’s Rehabilitation and Reform Centre physically assaulted prisoner of conscience Hajer Mansoor Hasan, Najah Ahmed Yusuf and Medina Ali Ahmed when they tried to join in Shi’a religious rites on the Muslim holy day of Ashoura.
with other prisoners. Immediately after, new restrictions were imposed on all prisoners at Isa Town, including 23-hour lockup. The timing and the lack of any apparent administrative or security imperative indicated that the measures were purely punitive in nature. The National Institution for Human Rights justified the incident as “reasonable use of force... to guarantee the safety of the inmate[s]” and found no fault with respect to the prison’s lockup policy or other restrictive measures.

WOMEN’S RIGHTS
Women faced discrimination in law and in practice. Transmission of nationality continued to be restricted to Bahraini fathers, so that Bahraini women who had children by men of other nationalities could not pass on their Bahraini citizenship.

MIGRANT WORKERS
Migrant workers continued to face labour exploitation. Hundreds of workers took part in protests in June requesting their unpaid wages. The government did not respond to Amnesty International’s requests for information regarding the situation of workers at the engineering company Mercury MENA, which operated in several Arab Gulf states and had left many of its workers unpaid for over a year.

DEATH PENALTY
Bahrain continued to issue death sentences in 2018, though no executions were reported. In positive developments on individual cases, the judiciary announced that it would review the death sentences previously issued against Mohamed Ramadan Husain and Husain Ali Mohamed in light of new evidence found by the Office of Public Prosecution’s Special Investigation Unit, and the king commuted several death sentences handed down against civilians under military jurisdiction to life imprisonment.

ACCESS
Bahrain remained closed to independent outside observers in 2018. Amnesty International continued not to be granted access by the government. Multiple UN human rights bodies were also unable to visit the country. The UN Working Group on Arbitrary Detention reiterated its standing request made in January 2017 for a country visit. The Working Group on Enforced Disappearances issued its third reminder about a visit request that had been pending since 2015. The UN Special Rapporteurs on torture and on freedom of assembly and association had had requests to visit pending since 2011; the Special Rapporteur on torture had sent multiple follow-up requests to no avail.
EGYPT

Arab Republic of Egypt
Head of state: Abdel Fattah al-Sisi
Head of government: Moustafa Madbouly (replaced Sherif Ismail in June)

The scope of Egypt’s human rights crisis expanded, as the authorities arrested opponents, critics, satirists, current and former human rights and labour rights activists, journalists, presidential candidates and sexual harassment survivors. The authorities used prolonged pre-trial detention to imprison opponents, and restricted and harassed civil society organizations and staff. The authorities used solitary confinement that amounted to torture and other ill-treatment and enforced disappearance against hundreds of people with impunity, and failed to investigate cases of extrajudicial executions. Civilian and military courts issued mass verdicts after unfair trials and sentenced hundreds of people to death. The authorities prosecuted two women who spoke out against sexual harassment, while discriminating against women in law and practice. People were arrested on the basis of their real or perceived sexual orientation. The authorities prevented Christians from freely practising their beliefs and failed to hold to account those responsible for sectarian violence. The armed forces used US-imported banned cluster bombs in an ongoing military operation in Sinai.

BACKGROUND

President Abdel Fattah al-Sisi won a second presidential term, with 97% of the valid votes. The authorities implemented new cuts to energy and electricity subsidies and raised the prices of publicly administered services, including water, fuel and transport, leading to sporadic small protests that police repressed. President al-Sisi renewed the state of emergency every three months.

On 9 February, the military launched operation “Sinai 2018” against militants in North Sinai. Linked to the operation, the authorities introduced restrictions on movement and closed fuel stations, suspended schools and banned some commercial activities, including fishing.

A new law approved in July allowed the president to identify senior leaders of the armed forces whom he wished to shield from prosecution for any action committed between 3 July 2013 and 10 January 2016. The period covers 14 August 2013, when the security forces...
and army killed up to 1,000 people in a single day during the dispersal of Rabaa al-Adawiya and Nahda square sit-ins.

FREEDOM OF EXPRESSION AND ASSEMBLY

In January, the authorities intensified the crackdown on dissent they started in December 2017 in the run-up to the presidential elections, arbitrarily arresting at least 113 people solely for peacefully expressing critical opinions. The crackdown targeted a broad range of independent voices, including political and media critics, and satirists.

Among those arrested were many senior political figures who had publicly criticized the president or attempted to run against him in the presidential elections. Sami Anan, the military’s former chief of staff, was arrested in January after he announced his candidacy. Abdelmonim Aboulfotoh, founder of the Misr Al-Qawia political party, was arrested in February in relation to media interviews he had given. In April, a military court sentenced Hisham Genina, Egypt’s former top auditor, to five years in prison after he criticized the president in a media interview. In October, a court upheld a suspended three-month prison sentence for “public indecency” against former presidential candidate Khalid Ali, thereby disqualifying him from running for office again.

President al-Sisi ratified two laws that muzzled independent media. The laws gave the state almost total control over print, online and broadcast media. They also allowed prosecutors to use vague charges to prosecute media entities and individuals with over 5,000 followers on social media, and give police and investigative authorities the power to monitor and block websites containing material they deemed harmful to national security.

The police responded harshly to people protesting peacefully against austerity measures. In May, security forces arrested at least 35 people on charges of “participating in unauthorized protests” and “membership in a terrorist group” for protesting against the rise in ticket prices for the Cairo metro. The authorities ordered their release on probation, which required their incarceration in a police station for 12 hours every day.

FREEDOM OF ASSOCIATION AND HUMAN RIGHTS DEFENDERS

The authorities continued to harass and restrict the work of civil society organizations and their staff. Investigative judges conducting a criminal investigation into the work and funding of Egyptian civil society organizations in relation to Case 173 of 2011, banned human rights lawyer Khalid Ali from travel in October. This brought the total number of NGO workers banned from travelling to 30. The judges also summoned six directors and staff members of civil society organizations for interrogation and later ordered their release on bail.

In April, the Court of Cassation overturned the 2013 convictions of 43 staff of US and German NGOs in the first part of Case 173 regarding foreign funding of NGOs, and ordered a retrial. In December, the Cairo Criminal Court acquitted all 43 defendants.

The authorities also began implementing the repressive 2017 NGO law against new organizations attempting to register or amend their by-laws, without having issued executive regulations. In November, the government announced that it would form a committee to amend the law.

Human rights defenders continued to face reprisals for their work. In March, the authorities arrested human rights lawyers Ezzat Ghoniem and Azzoz Mahgoub for their role in supporting the families of forcibly disappeared individuals and detained them on unfounded charges. After a court ordered their release in September, they were forcibly disappeared by security forces and their whereabouts remained unknown at the end of the year.

In October, the authorities arrested at least 31 human rights defenders and lawyers, including Hoda Abdelmoniem and Mohamed Abu Horira, former spokesperson for the Egyptian Coordination for Rights and Freedoms, and held them incommunicado for 21 days, prompting the organization to suspend its activities. On 21 November, Hoda Abdelmoniem appeared at the office of the public prosecution for questioning but was subsequently returned to incommunicado detention at an undisclosed location.

In May, labour and human rights lawyer Haytham Mohamdeen was arrested and accused of participating in a protest against the metro price rises, even though he did not participate in the protest. He was released on 30 October on probation, under which he had to spend 12 hours every week detained in a police station.

UNFAIR TRIALS AND ARBITRARY DETENTION

The authorities used prolonged pre-trial detention to imprison opponents and activists. Prosecutors and judges used vague and unfounded charges to arbitrarily detain critics, with regular renewals of detention and without referral to trial, based only on National Security Agency investigations. Among those detained were blogger Wael Abbas and satirist Shady Abu Zied, held in pre-trial detention since May on charges of “membership in a banned group” and “disseminating false information”. Wael Abbas was released on probation on 11 December, requiring him to report to a nearby police station for four hours twice a week.

Courts continued to issue verdicts after unfair mass trials. In September, the Cairo Criminal Court issued its verdict in the grossly unfair mass trial of 739 people for participating in the sit-in at Cairo’s Rabaa al-Adawiya Square on 14 August 2013, during which the security forces and army shot dead more than 900 protesters. The court sentenced 75 people to death, 47 to 25 years in prison, and 612 to prison sentences ranging from five to 15 years, including 22 children. Among them was photojournalist Mahmoud Abu Zied “Shawkan”, who was sentenced to five years in prison after he had already spent over five years in pre-trial detention merely for taking photos of the Rabaa
sit-in dispersal. Of the group, 346 had spent five years in pre-trial detention and remained in prison at the end of 2018. The court also ordered the defendants to pay collectively the total amount of damages and imprisoned them for six more months for failure to pay.

**ENFORCED DISAPPEARANCES AND EXTRAUDICIAL EXECUTIONS**

The authorities continued to use enforced disappearances against critics and human rights lawyers and defenders, for periods of up to 30 days. According to the Egyptian Commission for Rights and Freedoms, security forces subjected at least 82 people to enforced disappearance between January and August. Islam Khalil, a former victim of enforced disappearance and torture and other ill-treatment, was forcibly disappeared for 20 days between 10 March and 1 April and then charged with fabricated offences.

The Ministry of the Interior said that more than 164 people were shot dead in exchanges of fire with security forces during the year. Neither prosecutors nor other authorities investigated these incidents or allegations that many of the victims were unarmed and in police custody before being shot. In May, a video was published online showing military officers extrajudicially executing an unarmed child in Sinai; Amnesty International verified it as genuine.

**TORTURE AND OTHER ILL-TREATMENT**

The authorities continued to use torture and other ill-treatment in places of detention, and subjected prisoners to prolonged and indefinite solitary confinement for periods ranging between three weeks and over four years. In some cases, prison authorities detained prisoners in small cells that lacked proper lighting, ventilation or beds, forcing inmates to sleep on the ground, and prohibited prisoners from using toilets when they needed them. They also provided insufficient food. Such treatment amounted to torture in at least six cases. In one case, the authorities detained a 12-year-old child, Abdallah Boumidan, in solitary confinement for more than six months.

The authorities denied prisoners access to adequate medical care. They prevented human rights defender Hanan Badr el-Din, co-founder of the Families of the Disappeared League, who has a genetic disorder that causes fever and painful inflammation of the abdomen, lungs and joints, from regularly accessing the health care she needed and only occasionally allowed her family to bring in the necessary medication.

**DEATH PENALTY**

Courts continued to hand down death sentences after unfair mass trials and military trials.

In September, the Cairo Criminal Court sentenced 75 men to death after a grossly unfair trial. The same month, the Court of Cassation upheld death sentences against 20 men, including one aged 78. In both cases, the court did not prove the individual criminal responsibility of those convicted, and lawyers reported that the court did not allow many of their witnesses to appear or accept evidence they tried to submit.

In March, the Military High Court upheld death sentences against Ahmed Amin Ghazali and Abdul Basir Abdul Rauf, even though the conviction relied on “confessions” extracted under torture while they were held incommunicado. In December, the Supreme Military Court of Appeals formally accepted their appeal, overturning their death sentences and ordering a retrial.

Tens of people convicted by both civilian and military courts were executed.

**WOMEN’S RIGHTS**

Sexual harassment remained widespread and the authorities took limited steps to hold those responsible to account. The process for officially reporting sexual harassment remained extremely strenuous for women survivors. State institutions, including prosecutors and police stations, failed to respect the privacy of survivors, a shortcoming that had led in the past to reprisals against survivors. In a rare case, in September, a court sentenced a man to two years in prison for sexually harassing two women.

The authorities arrested two women, Mouna al-Mazbouh and Amal Fathy, after they spoke out against sexual harassment in Egypt on their Facebook accounts. In September, Amal Fathy, a human rights defender, was sentenced to two years in prison. On 30 December, an Egyptian court rejected her appeal and upheld the two-year prison sentence against her. She also faced separate charges of “membership in a terrorist group” in a second case under which she was held in pre-trial detention until her provisional release on probation on 27 December. In July, a court sentenced Lebanese tourist Mouna al-Mazbouh to eight years in prison; this was reduced on appeal in September to a suspended one-year sentence and she was released later that month.

**FREEDOM OF RELIGION AND BELIEF**

The government continued to restrict the right of Christians to worship in law and practice, and failed to bring those responsible for sectarian violence against Christians to justice. The authorities granted full registration to only 588 out of almost 3,730 churches and associated buildings that had applied for it under the new Law on the Construction and Reparation of Churches, which required approvals from several state bodies, including security services.

The authorities also closed at least four churches, in some instances after they were attacked by locals and in others based on allegations that they were unlicensed or in violation of their original designation, despite having applied for registration. This practice is in violation of the Law on the Construction and Reparation of Churches, which states that the authorities must not close down churches that have applied for registration.

In February, a court sentenced 19 Muslim men to a one-year suspended prison sentence and fined a Christian man for “building an unlicensed church” after several men attacked the church...
in December 2017 in a village in Giza governorate. An appeals court later struck down the conviction of the Christian man.

In April, after several men burned down the houses of Christians in a village in Beni Souef governorate and attempted to attack a church there, security forces arrested 20 Christian men and accused them of assault and “incitement to violence”, but later released them.

In August, security forces arrested five Christian men in a village in Aswan and accused them of “holding religious rituals in an unlicensed building” – a church awaiting registration – after several men surrounded the church to protest against the prayers being held there. The authorities released the attackers and the five men after agreeing to an informal settlement.

**RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE**

The authorities arrested and prosecuted LGBTI individuals on the basis of their real or perceived sexual orientation and gender identity.

In February, the authorities arrested two men and accused them of “public indecency”. The prosecution ordered their release after charging them with organizing a party without a licence. Also in February, nine men were arrested and detained for “habitual debauchery” under under the Law on the Combating of Prostitution. In April, police arrested two men for “public indecency” and detained them, before bringing them before prosecutors. The case had not been referred to trial by the end of 2018.

**REFUGEES’ AND MIGRANTS’ RIGHTS**

Security forces deported at least one asylum-seeker to a country where his life or safety were at risk, in violation of the principle of non-refoulement. Military judges prosecuted Egyptians and foreign nationals leaving or entering Egypt by land outside official crossings; these areas are considered military zones. Those convicted tended to be sentenced to terms of imprisonment, which were suspended in the case of Egyptians.

In October, security agencies arrested a Sudanese critic and held him incommunicado for three days. They then deported him to Sudan, where he was at risk of torture and other ill-treatment and faced several charges that could carry the death penalty. In January, the head of the Southern Military Region ratified a one-year suspended prison sentence issued by a military court against 13 Syrians. The authorities released 11 of the men but deported the other two to Sudan.

**LABOUR RIGHTS**

The authorities forcibly dispersed strikes and held trade unionists in prolonged pre-trial detention. They also removed the names of hundreds of outspoken, independent candidates from ballot papers for elections for leadership roles in independent and state labour unions in June, which led to unrepresentative unions controlled by pro-government figures.

In April, security forces arrested five men and one woman for participating in a peaceful strike in Cairo over the refusal of their employers to pay annual bonuses. The prosecutor ordered their release. In October, the authorities arrested two members of the nursing trade union, a man and a woman, for “disseminating false news” and “membership in a banned group”. They were both released by the end of the year, but one of them was referred to trial in November.

**MILITARY OPERATION IN SINAI: HUMAN RIGHTS VIOLATIONS**

The authorities enforced a strict media blackout on the military campaign in Sinai. The military stated on several occasions that it had used air strikes to kill individuals identified as militants, instead of attempting to apprehend them and bring them to justice.

In February, the military shared two videos on its social media accounts in relation to a military operation in North Sinai. The first showed US-made CBU-87 Combined Effects Weapons, a type of cluster bomb, being loaded onto fighter jets set to be deployed to North Sinai. The second, released 12 days later, showed an unexploded US-made Mk 118 cluster munition, which could only have been dropped by the Egyptian air force. Cluster munitions are banned under international law.

In October, the military killed four men at a checkpoint as they were leaving their workplace. The military did not announce an investigation into the incident.

The authorities continued to harass and threaten journalists covering the military operation in North Sinai. In May, a military court sentenced journalist and researcher Ismail El-Iskandarani to 10 years’ imprisonment for his work on the operation. In September, police raided and burned down the family home of a journalist in Arish known for covering the events in Sinai for an opposition news channel based in Turkey. Police had previously raided his house and asked his family about his whereabouts.
The human rights situation in Iran severely deteriorated. The authorities suppressed the rights to freedom of expression, association and peaceful assembly, as well as freedom of religion and belief, and imprisoned hundreds of people who voiced dissent. Trials were systematically unfair. Torture and other ill-treatment were widespread and committed with impunity. Floggings, amputations and other cruel, inhuman and degrading punishments were carried out. The authorities sanctioned pervasive discrimination and violence based on gender, political opinion, religious belief, ethnicity, sexual orientation, gender identity, and disability.

Executions took place, sometimes in public, and thousands remained on death row. They included people who were under the age of 18 at the time of the crime.

BACKGROUND

In March, the UN Human Rights Council renewed the mandate of the UN Special Rapporteur on the situation of human rights in Iran.

In August, the UN Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights criticized the reimposition of sanctions against Iran after the United States’ unilateral withdrawal from the nuclear deal, stating that international sanctions must be lawful, proportional and must not harm the human rights of ordinary citizens. He said: “These unjust and harmful sanctions are destroying the economy and currency of Iran, driving millions of people into poverty” and will “likely lead to silent deaths in hospitals as medicines run out”.

Clashes continued to take place along Iran’s borders, during which armed groups killed dozens of border guards.

Iran conducted military operations in support of government forces in the armed conflict in Syria, from where it also launched rockets against Israel.

FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The authorities intensified their crackdown on the rights to freedom of expression, association and peaceful assembly, jailing hundreds of people on spurious national security charges. Among those targeted were peaceful political dissidents, journalists, online media workers, students, filmmakers, musicians and writers, as well as human rights defenders including lawyers, women’s rights activists, minority rights activists, trade unionists, environmental activists, anti-death penalty campaigners, and those seeking truth, justice and reparation for the mass executions and enforced disappearances of the 1980s.
EXCESSIVE USE OF FORCE

Tens of thousands of men and women took to the streets throughout the year to protest against poverty, corruption, repression and authoritarianism.

Two major nationwide protests took place in January and July/August. Security forces violently dispersed the protests, beating unarmed protesters and using live ammunition, tear gas and water cannons against them, causing deaths and injuries.

In January, around 5,000 protesters were arrested. The judiciary spokesman said 25 protesters were killed but that “the weapons used and responsible [for the deaths] did not belong to the security forces”. In July/August, over 100 protesters were arrested. At least one protester was killed. No officials were held accountable.

In June, security forces in Khuzestan province unnecessarily used tear gas against protesters in Ahvaz and other cities who were demonstrating against water shortages and poor water quality. The interior minister denied reports that a male protester was killed.

ARBITRARY ARRESTS AND DETentions

Authorities arbitrarily arrested and detained thousands of individuals. Most were denied access to an independent lawyer of their choosing. Hundreds of them faced unfair trials, lengthy prison sentences, torture and other ill-treatment.

Dozens of environmental activists were arrested throughout the year. Four were charged with “corruption on earth”, which carries the death penalty.

Hundreds of people were arrested at private mixed-gender parties. Some were subjected to flogging sentences.

In May, 17-year-old Maedeh Hojabri was briefly detained for posting on her Instagram account videos of herself dancing. Her forced “confession” was broadcast on state television.

Human rights defenders and lawyers continued to face arbitrary arrest, detention and prosecution in reprisal for their work. Prominent human rights lawyer Nasrin Sotoudeh and her husband, Reza Khandan, were arrested and faced charges in connection with their support of women protesting against forced hijab (veiling). Other lawyers arrested and/or prosecuted included Amir Salar Davoudi, Arash Keyhosevadi, Ghassem Sholeh-Sa’idi, Farokh Forouzan, Mohammad Najafi, Mostafa Daneshjoo, Mostafa Tork Hamadani, Payam Derafshan and Zeynab Taheri.

Authorities arrested and detained, prosecuted or continued to imprison at least 112 women human rights defenders.

In June, the head of the judiciary implemented the Note to Article 48 of the Code of Criminal Procedure, which denies individuals facing some charges, including those related to national security, the right to access a lawyer of their own choosing during the investigation stage and forces them to choose from a short list of lawyers approved by the head of the judiciary.

CRACKDOWN ON MEDIA

Censorship of all forms of media and jamming of foreign satellite television channels continued.

Some journalists and online media workers were arbitrary arrested and detained; several were prosecuted and received prison and/or flogging sentences. The Association of Journalists remained suspended.

Administrators of the popular mobile messaging application Telegram were given harsh prison sentences. In April, Telegram was banned, although millions of Iranians continued to use it through circumvention tools.

Facebook, Twitter and YouTube remained blocked.

HOUSE ARRESTS OF OPPOSITION LEADERS

In August, the Supreme Leader rejected the president’s proposal to release opposition leaders Mehdi Karroubi and Mir Hossein Mousavi and the latter’s wife, Zahra Rahnavard, from house arrest, where they have remained without charge or trial since 2011.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment, including prolonged solitary confinement, remained systematic, especially during interrogations. Authorities failed to investigate allegations of torture or exclude “confessions” obtained under torture as evidence against suspects.

At least nine people died in custody under suspicious circumstances following their arrests in connection with the protests in late 2017 and early 2018. Officials claimed some had committed suicide, claims which were disputed by their families. After reporting torture marks on some victims’ bodies, lawyer Mohammad Najafi was arrested; he was later sentenced to a total of 14 years in prison and 74 lashes for charges including “disturbing public order”.

In February, Canadian Iranian academic and environmental activist Kavous Seyed Emami died in Evin prison following his arbitrary arrest two weeks earlier. Authorities claimed he committed suicide and refused to release his body unless his family agreed to an immediate burial without an independent autopsy.

Prisoners held for politically motivated reasons were denied adequate medical care, often as punishment; in some cases, this amounted to torture. Human rights defender Arash Sadeghi developed cancer in prison. Authorities tortured him by deliberately depriving him of specialist medical care.

Prisoners endured cruel and inhuman conditions of detention, including overcrowding, inadequate food, insufficient beds, poor ventilation and insect infestations.
CRUEL, INHUMAN OR DEGRADING PUNISHMENT

Judicial authorities continued to impose and carry out, including in public, cruel and inhuman punishments amounting to torture.

Scores of individuals faced flogging sentences for theft and assault as well as for acts that, under international human rights law, must not be criminalized. Such acts included attending peaceful protests and cultural gatherings, having extra-marital relationships and attending mixed-gender parties.

In April, three minority rights activists from the Azerbajani Turkic ethnic minority were sentenced to four months’ imprisonment and 40 lashes for “disrupting public order” by participating in a peaceful cultural gathering.

In July, a man known as M.R. was tied to a tree in Razavi Khorasan province and flogged 80 times. He had been convicted a decade earlier of consuming alcohol when he was 14 or 15 years old.

The Supreme Court imposed and upheld amputation sentences. In January, authorities amputated the hand of a man, referred to as A.Kh., in Mashhad, Razavi Khorasan province, reportedly for stealing livestock and other valuables.

The authorities continued to issue blinding sentences.

FREEDOM OF RELIGION AND BELIEF

Freedom of religion and belief was systematically violated in law and practice. The authorities continued to impose, on people of all faiths and none, codes of public conduct rooted in a strict interpretation of Shi’a Islam. The right to change or renouce religious beliefs continued to be violated. While Amnesty International did not record any new cases in 2018, those who professed atheism remained at risk of arbitrary arrest and detention, torture and other ill-treatment and the death penalty for “apostasy”.

Gonabadi Dervishes faced a vicious crackdown, particularly since February, when a peaceful protest was violently quashed. Hundreds were arrested and over 200 were sentenced after unfair trials to between four months and 26 years in prison, flogging, internal “exile”, travel bans, and bans on membership of political and social groups. In February, 92-year-old Nour Ali Tabandeh, the spiritual leader of the Gonabadi Dervish religious minority, was put under house arrest.

Christians, including converts, continued to face harassment, arbitrary arrest and detention, and harsh prison sentences. Raids on house churches continued. Victor Bet-Tamraz and Shamiram Issavi, ethnic Assyrian Christians, and Amin Afshar-Naderi and Hadi Asgari, Christian converts, were sentenced to between five and 15 years in prison for peacefully practising their faith.

Widespread and systematic attacks continued against the Baha’i minority, including arbitrary arrests and imprisonment, forcible closure of businesses, confiscation of property, bans on employment in the public sector and denial of access to universities. Destruction and desecration of Baha’i cemeteries continued.

Other religious minorities not recognized under the Constitution, such as Yaresan (Ahl-e Haq), were also persecuted for practising their faith and faced systematic discrimination, including in education and employment.

Sunni Muslims continued to report discrimination, including exclusion from political office.

DISCRIMINATION — WOMEN AND GIRLS

Women faced entrenched discrimination in family and criminal law, including in relation to divorce, employment, inheritance and political office. Iran’s Civil Code continued to deny Iranian women married to non-Iranian men the right to pass their nationality to their children. Women had limited access to affordable, modern contraception.

A long-standing bill to protect women against violence remained stalled. The authorities continued to fail to criminalize gender-based violence, including domestic violence and marital rape. Acts of violence against women and girls, including domestic violence and early and forced marriage, were widespread.

According to official sources, between 21 March and 21 September, at least 366 girls aged below 15 and 29 girls aged below 10 were married. The parliament continued to debate a proposed amendment to Article 1041 of the Civil Code on the age of marriage. The amendment, which would ban marriage for girls under 13, was rejected by the parliament’s judicial and legal committee in December but remains under parliamentary review. If approved, the legal age of marriage for girls would be raised from 13 to 16, although girls aged between 13 and 16 could still be married subject to approval both from a court and from state medical doctors who would determine whether the child in question was “physically capable” of consummating the marriage.

A bill aimed at giving some married women permission to travel abroad without spousal approval remained under review.

Dozens of women peacefully protesting against the abusive, discriminatory and degrading practice of forced hijab by taking off their headscarves in public were violently assaulted and arrested. Millions of others were routinely harassed and assaulted in public places by the “morality police” for failing to comply with Iran’s strict Islamic dress code. Women were banned from singing and at times playing musical instruments in public. In January, popular singer Benyamin Bahadori refused to perform at a concert in Kerman after the Ministry of Culture and Islamic Guidance banned female members of his group from appearing on stage.
The authorities’ ban on women entering football stadiums remained in place. Thirty-five women were briefly detained in March as they tried to enter a stadium to watch a local football match.

**DISCRIMINATION – ETHNIC MINORITIES**

Ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, continued to face entrenched discrimination, curtailing their access to education, employment and adequate housing. Continued economic neglect of regions with large minority populations exacerbated poverty and marginalization. The Persian language remained the sole medium of instruction in primary and secondary education.

Iran’s border guards unlawfully shot and killed with impunity tens of Kurdish kulbars, porters carrying goods on their backs between Iran and Kurdistan Region of Iraq.

Members of minorities who spoke out against violations of their rights faced arbitrary arrest, torture and other ill-treatment, unfair trials and imprisonment.

Hundreds of Azerbaijani Turks, including minority rights activists, were violently arrested in connection with peaceful cultural gatherings.

The authorities continued their persecution of the Ahwazi Arab minority. In April, up to 400 Ahwazi Arabs were reportedly arrested in connection with protests that took place after state television broadcast a children’s show that excluded Arabs from a map displaying the geographical locations of Iran’s ethnic minorities. In October, following a deadly armed attack on a military parade in Ahvaz the previous month, during which at least 24 people, including spectators, were killed, authorities waged a sweeping crackdown against Ahwazi Arabs in Khuzestan province. Over 700 people, including minority rights activists, were arrested and detained incommunicado. Ahwazi Arab activists outside Iran reported that 22 were executed in secret.

**WORKERS’ RIGHTS**

Bans on independent trade unions persisted.

Thousands of workers staged peaceful demonstrations and strikes in protest at unpaid wages, poor working conditions and other grievances. Authorities arrested hundreds, sentencing many to prison terms and flogging.

In August, teacher Mohammad Habibi was sentenced to 10 and a half years in prison, 74 lashes, a two-year travel ban and a two-year ban on “membership in political and social parties, groups or collectives” for charges stemming from his peaceful trade union activities.

In September, six more teachers were sentenced to flogging and prison terms for taking part in a peaceful protest calling for higher wages. More than a dozen others were arrested when nationwide strikes took place in October and November.

In October, hundreds of striking truck drivers were arrested and threatened with the death penalty.

In November, dozens of striking workers from the Haft Tapeh Sugar Cane Company were arrested.

In December, dozens of steel workers in Ahvaz were violently arrested following weeks of strikes.

**DEATH PENALTY**

Courts continued to imposed death sentences and executions were carried out after unfair trials, some in public.

There was a drop in the number of drug-related executions following amendments to the anti-narcotics law.

A number of individuals who were under 18 at the time of the crime of which they were convicted were executed and many others remained on death row.

The Islamic Penal Code continued to provide for stoning as a method of execution.

The death penalty was maintained for some consensual same-sex sexual conduct, as well as for vaguely worded offences such as “insulting the Prophet”, “enmity against God” and “spreading corruption on earth”.

The authorities arrested individuals whom they described as “financially corrupt” and “saboteurs of the economy”. Many were convicted before newly established special courts dealing with crimes involving financial corruption and sentenced to death, lengthy prison terms, and flogging. Defendants were denied access to lawyers of their own choosing, had no right to appeal against prison sentences, and were given only 10 days within which to appeal death sentences.

In June, Mohammad Salas, from the Gonabadi Dervish minority, was executed after an unfair trial for the murder of three police officers during a protest in February. The sole evidence was a “confession” he said he made under torture.

In September, Kurdish prisoners Zaniar Moradi, Loghman Moradi and Ramin Hossein Panahi were executed in Raja’i Shahr prison, Karaj, after unfair trials. All three were denied access to their lawyers after arrest and said they were tortured into making “confessions”.

...
IRAQ

Republic of Iraq
Head of state: Barham Ahmed Salih (replaced Fuad Masum in October)
Head of government: Adil Abdul Mahdi (replaced Haider al-Abadi in October)

Since Iraqi authorities declared the end of the military operations to retake control of areas from the armed group calling itself Islamic State (IS) in late 2017, during which thousands of men and boys were killed or went missing, many thousands of female-headed households across the country were left struggling to survive. Armed actors under the control of Iraqi authorities collectively punished families with perceived affiliation to IS, including by denying them access to humanitarian aid, refusing to issue them crucial documents, and restricting their freedom of movement. Women in families with perceived IS affiliation were also subjected to sexual violence, including rape. Torture in detention was endemic. Courts continued to sentence individuals convicted of terrorism-related offences to death, frequently after unfair trials that relied on torture-tainted evidence. Iraq continued to use the death penalty extensively. Protesters demanding access to jobs, basic services and medical care were shot, beaten, arrested and detained by security forces. IS carried out bomb attacks on the capital, Baghdad, and in several other governorates, often targeting civilians. IS fighters abducted dozens of civilians and members of the security forces and summarily killed them.

BACKGROUND

Millions of internally displaced Iraqis returned to their areas of origin after the military operations to retake areas from IS ended in late 2017. However, hundreds of thousands remained displaced in camps and informal sites. In May, Iraq held parliamentary elections, but the formation of the government stalled owing to electoral fraud allegations. Parliament consequently voted for a manual recount of all votes, but this resulted in no significant change to the result. On 2 October, Barham Ahmed Salih was elected as president. On 24 October, the new prime minister, Adel Abdul Mahdi, and 14 of the suggested 22 cabinet members were sworn in amidst disagreement among legislators.

Tens of thousands of residents in the southern governorate of Basra were reported to have been poisoned and hospitalized by polluted drinking water, fuelling ongoing protests against government corruption and mismanagement of the neglected south.

The UN estimated that 939 people were killed by “acts of terrorism, violence and armed conflict in Iraq” in 2018. At least four women, among them a human rights...
activist, were shot dead in what appeared to be targeted killings. Iraqi authorities stated that an investigation into the deaths would be launched.

In late November 2018, severe storms and floods displaced tens of thousands of people, caused serious damage to infrastructure and impacted several camps of internally displaced peoples (IDPs) in Ninewa governorate, according to the UN. Turkish air strikes and shelling continued in areas under Kurdistan Regional Government (KRG) control in north-east Iraq, reportedly resulting in civilian deaths.

INTERNALLY DISPLACED PEOPLE

By November, humanitarian organizations had recorded that more than 4 million IDPs had returned to their areas of origin. The flow of returns slowed in the second half of the year and almost 2 million people remained displaced, the majority of whom were reported to be living outside formal camps. Secondary displacements and new arrivals to formal camps were also reported. People who remained displaced cited several reasons for not returning home, including damage and destruction to housing; lack of job opportunities, basic infrastructure and public services, including health care; and insecurity due to unexploded ordnance, improvised explosive devices (IEDs), arbitrary arrests, harassment and intimidation by armed people, and in some cases fears of a new insurgency by IS.

COLLECTIVE PUNISHMENTS

The wave of enforced disappearances since 2014, and the deaths of many men during the military operations against IS in Iraq, left thousands of female-headed families struggling for survival. Families, particularly those headed by women, were stigmatized and collectively punished for being perceived to have links with IS owing to factors outside their control, such as being related, however distantly, to men involved with IS, or for fleeing from areas believed to be IS strongholds. In IDP camps, many were denied access to food, water and health care. They were also refused new or replacement identity cards and other civil documents, often meaning that they could not work, collect family pensions or send their children to school. In addition, their freedom of movement was severely restricted because of their lack of documentation or by camp authorities who prevented them from leaving camps, placing them in de facto detention.

Such families also faced verbal harassment, including sexual harassment and intimidation from people bearing arms, camp authorities and other camp residents. Women with perceived IS ties were subjected to sexual violence, including rape and sexual exploitation, primarily by armed actors affiliated with military and security forces in the camps.

EXCESSIVE USE OF FORCE

Between July and September, security forces in Basra, including SWAT (Special Weapons and Tactics) forces, killed over a dozen protesters and injured hundreds of others when they used excessive force, including by firing live ammunition and tear gas, to disperse a series of protests demanding employment opportunities and better public services. Security forces chased protesters fleeing the scene and, according to witnesses, trapped and then beat them with metal rods and rifle butts, and used electroshock devices against some of them. They also assaulted or detained journalists covering protests, at times on the pretext that they had filmed security measures being taken around government buildings or had blocked roads.

In apparent retaliation against these deaths, protesters set light to government buildings and buildings affiliated with political parties and factions of the PMU. Activists present at one such incident on 6 September said that at least one of three protesters killed was shot by an armed guard of a political party building that was being attacked by other protesters.

KURDISTAN REGION OF IRAQ

Kurdish security forces and armed individuals in civilian clothes violently dispersed peaceful protests in Erbil and Dohuk in March. Teachers, health workers and other public sector workers, as well as activists took to the streets across the Kurdistan Region of Iraq to protest against austerity measures and delays in payment of and cuts to salaries of state employees. Scores of
protesters and several journalists were detained and said they were tortured or otherwise ill-treated and forced to sign pledges that they would not take part in demonstrations again.

KRG officials stated that the arrested protesters were charged with inciting violence and then transferred to court. They added that the protesters had not been granted a permit to stage the protests and that members of political parties had incited violence.

ABUSES BY ARMED GROUPS

IS killed and injured civilians throughout Iraq in suicide bombings and other deadly attacks that were indiscriminate or deliberately targeted civilians in crowded markets, residential areas and other public spaces. IS claimed bombings in Baghdad and other governorates, particularly Anbar, Diyala, Salah al-Din, Ninewa and Kirkuk. IS fighters were reported to have abducted and killed dozens of civilians and members of Iraqi security forces in rural areas. Fake checkpoints manned by IS fighters in attire similar to that worn by security forces were reported on highways linking various governorates to the capital. In late June, the bodies of six members of the security forces were found in Salah al-Din governorate. A video circulated earlier in the week had shown the six captured by IS and included threats to kill the men if Iraqi authorities did not release female prisoners suspected of having links to IS.

The UN stated that approximately 3,000 Yazidis were still missing as well as thousands of people from other religious minorities whom IS had also targeted. In November 2018, the UN Assistance Mission for Iraq and the Office of the UN High Commissioner Human Rights reported the discovery of over 200 mass graves in several governorates, adding that the graves contained individuals suspected of affiliation with IS.

DEATH PENALTY

Courts continued to hand down and uphold death sentences; scores of people were sentenced to death by hanging in 2018. Over two dozen women, particularly foreign nationals, were sentenced to death because a male relative, often their husband, was suspected of belonging to IS. A report by Associated Press said that Iraqi authorities had, since 2003, detained or imprisoned at least 19,000 people accused of links to IS or other terror-related offences, and had sentenced thousands of them to death.

The UN noted that, since 2014, around 68 mass graves had been uncovered in Sinjar, north-western Iraq, that the bodies had still not been exhumed and that the sites were not being protected, despite Iraq’s Law on Protection of Mass Graves.

A local NGO told Amnesty International that, since 2014, 499 civilians in Iraq, Syria, Afghanistan and Yemen in 2017, adding that hundreds of reports of civilian casualties from the same year were still to be assessed.

Yazidi women who had survived prolonged IS captivity and enslavement continued to lament the lack of an accessible and unified system of medical and psychosocial care. In August, Yazidi women who had recently escaped IS captivity in Syria and returned to Iraq told Amnesty International that they had struggled to pay for medical and psychological care and often felt let down by the international community.

A local NGO told Amnesty International that, since 2014, around 68 mass graves had been uncovered in Sinjar, north-western Iraq, that the bodies had still not been exhumed and that the sites were not being protected, despite Iraq’s Law on Protection of Mass Graves.

A committee established by the prime minister’s office in June 2016 to look into the abduction and forcible disappearance by PMU militias of 643 men and boys from Saqlawiya in Anbar governorate had still not publicly released any findings by the end of 2018.
ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

State of Israel
Head of state: Reuven Rivlin
Head of government: Benjamin Netanyahu

New legislation entrenched discrimination against non-Jewish citizens. Israeli forces killed more than 290 Palestinians, including over 50 children; many were unlawfully killed as they were shot while posing no imminent threat to life. Israel imposed an illegal blockade on the Gaza Strip for the 11th year in a row, subjecting approximately 2 million inhabitants to collective punishment and exacerbating a humanitarian crisis. Freedom of movement for Palestinians in the West Bank remained restricted through a system of military checkpoints and roadblocks. Israeli authorities unlawfully detained within Israel thousands of Palestinians from the Occupied Palestinian Territories (OPT), holding hundreds in administrative detention without charge or trial. Torture and other ill-treatment of detainees, including children, remained pervasive and was committed with impunity. Israel continued to demolish Palestinian homes and other structures in the West Bank and in Palestinian villages inside Israel, forcibly evicting residents. The Israeli justice system continued to fail to adequately ensure accountability and redress for victims of grave violations of international humanitarian and human rights law. The authorities continued to deny asylum-seekers access to a fair or prompt refugee status determination process; hundreds of African asylum-seekers were deported and thousands were threatened with deportation. Conscientious objectors to military service were imprisoned.

BACKGROUND

The Israeli authorities continued to expand illegal settlements and related infrastructure in East Jerusalem and elsewhere in the occupied West Bank, including by legalizing outposts built without state authorization on private Palestinian land. They held local elections in October across Israel and in illegal settlements including in occupied East Jerusalem and the occupied Golan Heights.
Negotiations between Israeli and Palestinian authorities remained stalled. On 15 May, the USA moved its embassy from Tel Aviv to Jerusalem in violation of international law. Two police investigations recommended that Prime Minister Benjamin Netanyahu be indicted over corruption allegations. The attorney general had not yet ruled on the recommendations by the end of the year.

Waves of armed hostilities broke out between Israel and Palestinian armed groups in the Gaza Strip. Israeli forces launched dozens of air strikes on Gaza, killing 46 people. Palestinian armed groups launched hundreds of rockets into Israel, killing one Palestinian civilian. On 13 November 2018, after two days of intense hostilities by both sides, a ceasefire between Israel and Palestinian armed groups, brokered by Egypt, was announced. Individual Palestinians, most unaffiliated to armed groups, attacked Israelis in the West Bank and in Israel, killing at least 13. Attacks by settlers on Palestinians resulted in the death of a Palestinian woman.

Israel reportedly conducted scores of air strikes inside Syria.

**DISCRIMINATION**

Israel continued to pass legislation that discriminates against non-Jewish citizens, particularly Palestinians. The Basic Law: Israel as the Nation-State of the Jewish People, passed in July, described the Israeli state as being only for the Jewish people, confirming the status of the almost one fifth of the population who are Palestinian citizens of Israel as second-class citizens.

**UNLAWFUL KILLINGS**

Israeli military and security forces killed at least 195 Palestinians, including at least 41 children, in demonstrations in Gaza and the West Bank. Many were unlawfully killed as they were shot while posing no imminent threat to life.

Israelis killed scores of Palestinians in the Gaza Strip during sustained protests that started in March for the right to return of refugees to land from which they were displaced 70 years earlier, and against the Israeli blockade of the Gaza Strip. According to the Palestinian Centre for Human Rights, 180 were killed, among them 35 children, three paramedics and two journalists. While some protesters engaged in violence, including by burning tyres, unleashing incendiary kites and balloons towards Israel or throwing stones and Molotov cocktails in the direction of Israeli soldiers, social media videos, as well as eyewitness testimonies gathered by Amnesty International, Palestinian and Israeli human rights groups, show that Israeli soldiers shot and killed journalists, medical staff, bystanders and unarmed protesters who posed no threat to life; many were at distances of around 150-400m from the fence separating Gaza and Israel when they were shot. Some of these unlawful killings appeared to be wilful, which would constitute war crimes. Israeli forces also injured at least 13,458 Palestinians, many of them seriously, including more than 7,000 shot by live ammunition, according to the Palestinian Centre for Human Rights. In May, the UN Human Rights Council established a commission of inquiry into the killings and other abuses in the OPT since the protests began.

On 27 July, Majdi Ramzi al-Satri, 12, was killed after being shot in the head by a live bullet fired by Israeli security forces while standing 50m away from the fence, during his participation in a protest in Rafah.

Israeli air strikes and shelling killed at least 13 Palestinian civilians in the Gaza Strip not directly participating in hostilities. On 28 October, an Israeli drone missile killed three children, Khalid Bassam Abu Sa’ed, 14, Abdul Hamid Mohammed Abu Thaher, 14, and Mohammed Ibrahim al-Satri, 15, when they tried to cross the Gaza/Israel fence. For almost two hours ambulance crews were unable to enter the area due to shooting by Israeli forces from the other side of the fence.

**FREEDOM OF MOVEMENT AND RIGHTS TO HEALTH, WATER AND SANITATION**

Israel’s illegal air, land and sea blockade of the Gaza Strip entered its 11th year, restricting the movement of people and goods into and out of the area, and collectively punishing Gaza’s 2 million residents. Israel increased the restrictions in July, saying this was in response to the launching of incendiary kites and balloons, rockets and mortars from Gaza into Israel. Several human rights organizations petitioned against these restrictions on the grounds that they constituted collective punishment prohibited under international humanitarian law. Israeli authorities lifted the additional restrictive measures on 20 October.

Throughout much of the year, the Gaza Strip suffered fuel shortages that resulted in a maximum of four hours of electricity per day. In October, the UN brokered a deal to allow Gaza’s main electricity plant to be refuelled as part of a plan to increase electricity supply to eight hours per day. Electricity cuts worsened Gaza’s water and sanitation crisis.

Israel reduced to a record low the number of medical permits issued to residents of the Gaza Strip to allow them to enter Israel and the West Bank for treatment. Denial of medical permits led to the deaths of at least eight Palestinians, according to the Al Mezan Center for Human Rights.

On 20 June, Masoud Abdul Hai Abu Saqer, 49, died at Erez checkpoint between Gaza and Israel, where he had presented himself for an interview with Israeli security services in the hope of being able to travel to an East Jerusalem hospital to obtain treatment for kidney cancer. Since he was diagnosed in December 2017 he had submitted four applications for a medical permit. The first three were rejected by the Israeli military. On the fourth occasion, he was summoned for an interview.

Almost 100 Israeli checkpoints and roadblocks continued to heavily restrict the movement of Palestinians in the West Bank.
Bank. Palestinians are denied access to tens of roads in the West Bank that are designated for the use of Israelis only.

**ARBITRARY ARRESTS AND DETentions**

Israeli authorities conducted hundreds of raids throughout the West Bank to arrest Palestinians without judicial orders detailing the reason for arrest. They placed in detention or continued to detain thousands of Palestinians from the OPT in prisons in Israel in violation of international humanitarian law. Israeli authorities used renewable administrative detention orders to hold Palestinians without charge or trial. Palestinian civilians were prosecuted in military courts that did not meet international standards of fair trial and more than 5,500 Palestinians, including 480 administrative detainees, were held in Israeli prisons at the end of the year, according to Palestinian human rights organization Addameer. Among those held were civil society leaders, NGO workers and journalists.

Khalida Jarrar, a member of the Palestinian Legislative Council and board member of the NGO Addameer, and Addameer staff member Ayman Nasser, remained held under administrative detention orders since their arrest in February 2017 and 17 September 2018 respectively.

**TORTURE AND OTHER ILL-Treatment**

Israeli soldiers, police and Israel Security Agency (ISA) officers tortured and otherwise ill-treated Palestinian detainees, including children, with impunity, particularly during arrest and interrogation. Reported methods included beatings, slapping, painful shackling, sleep deprivation, use of stress positions and threats. Prolonged solitary confinement, sometimes for months, was commonly used as a punishment. Many families of Palestinian detainees and prisoners in Israel, particularly those in Gaza, were not permitted entry to Israel to visit their relatives.

Four Palestinians died in custody as a result of alleged torture or other ill-treatment by Israeli forces. One of them, Mohamed Khatib al-Rimawi, died from heart failure after Israeli forces beat him during a pre-dawn raid at his home in the West Bank village of Beit Rima on 18 September. Soldiers shackled him while unconscious before taking him away. An autopsy was conducted on 24 September in the presence of Israeli and Palestinian doctors. The Palestinian doctor’s report noted that he had bruises on the torso, the right thigh and the back. It concluded that the fear and anxiety resulting from his arrest, coupled with a genetic condition of narrow arteries, led to a fatal restriction of blood flow to the heart. The Israeli military denied the beating and said the cause of death was still to be investigated.

Israel held 230 Palestinian children in prison, including 41 under the age of 16. According to Defense for Children International-Palestine, many children were beaten, threatened and intimidated after arrest, interrogated without their parents, and handed disproportionally harsh sentences. It added that children were tried in front of a military judge and placed with adults in the same prison facilities. Under international law, detention of children should be a measure of last resort and for the shortest appropriate time.

Some Palestinian prisoners were denied adequate medical care or received treatment in humiliating conditions. Raja’i Abdel-Qader, for example, received eight hours of continuous chemotherapy while his hands and feet were shackled.

**FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

The authorities used a range of measures, including detentions, movement restrictions, judicial harassment and incitement campaigns, both in Israel and the OPT, to target activists, including human rights defenders, who criticized Israel’s continuing occupation of the West Bank and Gaza Strip.

Israel started implementing the 2017 amendment to the Entry into Israel Law, which banned entry into Israel or the OPT of anyone supporting or working for an organization that promotes a boycott of Israel or Israeli entities, including settlements. As a result, human rights defenders, lawyers, students and doctors were denied entry. Human Rights Watch staff member Omar Shakir had his work permit revoked on 9 May based on allegations that he supported such a boycott. He challenged the decision; the legal process was continuing at the end of the year.

On 25 May, the Ministry of Strategic Affairs published a report that listed European and Palestinian human rights organizations that allegedly support terrorism. The EU responded that Israel was spreading disinformation.

Israeli authorities continued to obstruct attempts to document human rights by denying human rights bodies entry to the OPT, including the UN Special Rapporteur on the human rights situation in the OPT.

Political leader Raja Eghbaria, a Palestinian citizen of Israel, was held first in detention for a month and then under house arrest without access to telephones or the internet, during his ongoing trial for Facebook posts that, according to the Israeli prosecution, contained incitement to terrorism. His lawyer argued that the posts, while praising Palestinians who were killed after shooting members of Israeli security forces, included no call to violence and that their meaning in Arabic had been altered by the state’s Hebrew translation. Amnesty International agreed with this assessment.

**FORCIBLE TRANSFERS, FORCED EVICTIONS AND DEMOLITIONS**

Israel demolished 148 Palestinian properties in the West Bank, including East Jerusalem, 139 for lack of permits and nine for punitive reasons, according to Israeli human rights organization B’Tselem; 425 people, including 191 children, were left homeless as a result. Punitive demolitions constitute collective punishment and are expressly prohibited under international law.
The Knesset (parliament) debated a bill that would raise the legal fees for contesting demolition orders in the West Bank, and prohibit non-profit organizations from submitting petitions against demolition orders if they were not directly affected by them.

In September, the Supreme Court approved the demolition of Khan al-Ahmar village and forcible transfer of its residents to make way for illegal Jewish settlements. The village was home to 180 members of the Bedouin community and a school that educated 170 children in the area. The Office of the Prosecutor of the International Criminal Court released a statement in October reminding Israel that extensive destruction of property without military necessity and population transfers in an occupied territory constitute war crimes under the Rome Statute.

On 9 August, an Israeli air strike targeted and destroyed the al-Mishal cultural centre in Gaza, in violation of international law, which prohibits the destruction of cultural buildings unless they are being used for military purposes.

The authorities also demolished Palestinian homes inside Israel that they said were built without permits, including in Palestinian towns and villages in the Triangle (a concentration of Palestinian communities adjacent to the north-west of the West Bank), the Galilee and “unrecognized” Bedouin villages in the Negev/Naqab region. In August, Israeli police forcibly demolished the Bedouin village of al-Araqib for the 132nd time.

**IMPUNITY**

The authorities failed to adequately ensure accountability in the aftermath the 2014 Gaza-Israel conflict, during which Israeli forces killed some 1,460 Palestinian civilians, many in evidently unlawful attacks including war crimes. They had previously indicted only three soldiers for looting and obstructing an investigation. In August, the Military Attorney General closed the case relating to an attack on Rafah on 1-4 August 2014, when between 135 and 200 civilians were killed.

In May, the Supreme Court rejected a petition by Israeli human rights groups to order the army to stop using lethal force against demonstrators in the Gaza Strip.

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**VIOLENCE AGAINST WOMEN AND GIRLS**

Violence against women persisted in Israel. At least 20 women were killed as a result of gender-based violence, according to the group Women Against Violence. The group said the authorities prosecuted all cases involving the killing of Jewish women, but only half of those involving women who were Palestinian citizens of Israel. The group, along with other organizations and some legislators, criticized the lack of police action to bring perpetrators of such crimes to court, in particular with regard to so-called “honour killings”.

**REFUGEES AND ASYLUM-SEEKERS**

The authorities continued to deny asylum-seekers from Eritrea and Sudan access to a fair and prompt refugee status determination process. Some 6,530 asylum claims were closed or denied unlawfully in 2018, while some 15,000 were pending at the end of the year. Only 11 claimants from Eritrea or Sudan had been granted refugee status since 2008.

In January, Israel accelerated its deportations of Eritreans and Sudanese asylum-seekers. As a result, 668 were deported to Rwanda and Uganda or their countries of origin. Another 300 or so were detained in Saharonim prison for refusing to leave Israel; the practice ended in April, after the Supreme Court found the detentions unlawful.

As a result of a decision by the interior minister in May, about 300 Sudanese people were given temporary residency status in order to close pending appeals and avoid a Supreme Court ruling obliging Israel to grant refugee status to all Sudanese asylum-seekers.

**CONSCIENTIOUS OBJECTORS**

At least six Israeli conscientious objectors to military service were imprisoned. One of them, Adam Rafaelov, was awaiting trial at the end of the year.
JORDAN
Hashemite Kingdom of Jordan
Head of state: King Abdullah II bin al-Hussein
Head of government: Omar Al-Razzaz (replaced Hani Al-Mulki in June)

People were subjected to prolonged pre-trial detention, solitary confinement and torture and other ill-treatment. Freedom of expression was curtailed: journalists and activists critical of the government or King Abdullah were detained; access to the internet was restricted; and online content was censored. Proposed amendments to the cybercrime law that would further threaten freedom of expression stalled after demonstrations against the legislation. The authorities opened a shelter for women at risk of family violence in the name of “honour”. However, women’s rights continued to be restricted in law and practice, including in relation to abortion, guardianship, marriage and inheritance. The rights of migrant workers continued to be violated and insufficiently protected in law. Jordan continued to offer sanctuary to around 2.7 million refugees, though the rights of some of them were violated. Death sentences were passed; there were no executions.

BACKGROUND
Jordan remained part of the US-led military coalition fighting in Iraq and Syria against the armed group calling itself Islamic State (see Iraq and Syria entries), and of the Saudi Arabia-led coalition engaged in the armed conflict in Yemen (see Yemen entry).

The UN Human Rights Council held the third Universal Periodic Review of Jordan on 8 November. Jordan accepted 131 recommendations, agreed to examine another 21 and rejected 74 others related to, among other issues, ratification of human rights treaties, abolition of the death penalty, “honour” killings, repeal of the Crime Prevention Law, nationality rights, prevention of torture in detention and protection of migrant workers.

On 30 May, trade unions called a strike to protest against amendments to the 2014 tax law presented by the government of Hani Al-Mulki and supported by the International Monetary Fund. The next day, the government raised fuel and electricity prices, triggering further protests. On 1 June, King Abdullah ordered a freeze on price

Jordanian policemen try to detain a demonstrator during a protest near the prime minister’s office in Amman, Jordan, on 6 June 2018. Prime Minister Hani Al-Mulki resigned on 4 June after a wave of anti-austerity protests by citizens suffering from high unemployment and repeated price hikes. © Ahmad Gharabli/AFP/Getty Images
hikes, but protests continued. On 4 June, Al-Mulki resigned and the next day King Abdullah appointed Omar Al-Razzaz as prime minister. The protests ended after Al-Razzaz announced that the new government would withdraw the amendments. In September, the government presented an amended tax law; it exempted lower-paid individuals from filing tax returns, but still prompted strong public criticism.

**DETECTION**

The General Intelligence Directorate (GID) continued to subject people to prolonged pre-trial detention, solitary confinement and torture and other ill-treatment, according to the National Centre for Human Rights (NHRHC) and other organizations. Detainees held in GID prisons were not allowed unsupervised visits, even by lawyers.

Administrative governors continued to issue thousands of administrative detention orders under the 1954 Crime Prevention Law, which allows detention of up to one year without charge or trial or any means of legal remedy.

**FREEDOM OF EXPRESSION**

The authorities continued to harass, intimidate, detain and imprison activists and journalists who voiced criticism of the government or King Abdullah. Several journalists were summoned for interrogation and detained for days without charges being brought against them. The authorities also enforced bans on the distribution of selected books for religious, moral and political reasons; restricted or disrupted access to the internet; and censored online content.

In September, the House of Representatives, the lower house of parliament, referred a number of draft amendments to the cybercrime law to its legal committee for review. They included provisions that threatened freedom of expression. One contained an overly broad definition of online “hate speech”, which would criminalize statements that spread rumours against people with the aim of damaging their reputation in the absence of incitement to violence and carry harsh sanctions. In December, following demonstrations against the law, the government suspended the process to subject the amendments to further examination.

**WOMEN’S RIGHTS**

Following a long-standing campaign by Jordanian women’s rights organizations, including Mizan – Law Group for Human Rights, the Ministry of Social Development opened Amneh House shelter for women at risk of family violence in the name of “honour”. By the end of the year, 16 women were living in the shelter. The shelter’s regulations, published in May, guaranteed that no one could be held in the shelter against their will. Civil society organizations were still debating whether the shelter would end the long-standing practice of imprisoning women at risk in “protective custody” through the (mis)use of powers set out under the Crime Prevention Law of 1954.

While celebrated reforms had been made to the Penal Code in 2017, no further action was taken to modify discriminatory provisions. Articles 321 and 322 continued to criminalize abortion, even in cases of rape, and Article 282 criminalized adultery. As of 27 October 2018, seven women were in prison on adultery charges.

Some provisions of the Penal Code also contributed to other forms of discrimination against women in practice. According to the women’s rights organization Sisterhood Is Global International (SIGI) – Jordan, a provision penalizing the failure to pay back contractual debts has led to the prosecution of women who were being pressured or deceived by family members to take loans. SIGI also reported that, among the 17 women on death row at the end of 2018, some had been sentenced for killing their abusive husband in self-defence.

The Personal Status Law continued to discriminate against women and girls, including in the areas of guardianship, marriage, divorce, common marital property and inheritance. In practice, guardianship established was interpreted widely to restrict women’s autonomous decision-making on issues of marriage and residence until the age of 30. The police continued to act on demands by guardians to forcibly return women “absent” from their guardian’s home.

In the context of poor enforcement of alimony payments following decisions of Shari’a courts, an alimony fund provided for in a 2010 amendment to the Personal Status Law became available in early 2018 and benefited at least 400 divorced women whose former husbands had not made maintenance payments.

**MIGRANTS’ RIGHTS**

While positive measures were adopted in 2017 to combat human trafficking and improve occupational safety, they remained insufficient to ensure the protection of migrant workers’ rights. Migrant domestic workers continued to be inadequately protected from abuse by their employers and agents, and remained at risk of arbitrary detention by the state. According to activists with access to detention facilities, scores of women migrant domestic workers were administratively detained in 2018, mostly because they had been unable to pay visa overstays fees.

Non-Jordanian domestic workers who were not married reported giving birth at home to avoid losing custody of their children and faced barriers registering their children or travelling with them to their home countries. It is illegal in Jordan to give birth outside of wedlock and migrant women were less able than their Jordanian counterparts to access family or community support to circumvent legal threats.

**CHILDREN’S RIGHTS**

In September, the government cancelled the requirement of five years’ uninterrupted residence for women married to non-Jordanians as a condition
for their children to access certain rights and benefits, and took the positive step of accepting as official ID the card issued to these children by the Department of Civil Status and Passports. The rights and benefits were related to education, health care, employment, investment, property ownership and obtaining driving licences, in addition to permanent residence.

Citizenship laws continued to discriminate against children of Jordanian mothers and non-Jordanian fathers, who unlike children of Jordanian fathers married to non-Jordanians, were denied Jordanian citizenship.

REFUGEES AND ASYLUM-SEEKERS

Jordan hosted over 670,000 Syrian refugees registered by UNHCR, the UN refugee agency, of whom some 125,000 lived in camps, in addition to over 13,000 Palestinian refugees from Syria and over 2 million long-term Palestinian refugees, among others.

Of 37,000 Syrian refugees in Azraq camp, nearly 9,500 remained in Village 5, an area fenced off from the rest of the camp. Most people in this area had been transferred there in 2016 on the basis that they would be screened and then relocated outside Village 5. Their status remained unclear. Unlike refugees in other parts of the camp, those in Village 5 were not allowed to leave the area, visit relatives in other parts of the camp, obtain temporary leave permits or access work outside the camp.

In March, the Ministry of Interior launched a campaign to rectify the status of Syrian refugees living informally in urban areas. The campaign targeted Syrians who had left refugee camps without permission to settle in host communities or who had arrived in Jordan across informal border crossings and not registered with UNHCR. The rectification allowed them to benefit from the protection and assistance provided by UNHCR and to receive a Ministry of Interior service card.

The NCHR stated in August that Syrian refugees had been facing an increasing risk of deportation since the beginning of 2017 and that authorities were returning refugees to Dara’a governorate despite the lack of infrastructure and security there.

INTERNATIONAL JUSTICE

In September, Jordan appealed against the International Criminal Court (ICC) ruling that Jordan had failed to comply with its obligations as a state party to the Rome Statute of the ICC for not executing the court’s request for the arrest and surrender of Sudanese President Omar Al-Bashir when he visited Jordan in 2017. The ICC had issued two arrest warrants for Al-Bashir on charges of genocide, war crimes and crimes against humanity in Darfur, Sudan.

DEATH PENALTY

Courts continued to hand down death sentences; no executions were carried out.
BACKGROUND

Kuwait led mediation efforts to resolve the Gulf crisis that erupted in June 2017, when Bahrain, Egypt, Saudi Arabia and the United Arab Emirates (UAE) severed relations with Qatar. Kuwait remained part of the Saudi Arabia-led coalition engaged in armed conflict in Yemen (see Yemen entry).

The government terminated the employment contracts of over 3,000 foreign employees in the public sector under a nationalization policy.

In September, the government established the National Committee on International Humanitarian Law; its purpose will be to review judicial verdicts and legislation relating to international humanitarian law in light of the Geneva Conventions.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The rights to freedom of expression, association and peaceful assembly remained curtailed. The authorities prosecuted government critics under provisions of the Penal Code that criminalize speech deemed offensive to the emir or disparaging to neighbouring countries. In August, the government proposed a law that would punish with five years in prison anyone who defames or disparages the crown prince or his deputy.
Blogger and online activist Abdullah Saleh was sentenced in his absence to a total of 25 years' imprisonment in different cases simply for expressing views on social media deemed “insulting” to Bahrain, Saudi Arabia and the UAE. In February, the Court of Cassation upheld the prison sentences of 13 people for publicizing or reciting extracts of a speech by former opposition member of parliament Musallam al-Barrak, for which he was sentenced to two years in prison in 2015. In May, Hamad al-Naqi, who had received a 10-year prison sentence in 2012 for “insulting the Prophet Muhammad and the Sunni Muslim rulers of Saudi Arabia and Bahrain on social media”, was pardoned and released after serving half his sentence.

In June, Kuwait’s minister of social affairs dissolved the board of directors of the Kuwait Liberal Society for participating in a forum on free thought with a Dutch political party, joining the Arab Liberal Federation (a network of political parties) and fundraising during the month of Ramadan without prior official permission. A member of the Society was sentenced to six months in jail for a Twitter post.

In July, the Court of Cassation upheld the convictions of 16 opposition politicians, human rights defenders and peaceful demonstrators, including eight former or current members of parliament, on charges relating to their participation in a 2011 protest. The convictions were based on politically motivated charges after trials that violated international standards of fairness and contravened the rights to freedom of expression and peaceful assembly. Trial observer Pete Weatherby, who was part of a legal team monitoring the trial, was blocked from entering the country.

**DISCRIMINATION - BIDUN**

In March, a law was passed that allows Bidun to join the military. Parliament also approved a draft law that would grant Kuwaiti citizenship to up to 4,000 Bidun, but it had not been enacted by the end of the year.

The authorities continued to withhold citizenship from more than 100,000 Bidun long-term residents of Kuwait, who remained stateless and unable to access a range of public services. In June, the minister of education rejected a parliamentary proposal to register children of Bidun at public schools. According to the ministry’s regulations, registration is only allowed for Bidun children born of Kuwaiti mothers, and children and grandchildren of Bidun categorized as “martyrs” after being killed during the Iraqi invasion of 1990.

**DEPRIVATION OF NATIONALITY**

In October, the Council of Ministers approved the reinstatement of Kuwaiti nationality for several individuals, including government critics, whose citizenship had been revoked several years earlier.

**MIGRANT WORKERS**

Migrant workers continued to face exploitation and abuse under the kafala (sponsorship) system, which ties a worker’s visa to their employer and prevents them from changing jobs without the employer’s consent. Migrant domestic workers, mostly women, remained especially at risk and exposed to physical, sexual and psychological abuse by their employers.

In February, the Philippines imposed a ban on the deployment of Filipino workers to Kuwait following the murder of a Filipina domestic worker by her employers. It also facilitated the voluntary repatriation of thousands of migrant workers. Following months of diplomatic crisis, the ban was lifted in May after Kuwait and the Philippines signed a bilateral agreement regulating some working conditions for domestic workers.

**WOMEN’S RIGHTS**

Women continued to face discrimination in law and practice. In particular, the law accords women fewer rights than men in family matters such as divorce, child custody, inheritance, nationality rights and domestic violence.

**DEATH PENALTY**

Courts continued to hand down death sentences for offences including murder and drug trafficking; no executions were reported.
LEBANON

Lebanese Republic
Head of state: Michel Aoun
Head of government: Saad Hariri

Lebanon hosted 1.5 million refugees from Syria, but kept its border closed to people fleeing the ongoing conflict in neighbouring Syria. It also hosted tens of thousands of other refugees, most of them long-term Palestinian refugees who continued to face discriminatory laws that excluded them from accessing certain services and jobs. The penal code continued to discriminate against women in law and practice. Police harassed and abused lesbian, gay, bisexual, transgender and intersex (LGBTI) people, especially in refugee and migrant communities.

Peaceful activists and others were detained for social media posts that criticized political, religious or economic authorities. Death sentences were passed; there were no executions. A law was passed to create a national commission to investigate the whereabouts of thousands of persons who went missing or were forcibly disappeared during the 1975-1990 armed conflict in Lebanon.

BACKGROUND

On 6 May, Lebanon held long-awaited parliamentary elections initially scheduled for 2013; a proportional representation system was applied for the first time. On 24 May, the new parliament named Saad Hariri to serve a third term as prime minister. He was not able to form a government before the year’s end due to political feuds.

In April, a conference held in the French capital, Paris, to support Lebanon’s development and reform pledged the country an aid package worth over US$11 billion, comprising US$10.2 billion in loans and US$860 million in grants.

In September, parliament held an exceptional session and passed 15 of 28 draft laws that had been put to vote. Most related to the aid package, but parliament also ratified the Arms Trade Treaty and approved a controversial waste management law despite serious concerns about its implications for people’s health and the environment. Access to essential services, including electricity and water, remained severely curtailed across the country.
TORTURE AND OTHER ILL-TREATMENT

Since Lebanon passed an anti-torture law in September 2017, the National Human Rights Institute, which is mandated to oversee the law’s implementation, among other tasks, remained inactive. The government failed to allocate an independent budget or trigger the process for nominating the five members needed to form the National Preventive Mechanism against torture.

In March, a military court acquitted actor Ziad Itani of charges of spying for Israel, and released him. He had spent three and a half months in unlawful detention. The court also charged the former head of the Internal Security Forces’ cyber-crimes bureau of fabricating evidence against the actor and falsely accusing him. Ziad Itani reported that he had been tortured in detention; he said that men in civilian clothes had beaten him, tied him in a stress position, hung him by his wrists, kicked him in the face, threatened to rape him, and threatened to hurt and prosecute his family. The authorities failed to investigate the allegations.

WOMEN’S RIGHTS

Lebanese legislation, including the penal code and personal status codes, continued to discriminate against women.

Women’s rights organizations reported that provisions of the penal code that criminalized adultery were discriminatory in practice, with more women being charged under the law than men. They also reported that the law was sometimes used by husbands and other male family members to seek revenge.

Reproductive health services specifically needed by women, such as those relating to abortion, were still criminalized. In practice, abortions were obtained generally through medication and in private clinics. However, the high cost of abortions and the lack of information about them remained barriers to women in vulnerable situations, particularly refugee and migrant women.

Civil society organizations reported that police continued to harass and detain sex workers, even though the selling of sex is not illegal. A health NGO, SIDC (Soins Infirmiers et Développement Communautaire), reported that, in a survey of 50 women engaging in transactional sex, 45 claimed discrimination or abuse in public health care settings and 10 reported that they had faced physical abuse in detention centres or police stations.

WOMEN Migrant workers continued to suffer discriminatory practices under the kafala (sponsorship) system restricting their rights to freedom of movement, education and health, including sexual and reproductive health.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

According to reports, police continued to harass and abuse LGBTI people, especially in refugee and migrant communities, sometimes resorting to Article 534 of the penal code, which criminalizes “sexual intercourse contrary to nature”.

In May, the Internal Security Forces (ISF) banned several activities organized by Beirut Pride to mark the International Day against Homophobia and Transphobia, and detained the organizer overnight. The ISF cited security concerns following threats by an Islamist group.

In October, the General Security (GS) attempted to shut down a conference of LGBTI activists from the Middle East and North Africa region, organized by the Arab Foundation for Freedom and Equality (AFE). After failing to make the AFE’s executive director sign a pledge to cancel all conference activities, GS officers ordered the hotel to shut down the conference. The GS did not explain their concerns, although the action followed threats by an Islamist group.

In July, a district court of appeal ruled that same-sex consensual sex was not a criminal offence.

FREEDOM OF EXPRESSION

Different security forces arrested and interrogated several human rights defenders, peaceful political activists...
and other individuals for social media posts criticizing political, religious or economic authorities. Those targeted had their legal rights violated, including the right to a lawyer. In the course of the interrogations, security officers revealed that they had accessed some of their personal data, such as messages they had sent and received on messaging services and transcripts of phone calls they had made. Most were freed without charge after a short period of detention, but several of the activists arrested were blackmailed into signing pledges that they would refrain from certain activities as a precondition for their release.

RIGHT TO HOUSING
In February, the Central Bank revealed that several banks had nearly exhausted their quota of stimulus funds allocated for the entire year. As a result, the subsidized loan programme was frozen and there were serious doubts about its future and that of the Public Corporation for Housing, the only official body managing the right to housing for middle- and low-income citizens.

In September, parliament approved an exceptional allocation of US$66 million to finance housing loans, and gave the government six months to draft a sustainable housing policy.

ENFORCED DISAPPEARANCES AND ABDUCTIONS
In November, parliament passed a law creating a national commission to investigate the whereabouts of thousands of persons who went missing or were forcibly disappeared during the 1975-1990 armed conflict in Lebanon. Associations of families of the victims concerned, along with partner organizations, had campaigned for such a development for over three decades.

INTERNATIONAL JUSTICE
In September, the closing arguments concluded in Prosecutor v. Ayyash et al., the case relating to the 14 February 2005 attack which killed 22 individuals, including former Lebanese Prime Minister Rafik Hariri, and injured 226 others. At the end of the year, the judges had yet to issue their verdict.

DEATH PENALTY
Courts continued to hand down death sentences; no executions were carried out.
LIBYA
State of Libya
Head of state: Fayez Serraj (disputed)

Militias, armed groups and security forces continued to commit with impunity crimes under international law and gross human rights violations and abuses, including war crimes, throughout the year. Clashes between competing militias resulted in an increased number of civilian casualties. Thousands of people were held indefinitely without any judicial process following arbitrary arrest, including many detained since 2011. Torture and other ill-treatment were widespread in state prisons and detention centres controlled by militias and armed groups. Militias and armed groups contributed to the collapse of law enforcement and the judiciary by harassing judges and lawyers. They were also responsible for kidnappings for ransom, as well as arbitrary arrests and abductions of those identified as political opponents. Thousands of Libyan families remained internally displaced. Refugees, asylum-seekers and migrants suffered serious human rights violations and abuses, including rape and extortion, at the hands of state officials, militias and smugglers. The authorities failed to protect women from gender-based violence by militias and armed groups, and women activists were targeted with gender-based violence and smear campaigns. Courts handed down death sentences, but no executions were reported.

BACKGROUND
The security situation remained volatile. Militias, armed groups and security forces affiliated to the internationally recognized Government of National Accord (GNA) in the west and the self-proclaimed Libyan National Army (LNA) in the east continued to operate outside the rule of law. The GNA, established under the 2015 UN-brokered Libyan Political Agreement, remained weak as it continued to struggle to exert effective control on the ground.

Four main militias operating under the Ministry of Interior dominated the capital, Tripoli, carving out territorial influence and power, infiltrating government institutions and building economic strongholds.
The political stalemate continued. International calls for UN-backed elections agreed at a summit in Paris, France, in May were overshadowed by the outbreak of conflict in Tripoli in late August. Other international efforts, including a conference held in Palermo, Italy, in November, made little progress, while renewing commitment for elections to take place in the first half of 2019. In mid-May, the LNA, led by General Khalifa Haftar, launched an offensive against the eastern city of Derna, following a blockade it had imposed on the city for a year. The LNA sought to consolidate its power and expel the Derna Security Force (previously known as the Derna Shura Council).

In June, Ibrahim Al-Jodhran, former commander of the Petroleum Facilities Guard, a militia group that between 2013 and 2016 controlled the Oil Crescent region – a coastal area and the source of Libya’s main oil exports – launched a military operation to reclaim the region from the LNA. LNA forces quickly regained control of the area. On 15 September, the UN Security Council imposed sanctions on Ibrahim Al-Jodhran, imposing a travel ban and freezing his assets for a series of acts, including attempting to export Libyan oil illegally and attacking oil installations.

ARBITRARY ARRESTS, DETentions and ABDUCTIONS

Militias, armed groups and security forces affiliated to the ministries of interior and defence under the Tripoli-based UN-backed GNA and the eastern-based LNA continued to arbitrarily arrest and indefinitely detain thousands of people without charge. Many detainees had been held since 2011 and most were held with no judicial oversight or means to challenge the legality of their detention.

In the west, militias operating as security forces under the GNA regularly conducted arbitrary arrests and abductions of people from their homes and workplaces, targeting victims on the basis of their regional origin, perceived political opinions, profession or perceived wealth in order to extract cash ransoms.

Detainees in Matiga prison on Tripoli’s eastern outskirts, run by the Special Deterrent Forces (Radaa), a militia group affiliated to the GNA and on the government’s payroll, were held indefinitely without a judicial process. They were kept in overcrowded cells with insufficient food and water and denied access to medical services. On 29 April, Radaa forces arrested Suleiman Qashout, a prominent TV anchor, for organizing a media award ceremony that the militia perceived as contradicting their social values. Radaa forces also used arbitrary detention to exert political pressure on opponents. Fares Al-Jodhran, a relative of Ibrahim Al-Jodhran, was held throughout 2018 without charge in Matiga prison.

On 15 March, an unknown militia abducted Masoud Erhouma, the military prosecutor of the GNA, in front of his house in Tripoli’s Salah Eddine area. In April, news sources reported that he had escaped. On 28 March, an unidentified militia abducted Abdulrauf Beitelmal, head of the Tripoli Municipality Council, from his home. He was held for a day before being released.

On 4 April, Salem Ghereby and Omar Khalifa, both former Guantánamo detainees, were deported from Senegal to Libya, after which their whereabouts were unknown. No official charges were brought against them.

FREEDOM OF EXPRESSION

Armed groups and militias aligned with the GNA and LNA harassed, abducted and attacked journalists, human rights defenders and other activists, forcing many to flee the country.

On 11 January, members of the Bab Tajoura militia, affiliated to the GNA, abducted Mariam Al-Tayeb, a journalist based in Tripoli, near her home because of views she expressed on social media. The group took her to their headquarters, where they beat her until she momentarily lost consciousness. They freed her several hours later following a campaign on Facebook calling for her release. In January, a woman activist from Benghazi who had used social media to criticize Khalifa Haftar and the LNA was forced to leave Libya along with her entire family when the LNA’s Military Intelligence Unit sought to arrest her for her posts.

On 31 July, the GNA-affiliated militia Al-Nawassi brigade, based in Tripoli, arrested four international journalists – Ahmed Elumami (a Reuters correspondent), Hani Amara (a Reuters cameraman) and brothers Mahmoud Turkiya and Hamza Turkiya (AFP photographers) – while they were covering a story on migration at Abu Sitta naval base in Tripoli. They were released 10 hours later.
In August, journalist and photographer Musa Abdul Kareem was killed in unclear circumstances and his body dumped on the side of a road in the southern city of Sabha, his hometown. Reports indicate that, weeks before his death, he had co-authored an article published in Fasanea, a Sabha-based newspaper he edited, around ongoing criminality in the city.

**JUSTICE SYSTEM AND IMPUNITY**

The judicial system remained dysfunctional and ineffective. Courts and prosecutors’ offices were unable to provide recourse for victims of human rights violations or bring to justice those suspected of criminal responsibility for such abuses. Perpetrators of serious human rights abuses continued to operate without fear of being held to account for their crimes.

Libyan authorities launched initiatives to integrate militias and armed groups into an institutionalized security sector. These attempts overlooked the groups’ records of serious human rights abuses and disregarded the need to ensure accountability for past crimes. Militias and armed groups acted as de facto police, abducting individuals they accused of criminal offences and detaining them unlawfully.

In March, Sadidk Essour, the head of investigations in the office of the public prosecutor, announced that 205 arrest warrants had been issued for Libyans and foreign nationals suspected of involvement in a smuggling network for migrants heading to Europe. No further steps were taken to implement the warrants.

In central Libya, armed groups abducted judge Abdelsalam Al-Senoussi and prosecutor Ismail Abdelrahman, along with two security officers, from a courthouse in the town of Waddan on 22 July in retaliation for the detention of two people on smuggling charges. All the abducted men were released after two days.

**TORTURE AND OTHER ILL-TREATMENT**

Torture and other ill-treatment were widespread in prisons, detention centres and unofficial places of detention, with victims having no possibility of any form of protection or redress. Victims recounced mock executions, beatings and floggings with a rubber hose; many were left with clear signs of torture, including broken limbs.

**INTERNALLY DISPLACED PEOPLE**

Thousands of Libyan families remained internally displaced due to the ongoing clashes and hostilities as well as the lack of access to basic services, targeted violence, threats and human rights violations that continued to occur throughout the country. Many had been in a protracted state of displacement since 2011. The UN Special Rapporteur on the human rights of internally displaced persons reported a dire humanitarian situation throughout Libya in which the most vulnerable internally displaced persons had few mechanisms to support themselves and had their access to essential household goods – such as food – reduced due to insecurity, inflation and limited availability of cash in the country. She also noted that many faced serious protection concerns and that state authorities linked to either the GNA or LNA were doing very little to bring an end to their displacement.

On 1 February, Tawerghan families internally displaced since 2011 travelled from the east, south and west of Libya, attempting to return to the town of Tawergha following a decree issued by the Presidential Council - the body created under the Libyan Political Agreement to carry out the functions of the head of state - on 26 December 2017 to initiate a return process. Armed groups blocked the families from returning to their homes, using violence and intimidation, on the pretext that other parts of the agreement had not been fully implemented. Some 202 Tawerghan families subsequently set up camps in the area of Qararat al-Qataf, around 50km south-west of Tawergha, and in Harawa, east of Sirte.

On 3 June, representatives of the city of Misrata and the town of Tawergha signed a reconciliation pact ensuring safe return for the Tawerghan people. However, the GNA did not enforce the agreement.

On 10 August, a militia belonging to the Ghnewa brigade, a GNA-affiliated militia based in Tripoli, attacked the Tariq Al-Mattar camp for internally displaced people in Tripoli, home to over 500 Tawerghan families. The attack resulted in the forced eviction of around 1,900 internally displaced people from the camp by the militia and the arbitrary arrest of 94 residents by the brigade.

**REFUGEES, ASYLUM-SEEKERS AND MIGRANTS**

The situation for refugees, asylum-seekers and migrants in Libya remained bleak. Militias and armed groups subjected them to arbitrary arrest and abduction, as well as sexual and other violence and extortion both inside and outside facilities they ran. On 7 June, the UN Security Council sanctioned four Libyan nationals for involvement in human trafficking and smuggling migrants, freezing their assets and imposing travel bans and other measures.

Libyan authorities continued to unlawfully detain refugees, asylum-seekers and migrants, mainly those intercepted at sea, in centres recognized by the authorities, formally operated under the Ministry of Interior and run by the Department for Combatting Illegal Migration (DCIM). These centres were, however, largely controlled by militias who did not necessarily adhere to the central authorities’ chain of command. Refugees, asylum-seekers and migrants were kept in appalling conditions. They were also subjected to forced labour, torture and other ill-treatment, and verbal abuse by guards, often to extract money from their families in exchange for their release. Women in particular were subjected to rape in official centres and while being held by armed groups, often resulting in unwanted pregnancies.

There was no judicial oversight over these detention centres. Refugees, asylum-seekers and migrants were held without
any judicial process. They could not challenge their detention and were not offered legal counsel. The DCIM often held women, men and children together, breaching international standards on detention.

Libya, which is not a party to the 1951 UN Refugee Convention, continued to refuse to recognize UNHCR, the UN refugee agency. In the absence of a national asylum framework, the authorities did not recognize the status of refugees. Previously, they had recognized people from certain countries as in need of international protection and released them from detention to UNHCR. In 2018 this practice was halted and the authorities refused to release anyone from detention except those being evacuated by international organizations to third countries or those who paid a bribe.

WOMEN’S RIGHTS
Libyan authorities failed to protect women, including journalists, bloggers, human rights defenders and other activists, from gender-based violence at the hands of militias and armed groups or ensure that they were able to express themselves freely.

Women who spoke out against corruption or the violent actions of militias or the LNA were subjected to threats, abduction and gender-based violence by them. Such women were also subjected to gender-related slurs by militias and smear campaigns on social media, including allegations of adultery and engaging in sex work. Harmful gender stereotypes and social stigma attached to women’s activism normalized these forms of abuse and forced many women to withdraw from the public space altogether.

On 27 December, police forces affiliated to the Ministry of Interior in Benghazi raided a café in the city where a group of nearly 20 young girls, most with their mothers, were attending a gathering they had organized on Twitter. The police arrested the manager and staff on grounds of “immoral behaviour”.

DEATH PENALTY
Courts imposed dozens of death sentences. In January, a military court in Misrata sentenced Salah Gadhafi to death by firing squad for his involvement in violence in the 2011 uprising in Libya. No executions were reported.
The rights to freedom of expression and assembly were heavily restricted, mainly in relation to peaceful protests in the northern cities of Al Hoceima and Jerada. Courts sentenced journalists, protesters and human rights defenders to long prison sentences following grossly unfair trials. Authorities banned or limited the activities of several associations. In Western Sahara, Moroccan authorities, which administer the non-self-governing territory, used unnecessary force to disperse peaceful demonstrations.

Migrants and refugees continued to face unlawful arrest, detention and forcible return to their countries of origin. Despite flaws, new laws improved protection of women from violence and strengthened the rights of domestic workers.

The European Commission increased its financial support to Morocco aimed at containing migration.

**BACKGROUND**

The UN Security Council prolonged the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) for six months in both April and October without adding a human rights component.

In December, the parliament adopted a law restoring compulsory military service for men and women, without adequate provision for conscientious objection.

In February, a court in Al Hoceima sentenced lawyer Abdessadak El Bouchattaoui to two years in prison and a fine for online posts in which he criticized the use of excessive force by the authorities during sustained social
justice protests in the northern Rif region in 2017, commonly known as Hirak El-Rif. Later in February, the same court sentenced Nawal Benaissa to a 10-month suspended prison term and a fine for online comments that she criticized the authorities’ approach to Hirak El-Rif.

In November, a Casablanca court convicted Taoufik Bouachrine, director of Akhbar Al-Youm newspaper, of sexual assault charges that he has always denied and sentenced him to 12 years in prison.

In June, a Casablanca court convicted journalist Rabie Lablak and online citizen journalists Mohamed El Asrihi, of Rif24.com, and Fouad Essaidi, of Facebook page Awar TV, to five years in prison in relation to their coverage of Hirak El-Rif. The same court convicted Hamid El Mahdaoui, Badil.info director, to three years’ imprisonment for “failing to report a security threat” in connection with the same protests. On 14 November, a Rabat appeal court confirmed the five-year jail sentence against Hirak El-Rif protester El Mortada Iamrachen for posts he published on Facebook.

Seven people, including academic Maati Monjib, outspoken journalist Ali Anouzla and other journalists and activists, remained on trial at the end of the year on charges including “threatening state security” for promoting a mobile application for citizen journalism and “advocating terrorism” for an article Ali Anouzla published in 2013.

In June, the UN Working Group on Arbitrary Detention called on Morocco to immediately release Sahrawi Equipe Media journalist Mohamed El Benbari, imprisoned since 2015, on the grounds that his detention violated his rights to freedom of expression and association and to a fair trial.

**FREEDOM OF ASSOCIATION**

Authorities imposed restrictions on freedom of association by banning or limiting the activities of several associations.

Between January and June, authorities prevented at least five activities related to human rights education that were being organized by the Moroccan Association for Human Rights (AMDH) from taking place. In June they banned a conference on individual freedoms being organized by another NGO, the Democracy and Liberties Collective, which was due to be held in Casablanca. On 26 December, authorities issued a dissolution order against Racines, a cultural association based in Casablanca, after it hosted in its office the recording of three episodes of the controversial web-based chat show 1 dîner, 2 cons.

The authorities continued to restrict the access to the country of international organizations, including Amnesty International, to conduct research on human rights.

**FREEDOM OF ASSEMBLY**

Authorities banned demonstrations or used excessive or unnecessary force at least twice in 2018. Courts used the law on public gatherings to sentence peaceful protesters to harsh prison terms.

On 13 March, the interior minister banned protests in the mining city of Jerada after a series of protests following the December 2017 deaths of two brothers in a mine. The following morning security forces violently dispersed a sit-in by protesters; five police trucks drove into the crowd and ran over at least one individual, paralysing 15-year-old Abdelmoula Ziker’s lower body. No investigation was opened. Authorities prosecuted at least 70 people in relation to the peaceful protest.

In June, Moroccan police violently dispersed a peaceful protest in Laayoune during a visit by the UN special envoy for Western Sahara. In September, Moroccan police used unnecessary force against peaceful protesters opposing an EU-Morocco fisheries deal that was agreed in August; the EU Court of Justice had ruled in February that the deal did not apply to the waters adjacent to the territory of Western Sahara.

**UNFAIR TRIALS, TORTURE AND OTHER ILL-TREATMENT**

Courts continued to convict activists after grossly unfair trials. In Al Hoceima, Oujda and Casablanca, courts relied heavily on “confessions” extracted under duress. On 26 June, a Casablanca court convicted 53 prisoners detained in relation with Hirak El-Rif; the sentences ranged from fines to 20 years in prison. During the trial, the court did not exclude evidence allegedly obtained by torture or other ill-treatment and refused to hear more than 50 defence witnesses. The court held the prisoners in a high-sided box with tinted glass, a practice which is degrading and undermines the presumption of innocence.

By the end of the year, the authorities had yet to establish a National Preventive Mechanism against torture, as provided for by the law on the reorganization of the National Human Rights Council (CNDH), adopted in February, and by the Optional Protocol to the Convention against Torture, ratified by Morocco in 2014.

**DETENTION – PRISON CONDITIONS**

Prison authorities moved detainees connected with protests between prisons and to prisons far from their home cities as a form of reprisal.

Hirak El-Rif protester Achraf El Yakhloufi was held in Ain Sbaa 1 Local Prison, known as Okacha prison, near Casablanca, over 550km from Al Hoceima, his home town. In August, he was transferred to another prison between the cities of Taza and Rabat for nine days after he began a hunger strike to protest against the prison administration’s refusal to allow him family visits.

In September, Okacha prison officials moved prisoner of conscience Nasser Zefzafi, a leader of Hirak El-Rif, out of solitary confinement, in which he had been held since his arrest in May 2017.

**RIGHTS OF MIGRANTS, ASYLUM-SEEKERS AND REFUGEES**

From July onward, the authorities launched a widespread and
discriminatory crackdown on thousands of sub-Saharan migrants, asylum-seekers and refugees, especially in the north of Morocco, raiding neighbourhoods and informal settlements inhabited by refugees and migrants. Thousands of sub-Saharan migrants, including children and pregnant women, were unlawfully arrested during the raids and transported to remote areas in the south of the country or close to the Algerian border. On 12 August, two sub-Saharan nationals arrested in Tangiers died during their transfer to the south. In September, dozens of sub-Saharan migrants, including minors, were detained without due process in the basement of the police headquarters in Tangiers for at least four weeks. According to the AMDH, dozens of sub-Saharan migrants arrested in the north were held in an informal detention centre in Arekmane, close to Nador.

Security forces continued to co-operate with the Spanish authorities in the summary expulsion and push-back of migrants and asylum-seekers from Spain to Morocco. Between August and October, the Spanish authorities expelled as a group at least 171 sub-Saharan migrants and potential asylum-seekers to Morocco after they crossed into the Spanish enclaves of Ceuta and Melilla. Moroccan authorities forcibly returned dozens of those arrested and expelled from Spain to their countries of origin, including Cameroon, Côte d’Ivoire, Guinea and Senegal, in some cases in violation of the principle of non-refoulement.

On 25 September, the Moroccan navy intercepted a boat with at least 15 Moroccan nationals in Moroccan waters close to the northern town of Fnideq. They shot at them to make them stop the boat, apparently believing they were migrants seeking to reach Spain. A woman was killed and three men were injured.

WOMEN’S RIGHTS
A law to combat violence against women came into effect in September. It introduces new offences, increases existing penalties in cases of spousal or family violence, proposes new measures to protect survivors of violence during and after judicial proceedings, and establishes new bodies to co-ordinate and complement judicial and governmental efforts to combat violence against women. However, it fails to define rape in line with international standards or recognize marital rape. It also perpetuates derogatory gender stereotypes and does not address obstacles to accessing justice and services for survivors of violence owing to the continuing criminalization of consensual sexual relations outside marriage.

Women continued to be subjected to sexual and gender-based violence and were discriminated against in practice. Abortion remains criminalized unless the health of the mother is at risk, and is subject to spousal consent, which restricts women’s autonomous decision-making. In all other cases, women seeking or undergoing abortion and health professionals alike risk imprisonment and other penalties.

RIGHTS OF DOMESTIC WORKERS
In October, parliament passed a new law on domestic workers. It stipulates that domestic workers are entitled to written contracts, maximum working hours, guaranteed days off, paid vacations and a specified minimum wage. It sets the minimum age for domestic workers at 18, with a phase-in period of five years, during which 16- and 17-year-old domestic workers can still work. Employers who violate these provisions will face financial penalties, with prison sentences for repeat offenders in some cases. Despite these gains, the new law still offers less protection to domestic workers than the Moroccan Labour Code, which does not refer to domestic workers.

DEATH PENALTY
Courts continued to hand down death sentences. No executions had been carried out since 1993.

POLISARIO CAMPS
The Polisario Front again failed to hold to account those responsible for committing human rights abuses in the 1970s and 1980s in the camps that have been under its control since that period.
OMAN

Sultanate of Oman
Head of state: Qaboos bin Said Al Said
Head of government: Qaboos bin Said Al Said

The authorities continued to unduly restrict freedom of expression by arresting, detaining and harassing activists and government critics. A new penal code contained harsh penalties for the peaceful exercise of a range of human rights. Women continued to face discrimination in law and practice. The death penalty remained in force; no executions were reported.

BACKGROUND

In January, hundreds of Omanis took to the streets to protest peacefully against high unemployment rates, prompting the government to temporarily freeze recruitment of foreign workers in the private sector and launch a plan to secure some 25,000 jobs for nationals. It warned it would prosecute private establishments that failed to comply with the government’s “Omanization” policies.

Oman maintained a neutral stance in the regional crisis in which Bahrain, Egypt, Saudi Arabia and the United Arab Emirates severed relations with Qatar.

ARBITRARY DETENTIONS AND UNFAIR TRIALS

The authorities carried out waves of arbitrary arrests of residents in Musandam province. Between April and July, tens of residents were summoned for interrogation for electronically circulating information about the history of the province. Many were released several days later. Five men, all from the al-Shuhuh tribe and including a national of the United Arab Emirates, were arrested in May and April and held incommunicado for several months. The authorities did not disclose the legal basis for their arrest, citing only vague “national security” grounds. The five men’s trials began in July. The accused were not permitted to speak to their lawyers or receive or review any documents relating to the case before trial, violating international standards of fairness. Between August and October, a court in Muscat sentenced the five men to life imprisonment on charges that included “using information technology to prejudice the security and unity of the country and its territories”.

FREEDOM OF EXPRESSION

In January, a new penal code entered into force. It substantially increased jail terms prescribed for the exercise of
some rights and contains vaguely worded provisions that give sweeping powers to the authorities. For instance, Article 97 considers speech against the sultan, the head of state, a crime against national security and punishable with between three and seven years’ imprisonment. Similarly, Article 102 provides for imprisonment for between three months and three years for disparaging foreign heads of state or state representatives visiting Oman. Other overly broad articles weakened the protection of activists, bloggers and dissidents. Blasphemy provisions criminalize the peaceful exercise of the rights to both freedom of expression and freedom of religion and belief.

In April, the Internal Security Forces detained online activist Youssef Sultan al-Arimi for two weeks for views he published on social media. On 28 April, internet activist Hassan al-Basham, whose three-year prison sentence was confirmed by a court of appeal in November 2017 on charges related to online expression, died in prison after his health deteriorated. In June, the authorities pardoned and released writer and cinema critic Abdullah Habib, who was imprisoned in April for “blasphemy” and “using the internet for what would prejudice public order”.

The authorities also hindered journalists’ access to information on human rights issues.

FREEDOM OF ASSOCIATION AND ASSEMBLY

The new penal code also threatens to stamp out civic space by criminalizing forms of association “aimed at combating the political, economic, social or security principles of the state”.

The right to freedom of peaceful assembly also continued to be tightly controlled. At least 30 people were arrested for protesting against unemployment in January but later released. In May, the public prosecution affirmed it would take legal measures against tribal assemblies and anyone who assists or promotes these on social media.

WOMEN’S RIGHTS

Women continued to face discrimination in law and practice. They are not accorded equal rights in law in relation to matters such as divorce, child custody, inheritance and passing their nationality on to their children. Gender-based violence and marital rape are not prohibited by law.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Same-sex sexual relations continued to be criminalized under the new penal code issued in January.

DETECTION CONDITIONS

Amnesty International received several consistent reports of mistreatment in detention, including beatings and medical neglect. Severe physical abuse, including beatings with metal pipes, were reported at the headquarters of the criminal investigations unit in the Qurum area of Muscat. Amnesty International also received credible allegations of unsanitary conditions and medical neglect of seriously ill prisoners at Samail prison in the mountains of northern Muscat.

MIGRANT WORKERS

Migrant workers continued to face exploitation and abuse as a result of the restrictive kafala (sponsorship) system, that ties them to their employers. Migrant workers depend on their employers, who also act as their sponsors, to enter the country and cannot change jobs without their permission. This severely limits their ability to escape abusive working conditions and facilitates exploitation. Domestic workers continued to bear the brunt of this system and remained excluded from the protection of the labour law.

DEATH PENALTY

The new penal code retained the death penalty for a range of crimes. No executions were reported during the year.
PALESTINE (STATE OF)

Palestine (State of)
Head of state: Mahmoud Abbas
Head of government: Rami Hamdallah

The Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip continued their crackdowns on freedom of expression and peaceful assembly. Palestinian forces in the West Bank and Gaza used arbitrary arrests and detention against people criticizing the authorities to which they reported. Widespread torture and other ill-treatment of detainees remained common and were committed with impunity under both authorities. Security forces in the West Bank used excessive force while conducting arrests and dispersing peaceful protests. The Palestinian authorities based in Ramallah continued to impose punitive measures against people in Gaza that exacerbated the dire humanitarian crisis resulting from Israel’s 11-year illegal blockade. Women in both the West Bank and Gaza faced discrimination and violence. Courts in Gaza continued to hand down death sentences. Lesbian, gay, bisexual, transgender and intersex (LGBTI) people were subjected to arbitrary arrest and ill-treatment.

BACKGROUND

The divisions between the Fatah-led Palestinian authorities in the West Bank and the de facto Hamas administration in the Gaza Strip deepened following an assassination attempt on Palestinian Prime Minister Rami Hamdallah on 13 March during a visit to Gaza. Efforts by Egypt to reconcile the rival political parties of Fatah and Hamas broke down.

In April, the Central Council of the Palestinian Liberation Organization (PLO) convened for the first time in 22 years in response to the USA’s recognition of Jerusalem as Israel’s capital. Hamas and Islamic Jihad, neither of which is currently a member of the PLO, were invited to the meeting but did not attend; the Popular Front for the Liberation of Palestine, which is a member, boycotted the meeting, seeing it as a way for the Palestinian president to circumvent democratic processes.
A new social security law approved by the Palestinian government in Ramallah came into force on 1 November. The law faced strong popular opposition, drawing some of the largest demonstrations in the West Bank in years. Opponents of the law were worried that monthly employee deductions would be unmanageable for workers and that the Palestinian authorities were either not stable enough or too corrupt to guarantee the security of their contributions.

In September, the US administration stopped funding the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which provides vital services for some 5 million Palestinian refugees. The decision left shortfalls in humanitarian funding in the Occupied Palestinian Territories, particularly in the Gaza Strip where almost 80% of the population depends on aid.

Gaza remained under an Israeli air, sea and land blockade, in force since 2007. Egypt continued to enforce an almost total closure of the Rafah border crossing with Gaza, compounding the dire economic and humanitarian situation for Gaza's 2 million inhabitants. The UN Office for the Coordination of Humanitarian Affairs warned that Gaza was on the brink of a humanitarian catastrophe.

FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

With the Palestinian Legislative Council still dormant, President Mahmoud Abbas issued decrees that restricted freedom of expression and peaceful assembly, and limited the ability of civil society organizations to operate freely. Meanwhile, the authorities in both the West Bank and Gaza arbitrarily arrested peaceful demonstrators and critics, including journalists, university students and human rights activists, and persisted in their crackdown on online expression.

According to the Palestinian Centre for Development and Media Freedoms, an NGO, the Palestinian authorities in the West Bank were responsible for 77 attacks on media freedom during the year. These included arbitrary arrests, ill-treatment during interrogation, confiscation of equipment, physical assaults and bans on reporting. The Hamas authorities in Gaza were responsible for 37 such attacks.

The Palestinian authorities in the West Bank continued to clamp down on online freedom of expression through the amended Electronic Crimes Law. In May, Ahmad Awartani, a youth council leader in the town of Anabta, was charged with defamation in relation to a Facebook post in which he said that he did not pledge loyalty to President Abbas.

In July, Palestinian forces arrested four Palestinian activists, including one journalist, because of their online activism and opposition to the sanctions imposed on Gaza by the Ramallah-based authorities. On their release, Ibrahim al-Masri, Huthifa Abu Jamous, Hussein Shejaïya and Ghassan Atawneh were told that action would be taken against them under the Electronic Crimes Law if they did not sign a pledge to refrain from inciting opposition to the Ramallah-based authorities on social media.

EXCESSIVE USE OF FORCE

Security forces in the West Bank and Gaza continued to use excessive force to disperse peaceful demonstrations and during arrests.

On 13 June, the West Bank-based security forces quashed a demonstration organized by Palestinian activists in Ramallah demanding that the Ramallah-based authorities lift the sanctions imposed on the Hamas-run Gaza Strip. At least 52 demonstrators and bystanders were arbitrarily arrested and beaten in detention. Amnesty International staff member Laith Abu Zeyad was among those arbitrarily detained and beaten. He had been apprehended and attacked by two security officials in civilian clothes on his way to monitor the demonstration.

On 18 June, men in civilian clothes affiliated with the Hamas de facto administration attacked a peaceful demonstration calling for an end to the 11-year political division between Fatah and Hamas, including by beating protesters with batons and forcing journalists to delete photos and videos of the demonstration.

On 9 August, Palestinian security forces killed Ibrahim Odeh al-Jahalin from the town of al-Ezariyeh in the West Bank during an operation targeting the illegal sale of diesel fuel. The young man was a bystander and was mistakenly shot in the head in a situation where the use of lethal force was unnecessary.

On 20 September, customs police in the West Bank city of Jericho severely beat a grocery store owner in the village of al-Auja for allegedly selling unlicensed tobacco products. A video shows masked men carrying weapons and assaulting the man and his two sons. The Ramallah-based authorities announced they would open an investigation.

TORTURE AND OTHER ILL-TREATMENT

While the State of Palestine’s ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 29 December 2017, Palestinian security forces in both the West Bank and Gaza continued to use widespread torture and other ill-treatment with impunity. The Independent Commission for Human Rights (ICHR) received 285 allegations of torture and other ill-treatment of detainees held in the West Bank and Gaza.

On 3 August, Ahmad Abu Hamada, also known as “Zabour”, died in custody. Palestinian police said he suffered a heart attack while his family claimed that his death was a result of ill-treatment. His family called for an investigation, but the Palestinian government did not open one.

ARBITRARY DETENTION

Palestinian authorities in the West Bank used a 1954 law to administratively detain dozens of people on the order of a regional governor, many on political grounds, according to Palestinian human rights organizations. Such detentions require no charges and lack due process. The ICHR documented 201 cases of such detentions.
**WOMEN’S RIGHTS**

Women and girls continued to face discrimination in law and practice, and were inadequately protected against sexual and other gender-based violence, including so-called “honour” killings. At least 21 women and girls were reported to have been killed in the West Bank and Gaza, mainly by male relatives in “honour” killings, according to civil society organizations.

On 14 March, in a welcome step, Palestinian authorities repealed Article 308 of the 1960 Penal Code that had allowed individuals suspected of rape to avoid prosecution and imprisonment if they married their victims.

**DEATH PENALTY**

In June, the State of Palestine acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, neither the Palestinian authorities in the West Bank nor the Hamas de facto administration in Gaza took any steps to translate this commitment into practice.

In Gaza, Hamas-administered courts sentenced at least 12 people to death.

**RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE**

Even though same-sex relationships were not criminalized in the West Bank, alQaws for Sexual and Gender Diversity in Palestinian Society, a civil society organization, documented five cases of LGBTI activists who were arbitrarily arrested and ill-treated by Palestinian security forces in the West Bank; all were released after a few hours. The organization also reported that a number of other LGBTI individuals were arbitrarily arrested and questioned by such forces.

Meanwhile, Section 152 of the Penal Code applicable in Gaza continued to criminalize homosexual acts and consider them punishable by up to 10 years’ imprisonment.

**ABUSES BY ARMED GROUPS**

Palestinian armed groups in Gaza occasionally fired indiscriminate rockets into Israel, killing one Palestinian civilian. While the Hamas authorities prevented rocket firing much of the time, they failed to prosecute those responsible. While most of the Palestinian attackers responsible for stabbing, shooting and carrying out other attacks on Israelis in the West Bank and Israel, which killed eight Israeli civilians during the year, were not members of Palestinian armed groups, these groups frequently praised the attacks.

**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Despite increasing protests both in Gaza and the West Bank the Palestinian authorities based in Ramallah continued to impose punitive measures against Gaza; these included decreasing electricity and water subsidies, restricting the entry of medicine, and decreasing or freezing salaries together with cutting off financial assistance to hundreds of families. For example, in May, the West Bank authorities imposed new salary cuts to some 38,000 civil servants in Gaza, without warning or justification; their salaries dropped to 35% of their value in 2016, severely impacting their and their families’ right to an adequate standard of living.

**JUSTICE SYSTEM**

On 5 September, 14 of the 27 judges on the Palestinian Supreme Court resigned in protest at the amendment of the judicial authority law by the Justice Sector Development Committee established by President Abbas by decree on 6 September 2017. The Palestinian Judges’ Club said that the amendment would bring the judicial sector fully under the control of the executive.

The Palestinian authorities in the West Bank received judicial backing to consider the police as a military rather than a civilian institution. As a result, police officers could only be tried in military courts, making it harder for victims of police abuse to access justice.
QATAR
State of Qatar
Head of state: Tamim bin Hamad bin Khalifa Al Thani
Head of government: Abdullah bin Nasser bin Khalifa Al Thani

Qatar acceded to two major international human rights treaties, but included reservations that limited their effect, particularly with regards to the rights of women and migrants. It also passed a political asylum law. The government made some positive reforms in relation to migrant workers, including the partial removal of the requirement for an exit permit and the introduction of a labour dispute mechanism. However, migrant workers continued to be at risk of exploitation and abuse. Freedom of expression remained unduly restricted. A new law was issued allowing the children of Qatari women married to non-Qatari to acquire permanent residency, but they were still unable to acquire Qatari nationality. More generally, women continued to face discrimination in law and practice. Courts issued death sentences; no executions were reported.

BACKGROUND
The diplomatic crisis between Qatar and its Gulf neighbours of Saudi Arabia, Bahrain and the United Arab Emirates (UAE) persisted. Sanctions imposed by these states against Qatar separated multinational families, cut short international students’ education, eliminated cross-border jobs, and caused a rise in food prices in Qatar that was detrimental for low-income classes, especially migrant workers.

Qatar contested before the International Court of Justice sanctions imposed by the UAE, arguing that the UAE’s order for all Qatars to leave the country violated its obligations under the Convention on the Elimination of All Forms of Racial Discrimination. In July, the court issued provisional orders for the UAE to allow former Qatari residents to complete academic studies, access courts and reunite with family members in the UAE.

Several hundred members of the al-Ghufran clan of the al-Murra tribe remained stateless. They continued to face severe socioeconomic marginalization and their children were born stateless.

LEGAL DEVELOPMENTS
Qatar acceded to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in May. However, its inclusion of reservations significantly reduced the scope of the treaties’ human rights protection. Some of these reservations undermined the object and purpose of these treaties. For example, Qatar rejected Article 3 of the ICCPR on “the
equal right of men and women in the enjoyment of all civil and political rights” because it “contravenes” the provision of the Constitution that states that only male descendants of the Al Thani dynasty may inherit rule over the state. Similarly, it rejected Article 3 of the ICESCR on “the equal right of men and women in the enjoyment of all economic, social and cultural rights” and Article 23(4) of the ICCPR on “equality of rights and responsibilities” in marriage. Qatar also stated upon accession that it would interpret as it chose provisions concerning inhuman treatment, freedom of conscience and the right of religious minorities to practise their faith. Another reservation concerning migrant workers’ right to unionize impinged on freedom of association.

Qatar passed a political asylum law in September, a positive move weakened by problematic aspects such as the broad discretion granted to the Minister of Interior over asylum applications, the risk of impunity associated with the law’s exclusion provisions, and the power of the Minister of Interior to deport refugees if they engage in “political activity” in Qatar.

**MIGRANTS’ RIGHTS**

The government introduced some positive reforms in relation to migrant workers, who made up more than 90% of Qatar’s workforce. However, they continued to be at risk of exploitation and abuse. Despite new legislation relating to exit permits, the sponsorship system continued to tie migrant workers to their employers by limiting their ability to change jobs without the employer’s permission during the period of their contract, which could be up to five years.

On 18 March, labour dispute resolution committees, a fast-track judge-led mechanism, became operational. While it increased the speed with which workers’ labour complaints were considered, cases were not settled within the three-week period specified in the law, with hundreds of cases taking over three months to be finalized. Workers whose companies were facing financial trouble were still unable to reclaim unpaid wages.

On 29 April, the International Labour Organization (ILO) opened an office in Doha as part of a three-year technical co-operation agreement under which the Qatari government committed to revising its laws in line with international labour standards and with the guidance of ILO experts.

On 28 October, Law No. 13 of 2018 entered into force. It partially removed the exit permit requirement, allowing the vast majority of migrant workers covered by the Labour Law to leave the country without seeking their employers’ permission. However, the law retained some exceptions, including the ability of employers to request exit permits for up to 5% of their workforce, depending on the nature of their work. Exit permits were still required for employees who fell outside the remit of the Labour Law, including over 174,000 domestic workers in Qatar and all those working in government entities.

Domestic workers, mostly women, continued to be particularly at risk of exploitation and abuse despite the domestic workers law passed in 2017. The law failed to protect domestic workers adequately, both in terms of falling short of international standards and poor enforcement. Some domestic workers were able to successfully claim their unpaid wages at the labour dispute resolution committees.

Unlike Qatari nationals, migrant workers were still unable to form or join trade unions, and the government’s reservations to the ICCPR and ICESCR suggested that this was unlikely to change in the near future.

On 30 October, the Emir established the Workers’ Support and Insurance Fund to provide, among other things, funds to pay workers who won their cases before labour dispute resolution committees but failed to recover the money from companies. The fund was not yet operational by the end of the year.

Third-party auditors of projects for football’s World Cup in 2022 in Qatar showed that abuses such as contract substitutions and excessive working hours remained present in a significant majority of contractors they investigated. At least 78 migrant workers from India, Nepal and the Philippines employed by MENA Mercury, an engineering company working on projects linked to the World Cup, were stranded for months in Qatar living in squalid conditions without money after the company failed to pay them. The workers, many of whom had accumulated large debts due to exploitation by recruitment agents, were still waiting for their unpaid wages at the end of the year.

**FREEDOM OF EXPRESSION**

Freedom of expression remained restricted in law. For example, Article 138 of the Penal Code still provided for the punishment with imprisonment of anyone insulting the flag of Qatar or one of its allies and Article 278bis of the law continued to authorize the closure of newspapers running fundraising advertisements by groups without a fundraising permit.

In January, two members of the Federation of Nepali Journalists attending an event in Doha on freedom of the press were arrested and deported.

Najeeb al-Nuaimi, a lawyer who represented the writer Mohammed al-Ajami while he was imprisoned for a poem critical of the ruling family, remained banned from travelling.

**WOMEN’S RIGHTS**

Women continued to face discrimination in law and practice. Family law discriminated against women, including by making it much harder for women than men to seek a divorce, and placing women at a severe economic disadvantage if they sought a divorce or their husband left them.

In September, a new law was issued allowing the children of Qatari women married to non-Qatars to acquire permanent residency. However, they were still unable to acquire Qatari nationality because of discriminatory provisions in the nationality law.

Women remained inadequately protected against violence, including within the family.

**DEATH PENALTY**

New death sentences were issued against foreign nationals convicted of murder. No executions were reported.
SAUDI ARABIA

Kingdom of Saudi Arabia
Head of government: Salman bin Abdulaziz Al Saud

The authorities severely restricted the rights to freedom of expression, association and assembly. Many human rights defenders and government critics, including women’s rights activists, were arbitrarily detained. The public prosecution called for the execution of Shi’a activists and religious clerics for expressing dissent. Many activists were sentenced to lengthy prison terms, including under counter-terrorism legislation following grossly unfair trials before the Specialized Criminal Court (SCC). A Saudi Arabian journalist was extrajudicially executed in the Saudi Arabian consulate in Istanbul, Turkey. The authorities used the death penalty extensively, carrying out scores of executions for a range of crimes, including drug offences. Torture and other ill-treatment of detainees remained common. Despite limited reforms, including allowing women to drive, women faced systematic discrimination in law and practice and were inadequately protected against sexual and other violence. Discrimination against the Shi’a minority remained entrenched. The authorities continued to arrest, detain and deport foreign workers to countries where they were at risk of human rights violations.

BACKGROUND

Crown Prince Mohammad bin Salman embarked on a widely publicized tour of the UK, USA, France and Spain early in the year. The UK and Saudi Arabia announced a humanitarian partnership worth over US$100 million to create vital infrastructure in drought and conflict-stricken countries. The USA and Saudi Arabia sealed a multi-billion dollar weapons deal during Crown Prince Mohammad bin Salman’s visit to the USA.

The Saudi authorities faced little international criticism for the continued crackdown on human rights defenders and others, or the wave of arbitrary detentions of prominent women’s rights
activists in May. The only country that voiced some criticism was Canada; the Saudi Arabian government responded with punitive diplomatic and economic measures. However, the EU and several European states condemned the extrajudicial execution of Saudi Arabian journalist Jamal Khashoggi in Turkey in October (see below).

The Saudi Arabia-led coalition committed war crimes and other serious violations of international law during its continuing military campaign in neighbouring Yemen (see Yemen entry).

There was no resolution to the regional crisis in which Bahrain, Egypt, Saudi Arabia and the United Arab Emirates (UAE) severed relations with Qatar in 2017.

**FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

The authorities escalated their repression of all forms of dissent, including peaceful expression in support of human rights, both online and offline. They harassed, arrested and prosecuted government critics, academics, clerics, members of the Shi'a minority and human rights defenders, including women’s rights activists. Several human rights defenders were sentenced to prison terms for their activism. Other activists and government critics detained in September 2017 faced trial before the SCC.

In June, in his report of a 2017 visit to Saudi Arabia, the former UN Special Rapporteur on the promotion and protection of human rights while countering terrorism expressed concerns about Saudi Arabia’s use of its counter-terrorism law against individuals peacefully exercising their rights to freedom of expression, association and assembly. The cyber-crime law continued to criminalize criticism of government policy and practice as well as commentary on current affairs. Activists and human rights defenders were sentenced to lengthy prison terms for the peaceful exercise of their rights to freedom of expression, association and assembly under this law.

Economics writer Essam al-Zamel was brought before the SCC in October. He was accused of, among other things, sowing discord through his writings on Twitter and meeting foreign diplomats and providing them with information and analysis about the kingdom’s policies without informing the Saudi Arabian authorities.

The authorities did not permit political parties, trade unions or independent human rights groups, and continued to prosecute and imprison those who set up or participated in unlicensed human rights organizations. All gatherings, including peaceful demonstrations, remained prohibited under an order issued by the Ministry of Interior in 2011.

**HUMAN RIGHTS DEFENDERS**

The authorities continued to imprison human rights defenders, arresting and prosecuting them under counter-terrorism and other laws. By the end of the year, virtually all Saudi Arabian human rights defenders were in detention or serving prison terms, or had been forced to flee the country.

In January, the SCC sentenced Mohammad al-Otaibi and Abdallah al-Attawi to 14 and seven years in prison respectively, on charges based on provisions of the counter-terrorism law and its follow-up decrees, as well as the cyber-crime law. They were sentenced on account of their peaceful activism and for setting up a human rights organization. In February, Issa al-Nukheifi and Essam Koshak were sentenced to six and four years in prison respectively, to be followed by travel bans of equal lengths, for their Twitter posts criticizing the authorities and calling for human rights reforms.

In October, Saudi Arabian journalist Jamal Khashoggi was extrajudicially executed inside the Saudi Arabian consulate in Istanbul. Almost three weeks after his disappearance in the consulate on 2 October, and following conflicting reports about his fate, including claims by the Saudi Arabian authorities that he had left the consulate unharmed, the Saudi Arabian public prosecution announced that he had died following a “fist fight” inside the
consulate. In November, Turkey’s chief prosecutor said that Jamal Khashoggi was strangled as soon as he entered the consulate and then dismembered as part of a premeditated plan. The UN High Commissioner for Human Rights pressed for an impartial investigation and urged the Saudi Arabian authorities to reveal the whereabouts of Jamal Khashoggi’s body. By year’s end, Saudi Arabia had not set up an independent investigation into the killing.

DEATH PENALTY

Courts continued to impose death sentences for a wide range of crimes, including drug offences and conduct that is not recognized as crimes under international law and standards, such as “sorcery” and “adultery”. The authorities generally failed to abide by international standards of fair trial and safeguards for defendants in capital cases. Such cases were often held in secret and their proceedings were summary with no legal assistance or representation, as well as no translation services for foreign nationals through the various stages of detention and trial. Death sentences were regularly based on “confessions” which defendants said were extracted under torture.

In November, the families of 12 Saudi Arabian men sentenced to death after a grossly unfair mass trial learnt that the cases of their relatives had been transferred to the Presidency of State Security, a body reporting directly to the king. However, it was unclear whether their sentences had been ratified by the king before the end of the year.

The authorities routinely failed to inform families of their relatives’ imminent execution or failed to inform them immediately after executions had been carried out. In October, the authorities executed Tuti Tursilawati, an Indonesian domestic migrant worker, without informing her family or the Indonesian authorities prior to her execution.

The authorities continued to use the death penalty as a tool to crush dissent, as manifested in the public prosecution’s recurring calls for the execution of several Shi’a activists and religious clerics on charges related to the peaceful exercise of their rights to freedom of expression, association and assembly. Prominent religious cleric Sheikh Salman al-Awda, who was arbitrarily detained in September 2017, was at risk of the death penalty after the public prosecution called for his execution on charges related to, among other things, his affiliation to the Muslim Brotherhood and his calls for government reforms and regime change in the Arab region. Five Shi’a activists, including Israa al-Ghomgham, also faced the death penalty for charges related to their participation in protests for greater rights and reforms in the Shi’a-majority Eastern Province.

In August, the king issued the Law on Juveniles. This stipulated a maximum prison sentence of 10 years for juveniles in cases where they might otherwise be sentenced to death, except for crimes punishable by death under Shari’a (Islamic law). By excluding these, it fell short of international human rights law, which strictly prohibits the use of the death penalty against people under the age of 18 at the time of the crime. At least four juvenile offenders remained at risk of imminent execution at the end of the year.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment of detainees remained common and widespread, particularly to extract “confessions”. In his June report, the former UN Special Rapporteur on the promotion and protection of human rights while countering terrorism noted that trial judges did not appear to take seriously allegations of torture or other ill-treatment, and expressed particular concern that the SCC had refused to launch investigations into allegations of torture.

In March, reports emerged that, among those detained in a wave of anti-corruption arrests of current and former officials and businessmen in November 2017, one had died in custody and at least 17 needed hospital treatment after being subjected to physical abuse.

In November, several activists, including a number of women detained since May 2018 in Dhaabhan prison outside the city of Jedda, were reportedly tortured, sexually harassed and otherwise ill-treated during interrogation. One of the activists reportedly attempted to take her own life repeatedly inside the prison.

WOMEN’S RIGHTS

On 24 June, the royal decree lifting the driving ban on women in Saudi Arabia entered into force, allowing women to drive in the country. A month earlier, women’s rights activists and the leading campaigners for women’s right to drive were arbitrarily detained (see above).

In February, the Ministry of Commerce and Investment announced that women did not need the permission of a male guardian to start their own business. This followed a royal decree issued in 2017 calling on government entities to refrain from requesting the authorization of a male guardian for any services unless stipulated in existing regulations that required it. However, these promised reforms largely appeared not to be implemented in practice. The Committee on the Elimination of Discrimination against Women noted with concern the lack of enforcement of a 2012 ministerial decree stipulating that women no longer needed a guardian’s permission to work. As a result, women were still required to have permission from a male guardian – their father, husband, brother or son – to enrol in higher education, seek employment, travel or marry.

Women and girls continued to face discrimination in law and practice more broadly. Saudi Arabian women married to foreign nationals could not pass on their nationality to their children, unlike men in a similar situation. The Committee on the Elimination of Discrimination against Women commented with concern on the low participation of women in the labour market in its concluding observations on
Saudi Arabia’s third and fourth periodic reports. It also noted with concern that access to education for disadvantaged groups of girls, especially migrant girls, girls with disabilities and girls living in rural and remote areas and in poverty remained limited.

The Shura Council debated a proposal to regulate and limit child marriages by stipulating strict conditions to the marriage of girls under the age of 18, which specialized judges must ensure are fulfilled. However, women and girls remained inadequately protected from sexual and other forms of violence.

**DISCRIMINATION – SHI’A MINORITY**

Shi’a Muslims continued to face discrimination because of their faith, limiting their right to express religious beliefs and access justice, as well as the right to work in a number of public sector professions and access state services.

Shi’a activists accused of supporting or taking part in demonstrations in Eastern Province or expressing views critical of the state were put on trial and in some cases faced the death penalty following unfair trials.

**MIGRANTS’ RIGHTS**

The authorities continued their crackdown on irregular migrants, arresting, detaining and deporting over 2 million foreign workers. In October, the Ministry of Interior announced that about 1.9 million people had been arrested and 500,000 deported in a campaign that began in November 2017 to arrest migrants accused of violating residential, border security and labour regulations and laws. The authorities deported thousands of Yemeni workers to Yemen, where they were at risk of human rights violations, in contravention of the principle of *non-refoulement*.

In June, the Committee on the Elimination of Racial Discrimination noted with concern that domestic workers, two thirds of whom were migrant women, continued to face abusive working practices such as long working hours, non-payment of wages, retention of passports and physical and sexual abuse.
Parties to the armed conflict continued to commit with impunity serious violations of international humanitarian law, including war crimes, and gross human rights abuses. Government and allied forces carried out indiscriminate attacks and direct attacks on civilians and civilian objects using aerial and artillery bombing, including with internationally banned weapons, killing and injuring hundreds of people. Government forces maintained lengthy sieges on densely populated areas, restricting access to humanitarian and medical aid to thousands of civilians. Government forces lifted the siege of Eastern Ghouta in April; this was followed by restrictions that impeded some of the displaced civilians from returning to the formerly besieged areas. Security forces arrested and continued to detain tens of thousands of people, including peaceful activists, humanitarian workers, lawyers and journalists, subjecting many to enforced disappearance and torture or other ill-treatment, and causing deaths in detention. Government forces disclosed the fate of some of the disappeared but failed to provide the families with remains or information around the circumstances of the disappearances.

The government violated the right to housing. Armed opposition groups with the support of Turkey subjected civilians in Afrin to a wide range of abuses, including confiscation and looting of property, and arbitrary detention, torture and other ill-treatment. The US-led coalition failed to acknowledge or investigate the large scale of civilian deaths and destruction caused by their 2017 bombing campaign on Raqqa against the armed group calling itself Islamic State (IS). By the end of 2018, the conflict had caused the deaths of more than 400,000 people and displaced more than 11 million people within and outside Syria.
BACKGROUND

The armed conflict in Syria entered its eighth year. Government forces and their allies, including Russia and Iran, captured areas previously held by armed opposition groups in Eastern Ghouta, the northern part of Homs governorate and Daraa governorate. This led to the evacuation to Idlib of armed fighters and their families and some civilians, especially humanitarian workers, doctors and rescue workers.

The US-led coalition, with the support of the Syrian Democratic Forces (SDF), continued to attack IS positions in Deir el-Zour governorate in eastern Syria. Armed opposition groups supported by Turkey captured Afrin, a predominantly Kurdish area, in northern Aleppo governorate. They attacked the SDF, killing and injuring scores of civilians and displacing hundreds to neighbouring towns and villages. Clashes between armed opposition groups such as Hay’at Tahrir al-Sham, the Ahrar al-Sham Islamic Movement and the Nour el-Dine Zinki Movement in Idlib governorate killed and injured several high-level commanders and civilians. Several attacks by Israel targeted Iranian and Hizbullah forces in Syria.

Russia continued to block efforts by the UN Security Council to pursue justice and accountability. On 10 April, Russia vetoed a resolution aimed at identifying the perpetrators of a chemical weapon attack in Douma in Damascus Countryside governorate three days earlier. On 14 April, the USA, UK and France accused the Syrian government of perpetrating the attack and launched several strikes on government positions. On 27 June, the Organisation for the Prohibition of Chemical Weapons passed a resolution granting it a mandate to identify perpetrators of chemical weapons attacks.

UN efforts to broker peace and establish a committee to draft a new Syrian constitution were unsuccessful. Talks by parties to the conflict and their allies continued in various capital cities. The sponsors of the talks – Russia, Iran and Turkey – aimed to address the issue of detentions and abductions in Syria as well as the situation in Idlib. In September, talks brokered by Russia and Turkey resulted in a 15km demilitarized zone on the southern Idlib front line. As part of the deal, armed opposition fighters and government forces withdrew from the zone, paving the way for Russian and Turkish forces to monitor the deal’s implementation.

The Independent International Commission of Inquiry on the Syrian Arab Republic, established by the UN Human Rights Council in 2011, continued to monitor and report on violations of international law committed by parties to the conflict, although it remained barred by the government from entering Syria.

In June, a German court issued an international arrest warrant against Jamil Hassan, head of the Syrian Air Force Intelligence, accused of overseeing the torture and other ill-treatment, including rape, of detainees between 2011 and 2013. In November, French prosecutors issued international arrest warrants against three senior government and intelligence officials, including Jamil Hassan; Ali Mamlouk, head of the National Security Bureau; and Abdel Salam Mahmoud, head of the Air Force Intelligence Investigative Branch at Mezzeh military airport.

ARMED CONFLICT – VIOLATIONS BY THE GOVERNMENT AND ITS ALLIES

Direct attacks on civilians and civilian objects and indiscriminate attacks

Government and allied forces continued to commit war crimes and other serious violations of international humanitarian law, including indiscriminate attacks and direct attacks on civilians and civilian objects. Government forces, with the support of Russia, repeatedly attacked areas controlled by armed opposition groups, including Eastern Ghouta and Daraa and Idlib governorates, killing and injuring civilians. They carried out indiscriminate attacks and direct attacks on civilian homes, hospitals and medical facilities, including artillery shelling and air strikes, often using unguided weapons such as barrel bombs, incendiary weapons and internationally banned cluster munitions. For example, on 22 March, Russian forces carried out an air strike using an incendiary weapon on a residential building, burning to death 37 civilians – mainly women and children – in an air-raid shelter in Arbin, Eastern Ghouta.

Between January and April, government forces attacked 22 hospitals in Eastern Ghouta, according to local humanitarian organizations, killing and injuring several civilians, including medical workers and patients. In July, government forces, with the support of Russia, attacked five field hospitals in al-Harak, Busr al-Harrir, Mseifra, Seida and al-Jiza in Daraa governorate, damaging or destroying the field hospitals and preventing medical workers from providing medical services.

SIEGES AND DENIAL OF HUMANITARIAN ACCESS

Government forces continued to besiege Eastern Ghouta, a predominantly civilian area in Damascus Countryside governorate, until April, when armed opposition groups surrendered following relentless bombing of civilian areas and after reaching three local agreements with armed groups, leading to the evacuation of fighters and displacement of some civilians.

During the siege, government forces had deprived around 250,000 residents in Eastern Ghouta of access to medical care, other basic goods and services and humanitarian assistance. Doctors and medical workers were unable to provide adequate medical care to those injured by air strikes, artillery shelling and other attacks, or to those who were ill owing to a lack of surgical supplies, medical equipment and medicine, particularly for the treatment of chronic diseases such as cancer, heart problems and diabetes. The lack of access to food, humanitarian aid and other life-saving necessities led to a rise in acute malnutrition. Government forces continued to restrict access to UN humanitarian agencies and their implementing partners across Syria.
RESTRICION OF CIVILIAN MOVEMENT

Despite the lifting of the siege of Eastern Ghouta in April, government forces continued to restrict the movement of civilians in and out of Douma, a town in the area. Some civilians were allowed to return to their homes following a security screening, but others were allowed to access the area for only 48 hours if they left their ID with security forces. People residing in Douma needed authorities’ approval to leave the town.

Afrin residents fleeing a military offensive by Turkey-supported armed groups sought refuge in the al-Shahba region. Government forces allowed some of the injured and chronically ill to access Aleppo city, the nearest place where they could receive adequate medical care. Many, however, failed to obtain such permission. Government forces also prevented civilian movement outside the al-Shahba region, forcing many people to pay large amounts of money to smugglers to evade the restrictions in order to search for adequate living conditions.

ARMED CONFLICT – ABUSES BY ARMED GROUPS AND ALLIES

Confiscation and looting of property

In March, Turkey’s military and armed opposition groups receiving Turkish military support, including Ferqa 55, Jabha al-Shamiye, Faylaq al-Sham, Sultan Mourad and Ahwar al-Sharqiye, gained control of Afrin, a predominantly Syrian Kurdish area in northern Aleppo governorate, after an offensive launched against the People’s Protection Units (YPG), the military force of the Autonomous Administration governed by the Syrian Kurdish Democratic Union Party (PYD). These armed groups confiscated and looted civilian property, using homes as military headquarters. Residents saw their homes and businesses used and run by displaced families from Eastern Ghouta and Homs. For example, Ferqa 55 confiscated and used the home of a resident in Afrin as a military base while another armed group took control of two of his shops.

Some of these groups, and Turkish armed forces, turned schools into military bases, preventing access to education for thousands of children.

ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT

Armed groups supported by Turkey were responsible for at least 86 incidents of arbitrary detention of civilians for ransom, as punishment for residents who asked to reclaim their property or because of baseless accusations of affiliation to the PYD or YPG. For example, a man who returned to Afrin following the end of the offensive was taken away by a pro-Turkey armed group who refused to tell his relatives his whereabouts or fate. He had been the head of a civilian local committee perceived to support the PYD.

The pro-Turkey armed group Sultan Mourad arbitrarily detained journalists, teachers, engineers and activists, as well as former employees of the PYD and YPG fighters, and subjected some to torture and other ill-treatment.

ARRESTED DISAPPEARANCES

Syrian security forces held thousands of detainees without trial, often in conditions that amounted to enforced disappearance. Tens of thousands of
people remained disappeared, the majority since 2011. They included peaceful activists, humanitarian workers, lawyers, journalists, peaceful critics and government opponents as well as individuals detained in place of relatives wanted by the authorities.

In May, the government disclosed the death of some of the disappeared by updating civil status records. For example, the relatives of brothers Yehya and Maen Sherbaji, who had received no information about their whereabouts or fate since they were forcibly disappeared in 2012, found out they were dead when the authorities updated the civil status records. In such cases, the authorities failed to provide the families with remains or information about the circumstances of the enforced disappearance and death.

**RIGHT TO HOUSING**

In 2012, the government adopted Legislative Decree 66, allowing authorities to demolish informal settlement areas in Damascus and Damascus Countryside governorates to convert them into urban development zones. In February 2018, the government passed Law 10, which gives land and home owners or their relatives one year to assemble the necessary paperwork and claim their property once a zone has been designated. According to research by the Norwegian Refugee Council, barely one in five Syrian refugees has title deeds in their possession. While the legislation provided some provisions that ensure the right of home owners in designated zones to apply for alternative housing and financial compensation, it fell short of protecting the rights of people who lived in informal settlements, who lack security of tenure and whose residence is unlikely to be recorded in the land registry. It was not clear what would happen to unclaimed properties.

Women whose husbands or fathers had been killed or gone missing during the conflict faced serious obstacles in claiming their property as the deeds were often in the name of their male relatives. Such women lacked the required official documentation or proof of the whereabouts of their male relatives that would allow them to act on behalf of the deed holders.

**DEATH PENALTY**

The death penalty remained in force for many offences. The authorities disclosed little information about death sentences passed and no information on executions.
**TUNISIA**

Republic of Tunisia
Head of state: Béji Caid Essebsi
Head of government: Youssef Chahed

The Truth and Dignity Commission (IVD) finalized its work investigating past human rights violations despite an attempt by the parliament to end its work prematurely. Transitional justice trials on grave past human rights violations began before specialized criminal chambers. The authorities repeatedly renewed the state of emergency and used it to justify arbitrary restrictions on freedom of movement. Torture and other ill-treatment of detainees continued, but complaints hardly ever reached trial. The authorities arbitrarily arrested protesters and prosecuted people for the peaceful expression of their views. Police and other security forces at times used excessive force during law enforcement operations. The Law on Eliminating Violence against Women came into effect. Proposed legal reforms to establish equality between men and women in matters of inheritance and to decriminalize same-sex sexual relations were submitted to the parliament. Lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued to face harassment, arrest and imprisonment. Water shortages and inadequate water distribution resulted in repeated water cuts in several regions, prompting protests, particularly in the hottest months of the year. Death sentences were handed down, but there were no executions.

**BACKGROUND**

The authorities renewed the nationwide state of emergency five times; emergency measures had been in place since late 2015. Protests against unemployment, poor living conditions and water shortages continued, particularly in marginalized and underdeveloped regions. On 24 December, protests took place in Kasserine following the death of journalist Abderrazak Zorgui, who set himself on fire to protest against...
economic conditions. Protesters clashed with security forces for three consecutive nights, during which police used tear gas to disperse protesters allegedly throwing stones and burning tyres.

The parliament again failed to elect the first third of the members of the Constitutional Court, a step due since 2015. An acute political crisis between the two major political parties, al-Nahda and Nidaa Tounes, ended their coalition in September.

**TRANSITIONAL JUSTICE**
In March, the parliament voted against a decision by the IVD to extend its mandate by seven months in order to complete its final report and referrals of cases of past human rights violations to specialized criminal chambers. However, the government announced in May that it would give the IVD the necessary time to finalize its work. In December, the IVD presented its final report to the president and at the end of the year was waiting for a response to requests for meetings with the head of government and the parliament to share the report with them before publication. The report included the IVD’s verified findings, the identification of individuals responsible for human rights violations, the reasons underlying grave violations and recommendations to ensure non-recurrence of such violations.

Between March and December, the IVD referred 72 cases to trial before 13 specialized criminal chambers. These included cases of enforced disappearance, death under torture, unnecessary or excessive use of force against peaceful protesters, and killings of peaceful protesters. In May, the first trial opened in the court of first instance in Gabes in the south of the country; it concerned the enforced disappearance of Kamal Matmati in 1991. Very few of the various hearings saw the alleged perpetrators appear in court. Victims’ lawyers urged judges to issue the accused with travel bans and official summons.

**FREEDOM OF MOVEMENT**
The authorities continued to impose emergency measures, often in an arbitrary manner. The Ministry of the Interior used border control orders, known as S17 orders, to unlawfully restrict the right to freedom of movement of thousands of individuals. In many cases, the orders amounted to travel bans, restricting people to their governorate of residence. Such measures were often imposed in a discriminatory manner based on appearance, religious practices or previous criminal convictions and without providing the reason or obtaining a court order. This often left those affected unable to challenge the restrictions in court or seek justice for violations suffered. The measures negatively affected individuals’ livelihoods and sometimes led to arbitrary arrest and short-term detention. In November, the spokesperson of the administrative court in Tunis stated that the Ministry of the Interior’s use of S17 orders should be considered unlawful. In December, a ministry official told Amnesty International that the interior minister had set up a working group to reform the S17 measure and end its arbitrary implementation and had issued an instruction not to tie the denial of travel documents to S17 orders.

**TORTURE AND OTHER ILL-TREATMENT**
Torture and other ill-treatment of detainees continued, mostly during arrest and in pre-charge detention. The vast majority of complaints filed by lawyers failed to reach trial.

In February, four police officers allegedly beat up a man in a police station in Ben Arous, a city just south of Tunis. They were also reported to have forced him to strip naked, sprayed him with tear gas and made him stand naked in the rain with a tyre around his waist. The four officers were charged with torture. In response, on 26 February a union of law enforcement officials called on officers not to perform their functions at the Ben Arous court of first instance until the accused officers were released. The same day, armed security forces protested inside the court to put pressure on the investigative judge to release their colleagues, which is what occurred later that day.

**FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY**
The authorities arbitrarily arrested protesters and prosecuted people for the peaceful expression of their views.

In January, police arrested Kais Bouazizi, a blogger, and charged him with “harming public order” after he shared Facebook posts that urged people to take to the streets to protest against the government’s economic policies. Later that month, the interior minister said the ministry would prosecute bloggers if they misled protesters. The same month, police or National Guard officers detained and interrogated at least four journalists in relation to their reporting of the protests. The National Guard summoned freelance journalist Mathieu Galtier on 10 January and asked him to reveal his sources, which he refused to do.

Courts continued to use Penal Code provisions to imprison people for defamation and to prosecute others for conduct protected by the right to freedom of expression. In January, the court of first instance in the city of Jendouba in north-west Tunisia sentenced Abdelaziz Aljaridi and Abdelaziz Alkhazi to six months’ imprisonment each for defaming the president by allegedly spreading rumours about his death. On 7 December, a military court of appeal increased the sentence against parliamentarian and blogger Yassine Ayari in his absence to two months’ imprisonment for a Facebook post in which he mocked the appointment of a senior military commander. The same court sentenced him in June to an additional three months’ imprisonment for “undermining the morale of the army” and for causing “offence to the President of the Republic” for a Facebook post in which he criticized senior military commanders and the president.
EXCESSIVE USE OF FORCE
Police and other security forces at times used excessive force when policing protests and sports events and conducting other law enforcement operations.

In January, following widespread protests against the new finance law, the authorities arbitrarily arrested hundreds of protesters. Police used unnecessary or excessive force against protesters and denied those arrested access to a lawyer. One protester, Khomsi Yeferni, died in Tebourba, a town 35km west of Tunis. Witnesses said that a police car ran over him; the Ministry of the Interior stated that he had a chronic respiratory condition and died as a result of tear gas inhalation.

In March, Omar Laabidi drowned after a police officer pushed him into a river near Rades sports stadium in the capital, Tunis, when he was trying to escape police officers chasing fans after a match ended in clashes. Witnesses said he had shouted out that he could not swim. In May, 17 police officers were charged with involuntary manslaughter and failure to provide assistance to a person in danger, the investigation was ongoing at the end of the year.

In October, customs officers shot dead Aymen Othmani while chasing him after a raid on a warehouse in the Sidi Hassine neighbourhood of Tunis. Witnesses said that a police car ran over him; the Ministry of the Interior stated that he had a chronic respiratory condition and died as a result of tear gas inhalation.

WOMEN’S RIGHTS
In February, the Law on Eliminating Violence against Women came into effect. It included guarantees for protecting women and girls from gender-based violence.

Despite the repeal in September 2017 of the 1973 directive prohibiting marriage between “a Tunisian woman and a non-Muslim man”, in at least eight cases, Tunisian women reported difficulties in finding a local notary who would agree to register such marriages. They said notaries claimed they had yet to receive or read the new regulations on such marriages.

Women continued to be severely underrepresented in government, holding only three of 28 ministerial posts.

In June, the Individual Freedoms and Equality Committee, established by the president, released its report on issues related to individual freedoms and gender equality. Among its welcome – albeit controversial – recommendations was one to reform the inheritance law to establish equality between men and women. The president submitted to parliament a bill to this effect.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE
LGBTI people continued to face arrest under Article 230 of the Penal Code, which criminalizes consensual same-sex sexual relations. According to Damj, a Tunisian LGBTI NGO, in 2018 police arrested at least 115 individuals in relation to their perceived sexual orientation or gender identity, 38 of whom were later charged and convicted under Article 230 of the Penal Code.

The police continued to subject men accused of same-sex sexual relations to forced anal examinations, in violation of the prohibition of torture and other ill-treatment. Transsexual and transgender people continue to face police harassment and live with the risk of arrest under vague “public decency” articles of the Penal Code, including Article 226bis.

Among the recommendations of the Individual Freedoms and Equality Committee in its June report was one to decriminalize same-sex sexual relations. A draft law that included the decriminalization of such relations was submitted by a group of members of parliament in October; at the end of the year it was awaiting consideration by the parliamentary committee on rights and liberties.

RIGHT TO WATER
Water shortages became more acute after water supplies to the two main dams fell substantially. In July, the Ministry of Agriculture, Water Resources and Fisheries declared that Tunisia’s hydraulic situation was “critical”. Water shortages and inadequate water distribution resulted in repeated water cuts in several regions, prompting protests, particularly in the hottest months of the year. These shortages had been impacting people’s ability to use water for personal and domestic use. In July, protesters in Sfax, Kef, Gabes, Tabarka and Kelibia demanded solutions to the water shortages in their towns. The NGO Tunisian Water Observatory said that it had registered 404 water cuts and 104 protests related to access to water between May and June.

In March the government announced a number of projects in the framework of the Ministry of Agriculture’s strategy to secure drinking water resources, but was hampered by floods in September that damaged water infrastructure.

DEATH PENALTY
Courts continued to hand down death sentences; no executions had been carried out since 1991.
Space for civil society remained nearly non-existent in the United Arab Emirates (UAE), with the country’s most well-known human rights activist behind bars and high levels of fear dissuading victims of human rights violations and dissidents from speaking out. Arbitrary detention of foreign nationals was frequently reported. Women continued to face discrimination in law and in practice. The authorities introduced several labour reforms likely to be of benefit to migrant workers, but other policies left them vulnerable to exploitation. The authorities continued to deny nationality to thousands of individuals born within the UAE’s borders, effectively rendering them stateless. Some detainees were held incommunicado and in undisclosed locations for weeks or months. Courts handed down death sentences; no executions were reported.

**BACKGROUND**

The UAE remained part of the Saudi Arabia-led military coalition that committed serious violations of international law in the armed conflict in Yemen (see Yemen entry). UAE troops and UAE-backed militias operating in southern Yemen carried out enforced disappearances and torture.

The UAE remained a member in the coalition of Gulf states imposing economic and political sanctions on Qatar. In July, the International Court of Justice issued provisional orders to the UAE to uphold its obligations under the Convention on the Elimination of All Forms of Racial Discrimination by allowing Qatari residents who had been forced to leave the UAE as a result of the regional crisis to reunite with family members, complete academic studies and access courts in the UAE.

**ARBITRARY ARRESTS AND DETENTIONS**

On 4 March, UAE forces (acting with assistance from India) detained Latifa bint Mohammed bin Rashed Al Maktoum, a daughter of Dubai’s ruler, in international waters after she tried to flee the UAE by yacht to seek asylum abroad. She continued to be held incommunicado, effectively a victim of enforced disappearance. Two of her companions – Finnish national Tiina Jauhiainen and French-US national Hervé Jaubert – as well as three Filipino crew members were detained at the same time and held for over two weeks.

Arbitrary detention of foreign nationals was frequently reported.

UK national Matthew Hedges, a student carrying out academic research in the UAE, was detained at Dubai International Airport in early May as he was about to leave the country. He was held, mainly incommunicado and in degrading and inhumane conditions, until October, when he faced an unfair trial on charges
of spying for the UK government. On 21 November he was convicted and sentenced to 25 years' imprisonment. Five days later he was pardoned and released.

Several Lebanese nationals working in the service sector were arbitrarily detained in early 2018 and held throughout the year without due process. They were denied access to legal representation and were not informed of any charges against them.

In September, Abudujilili Supi, a Chinese national of Uighur ethnicity, was detained without charge and held for a month before being allowed to leave the UAE for Turkey.

**FREEDOM OF EXPRESSION**

Criticism of the government continued to be stifled by the prosecution and imprisonment of peaceful dissenters. On 29 May, Ahmed Mansoor, the last human rights defender in the UAE publicly documenting and speaking out against human rights violations in the country, was sentenced to 10 years in prison for comments posted on his social media accounts. This followed over a year in detention during which he was mainly held incommunicado in an unknown location. His trial was conducted in virtual secrecy, with no information published until after the verdict. According to the UAE’s closely controlled press, Ahmed Mansoor was convicted of “publish[ing] false information, rumours and lies about the UAE”, confirming, as had previous government statements, that the prosecution was based on the exercise of his right to freedom of expression. On 31 December the Federal Supreme Court, sitting as the State Security Court, upheld the conviction and sentence, rendering them final.

Academic and prisoner of conscience Nasser bin Ghaith remained incarcerated on speech-related charges, as did human rights lawyer and fellow prisoner of conscience Mohammed al-Roken. Nasser bin Ghaith went on hunger strike (while still taking fluids) on 7 October, protesting against medical neglect and irregular family visits in al-Razeen prison. He had been deprived of the medications he took pre-imprisonment for high blood pressure and other ailments. His health was in a critical state at the end of the year.

**WOMEN’S RIGHTS**

Women continued to face discrimination in law and in practice. Federal Law No. 28 on Personal Status contains multiple provisions entrenching the lack of equal status between men and women, stating for example that “a husband’s rights over his wife” include the wife’s “courteous obedience to him” and obligation “to look after the house”, and placing conditions on a married woman’s right to work or leave the house. Under Article 53 of the Penal Code, “a husband’s discipline of his wife” is “considered an exercise of rights,” language which can be read as an official sanction of spousal abuse. The government failed to protect women adequately from sexual and domestic violence.

**MIGRANTS’ RIGHTS**

The authorities introduced several labour reforms likely to be of particular benefit to migrant workers, including a decision to allow some workers to work for multiple employers, tighter regulation of recruitment processes for domestic workers and a new low-cost insurance policy that protected private sector employees’ workplace benefits in the event of job loss, redundancy or an employer’s bankruptcy.

However, the UAE maintained its no-minimum wage policy. This had a particularly negative impact on migrant workers, who comprised an estimated 85% of the country’s workforce. Unlike UAE nationals, migrant workers did not receive government allowances for housing, subsidized health care and other services and were therefore far more dependent on wages for their livelihood. Migrants’ wages were typically low relative to nationals and to price levels in the country, undermining their right to just and favourable conditions of work, and their right to an adequate standard of living.

In February Amnesty International wrote to UAE authorities requesting information and access to research the situation of workers at the engineering company Mercury MENA, which operated in several Arab Gulf states and had left many of its workers unpaid for over a year. The UAE did not respond.

**STATELESSNESS**

The UAE continued to deny nationality to at least 15,000 individuals who were born within its borders and had no other nationality, effectively rendering them stateless. This deprived them of a range of state services, such as free education provided for citizens, and made it difficult for them to find employment in state-supported industries that require security clearance.

Most of the indigenous UAE residents locked into statelessness were from the northern emirates such as Ajman and Sharjah, which are considerably poorer than Abu Dhabi and Dubai. A money-for-passports deal with the Comoros that was introduced in 2008 with the alleged purpose of regularizing the status of the stateless population failed to resolve the problem. As in previous years, some of those who had obtained five-year Comorian passports were left stateless again after their passports expired and they could no longer renew them, due to the Comorian government having ended the programme.

**TORTURE AND OTHER ILL-TREATMENT**

The UAE failed to take steps to end torture and other ill-treatment in detention. Amnesty International documented eight cases in which detainees were held incommunicado and in undisclosed locations for weeks or months, greatly increasing the risk of human rights violations. In some cases, detainees were held in degrading conditions, denied personal hygiene items and the opportunity to bathe, or threatened with extreme violence.

**DEATH PENALTY**

Courts continued to issue new death sentences, primarily against foreign nationals for violent crimes. No new executions were reported.
HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA
REVIEW OF 2018
Amnesty International

YEMEN
Republic of Yemen
Head of state: Abd Rabbu Mansour Hadi
Head of government: Maeen Abdulmalik Saeed (replaced Ahmed Obeid bin Daghr in October)

All parties to the continuing conflict in Yemen committed war crimes and other serious violations of international law. Huthi forces, which controlled large parts of the country, indiscriminately shelled residential neighbourhoods and launched missiles indiscriminately into Saudi Arabia. The Saudi Arabia-led coalition, which supported the internationally recognized Yemeni government, continued to bomb civilian infrastructure and carry out indiscriminate attacks, killing and injuring civilians. All parties to the conflict engaged in illegal practices, including arbitrary detention, enforced disappearance, and torture and other ill-treatment. Those targeted included journalists, human rights defenders and members of the Baha’i community. The Saudi Arabia-led coalition continued to impose excessive restrictions on the entry of essential goods and aid, while the Huthi authorities obstructed aid movement within the country, deepening the humanitarian crisis. Women and girls continued to face entrenched discrimination and other abuses; the conflict left them with less protection from sexual and other violence, including forced marriage. No information was publicly available about executions, but death sentences were reported.

BACKGROUND
The divided territorial control of Yemen was entrenched as the conflict continued between the internationally recognized government of President Abd Rabbu Mansour Hadi, supported by the Saudi Arabia-led coalition, and the Huthis and their allied forces. Huthi forces consolidated their control over large parts of the country, including the capital, Sana’a. In April, Huthi leader Saleh al-Sammad was killed in a coalition attack; Mahdi al-Mashat replaced him.

President Hadi’s government made several attempts to reassert its authority in the southern city of Aden. Clashes
broke out between government forces and rival factions, such as the Southern Transitional Council, which was backed by the United Arab Emirates (UAE), part of the Saudi Arabia-led coalition. The UAE also supported and armed militias in other areas of southern Yemen.

The on-off battle for Hodeidah resulted in hundreds of civilian casualties; the UN reported that nearly half a million people fled the governorate during the year. There was continued fighting between armed factions in the city of Ta‘iz, too.

According to the Office of the UN High Commissioner for Human Rights, 6,872 civilians had been killed and more than 10,768 civilians wounded between 26 March 2015, when the Saudi Arabia-led coalition became involved in the conflict, and 8 November 2018. The UN Office for the Coordination of Humanitarian Affairs reported in June that 22.2 million people needed humanitarian assistance and that around half the population, 14 million people, were at imminent risk of famine. Cholera continued to affect the entire country.

UN-backed talks in Sweden concluded on 13 December, resulting in agreements on several confidence-building measures, including prisoner exchanges and a ceasefire in Hodeidah, which came into effect on 18 December. The UN Security Council then adopted Resolution 2451 on 21 December, insisting on full respect for the ceasefire and authorizing the deployment of a monitoring team to Yemen to oversee the implementation of the agreements.

VIOLATIONS BY THE SAUDI ARABIA-LED COALITION

Coalition forces continued to be the main cause of civilian casualties, according to the UN. They committed with impunity serious violations of international human rights law and humanitarian law. They used imprecise munitions in some attacks, including large bombs with a wide impact that caused deaths and destruction beyond their immediate strike location.

Coalition air strikes mainly targeted Huthi-controlled or contested areas, in particular Sana‘a, Ta‘iz, Hajjah, Hodeidah and Sa‘da governorates, during which hundreds of civilians were killed and injured. Many attacks were directed at military targets, but others were indiscriminate, disproportionate or directed against civilians and civilian objects, including residential areas, buses and gatherings such as weddings. In January, a coalition air strike destroyed the Naji family home in al Rakab in the southern governorate of Ta‘iz. The mother and two sons, aged six and 10, were killed. The father, a son aged three and a baby daughter were injured. In August, a coalition aircraft attacked a bus in the town of Dahyan in Sa‘da governorate, killing 29 children and injuring 30 others.

VIOLATIONS BY HUTHI FORCES

Huthi and allied forces continued to carry out indiscriminate attacks, shelling residential neighbourhoods and launching missiles indiscriminately into Saudi Arabia.

Huthi fighters fired mortars repeatedly into civilian areas of Hodeidah, according to people who had fled the city. A mortar hit the courtyard of Hays Rural Hospital on 25 March, killing a pharmacist and a nurse and injuring a 13-year-old boy.

Huthi forces further endangered civilians by basing troops and vehicles in residential areas. In November, Huthi and allied forces took up positions on a hospital roof in Hodeidah. They also planted internationally banned anti-personnel landmines that caused civilian casualties, prevented civilians from leaving the city and forcibly displaced civilians from their homes in areas captured from government forces.

In areas they controlled, Huthi forces arbitrarily arrested and detained critics and opponents as well as journalists, human rights defenders and members of the Baha‘i community, subjecting scores to unfair trials, incommunicado detention and enforced disappearance. In September, they detained human rights defender Kamal al-Shawish incommunicado for over a month in an unknown location in Hodeidah. Six Baha‘i men continued to be detained. Five of them faced charges that carried the death penalty: one, who had been held for nearly four years, was accused of apostasy; four were charged in September with serious offences, including espionage for foreign states.

The internationally recognized Yemeni government harassed, threatened and arbitrarily detained human rights defenders and other activists. In June, security forces arrested Radhya Almutawakel and Abdulraheem Alfaqih, respectively chairperson and executive director of Mwatana Organization for Human Rights, in the southern city of Mukalla while they were travelling to Sey‘oun airport. Both were arbitrarily detained for a day before being released without charge. In October, government authorities and militias briefly detained Akram al-Shawafi, a human rights defender and founder of the Watch Team, a non-governmental organization. He was forced to relocate five times because of threats arising from his work on the treatment of civilians by the local authorities in Ta‘iz.

UAE-backed Yemeni forces in southern Yemen conducted a campaign of arbitrary detentions and enforced disappearances. In May, Amnesty International investigated in Yemen the cases of 51 men held in a network of secret prisons by UAE and Yemeni forces operating outside the command of their own government, including individuals detained between March 2016 and May 2018. The cases involved egregious violations, including enforced disappearances and torture and other ill-treatment amounting to war crimes. Some of the men were released between June and August, but many remained arbitrarily detained and over a dozen were still missing.

ARBITRARY ARRESTS AND DETentions

Huthi forces, the Yemeni government, the Saudi Arabia-led coalition and UAE-backed Yemeni forces engaged in arbitrary detention practices.
RESTRICTIONS ON ESSENTIAL GOODS

The Saudi Arabia-led coalition continued to impose excessive restrictions on the entry of essential goods and aid, while the Huthi authorities obstructed aid movement within the country, deepening the humanitarian crisis. Vessels travelling to Yemen’s Red Sea ports had to wait for coalition clearance; the resulting delays exacerbated a fuel shortage, reduced access to food, clean water and sanitation, and contributed to the spread of preventable diseases. Huthi forces imposed excessive and arbitrary bureaucratic procedures that restricted the movement of humanitarian staff and aid. They sometimes attempted to control the delivery of aid and demanded bribes to allow humanitarian projects to operate.

Under international humanitarian law, all parties are obliged to allow and facilitate rapid and unimpeded delivery of impartial humanitarian assistance for civilians in need, and ensure freedom of movement of authorized humanitarian personnel.

WOMEN’S RIGHTS

The protracted conflict exacerbated discrimination against women and girls, and left them with less protection from sexual and other violence, including forced marriage.

DEATH PENALTY

The death penalty remained in force for many crimes. No information was publicly available about executions, but death sentences were reported. On 2 January, the Specialized Criminal Court in Huthi-controlled Sana’a sentenced Hamid Haydara to death after a grossly unfair trial. He was tried on account of his beliefs and peaceful activities as a member of the Baha’i community. In February, one woman and two men were forcibly disappeared, ill-treated and given a patently unfair trial before being sentenced to death by a court in Sana’a for allegedly aiding an enemy country. The trial was part of a wider pattern of the use of expedited mass trials by Huthis to persecute political opponents, including journalists and academics.
This report documents the state of human rights in the countries of the Middle East and North Africa during 2018. It is composed of a regional overview and 19 country entries, subdivided by key human rights themes.

The killing of Palestinian protesters by Israeli forces in Gaza and the murder of journalist Jamal Khashoggi in a Saudi Arabian consulate glaringly illustrated the unaccountability of Middle Eastern and North African states that resorted to lethal and other violence to repress dissent. The crackdown on civil society actors and political opponents increased significantly in Egypt, Iran and Saudi Arabia. Across the region, authorities used arbitrary detention, excessive force against protesters and administrative measures to restrict civil society.

Armed hostilities in both Iraq and Syria decreased. As a result, fewer civilians were killed, but many continued to suffer the impact of serious violations, including war crimes, committed by all parties to the conflicts in Libya, Syria and Yemen particularly, as well as the devastating humanitarian situations that arose from or were exacerbated by their actions.

Despite the repression, 2018, like 2017, saw limited positive developments at a legislative and institutional level with respect to women’s rights and violence against women. Significant developments aimed at addressing past violations occurred in Lebanon and Tunisia.
TAB 12
President Hassan Rouhani secured a second four-year term in office in May 2017, in an election marked by debate over the state of civil and political rights in Iran. Executions, especially for drug-related offenses, continued at a high rate. Authorities in the security apparatus and Iran’s judiciary continued to target journalists, online media activists, and human rights defenders in an ongoing crackdown, in blatant disregard of international and domestic legal standards.

**Death Penalty**

The judiciary continued to execute individuals at a high rate, particularly for drug offenses. Human rights groups reported that Iran executed at least 476 individuals as of November 27, 2017, including five individuals who were sentenced to death for crimes they allegedly committed as children.

On August 13, the Iranian parliament approved a long-awaited amendment to the country’s drug law that significantly raises the bar for a mandatory death sentence for drug-related offenses. A body of 12 Islamic jurists, approved the amendment in

Iranian law considers acts such as “insulting the prophet,” apostasy, same-sex relations, adultery, and certain non-violent drug-related offenses as crimes punishable by death. On August 28, Mahmoud Alizadeh Tababi, the lawyer of Mohammadi Ali Taheri, a spiritual teacher and the founder of the spiritual group of Erfan-e-Halghe (Circle of Mysticism), announced that his client was sentenced to death for the second time on a charge of “sowing corruption on earth.” Previously, in 2011, a revolutionary court had sentenced Taheri to five years in prison, but in 2015 tried him again for corruption on earth and sentenced him to death. The ruling was rejected by the supreme court in 2016.

Due Process Rights and Treatment of Prisoners

Iranian courts, and particularly the revolutionary courts, regularly fell short of providing fair trials and used confessions obtained under torture as evidence in court. Authorities routinely restrict detainees’ access to legal counsel, particularly during the investigation period.

Several individuals charged with national security crimes suffered from a lack of adequate access to medical care in detention. In August, authorities refused to allow for the hospitalization of Arash Sadeghi, a 30-year-old human rights defender, who suffers from digestive complications following his long-term hunger strike in February. Zeinab Jalalian, a Kurdish prisoner who is serving a life in prison sentence in Khoy prison in West Azarbaijan province, is reportedly in urgent need of medical treatment for her eye. In 2017, several political prisoners in Rajai Shahr and Evin prisons, including Saeed Shirzad, a child rights activist, embarked on a hunger strike to protest their prison conditions.

 Freedoms of Expression, Association and Assembly

On December 19, 2016, President Rouhani announced the Charter on Citizens’ Rights, which largely reiterated rights and protections that already exist in the constitution and domestic law. In the absence of a mechanism for enforcement, however, it is unclear whether the Charter will
Authorities continued to restrict freedoms of expression, association and assembly and prosecuted dozens of journalists, online media activists, and trade unionists on charges of “acting against national security,” “propaganda against the state,” and “assembly and collusion to disrupt national security,” merely for exercising their legitimate rights.

On August 29, Ali Mojtahedzadeh, the lawyer of six administrators of channels on the social media application Telegram who were close to reformists arrested before the May presidential elections, told Ilna news agency that Branch 15 of Tehran’s revolutionary court had sentenced his clients to three to five years in prison.

In March, the Intelligence Ministry arrested journalists Hengameh Shahidi and Zeinab Karmianian and detained them for nearly five months. They were released on August 29.

Authorities from the Judiciary Intelligence Agency arrested Sasan Aghaei, 34, deputy editor of the reformist daily Etemad, and Yaghma Fashkhami, a journalist for the Didban Iran website, at their offices in Tehran on August 13 and 22, respectively. As of November, authorities have not charged either individual with a recognizable crime.

Authorities sent back to prison several prominent trade unionists whom they had sentenced to prison for peaceful activities but later released. Authorities arrested Ismael Abdi, the Secretary General of the Teachers’ Union, and Mahmoud Beheshti Langeroudi, the Union’s Spokesperson, on June 7 and September 13, respectively, while they were out on furlough. On August 9, Reza Shahabi, a prominent labor activist, returned to prison to serve the remainder of his six-year prison sentence in order to prevent the judiciary from seizing his bail. Shahabi had been released on medical grounds in May 2014.

**Human Rights Defenders and Political Prisoners**

Scores of human rights defenders and political activists remain behind bars for their peaceful activism. Atena Daemi, a child rights activist, is still serving a seven year prison sentence from November 2016 for peaceful activism. Abdolfatah Soltani, a prominent human rights lawyer who has been in prison since 2011, is serving a 13-year prison sentence for his human rights work, including co-founding the Defenders of Human Rights Center. Zia Nabavi, a student activist, is serving a 10-year prison sentence in Karoon prison in the city of Ahvaz.

On March 16, Narges Mohammadi, a prominent human rights defender who was arrested in June 2015 to serve the remainder of her six-year prison sentence, began serving a new sentence of 10 years in prison on charges including “membership in the banned campaign of Step by
Over the past three years, authorities have prosecuted, on charges of cooperating with foreign states, several Iranian dual nationals and foreign nationals who have traveled to Iran. These include Siamak Namazi, a businessman, and his 81-year-old father Baquer, as well as Nazanin Zaghari Radcliffe, Nizar Zakka, and Xiyue Wang. Former presidential election candidates Mehdi Karroubi and Mir Hossein Mousavi, as well as Mousavi’s wife Zahra Rahnavard, who is a scholar, have remained under house arrest without charge or trial since February 2011. Their families have reported that the health of all three has deteriorated and that they have been denied access to adequate healthcare.

Women’s Rights

Iranian women face discrimination in personal status matters related to marriage, divorce, inheritance, and child custody. A virgin woman needs her male guardian’s approval for marriage regardless of her age, and Iranian women cannot pass on their nationality to their foreign-born spouses or their children. A married woman may not obtain a passport or travel outside the country without the written permission of her husband. Under the civil code, a husband is accorded the right to choose the place of living and can prevent his wife from having certain occupations if he deems them against “family values.”

In 2017, Human Rights Watch documented how in this discriminatory environment, and in the face of government policies that do not afford adequate protection against discrimination in the public and private sectors, women are marginalized in the economy, constituting only 16 percent of the workforce. The rate of unemployment for women is 20 percent, twice that of men.
did not, however, select a female minister despite expectations that he would do so by many, including members of parliament.

On June 9, Iran reportedly allowed 300 women to attend a volleyball game between Iran and Belgium national teams, but only 30 of those tickets were sold to the public. Authorities, prevent girls and women from attending certain sporting events, including men’s soccer.

**Treatment of Minorities, Migrants, Rights of Persons with Disability**

Irish law denies freedom of religion to Baha’is and discriminates against them. At least 92 Baha’is were held in Iran’s prisons as of November 2017. On September 18 and October 31, Mahvash Sabet, Fariba Kamal Abadi, and Behrouz Kamali, three of the seven members of the former leadership group of the Baha’is in Iran, were released from prison after serving their 10-year prison sentence. The government also discriminates against other religious minorities, including Sunni Muslims, and restricts cultural as well as political activities among the country’s Azeri, Kurdish, Arab, and Baluch ethnic minorities.

On August 2, Molavi Abdolhamid, a prominent Sunni leader, wrote a letter to Supreme Leader Ayatollah Khamenei asking him to remove restrictions on the appointment and employment of Sunnis in Sunni-majority areas and to remove restrictions on Friday prayer assemblies in major cities in Iran. Ayatollah Khamenei reportedly responded that Iranian law and Sharia oblige officials not to discriminate between Iranians based on religion or ethnicity.

On October 8, the court of administrative justice suspended Sepanta Niknam, a Zoroastrian member of the Yazd City Council, because of his religion.

In 2015, Iran reportedly allowed all Afghan children, including undocumented ones, to enroll in schools after Ayatollah Khamenei issued a ruling emphasizing that “no Afghan child, even the undocumented ones, should be left out of school.” On September 14, 2017, Seyed Mohammad Bathaie, Iran’s Minister of Education, announced that 370,000 Afghans and other foreign students have enrolled in schools in Iran.

In 2017, Human Rights Watch documented that Iran’s Islamic Revolutionary Guards Corps (IRGC) had recruited Afghan children residing in Iran to fight as combatants in Syria in its Fatemiyoun division.

Under Iranian law, same-sex conduct is punishable by flogging and, in the case of two men, can Iran permits and subsidizes sex reassignment exhibits discrimination against them. On September
On April 12, in its concluding observation, the Committee on the Rights of Persons with Disabilities expressed concerns over violation of disability rights by the Iranian government in many areas including preventing and punishing violence and abuse, access to justice, and denial of legal capacity. The Committee also recommended that Iran brings its legislation in line with the Convention on the Rights of Persons with Disabilities, which Iran ratified in 2009. A new Bill on Protecting Rights of Persons with Disabilities is currently under consideration in an especially designated Commission in the Parliament.

**International Actors**

Iran continues to provide the Syrian government with military assistance and plays an influential role alongside Russia and Turkey in the Syria negotiations currently taking place in Astana, Kazakhstan. Human Rights Watch has documented a pattern of deliberate and indiscriminate attacks on civilians as well as torture by the Syrian government.

On October 13, President Trump announced he was not certifying Iran’s compliance with the nuclear agreement signed in 2015 between Iran and the five permanent members of the UN Security Council, plus Germany and the European Union. Instead Trump asked Congress to re-evaluate conditions for reimposing sanction on Iran. The International Atomic Energy Agency (IAEA) has maintained that Iran is complying with the terms of the agreement.
The Pushback Against the Populist Challenge

Kenneth Roth
Executive Director

Essays
Ending the Intersex Exception

People Born with Atypical Sex Characteristics Battle For Informed Consent
Protecting Rights, Saving Lives

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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TAB 13
Iran: COI Compilation

July 2018
This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared within a specified time frame on the basis of publicly available documents as well as information provided by experts. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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List of Abbreviations

ANRO - Azerbaijan National Resistance Organization
API - Anjoman-e Padeshahi-e Iran
CC - Civil Code
CCL - Computer Crimes Law
COG - Council of Guardians
CPI - Communist Party of Iran
FATA - Cyber Police
IPC - Islamic Penal Code
IRGC - Islamic Revolutionary Guard Corps (Sepah-e Pasdaran-e Enqelab-e Eslami)
IRI - Islamic Republic of Iran
KDP-I - Kurdistan Democratic Party – Iran
KDPI - Kurdistan Democratic Party of Iran
KRG - Kurdistan Regional Government (Iraq)
LEF - Law Enforcement Forces of the Islamic Republic of Iran (aka NAJA)
MEK/MKO/PMOI - Mojahedin-e Khalq Organization/People’s Mojahedin Organization of Iran
MOI - Ministry of Intelligence (also referred to as MOIS by some sources)
NAJA - Niruha-ye Entezami-ye Jomhuri-ye Eslamiyih Iran (aka LEF)
NCRI - National Council of Resistance of Iran
PDKI/KDPI - Democratic Party of Iranian Kurdistan
PAVA - Public Security and Intelligence Police
PJAK - Party of Free Life of Iranian Kurdistan
PMOI - People’s Mujahedin of Iran
SANAM - South Azerbaijan National Awakening Movement (aka GAMOH)
SCC - Supreme Council of Cyberspace
SNSC - Supreme National Security Council
WPI - Worker-Communist Party of Iran
1 Background information

1.1 Geographical information

1.1.1 Map of Iran

Source: UN Cartographic Section: Islamic Republic of Iran, January 2004

1.1.2 Map of Tehran

1.2 Brief overview of political institutions

The political system of the Islamic Republic of Iran can be characterised as one that “combine[s] democratic involvement with theocratic oversight” (NYT, 17 May 2017). Political institutions are either directly elected or appointed by the Supreme Leader (BBC News, 28 April 2017).
A report by the US Congressional Research Service (CRS), a policy research and analysis think tank of the US Congress, last updated in May 2018, specifies that “[u]nelected or indirectly elected persons and institutions” include the Supreme Leader, the Council of Guardians (COG) and the Expediency Council. Institutions “directly elected by the population” include the Presidency, the Parliament (Majles) and the Assembly of Experts. (CRS, 21 May 2018, pp. 4-8)

An April 2017 BBC news article states that “[a]ll the appointed institutions are run by conservatives” while the elected entities (government, parliament and local councils) “have changed hands between conservatives and reformists/moderates over the years”. It is noted that “real power lies in the hands of unelected conservatives”. (BBC News, 28 April 2017)

As noted in a May 2017 New York Times (NYT) article, democratic and theocratic elements “often clash with unelected, unaccountable officials holding the most power” (NYT, 17 May 2017).


A chart on Iran’s power structure published by the Washington Post in 2013 illustrates the interrelations between Iran’s various political institutions:
- Washington Post: Iran’s power structure, 13 June 2013
  http://www.washingtonpost.com/apps/g/page/world/irans-power-structure/226/

The April 2018 US Department of State (USDOS) country report on human rights practices provides a brief overview of the political system of the Islamic Republic of Iran and the role of the Shia clergy, most importantly the Supreme Leader (“Rahbar”), within it:

“The Islamic Republic of Iran is a theocratic republic with a Shia Islamic political system based on ‘velayat-e faqih’ (‘guardianship of the jurist’ or ‘rule by the jurisprudent’). Shia clergy, most notably the ‘Rahbar’ (‘supreme jurisprudent’ or ‘supreme leader’), and political leaders vetted by the clergy dominate key power structures. The supreme leader is the head of state. The members of the Assembly of Experts are directly elected in popular elections, and the assembly selects and may dismiss the supreme leader. Ayatollah Ali Khamenei has held the position since 1989. He has direct or indirect control over the legislative and executive branches of government through unelected councils under his authority. The supreme leader holds constitutional authority over the judiciary, government-run media, and armed forces, and indirectly controls internal security forces and other key institutions. While mechanisms for popular election exist for the president, who is head of government, and for the Islamic Consultative Assembly (parliament or ‘Majles’), the unelected Guardian Council vets candidates and controls the election process. Half of the 12-member Guardian Council is appointed by the supreme leader, while the other half is appointed by the head of the judiciary. In May voters re-elected Hassan Rouhani as president. Despite high voter turnout, candidate vetting allowed six presidential candidates to run out of 1,636 individuals who registered for the race.
Restrictions on media, including censoring campaign materials and preventing prominent opposition figures from speaking publicly, limited the freedom and fairness of the elections.” (USDOS, 20 April 2018, Executive Summary)

The January 2018 Freedom House report further states that while elections are held on a regular basis, these are partly influenced by the Council of Guardians (COG), an unelected institution that “disqualifies all candidates it deems insufficiently loyal to the clerical establishment” (Freedom House, January 2018, Overview). Vetting of election candidates by the COG has resulted in a limited ideological range among candidates (CRS, 21 May 2018, p. 7). Meanwhile, as noted by BBC News, once candidates have passed through the vetting process, “Iranian elections are for the most part free and fair (a notable exception being the 2009 elections, where the regime was accused of rigging votes in favour of hardline conservative Mahmoud Ahmadinejad)” (BBC News, 28 April 2017).

According to the CRS, Iran’s political process is characterised by a “relative absence of political parties”. According to Article 10 of the constitution, establishing a political party requires approval of the Interior Ministry. While a large number of parties have applied for permission since the beginning of the Islamic Republic, “only those considered loyal to the regime have been granted license to operate”, with some parties “licensed and then banned after their leaders opposed regime policies”. (CRS, 21 May 2018, p. 7)

For further information on Iranian political parties, please see the following June 2017 ACCORD query response:

- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: Query response on Iran: Organization and functioning of political parties [a-10095], 12 June 2017a
  https://www.ecoi.net/de/dokument/1402687.html

**Supreme Leader (Rahbar)**

The January 2018 Freedom House Freedom in the World 2018 report provides an overview of the powers of the Supreme Leader:

“The supreme leader, who has no fixed term, is the highest authority in the country. He is the commander in chief of the armed forces and appoints the head of the judiciary, the heads of state broadcast media, and the Expediency Council—a body tasked with mediating disputes between the Guardian Council and the parliament. He also appoints six of the members of the Guardian Council; [...]“ (Freedom House, January 2018, section A)

According to the CIA World Factbook (last updated in June 2018), the Supreme Leader is appointed for life by the Assembly of Experts (CIA, 7 June 2018). The Assembly of Experts “also monitors his work”. However, “in practice his decisions appear to go unchallenged by the assembly, whose proceedings are kept confidential”. The current Supreme Leader is Ali Khamenei, who succeeded the founder of the Islamic Republic, Ruhollah Khomeini, in 1989. (Freedom House, January 2018, section A).
Article 109 of the Constitution of the Islamic Republic of Iran of 1979 (last amended in 1989) specifies the qualifications and attributes of the Supreme Leader (“[a]cademic qualifications necessary for issuing decrees”, [f]airness and piety” and “[p]roper political and social insight, prudence, courage, authority and power of management necessary for leadership”) (Constitution of the Islamic Republic of Iran, 1989, Article 109). His authorities and functions, as listed in Article 110 of the Constitution, include the following:

1- To determine the general policies of the system of the Islamic Republic of Iran after consulting with the Majma’-e- Tashkhis-e- Maslehat-e-Nazam. [Expediency Council]
2- To supervise over the good performance of the system’s general policies.
3- To decree referendums.
4- To hold the Supreme Command of the Armed Forces.
5- To declare war or peace, and mobilize the armed forces.
6- To appoint, dismiss, or accept resignations of:
b) The highest authority of the Judiciary.
c) The head of Sazman Seda va Seema-e Jomhouri-e-Islami Iran.
d) Chief of Joint Staffs.
e) Chief Commander of the Islamic Revolutionary Guard Corps.
f) Chief Commander of the Armed Forces and Police Forces. […]
9- To sign the order of appointment of the President after he is elected by the people. […]
10- To dismiss the President of the Republic, by taking into account the interests of the country, after the Supreme Court has given verdict on the violation, by the President, of his legal functions, or the vote of his incompetence has been passed by the Majlis on the basis of Article 89 hereof.” (Constitution of the Islamic Republic of Iran, 1989, Article 110)

Council of Guardians (Persian: Shūrā-ye Negahbān)

The Council of Guardians (COG) is “a body of six clerics and six jurists that vets laws and elections for conformity with Islamic principles” (CHRI, 22 December 2017), referred to as one of Iran’s most influential political institutions (HRW, 18 October 2017, see also Tehran Times, 17 July 2017).

The functions and composition of this body are specified in Article 91 of the Constitution of the Islamic Republic of Iran of 1979 (last amended in 1989) (Constitution of the Islamic Republic of Iran, 1989, Article 91).

The May 2018 CRS report explains the COG’s functions and composition as follows:

“The 12-member Council of Guardians (COG) consists of 6 Islamic jurists appointed by the Supreme Leader, and 6 lawyers selected by the judiciary and confirmed by the Majles. Each councilor serves a six-year term, staggered such that half the body turns over every three years. Currently headed by Ayatollah Ahmad Jannati, the conservative-controlled body reviews legislation to ensure it conforms to Islamic law. It also vets election candidates by evaluating their backgrounds according to constitutional requirements that each candidate demonstrate knowledge of Islam, loyalty to the Islamic system of government, and other
criteria that are largely subjective. The COG also certifies election results. Municipal council candidates are vetted not by the COG but by local committees established by the Majles.” (CRS, 21 May 2018, p. 5)

The COG’s role in reviewing draft laws passed by the Majles, specified in Articles 94 to 96 of the Constitution of 1979 amongst others, is explained in a July 2017 article of the Tehran Times:

“[A]ny bill passed by the Majlis must be reviewed and approved by the Guardian Council to become law.

According to Article 96 of the constitution, the Guardian Council holds veto power over all legislations approved by the Majlis. It can nullify a law based on two accounts: being against Islamic laws, or being against the constitution. While all the members vote on the laws being compatible with the constitution, only the six clerics vote on them being compatible with Islam.

If any law is rejected, it will be passed back to the Majlis for correction. If the Majlis and the 12-member Guardian Council cannot decide on a case, it is passed up to the Expediency Council for a decision.” (Tehran Times, 17 July 2017)

Regarding the COG’s role in elections (specified in Article 99 of the Constitution of 1979), the International Federation for Human Rights (FIDH), notes that it has the “overall authority to interpret election laws, vet candidates, oversee the electoral process, receive and adjudicate complaints over alleged irregularities, confirm the election results, and notify and direct the Ministry of Interior to announce the results”. The COG also “appoints a Central Board for Supervision of Elections (CBSE) and supervision boards or supervisors at local levels”. The voting, the counting of votes and other operative tasks are organised by the Ministry of Interior. (FIDH, 18 May 2017)

The January 2018 Freedom House report provides details on the COG’s vetting of election candidates:

“The Guardian Council, controlled by hard-line conservatives and ultimately by the supreme leader, vets all candidates for the parliament, the presidency, and the Assembly of Experts. The council typically rejects candidates who are not considered insiders or deemed fully loyal to the clerical establishment, as well as women seeking to run in the presidential election. As a result, Iranian voters are given a limited choice of candidates.” (Freedom House, January 2018, section A)

Moreover, the Tehran Times, an English-language Iranian state newspaper, states that the COG has the authority to interpret the Constitution:

“The Guardian Council also functions similar to a constitutional court. The authority to interpret the constitution is vested in the council. Interpretative decisions require a three-quarters majority. The council does not conduct a court hearing where opposing sides are argued.” (Tehran Times, 17 July 2017)
The Expediency Discernment Council, referred to as “the country’s highest arbitration body” (CHRI, 19 October 2017), mediates between the Parliament and the Council of Guardians (EIU, 11 October 2017).

According to Article 112 of the Constitution, the Expediency Discernment Council can issue final decisions in cases where the Council of Guardians and the Parliament (Majles) are unable to reach agreement on a piece of legislation (Constitution of the Islamic Republic of Iran, 1989, Article 112; CHRI, 19 October 2017). Article 112 further states that the body is tasked with providing “consultation in matters referred to it by the Leader” and “other functions”. Its “permanent and mutable members […] shall be appointed by the Leader” (Constitution of the Islamic Republic of Iran, 1989, Article 112).

The May 2018 CRS report notes that while the Expediency Discernment Council “was established in 1988 to resolve legislative disagreements between the Majles and the COG […] it has since evolved into more of a policy advisory body for the Supreme Leader and an overseer of the performance of the president and his cabinet”. The members of the Expediency Discernment Council “serve five-year terms” (CRS, 21 May 2018, p. 5).

The same report informs about appointments to the Expediency Council in recent years:

“Longtime regime stalwart Ayatollah Ali Akbar Hashemi-Rafsanjani was reappointed as its chairman in February 2007 and again in March 2012, but his January 2017 death left the top position vacant. In August 2017, the Supreme Leader named a new, expanded (from 42 to 45 members) Council, with former judiciary head Ayatollah Mahmoud Hashemi Shahroudi as the new chairman. The Expediency Council’s executive officer is former Revolutionary Guard commander-in-chief Mohsen Reza’i. The council appointed in August 2017 includes former president Ahmadinejad. President Hassan Rouhani and Majles Speaker Ali Larijani were not reappointed as Council members but attend the body’s sessions in their official capacities.” (CRS, 21 May 2018, p. 5)

President (Persian: Ra’is-e Jomhūr-e Irān)

The presidency is the “second-highest-ranking official in the Islamic Republic”, being “formally and in practice subordinate to the Supreme Leader” (CRS, 21 May 2018, p. 7). The president is responsible for selecting a cabinet (“Council of Ministers”), subject to approval by the parliament, while the Supreme Leader has “some control over appointments to several ministries” (CIA World Factbook, last updated 7 June 2018).

Article 114 of the Constitution specifies that “[t]he President shall be elected by the direct vote of the people for a four-year term of office. His consecutive re-election shall be allowed for one term” (Constitution of the Islamic Republic of Iran, 1989, Article 114). According to the CIA World Factbook, presidents are eligible for a second term as well as an additional non-consecutive term (CIA, 7 June 2018). The current president, Hassan Rouhani, was elected in
June 2013 and secured a second four-year term in the May 2017 presidential election. (EIU, 11 October 2017)

Article 115 states that “[t]he President shall be elected from among distinguished religious and political personalities” who are of “Iranian origins, have Iranian citizenship, be efficient and prudent, have a record of good reputation, honesty and piety, and be true and faithful to the essentials of the Islamic Republic of Iran and the official Faith of the country” (Constitution of the Islamic Republic of Iran, 1989, Article 115).

The powers and responsibilities of the president are set out in Articles 122 through 142 of the Constitution (Constitution of the Islamic Republic of Iran, 1989, Articles 122-142).

Parliament (Islamic Consultative Assembly; Persian: Majles-e Shūrā-ye Eslāmī)

An overview of the composition and functions of the Majles (parliament) is provided in a May 2018 report of the US Congressional Research Service (CRS):

“Iran’s Majles, or parliament, is a 290-seat, all-elected, unicameral body. There are five ‘reserved seats’ for the ‘recognized’ minority communities of Jews, Zoroastrians, and Christians (three of the five). The Majles votes on each nominee to a cabinet post, and drafts and acts on legislation. Among its main duties is to consider and enact a proposed national budget (which runs from March 21 to March 20 each year, coinciding with Nowruz). It legislates on domestic economic and social issues, and tends to defer to executive and security institutions on defense and foreign policy issues. […] Majles elections occur one year prior to the presidential elections […]” (CRS, 21 May 2018, p. 8)

The CRS, in an earlier article published in March 2016, notes that the 290 seats of the Majles “are allocated to 207 geographic constituencies, meaning that some constituencies send more than one person to the body”. As a result, “Tehran, for example, sends 30 members to the Majles”. (CRS, 4 March 2016)

All candidates for the Majles, as well as legislation passed by it, must be approved by the Council of Guardians (EIU, 11 October 2017). At the same time, it is noted that the Majles “selects six of the 12 members of the Guardian Council (who are nominated by the head of the judiciary)” (IFES, 17 February 2016).

The lawmaking process as well as some of the other functions of the Majles are explained in a February 2016 article of the Brookings Institution:

“After the Majlis debates and passes a law, the Guardians’ Council must confirm that the law conforms to the Constitution and Islam. The veto power of the Guardians’ Council over legislation has meant that substantive political and economic reform—even if supported by the Majlis—has often been obstructed. (In fact, because approximately half of the bills passed by the parliament were later rejected by the Guardians’ Council, Iran in 1989 established a third legislative body, the Expediency Council, which is empowered to mediate between them and overrule both.) If approved by the Guardians’ Council, the
piece of legislation must be signed by the president to become law. Among other things, the Majlis reviews and approves the annual budget, may approve and impeach heads of ministries, issues formal questions to the government, and approves international treaties.” (Brookings Institution, 9 February 2016 b)

The same report further informs that “[a]ny public complaints against government organizations are handled by the Majlis”, noting, however, that “[t]he body’s oversight authority is curbed [...] by the fact that the Supreme Leader’s consent is required if the Majlis wishes to look into an institution associated with his leadership” (Brookings Institution, 9 February 2016 b).

The EUI notes that political factions within parliament “are loose” and that the new Majlis “is dominated by the United Fundamentalist Front and the Stability of Islamic Revolution Front, both conservative groups close to the supreme leader” (EIU, 11 October 2017).


Assembly of Experts for the Leadership (Persian: Majles-e Khobregān-e Rahbari)

The Assembly of Experts for the Leadership (short: Assembly of Experts) is referred to as “an 88-member body of Islamic jurists, elected by direct popular vote every eight years”. As stipulated in the Constitution, the body is mandated to “appoint, monitor, and dismiss (if appropriate) the supreme leader” and comprises a leadership council and six committees which convene twice a year (Brookings Institution, 6 February 2016 a).

The US Congressional Research Service (CRS) states that the Assembly of Experts is “empowered to choose a new Supreme Leader upon the death of the incumbent” and that “it formally ‘oversees’ the work of the Supreme Leader”. It is noted that while “[t]he Assembly can replace him if necessary”, “invoking that power would, in practice, most likely occur in the event of a severe health crisis” of the Supreme Leader. The Assembly is moreover “empowered to amend the constitution”. It is stated that the Assembly “generally meets two times a year”. The same report gives an overview of elections to the Assembly of Experts and selections regarding the chairmanship of the Assembly:

“Elections to the Assembly are held every 8-10 years (some variation in the term), conducted on a provincial basis. The fourth election for the Assembly was held on December 15, 2006, after which Rafsanjani was named its deputy chairman. He became its chairman in September 2007, but his opposition to the crackdown on the 2009 uprising ran him afoul of the Supreme Leader and he was replaced as chair of the body in March 2011 by the aging compromise candidate Ayatollah Mohammad Reza Mahdavi-Kani. After Mahdavi-Kani died in 2014 and his successor, Mohammad Yazdi lost his seat in the Assembly of Experts election on February 26, 2016, (concurrent with the Majles elections), COG Chairman Ayatollah Ahmad Jannati was selected the new Assembly chairman in May 2016. Jannati serves in the two posts concurrently.” (CRS, 21 May 2018, p. 8)
As for the geographic distribution of seats in the Assembly of Experts, the CRS in a March 2016 article notes that “Assembly of Experts seats are divided among Iran’s 31 provinces” (CRS, 4 March 2016). As the UN Special Rapporteur on the situation of human rights in Iran notes in a May 2016 report published by the UN Human Rights Council (HRC), “[t]o date, no woman has ever been approved by the Council to serve on the Assembly of Experts” (HRC, 26 May 2016, p. 14).

2 Main political developments

2.1 Parliamentary and Assembly of Experts elections of February 2016

Elections for both the Islamic Consultative Assembly (Majles) and the Assembly of Experts were held on 26 February 2016 (HRC, 26 May 2016, p. 12). A second round of parliamentary elections was held on 29 April 2016 in constituencies where no candidate had won a minimum of 25 per cent of the vote during the first round in February. According to BBC News, supporters of President Rouhani secured 42 per cent of the 290 seats in the Majles while independents, many of whom are viewed as reform-minded, won nearly 30 per cent of the seats. Conservative “[h]ardliners” similarly secured “just under a third” of the Majles seats (BBC News, 30 April 2016). As reported by BBC News, all 30 seats for Tehran were won by reformists and moderates (BBC News, 29 February 2016).

The March 2016 US Department of State (USDOS) country report on human rights practices states that “candidate vetting by the unelected Guardian Council and restrictions on the media limited the freedom and fairness” of the Majles and Assembly of Experts elections (USDOS, 3 March 2017, Executive Summary).

A May 2016 report of the UN Special Rapporteur on the situation of human rights in Iran (published by the UN Human Rights Council, HRC) provides details on the Council of Guardians’ vetting of registered candidates ahead of the February 2016 elections:

“On 20 January 2016, the Supervisory Board of the Guardian Council qualified 39 per cent of the 12,123 candidates who had registered to run in the parliamentary elections. According to reports, only 30, or 1 per cent, of some 3,000 ‘reformist’ candidates who had registered for the elections were approved by the Board in its decision. Some of those rejected appealed to the Guardian Council and were approved on 15 February 2016, when the Council approved a total of 52 per cent of the candidates. […]

The Guardian Council invited 540 of the candidates for election to parliament, including 6 women, to sit for an examination to determine whether they were qualified to run for the Assembly of Experts. On 26 January 2016, the Guardian Council disqualified 640 of the 801 candidates registered for the election to the Assembly of Experts, including the 6 women.” (HRC, 26 May 2016, pp. 13-14)

A January 2016 Human Rights Watch (HRW) press release notes that the Council of Guardians “appears to have disqualified a high percentage of candidates associated with certain political groups”, including the Etemad Melli Party and the Nedaye Iranian Party (Both parties are reformist). (HRW, 24 January 2016)

As reported by the Center for Human Rights in Iran (CHRI), a New York-based non-governmental human rights organisation, in a March 2016 press release, the Council of Guardians has “illegally enlisted the Revolutionary Guards’ Intelligence Organization to investigate candidate applications ahead of the February 26, 2016 elections for Parliament and the Assembly of Experts”. It is noted that according to Article 46 of the Election Law, the Council of Guardians can only refer to the services of the Ministry of Intelligence (MOI), the Prosecutor
General, the National Registry and the Police Criminal Identification Office (in cooperation with Interpol) to investigate the qualification of prospective candidates in elections. (CHRI, 8 March 2016)

The CHRI further states that reformist candidates were “attacked by pressure groups” in the months leading up to the elections” and that “[p]olice and security forces did nothing to prevent attacks by radical conservative groups” (CHRI, 8 March 2016). According to the UN Special Rapporteur on the situation of human rights in Iran, “[i]n November and December 2015, at least 12 public gatherings related to elections were reportedly cancelled or disbanded, as a result of threats to speakers or participants” (HRC, 26 May 2016, p. 14)

The same source notes that Iran’s Mehr News Agency “reported at least 85 cases of election violations, including vote buying” and that there were “[r]eports of people being transported to other cities to boost votes”(CHRI, 8 March 2016).

In the February 2016 Assembly of Experts elections, President Rouhani and his supporters secured “all but one of the seats for Tehran in the Assembly of Experts” (15 out of 16 seats). As reported by BBC News, “[t]wo leading hardline clerics, assembly chairman Mohammad Yazdi and Mohammad-Taqi Mesbah-Yazdi, lost their seats”, while Ahmad Jannati (the chairman of the Council of Guardians, cf. CHRI, 8 March 2016) was “[t]he only hardliner” winning a seat in the Assembly of Experts. (BBC News, 29 February 2016)

The Freedom House Freedom in the World 2018 report notes that “[a] majority of the new assembly ultimately chose hard-line cleric Ahmad Jannati, head of the Guardian Council, as the body’s chairman.” (Freedom House, January 2018, section A)

A March 2016 article of the Middle East Eye (MEE), authored by Iranian-Canadian political analyst and freelance journalist Shahir Shahidsaless, provides an analysis of the Majles and Assembly of Experts elections:

“The elections emerged as a head-on clash between two camps. Moderates (also known as pragmatists), reformists, and moderate conservatives came together and formed a coalition around a central discourse that was “rejection of radicalism”. The group of majlis candidates that the coalition supported was styled as a “List of Hope,” while its list for the Assembly of Experts was referred to as “Friends of Moderation”. The de facto leader of the group was Iran’s former moderate president Akbar Hashemi Rafsanjani. In a statement, he asked people to actively participate in the elections to prevent “the institutionalisation of political and religious extremism in society”.

Their rivals, the Principlists – a name they gave themselves – introduced their own list of the ‘Coalition of Principlists’. The coalition consisted of conservatives and hardline conservatives.

Although the main battle was between these two camps, a third group under the banner of ‘Independents’ also entered the race. [...]
Regarding the Assembly of Experts, given the massive disqualification of the moderate candidates by the ultra-conservative Guardian Council that vets the candidates, the tactic that the moderates adopted was to throw their weight behind second-tier principlist candidates, some with more moderate tendencies, to prevent the hardline-leading figures from entering the assembly.

The approach worked. Two out of the three prominent principalist figures who were the main target of this plan – leading hardline ayatollahs Mohammad Yazdi and Mohammad Taghi Mesbah-Yazdi – lost their seats in the assembly. Moreover, the third figure, Ahmad Jannati, the secretary of the Guardian Council, was ranked last in Tehran and narrowly kept his seat in the Assembly. Rafsanjani won first place with a record high 2.3 million votes.

But the main story of these elections was the outcome of majlis elections in Tehran, the capital. The mega-city of 6.4 million eligible voters has a share of 30 seats in the majlis. ‘List of Hope’ candidates swept in a landslide, winning all 30 seats in an unprecedented victory. Gholam-Ali Haddad Adel, the Principlists’ leading figure, could not find a place better than 31st and was eliminated.” (MEE, 3 March 2016)

### 2.2 Presidential and municipal elections of May 2017

Presidential elections were held on 19 May 2017 alongside local council (municipal) elections (BBC News, 21 May 2017; CRS, 21 May 2018, p. 13).

The January 2018 Freedom House Freedom in the World 2018 report comments on the context in which the presidential election took place:

“In the May 2017 presidential election, only six men were allowed to run out of some 1,600 candidates who had applied. All 137 women candidates were disqualified by the Guardian Council. President Rouhani’s main challenger, hard-line cleric Ebrahim Raisi, was known for his role as a judge involved in Iran’s mass executions of political opponents in the 1980s. In the run-up to the election, the authorities intensified its crackdown on the media, arresting several journalists and administrators of reformist channels on Telegram, the popular messaging app.” (Freedom House, January 2018, section A)

The outcome of the presidential election is reported by the Congressional Research Service (CRS):

“The latest presidential election was held on May 19, 2017. Rouhani was constitutionally eligible to run for reelection, declared his candidacy, and won a convincing first-round victory with about 57% of the vote. He defeated a major figure, Hojjat ol-Eslam Ibrahim Raisi—a close ally of Khamene’i appointed by him in 2016 to head the large Astan-e-Qods Razavi Foundation. Even though other major hardliners had dropped out of the race to improve Raisi’s chances of winning, Raisi received only about 38% of the vote.” (CRS, 21 May 2018, p. 13)

According to the Minister of Interior, voters cast 41.2 million ballots (Al Jazeera, 20 May 2017), showing a high turnout of 70 per cent (NYT, 20 May 2017).
Hasan Rouhani was sworn in as President in early August 2017 (RFE/RL, 6 August 2017).

A May 2017 article of the Middle East Eye (MEE) written by Abraham Nematzadeh, a political analyst focused on Iran, describes the political context in which the presidential elections were held:

“In the end, Iran’s 19 May election became a competition between the incumbent, centrist president - a staunch proponent of the free market and a supporter of better relations with the world, including the US - and the conservative cleric, Ebrahim Raisi, an apprentice and follower of Iran’s supreme leader, Ayatollah Ali Khamenei.

Raisi made his career in Iran’s judiciary, holding senior posts in one of the main conservatives’ fortresses. His resume lists issuing execution orders for thousands of political prisoners over a span of two months in 1988 as a member of the four-person ‘death committee’.

During the election, Rouhani became the target of an orchestrated attack by the conservatives/hardliners, who dominate the establishment. Ayatollah Khamenei led the assault with harmonious support from Iran’s Revolutionary Guards (IRGC) and numerous media outlets in the IRGC and conservative camp’s control, which not only relentlessly supported Raisi, but also ran a deafeningly negative campaign against Rouhani.

But maybe the most destructive anti-Rouhani campaign propaganda came from the state TV and radio, the country’s only broadcaster. […]

Ayatollah Khamenei began intensifying his criticism of the Rouhani administration’s performance from the beginning of the current Iranian new year on 20 March.

‘The performance of the administration in 1395 (the Iranian last calendar year) fell way short of expectations,’ he said during a new year address. He then took a clear position against the unrevolutionary Rouhani administration – characterised as a moderate/pragmatic – while expressing hope that a revolutionary team would manage the country’s affairs. ‘If the management sticks to religious values and is revolutionary and efficient,’ he added, ‘every problem could be resolved … and, God willing, this will happen.’” (MEE, 25 May 2017)

The CRS gives an overview of the May 2017 municipal elections:

“Municipal elections were held concurrently. After vetting by local committees established by the Majles, about 260,000 candidates competed for about 127,000 seats nationwide. Over 6% of the candidates were women. The same alliance of reformists and moderate-conservatives that gave Rouhani a resounding victory also won control of the municipal councils of Iran’s largest cities, including all 21 seats on the Tehran municipal council. The term of the existing councils is to expire in September 2017 and, at that time, it is expected that a reformist or moderate official will replace be chosen to replace Qalibaf as Tehran mayor. The top vote getter in Tehran, and a reportedly strong candidate to be selected mayor, is Rafsanjani’s eldest son, Mohsen Hashemi.” (CRS, 21 May 2018, p. 13)
As reported by Radio Free Europe/Radio Liberty (RFE/RL), moderate and reformist candidates won all 21 seats of the Tehran City Council in the municipal elections, driving conservatives from power in Tehran for the first time in 14 years (RFE/RL, 21 May 2017).

2.3 Tehran attacks of 7 June 2017

In June 2017, at least 18 people were killed in coordinated attacks on the Majles and the mausoleum of Ayatollah Ruhollah Khomeini, the founder of the Islamic Republic (Freedom House, January 2018, Executive Summary) while dozens were reported injured (RFE/RL, 7 June 2017).

These events, which occurred on 7 June 2017, are reported by Al Jazeera as follows:

> “Four armed assailants attacked parliament office buildings on Wednesday morning, while the shrine of revolutionary founder Ruhollah Khomeini was struck by a suicide bomber, state media reported. One of the attackers on Iran’s parliament complex blew himself up on the fourth floor, while under siege by security forces, state broadcaster IRIB reported” (Al Jazeera, 10 June 2017)

Sources note that the Islamic State (IS) group has claimed responsibility for the attacks (Al Jazeera, 10 June 2017; Freedom House, January 2018, Executive Summary; RFE/RL, 7 June 2017).

A few days after the attacks, the Minister of Intelligence was quoted as saying that “[t]he mastermind and main commander of terrorist attacks on the parliament and Mausoleum of Ayatollah Khomeini was killed” (Reuters, 10 June 2017).

Radio Free Europe/Radio Liberty (RFE/RL) writes that after the attacks, “dozens of suspects were arrested in Tehran and in the northwestern provinces of Kermanshah, Kurdistan, and West Azerbaijan, as well as in Sistan-Baluchistan” (RFE/RL, 16 June 2017). Further arrests of alleged IS members were carried out in July 2017 in the city of Mashhad (RFE/RL, 7 July 2017).

2.4 Recent protests

Anti-government protests took place in Mashhad on 28 December 2017 (ABC News, 3 January 2018). The protests were triggered by “disgruntlement over economic malaise, endemic corruption and glaring income inequalities” (ICG, 15 January 2018) and criticism was directed towards the Rouhani government (ABC News, 3 January 2018). There were also rumours that the protests were instigated by conservatives opposed to Rouhani’s government (Politico, 7 January 2018) seeking to destabilise it (ABC News, 3 January 2018). Security forces eventually broke up the demonstration but protests soon erupted in other cities across the country (ABC News, 3 January 2018) including Kermanshah, in the west of the country, Isfahan, in the centre, Rasht, in the north, Qom, a religious centre, and other cities including Sari, Hamedan and Qazvin. Eventually, “as protests grew bigger, anti-regime demonstrations were held in Tehran but also in Shahr-e-Kord, Bandar Abbas, Izeh, Arak, Zanjan, Abhar, Doroud (in Lorestan [...]), Khorramabad, Ahvaz, Karaj and Tonekabon” (Guardian, 31 December 2017). By 2 January 2018, protests had been reported in “nearly every province” (AP, 2 January 2018).
It is noted that before the protests were over, “rallies had taken place in more than 100 cities and towns across the country, highlighting the grievances of citizens from a spectrum of regions, ages, and social classes” (RFE/RL, 18 January 2018). With regards to the grievances addressed by protesters, the US Congressional Research Service (CRS) notes that “[s]ome protesters might have been motivated by Rouhani’s 2018-2019 budget proposals that reportedly increased funds for clerical business enterprises (“bonyads”) and the IRGC, while at the same time continuing to cut subsidies” (CRS, 21 May 2018, p. 14).

A January 2018 Radio Free Europe/Radio Liberty (RFE/RL) article notes a widening of the scope of issues as the protests spread:

“As the protests spread, so did the scope of issues. Protesters increasingly demanded greater social and political freedoms, and the calls in Mashhad for Rohani to step down evolved into open criticism of the clerical establishment, including Supreme Leader Ayatollah Ali Khamenei.” (RFE/RL, 18 January 2018)

Matthew Bey, an analyst for Stratfor, a US-based geopolitical intelligence platform and publisher, similarly notes that the marches in one city (Mashhad) that “focused largely on the president […] quickly spread” geographically and “spiraled into a wider display of anti-government anger”:

“By the weekend, protesters had taken to the streets in more than 80 cities in demonstrations appearing to be far more spontaneous than the initial ones in Mashhad. Some of the protests even began to immortalize Reza Shah, who in the first half of the 20th century tried to spark a Kemalist-styled secularist modernization program in Persia before an Anglo-Soviet invasion forced him out. In many respects, Reza Shah’s vision for Iran epitomized the antithesis of the one that the Islamic Revolution hoped to achieve. And as the voices criticizing the government became louder, so too did those of the IRGC and hard-line clerics like Raisi in speaking out against the demonstrations.” (Bey, 9 January 2018)

The National Interest (TNI), a US international affairs magazine, points out that these protests differed from those lead by the “Green Movement” after the disputed 2009 presidential election in several respects:

“Unlike in 2009’s Green Movement, which opposed that year’s rigged presidential election, this time the movement (if we can speak of it in the singular) is far more amorphous in character. Its target is the ‘system’ in the broadest sense of the term, rather than any single event or figure. Also unlike 2009, when the movement was primarily middle-class and concentrated in large urban centers, this time around working-class residents of smaller cities and provincial towns have taken the lead. Furthermore, it does not have a united leadership—even symbolically, as was the case in 2009.” (TNI, 3 January 2018)

Nader Habibi, Professor of Economics of the Middle East at Brandeis University (USA), notes that while the recent protests “involve[d] fewer actual protesters”, they were “spread over a much larger area of the country, including many small cities that suffer from underdevelopment and low incomes”. They “do not have a visible political leader” and “appear
to be directed at the entire regime, including reformists”, with economic issues “far more
important” this time “than they were for the primarily middle-class protesters of 2009”.
Protesters are thus “primarily young” and include “unemployed university graduates and low-
income workers” who are, amongst others, “outraged by the frequent reports of corruption
and unfair accumulation of wealth among some government officials”. (Habibi, 8 January 2018)

An article of the Guardian newspaper, published on 2 January 2018, elaborates on the protests
by drawing similar comparisons to the 2009 post-election protests:

“While the protests may have begun over economic grievances, they soon took on a
political dimension. Chants have both called on Khamenei to step down and voiced
opposition to Iran’s regional policy, including ‘Let go of Syria, think about us’ and ‘I give my
life for Iran, not Gaza, not Lebanon’. Videos posted on social networks show some
protesters chanting nostalgic slogans in support of the deposed monarchy and late shah.
[...]

The protests are the biggest challenge to Tehran’s leaders since 2009, when the disputed
re-election of Mahmoud Ahmadinejad led to months of unrest amid a bloody crackdown.
The protests are bigger in the provinces than in 2009, of a scale rarely seen since the 1979
Islamic revolution, but in Tehran they are so far smaller than the mostly middle class
protests of 2009. Most chants during 2009 featured slogans in support of the opposition
leaders under house arrest, Mir Hossein Mousavi and Mehdi Karroubi, but in the recent
protests their names are seldom heard. [...]

In the early days of the protests, the authorities largely held back but as the unrest
continued and an intervention from Rouhani failed to calm public anger, security forces
have taken on a harsher line. According to latest official figures, at least 21 people have
died, including a number of security guards, and since Saturday, at least 450 people have
been arrested in Tehran alone. Hundreds more have been arrested in provinces.

Protesters say they have been hit by teargas but in sharp contrast to their handling of
previous unrest, authorities have allowed local media to report on the protests, although
many still reflect the official line. A limited number of foreign media still operating in Iran
are also allowed to report.” (Guardian, 2 January 2018)

Alireza Nader, an international policy analyst at the US-based Rand Corporation reports on the
scale and nature of the protests in a January 2018 article published by the US news company
Politico:

“The 2017 uprising started in the mostly conservative city of Mashhad [...]. [T]he uprising
quickly spread all over Iran from Mashhad to the holy city of Qom and Isfahan, among
others. But remarkably, the worst violence took place in many smaller cities ranging in
population from 50,000 to 200,000. These included Izeh, Dezful, Shahinshahr,
Kermanshah, Sanandaj, and so on; the number of towns and cities are too many to list. And
these places experienced not only protests, but also popular attacks against law
enforcement forces, government offices, paramilitary Basij facilities, banks and religious
foundations associated with the regime. All over Iran, insurgents shouted against
Khamenei and tore down his images, reminding many of the days of the 1979 revolution when statues of the shah were toppled nationwide.

The uprising also spread to Tehran, the capital and the hub of Iran’s economy and culture, but protests there were relatively subdued. Reports indicate that Tehran’s better-off people (in the northern part of the city anyhow) did not share the insurgents’ grievances. But this is misleading: The regime expected future troubles in Tehran and other large cities and concentrated its forces and intelligence resources away from the smaller cities. That’s partly why it was caught off guard.” (Politico, 7 January 2018)

The International Crisis Group (ICG), an NGO that conducts research on violent conflict and provides advocacy on policies, notes, however, that in 90 per cent of the “towns and cities that experienced unrest, riots already had occurred in the past six months over basic socio-economic issues: from unpaid wages to lost deposits and environmental disasters.” (ICG, 15 January 2018)

The CRS provides an overview of the state’s response to the protests, noting that they reportedly continued on a smaller scale and with shifted goals even after 7 January 2018 when the Islamic Revolutionary Guards Corps (IRGC) announced that the unrest had come to an end:

“Rouhani sought to defuse the unrest by acknowledging the right to protest and the legitimacy of some demonstrator grievances, Khamene‘i at first attributed the unrest to covert action by Iran’s adversaries, particularly the United States, Saudi Arabia, and Israel, but in early January he indicated that protesters also had the right to express legitimate grievances. Security forces did use force against protester violence, and the government also sought to suppress demonstrations by at least temporarily shutting down access to the social media site Instagram and a widely used messaging system called ‘Telegram,’ whose news channels, such as Amadnews, are widely followed by younger Iranians. The IRGC announced on January 7 that the unrest had been ‘defeated,’ but some reports indicated that unrest continued in some cities and spawned groups such as ‘Restart’ that advocates forcefully defending protesters against regime security forces. Iran media reported that 25 were killed and nearly 4,000 were arrested during the unrest. In February 2018, some women protested against the strict public dress code, and some of them were detained. However, their protests have not, to date, sparked a resumption of broader unrest.” (CRS, 21 May 2018, p. 14)

The ICG refers to the state’s response as “atypical as security forces refrained from resorting quickly to brute force – at least by their own standards”, arguing that one of the reasons for the authorities’ restraint might have been that “most of the protesters seemed to be the system’s own constituents – the more pious, lower-income, blue-collar workers from the country’s peripheries” (ICG, 15 January 2018).

A January 2018 report of the Center for Strategic and International Studies (CSIS), a Washington, D.C.-based policy think tank, analyses the recent protests within the framework of developments over the last decades:
“At least to date, the uprisings in Iran have not come close to the level of protests that overthrew the Shah in 1978 and forced him to leave the country in January 1979. They have been broader-based than the protests against the Iranian election in 2009, which led to ‘Green Revolution’ in 2009-2010. The regime’s effort to suppress such opposition also indicate that Iran has steadily improved its internal security and ability to repress its people since 2009, and that no one should underestimate the ability and willingness of the Supreme Leader, the Islamic Revolutionary Guard, and the Basij to use force against their people.

The regime has reacted quickly to repress the uprisings, and so far, it seems to have reacted effectively. The regime has blamed the U.S. and Saudi Arabia, and outside media and reporting, for attempting to start and support such protests. It has accused and arrested many protestors, and carried out large demonstrations in support of the regime. As in 2003 and 2009, the Supreme Leader and his supporters have shown that a regime that controls the security forces, the justice system, the media, and much of the economy can do much to resist any popular movements or opposition, brand them as enemies and traitors, and control broadcast and printed media and at least some of the Internet.

Events have made it clear, however, that the protests had a relatively broad geographic base, and were driven more by broadly popular causes like jobs, income, corruption, and resentment of Iran's privileged elites than more narrow concerns like democracy or human rights.” (CSIS, 11 January 2018)

A June 2018 Washington Post article reports that new protests took place in several locations in Tehran in June 2018:

“Protesters angered by Iran’s cratering economy confronted police officers in front of parliament on Monday, with security forces firing tear gas at them, according to online videos, the first such confrontation after similar demonstrations rocked the country at the start of the year. The unplanned demonstration came a day after protests forced two major shopping centers for mobile phones and electronics to close in Tehran and after demonstrators earlier closed its Grand Bazaar. It also signaled widespread unease beneath the surface in Iran in the wake of President Donald Trump’s decision to withdraw America from Tehran’s nuclear deal with world powers. It wasn’t immediately clear who led the protests. Iran’s semi-official news agencies Fars, ISNA and Tasnim described the protests at the Grand Bazaar as erupting after the Iranian rial dropped to 90,000 to the dollar on the country’s black market, despite government attempts to control the currency rate. Videos posted to social media showed protesters at the bazaar heckling shopkeepers who refused to close, shouting in Farsi: ‘Coward!’ A short time later, about 2 kilometers (1.25 miles) from the Grand Bazaar, videos shared by Iranians on social media appeared to show a crowd confronting police at parliament. The videos show tear gas in the air and protesters screaming, ‘They attacked us with tear gas!’ Another man is heard shouting: ‘Come back!’ Other videos appeared to show police charging into the crowd. State media in Iran did not immediately report the Grand Bazaar demonstration. Only Fars reported on the parliament protest, which it described only as shopkeepers asking ‘lawmakers to stop rising prices.’” (Washington Post, 25 June 2018)
3 Legal developments

Freedom House’s January 2018 Freedom in the World report notes that in October 2017, the Council of Guardians (COG) approved an amendment to the drug-trafficking law (passed by the Majles in August 2017) which “could significantly reduce the high number of executions for drug offenses” (Freedom House, January 2018, Overview).

The provisions of the bill (effective as of January 2018, see below) which amends “article 45 of the Law of 25 October 1988 on Combating Drugs and subsequent amendments, and changes the article number from 45 to 46” are summarised by the Library of Congress (LoC) as follows:

“The Amendment would increase the minimum amounts of illegal drugs that would subject convicted producers and distributors to a death sentence, raising the level of synthetic substances, such as heroin, cocaine, and amphetamines, from 30 grams to two kilos (1.06 ounces to 4.41 pounds) and that of natural substances, such as opium and marijuana, from five kilos to 50 kilos (11.02 pounds to 110.23 pounds). (Amendment, art. 45(d).)

With regard to sentencing, the punishment for those already sentenced to death or life in prison for drug-related offenses would be commuted to up to 30 years in jail and a fine. (Id. art. 45 ¶ 1.) Death sentences would be restricted to those convicted of carrying or drawing weapons, acting as the ringleader, providing financial support, or using minors below the age of 18 or the mentally ill in a drug crime, and to those previously sentenced to death, life imprisonment, or imprisonment for more than 15 years for related crimes. (Id. art. 45(a)-(c).)” (LoC, 31 August 2017)

As reported by the Guardian newspaper in January 2018, the legal amendments were signed by President Rouhani in November 2017 and “put into force in a communique by the head of the Iranian judiciary to all judicial officials” in January 2018. The article states that the amended provisions are “set to be applied retrospectively”:

“Mizanonline, the news agency affiliated to Iran’s judicial system, reported on Tuesday that its chief, Ayatollah Sadeq Larijani, had asked officials to halt executions of those affected by the new amendments, reconsider their cases and commute their sentences if possible.” (Guardian, 10 January 2018)

The January 2018 Guardian article cited above quotes a representative of Iran Human Rights (IHR), a Norway-based NGO documenting capital punishment in Iran, as saying that to their knowledge, “nobody [...] has been executed for such offences” since the president signed the law (in November 2017) and that over 5,000 drug-trafficking convicts on death row could be spared the death penalty (Guardian, 10 January 2018).

A July 2015 article of the Agence France-Presse (AFP) news agency reports about a new family law making “divorce by mutual consent invalid unless couples have first undergone state-run counselling”:

“The measures, reported by media at the weekend, are contained in a new family law that a top official said would be implemented by Iran's judiciary. ‘A decree of divorce by mutual consent, without counselling, is forbidden,’ Parnian Ghavam, head of the judiciary’s social...
work and counselling office, was quoted as saying by Tasnim news agency. All Iranians filing for divorce would be obliged to go to a counsellor, she said. ‘From now on, without this it will not be possible to register divorces of mutual consent.’” (AFP, 12 July 2015)

4 Political opposition

4.1 Youth activists / protesters

Radio Free Europe/Radio Liberty (RFE/RL) notes that protests of December 2017 and January 2018 “lack[ed] a central voice” and were “taking place across vast and varied territories”. They were attracting a broad spectrum of Iranians, thus “making it difficult to pinpoint any gender, age group, or economic class”. (RFE/RL, 2 January 2018)

The same article quotes Scott Lucas, an Iran specialist at Birmingham University (United Kingdom) as saying that “[t]hese protests cannot be portrayed, as the regime tried to do with 2009, as a “north Tehran phenomenon’ of troublesome, better-off, better-educated activists”. According to him, the “spread of the protests across the country in almost every Iranian city shows a widespread questioning of what the regime is doing over the economy, foreign policy and military interventions, and political and social issues”. (RFE/RL, 2 January 2018)

The Los Angeles Times newspaper quotes Ali Ansari of the Institute for Iranian Studies at St. Andrews University (United Kingdom) as saying that compared to the 2009 protests, those of late December 2017 / early January 2018 are a “much broader and deeper disavowal of the regime as a whole”, adding that:

“‘If 2009 was a very middle-class rebellion, this is much cruder than that and much angrier than that. This is simpler folk, people who are basically fighting to make a living every day and have very basic demands.’” (Los Angeles Times, 2 January 2018)

The same article quotes Rouzbeh Parsi, an Iran scholar at Lund University (Sweden) as saying that the “societal discontent” underlying the recent protests “cannot be channelled against a particular faction — it is structural” (Los Angeles Times, 2 January 2018).

The same article holds that while the Iranian state has “tried to pin the current protests largely on youths” (with the Ministry of Interior saying that 90 per cent of protesters detained across Iran are under the age of 25), “it would be simplistic and misleading to suggest that they are the only ones protesting”. The article notes that while young people are indeed severely affected by the country’s “high unemployment and dire economic situation”, they are “far from being the only disenfranchised segment of society”, quoting Raman Ghavami, an Iranian analyst who has been following the protest, as saying that participants in protests were “from all social classes, regions, and demographics in society”. (RFE/RL, 2 January 2018)

As reported by the Reuters news agency, President Rouhani suggested that there was a generational element to the late December 2017 / early January 2018 protests as they appeared to be led by under-25-year-olds. The causes of discontent ranged from “economic hardships suffered by the young and working class” to Iran’s military interventions in Syria and
Iraq as well as calls for the Supreme Leader Ayatollah Khamenei to resign. (Reuters, 8 January 2018)

The RFE/RL January 2018 article similarly points out that “[t]here is no single issue that is driving the protests”:

“The protests first erupted in the city of Mashhad on December 28, where demonstrators rallied against a surge in prices of basic food supplies, such as eggs and poultry. But as the protests spread, protesters directed their anger at Iran's political leadership, chanting ‘Death to Rohani’ and ‘Death to [Supreme Leader Ayatollah Ali] Khamenei.’ Some protesters have even called for the return of the monarchy that was ousted in the Islamic Revolution in 1979. Some have also chanted slogans against Iran’s foreign policies, including its support for the regime of Syrian President Bashar al-Assad, seen by some as an expensive and wasteful undertaking abroad considering Iran’s needs at home. Analysts believe the protests in Mashhad may have been driven by internal rifts in the clerical system that gave impetus to spontaneous protests erupting across the country. Mashhad, the country’s second-largest city, is home to Rohani’s former election rival, hard-line conservative cleric Ebrahim Raisi.” (RFE/RL, 2 January 2018)

The January 2018 RFE/RL article quotes sources as noting that there is “no apparent leadership or movement” behind the protests, which according to Alireza Nader of Rand Corporation “appear[ed] to be entirely spontaneous” (RFE/RL, 2 January 2018).

The Guardian newspaper similarly points out that the protests “appear[ed] to lack any specific organisation behind them”:

“Compared with 2009, the new protests also appear to lack any specific organisation behind them, which many see as an advantage because the state cannot easily crackdown on them by arresting a leader, and others as a disadvantage because they don’t have a clear strategy on the next step.” (Guardian, 31 December 2017)

Meysam Tayebipour, a PhD candidate at the Department of Politics, Philosophy and Religion at Lancaster University (United Kingdom), in an article for The Conversation, a non-profit media outlet, points out differences in structure and composition between the recent protests and previous protest movements:

“[T]he current movement, unlike the Green Movement, has no specific leader, and its demonstrations are mostly organised via Telegram, Iran’s most popular messaging app. While having no leadership can be a negative point for any movement, it also can have its benefits. The Green Movement came to an end when the regime placed its leaders under house arrest. But when Telegram was blocked in Iran to stymie the growing protests, the movement kept going; people have started to use virtual private networks and proxy servers, and they now have access to Telegram again. […]

Until these demonstrations began, big social movements in Iran were principally organised by reformists – but this time, reformist leaders are withholding their support. As the most powerful challenger to the hardliners, whom they have to fight to win over the broad
middle of Iranian public opinion, the reformists have no interest in backing what can be described as a left-wing movement, at least in terms of who its participants are.” (The Conversation, 3 January 2018)

4.2 Green movement

A January 2018 article of the Los Angeles Times provides a brief overview of the Green Movement and its current state:

“The 2009 uprising was centered in Tehran among educated, middle-class and politically engaged Iranians. Dubbed the ‘Green Movement,’ those protests prompted a violent crackdown in which dozens were killed and thousands arrested. Authorities tortured prisoners and held Stalin-style show trials in which defendants were forced to confess they were foreign agents. The shell of the Green Movement — whose leaders, former Prime Minister Mir-Hossein Mousavi and former parliamentary speaker Mehdi Karroubi, remain under house arrest — still carries the hopes of many reform-minded Iranian urbanites. When Rouhani campaigned for reelection last year, many in attendance at his rallies wore green armbands. But some analysts say the movement stalled not only because of the clampdown but also because its vision for reform appeared to stop at the ballot box.” (Los Angeles Times, 2 January 2018)

A March 2014 report of the Congressional Research Service (CRS), a policy research and analysis think tank of the US Congress, describes the Green Movement in the following terms:

“The Green Movement consisted primarily of educated, urban youth, intellectuals, and former regime officials. After the initial post-election daily protests, Green Movement members organized protests around major holidays and called openly for the downfall of the regime, rather than its reform. Some of the protests in late 2009, such as one on the Ashura holyday (December 27, 2009) nearly overwhelmed regime security forces. The movement’s outward activity declined after its demonstration planned for the February 11, 2010, anniversary of the founding of the Islamic Republic (in 1979) was suppressed. Minor protests were held on several occasions in 2010, and the opposition did not experience a resurgence after the start of the Arab uprisings in early 2011, suffering from an inability to win over many traditionally conservative groups such as older Iranians and Iranians who live in rural areas. It also experienced divisions between those who sought reform and those who sought outright regime overthrow.” (CRS, 5 March 2014, p. 13)

In a July 2014 article in Vacarme, a French quarterly political magazine, Farhad Khosrokhavar, a French-Iranian sociologist and research director at the School for Advanced Studies in the Social Sciences (EHESS) in Paris, notes that the Green Movement was, by its origins, a mobilisation campaign in support of the reformist candidates Mir-Hossein Mousavi and Mehdi Karroubi at the presidential elections in 2009. Rather than questioning the theocratic power structures as such, the movement’s aim has been democratization and political pluralism within the boundaries of the current constitution. (Khosrokhavar, 13 July 2014)

According to French-Iranian sociologist Khosrokhavar, the Green Movement experienced three phases. The first period, which preceded the presidential election of June 2009, saw the
mobilisation of urban (particularly Tehrani) middle-class youth, reformers and those disappointed with Mahmoud Ahmadinejad’s first presidency (2005-2009). It was a spontaneous movement, despite the guidance provided by leaders of the reformist front and groups closely linked to [former president] Mohammad Khatami. The movement took off barely a month prior to the elections and was above all a movement to mobilise the middle classes from central and north Tehran in which the lower strata of south Tehran did not play a significant role. As it sought to reform, rather than overturn, the existing regime and did not use innovative ways of mobilising the masses or new tactics of engaging the security forces, the government never felt threatened in its existence (except perhaps when a minority of youth supporters started to chant “Death to the dictator!”). (Khosrokhavar, 13 July 2014)

A January 2018 article of the Carnegie Endowment for International Peace, a US-based foreign policy think tank, notes that in the “[p]rotests in 2009 led by the Iranian ‘Green Movement’ [...] [r]eformers were campaigning against electoral fraud, but they never expressed a wish to overturn the Islamic Republic altogether” (Carnegie Endowment for International Peace, 10 January 2018).

The election results announced on 12 June 2009 (declaring Ahmadinejad winner) were seen as fraudulent by large sections of the population. This was when the movement entered its second phase. While the first phase was marked by joviality and a weary belief in the electoral procedures, this second phase was characterized by an attitude of real defiance. The slogans vigorously disputed the election results and called for a vote recount and, if necessary, the scheduling of new elections to be held under the supervision of impartial bodies. From 20 June 2009 onwards, police and Basij forces started to repress the movement in a much more systematic manner. While Facebook and Twitter were massively used during the first phase, internet connections were slowed down and eventually even completely cut off in areas near those where the demonstrations took place. The government gradually stifled the movement: its two main leaders were put in quarantine and protests were struck down with increasing violence, with more than 100 people killed and over 4000 arrested and tortured. (Khosrokhavar, 13 July 2014)

The Green Movement then entered a period of decomposition. With Mousavi and Karroubi under house arrest and the movement deprived of its leadership, in the months following the elections, the young activists struggled to organise large-scale protests against the government. The movement was increasingly placed under surveillance by the authorities. Even though demonstrations were held at the anniversaries of the original protests, the government could prevent them from expanding, especially since the main activists were either in prison, exiled in the West or in any case powerless given the movement’s lack of organisation. (Khosrokhavar, 13 July 2014)

A May 2017 Radio Free Europe/Radio Liberty (RFE/RL) article notes that as the “heavy-handed clampdown [...] eventually muted the mass street demonstrations” and “the moderate opposition’s most ardent supporters and leaders” were imprisoned, Iran’s younger generation, which was “at the heart of the Green Movement”, grew increasingly disengaged from politics during Ahmadinejad’s second term in office. As the article notes, however, the “political
impulse” of these young people that had “appeared to die with the demise of the Green Movement” was revived in 2013 when the more moderate Hasan Rouhani ran for the presidency. (RFE/RL, 18 May 2017)

As noted by the German international broadcaster Deutsche Welle’s (DW) Persian-language service, the “Green Movement” has not engaged in large-scale street protests since the year 1389 (21 March 2010 through 20 March 2011) but had an influence on Hasan Rouhani’s victory in the 2013 presidential elections (DW, 24 February 2016). According to Khosrokhavar, in a way, the Green Movement reemerged during the presidential elections of 2013 (which saw, for example, voters wearing green bracelets or holding photographs of Mousavi and Karroubi), at the end of which Hassan Rouhani prevailed over his conservative opponents with the acquiescence of the Supreme Leader who saw him as the person likely to solve Iran’s nuclear problem with the Western countries (Khosrokhavar, 13 July 2014).

An article by BBC Persian points to inherent “weaknesses” of the Green Movement that – apart from the forceful repression of protests by state authorities – contributed to its eventual demise following the house arrest of Mousavi, Rahnavard and Karroubi in February 2011. The article notes that the popular protests against the results of the 2009 elections (which took form using the slogan "Where is my vote?") were ultimately not successful in gaining the support of large segments of society, or most social classes. According to the BBC, there were two reasons for this: First, Ahmadinejad had many supporters among the lower classes of society, and even among many of the wealthy (a reality that was generally not acknowledged by the movement’s supporters). Thus there was no discontent over the election results that was shared by the “general populace”, “the entire nation” or “every Iranian citizen”. Many poor people, those living in the countryside and smaller cities, as well as religious minorities did not take part in the protests. Moreover, due to the weakness or the lack of leadership, of a programme, and clear organisation, a part of the core of the voters who had voted for the Green Movement presidential candidates (Mousavi and Karroubi) lost their hopes for change, with fewer and fewer people participating in the protests. The three leaders of the movement within Iran, Mousavi, Karroubi and Khatami, for many reasons were reluctant to pursue change on a large scale, and no plans or solutions resulted from their ideas, nor from those of Green Movement leaders based abroad. (BBC Persian, 8 June 2015)

A January 2018 report of the Center for Strategic and International Studies (CSIS) remarks that “[i]f the Green movement has an organized core, it is remarkably quiet”, adding that “opposition to the regime” as such remains “weak and fragmented” (CSIS, 11 January 2018).

In February 2018, Asharq Al-Awsat, a London-based Arabic international newspaper, quotes Ali Motahari, Second Deputy of the Majles, as saying that judiciary and security officials announced to end the house arrest of Green Movement leaders Mehdi Karroubi, Mir-Hossein Mousavi and Zahra Rahnavard by the end of the ongoing Persian calendar year (i.e. 20 March 2018) (Asharq Al-Awsat, 18 February 2018). However, a June 2018 article by the CHRI indicates that the three were still under house arrest as of 1 June 2018. The article mentions that in May 2018, “some officials stated that Rahnavard had refused an offer for some of the restrictions on her to be lifted but she denied the report and pledged to stay under house arrest in solidarity with
Mousavi and Karroubi until they are all freed” (CHRI, 1 June 2018). According to a Guardian article, dated 13 May 2018, both Mousavi and Karroubi “are suffering age-related medical complications” and “were taken to hospital a number of times last year”. The article further states that “[s]enior hardliners in the regime have signalled that they could be freed if they repent but Mousavi and Karroubi have so far refused” (Guardian, 13 May 2018).

4.3 Mojahedin-e Khalq Organisation (MEK, MKO)

Mojahedin-e Khalq Organisation (MEK), also known as the People’s Mojahedin Organization of Iran (PMOI) (Persian: Sāzmān-e mojāhedin-e khalq-e irān), is an exiled opposition group (RFE/RL, 9 January 2018) that strives for regime change in Iran and has a history of conducting violent attacks in Iran during the 1970s and 1980s and siding with Iraq’s Saddam Hussein during the Iran-Iraq war (BZ, 29 May 2017, p. 41; Al Jazeera, 29 March 2018).

A March 2018 Al Jazeera article provides an overview of MEK’s origins and its activities during the 1970s and 1980s:

“Founded in 1965 by a group of students from Tehran University, the MEK embraced a combination of Marxist philosophy and Islamic values, and supported an armed revolt against Shah Mohammad Reza Pahlavi, the last royal ruler of the country. Before the revolution, the MEK carried out attacks on the Shah’s government and his American allies, including the killing of the Tehran police chief in 1972, and two US air force officers in 1975. Right after the establishment of the Islamic Republic in 1979, MEK members were also believed to have participated in the hostage-taking at the US embassy in Tehran, which lasted for 444 days, according to the United States Institute of Peace and The National Interest foreign policy magazine. […] But they later split with the dominant sectarian ruling party, and began targeting Muslim leaders and government officials. In retaliation, the government executed socialist figures and MEK members. MEK’s rift with Iran worsened when its leader, Masoud Rajavi, aligned with Saddam in the eight-year Iran-Iraq War.” (Al Jazeera, 29 March 2018)

MEK’s role during the Iran-Iraq War is detailed in a 2009 report of the Rand Corporation, a US-based global policy think tank:

“After invading Iran in 1980, Saddam Hussein began funding the MeK to extend the reach of the NCRI’s [National Council of Resistance of Iran] European publicity campaign opposing the Islamic Republic of Iran (IRI) and to secure any intelligence that the MeK collected regarding Iran. In 1986, the MeK leadership accepted an invitation from Saddam to relocate to Iraq to join forces with Saddam’s military and fight against the IRI. Saddam provided the MeK with protection, funding, weapons, ammunition, vehicles, tanks, military training, and the use (but not ownership) of land.

With these resources, the MeK established several compounds in Iraq and encouraged its members and supporters in Iran and elsewhere to relocate there. Approximately 7,000 members, accounting for approximately 80 percent of the exiled MeK population, went to these camps. Rajavi made them soldiers in his new National Liberation Army (NLA). In exchange for Saddam’s support, the MeK provided him with intelligence on the IRI,
interrogation and translation services, and direct military assistance. The MeK launched numerous raids across the border into Iran, clashing with Iranian military forces and the Islamic Revolutionary Guard Corps (IRGC), sometimes with the assistance of the Iraqi military. More than a quarter of the MeK’s members in Iraq were killed in these unsuccessful raids.” (Rand Corporation, 2009, p. 3)

The Congressional Research Service (CRS) states that MEK is the “main organization within the National Council of Resistance of Iran (NCRI), which acts as a parliament-in-exile”, and “is led by spouses Maryam and Massoud Rajavi, the former of which is NCRI President-elect”. It is noted that Maryam Rajavi lives in France while the “whereabouts of Massoud Rajavi are unknown” (CRS, 21 May 2018, p. 35).

The March 2018 Al Jazeera article notes with regard to the current leadership and goals of MEK:

“The organisation is now based in Paris and is led by Rajavi’s wife, Maryam Rajavi, an engineer and native of Tehran. It is unknown whether Masoud is still alive. In her speeches as head of the MEK, Maryam has repeatedly highlighted her policy on gender equality, saying the rights of women are ‘linked to the struggle against ... fundamentalism’. Her organisation has also vowed to abolish the death penalty and promote freedom of assembly in a ‘free Iran’.” (Al Jazeera, 29 March 2018)

Referring to comments from Kayvan Hosseini, editor of Radio Farda, the Persian-language service of Radio Free Europe/Radio Liberty, Al Jazeera states that former members accused the MEK of behaving “like a cult”, with no one allowed to criticise the Rajavis. It is noted that Maryam Rajavi “has refused to speak to journalists and answer questions about her organization”. (Al Jazeera, 29 March 2018)

A January 2018 CSIS report states that the MEK and the NCRI “have not shown that they can command serious public support” (CSIS, 11 January 2018, p. 7).

The March 2018 Al Jazeera article quotes Marzieh Javadi, a foreign policy expert based in Tehran, as saying with reference to MEK that “[t]here is no sympathy towards the group in Iran” and that among the Iranian public, there is a negative view towards the MEK. This view is not merely because of the group’s objective of regime change but rather because of its role in political assassinations and in the Iran-Iraq war in the 1980s. The group’s decision to take sides with Saddam Hussein explains “why there is hostility towards these people”. The same article quotes Saeed Jalili, a Tehran-based journalist, as saying that with the group’s past, it is unlikely that it currently has any significant following within Iran. The same source is also quoted as saying that most Iranians are averse to “the idea of having a socialist regime” and that the fact that MEK is “believed to be promoting a strict communist ideology makes them less likable”. The same article quotes, Amir Havasi, an independent journalist in Iran, as saying that Iranians “fundamentally don’t trust MEK’s narrative of history and their actions” and that its current links to the US administration led by Donald Trump (with John Bolton, to whom the article refers as a “lobbyist” for MEK and the NCRI, appointed as the President’s national security adviser) makes them a “pariah” in Iran. (Al Jazeera, 29 March 2018)
A May 2017 report of the Netherlands Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states that MEK members living abroad attract enhanced attention by the authorities. The number of active MEK supporters within Iran is unknown. It is noted that because of their past, they can count on little sympathy in Iran. (BZ, 29 May 2017, p. 41)

A 2018 academic article by Tabatabai notes that MEK “remains a key threat to the Iranian state”:

“Today, the MeK remains a key threat to the Iranian state, albeit in a different way than before. In 2002, the MeK’s political branch, the National Council of Resistance of Iran (NCRI), revealed two of the country’s still undeclared nuclear facilities: The enrichment facility at Natanz and the Arak Heavy Water Reactor. Since, the group has made a number of attempts to unveil what it believed to be more covert facilities, but the intelligence it thought it possessed was inaccurate. Most recently, the group was suspected of having carried out attacks against Iranian nuclear scientists, with alleged support from Israel, until the 2015 nuclear deal. The group’s capabilities to conduct terrorist attacks may have decreased in recent years – especially since the 2003 Iraq war, with the removal of Saddam Hussein from power, who provided it with financial and logistical support – but it continues to be one of the main terrorist groups identified as a threat by Tehran. The group has mostly rebranded to present itself as a viable alternative to the Islamic Republic, gaining some political support in the West and the Middle East, despite lacking popular support in Iran.” (Tabatabai, 2018, pp. 184-185)

A December 2015 country report of the UK Home Office quotes the Jane’s Sentinel Security Assessment (updated in August 2015) as saying that the Ministry of Intelligence (MOI) “has had a particular focus on the Mujahideen e-Khalq (MEK) opposition militia group and its allied political group, the National Council of Resistance of Iran (NCRI)” (UK Home Office, December 2015, p. 26).

An older profile of the MEK, published by BBC News in October 2015, is accessible via the following link:
- BBC News: Who are the Iranian dissident group MEK?, 30 October 2015

Referring to the late December 2017/early February 2018 protests, RFE/RL reports that Supreme Leader Ali Khamenei claimed that protests were led by “henchmen” and members of MEK and that the organisation had been “hired as minions for this plot.” Also, state media outlets claimed that protest leaders were MEK members or monarchists. (RFE/RL, 9 January 2018)

A May 2017 Amnesty International (AI) press release reports on recent developments in the case of Maryam Akbari Monfared who has been imprisoned since December 2009 and sentenced to 15 years in prison on charges of “enmity against God” (moharebeh) because she had made telephone calls to relatives who are members of MEK, and visited them once in Iraq:
“In early 2016, Maryam Akbari Monfared submitted a request for retrial (e’adeh dadresi) to the Supreme Court based on Article 279 of Iran’s 2013 Islamic Penal Code, which restricts the scope of the crime of ‘enmity against God’ to situations when an individual personally resorts to the use of arms. Prior to the adoption of the 2013 Islamic Penal Code, any member or supporter of an organization that sought to overthrow the Islamic Republic by procuring arms was considered an ‘enemy of God’ (mohareb) even if they did not individually take part in the military activities of the organization. The Supreme Court rejected the retrial request in April 2016 and ruled that any request for a lighter penalty based on the recent changes in the 2013 Islamic Penal Code must be made to the court that initially issued the death sentence. The Supreme Court referenced a Note to Article 10 of the 2013 Islamic Penal Code, which allows courts of first instance to reduce or commute a sentence which they have already issued when a new law comes into effect that provides for a lighter penalty. Maryam Akbari Monfared’s case was subsequently returned to Branch 15 of the Revolutionary Court in Tehran and the court maintained its original verdict.” (AI, 22 May 2017)

An Amnesty International (AI) press release of January 2017 reports about the case of Saeed Shirzad, human rights activist who was sentenced to a five-year prison sentence in September 2015 on charges of “gathering and colluding to commit crimes against national security”, apparently in connection with his human rights activities, including contact with the families of political prisoners. It is reported that following his arrest in June 2013, he was accused by Ministry of Intelligence (MOI) officials of supporting MEK and regularly threatened of being convicted of “enmity against God” (moharebeh). It is noted that Shirzad has “consistently maintained that he has no relation with the PMOI and that the accusation is a spurious one, made merely because of his support in 2014 for the daughter of a PMOI prisoner who was at risk of dropping out of university due to financial difficulties resulting from her father’s imprisonment”. (AI, 19 January 2017)

4.4 Kurdistan Democratic Party of Iran (KDPI)

The undated website of the Kurdistan Democratic Party of Iran (KDPI) explains that the party was founded in Mahabad (Iranian Kurdistan) in August 1945 and seeks to “attain Kurdish national rights within a federal and democratic Iran”. It refers to itself as a “social democratic party” that is a “member of the Socialist International” (PDKI, undated).

A June 2017 article of Middle East Eye (MEE), an online news organisation, gives an overview history of the KDPI (referred to as PDKI here):

“The leftist PDKI was founded in 1945 to defend Iranian Kurds’ right to self-determination, and in 1946 played an important role in the creation of the short-lived Republic of Mahabad, the only moment in history in which Kurds have had something resembling a state. The republic proclaimed in the western Iranian city was overturned a year later, after which PDKI almost disappeared. But the Kurdish party survived and took part in the 1979 Iranian revolution that toppled the Shah. However, Ayatollah Ruhollah Khomeini refused Kurdish demands, banned Kurdish political parties and forced the PDKI into exile in Iraqi Kurdistan. […] However, the PDKI member stresses that they are not fighting for a sovereign state. […] ‘Since we restarted the armed struggle in 2015, 30 Peshmerga have
lost their lives in clashes with the Iranian Revolutionary Guard,’ Manguri says.” (MEE, 1 June 2017)

The KDPI website describes the structure of the KDPI (abbreviated here as “PDKI”) as follows:

“The highest decision making body of PDKI is its congress, which is held every four years. Between two congresses the Central Committee, which is elected at the congress and is made up of 25 permanent members and 10 substitute members, is the highest decision making body. The Central Committee also elects 7 of its members to the Political Bureau, which also includes the Secretary General. The Chairpersons of the PDKI’s affiliated organizations, the Democratic Women’s Union of Iranian Kurdistan, the Democratic Youth Union of Kurdistan and the Democratic Students Union of Kurdistan are automatically members of the Central Committee.” (PDKI, undated)

As noted by BBC News, the KDPI has been “striving for decades for autonomy for predominantly Kurdish areas in north-western Iran” (BBC News, 29 June 2016). The party is banned in Iran and has its headquarters in northern Iraq (BZ, 29 May 2017). A January 2018 article by the Jerusalem Post newspaper states that KDPI issued a statement calling on people to take part in the street demonstrations of late December 2017/ early January 2018, urging “people to demonstrate peacefully and not use any violence except in cases you need to defend yourselves”. (Jerusalem Post, 1 January 2018)

It is noted that the Kurdistan Democratic Party of Iran (KDP-I, see section 4.5 below) split off from the KDPI in 2006 (Jerusalem Post, 1 January 2018). According to the Historical Dictionary of the Kurds published in 2010, most leaders of KDPI joined the newly formed KDP-I (as cited in SFH, 22 January 2016).

A 2013 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) informs on procedures of recruiting members:

“Mohemed Sahebi (KDPI) stated that KDPI has a wide variety of members in Iran – men, women, young and old. In order to be recruited into KDPI in Iran, Mohemed Sahebi (KDPI) explained that there are filters which a person has to go through and this process is long. The person will be under close scrutiny for between six months and a year before he or she can join a secret cell. After having joined a cell, the person will carry out activities corresponding to his or her qualifications; a professor or a student might be assigned to educational activities and teach people how the regime works and what KDPI’s policies are. Others might contribute to arranging protests and demonstrations. […]

Regarding recruitment of new members to KDPI, Mohemed Sahebi (KDPI) informed the delegation that the minimum age for becoming a KDPI member is 18, and if a person is under below [sic] 18, he or she can become member of Lawan (Youth Organisation of KDPI). According to Mohemed Sahebi, if a person in Iran wishes to become member of KDPI, he may contact the local party cell and ask for it.” (DIS/DRC, 30 September 2013, pp. 31-32)
The same report notes that there are three different types of membership (“members”, “sympathizers” and “friends”) based on their level of responsibility and closeness of their links to the party:

“Mohammad Nazif Qadiri, Member of Political Bureau, Kurdish Democratic Party of Iran (KDPI), stated that all KDPI sympathizers in the Kurdish area of Iran are organized and are active in the party cells. The organization of the party cells and the sympathizers takes place in accordance with the specific situation in the local area, and the number of sympathizers in a party cell depends on that situation. The party cells and sympathizers act according to instructions from the higher levels in the party organization.

Concerning the organization of members of KDPI in Iran, KDPI’s representative in Paris informed the delegation that there are three categories of persons affiliated with KDPI: members, sympathizers and ‘friends’. As regards how members are organized KDPI’s representative in Paris explained that they are organized in cells. Each cell consists of one or more members. [...]

As regards the party’s sympathizers, KDPI’s representative in Paris stated that the party’s sympathizers in Iran are all connected to a party cell in their area. [...]

KDPI’s friends are characterized as ones who participate in different activities that are encouraged by the party, such as participating in demonstrations, closing their shops during announced strikes, or writing articles about the situation of the Kurds in Iran in newspapers. The KDPI friends are not in all cases of Kurdish ethnicity.” (DIS/DRC, 30 September 2013, p. 26)

A February 2017 report by the Norwegian Country of Origin Information Centre (Landinfo) mentions KDPI as one of several parties that took part in fighting against Iranian security forces since May 2016. It is noted that KDPI operates out of military bases and camps in northern Iraq. KDPI is led by Mustafa Hijri. Previously, in 1996, KDPI had declared a unilateral ceasefire that was generally observed over the following two decades. As a result of the ceasefire, KDPI moved its forces from the (Iraqi) areas bordering Iran away into the Kurdistan Region of Iraq. (Landinfo, 13 February 2017, pp. 1-3).

However, as noted by Rudaw, a Kurdish media network, “[i]n May of 2015 KDPI deployed its Peshmerga forces to the border between southern (Iraqi) Kurdistan and eastern (Iranian) Kurdistan” (Rudaw, 17 June 2016).

As noted by Landinfo, KDPI (and KDP-I) rebuilt their once-abandoned bases in the same border areas. Landinfo refers to KDPI internet statements as saying that KDPI guerilla forces stationed in the border areas between north Iraq and Iran in May 2015. (Landinfo, 13 February 2017, p. 3)

An Al-Monitor article of March 2018 also reports on the deployment of KDPI forces to Iraqi areas bordering Iran from early 2015:
“From the mid-1990s until three years ago, the Iranian Kurdish parties — except on a few rare occasions — refrained from taking action against Iranian security forces in consideration of the interests and authority of the Kurdistan Regional Government (KRG). But from early 2015, as the Iraqi Kurds became more confident over their role in fighting the Islamic State, they appear to have allowed the KDPI to deploy hundreds of their peshmerga forces to border areas, where they became involved in clashes with both Iranian border guards and members of the IRGC.” (Al-Monitor, 7 March 2018)

An Al Jazeera article of September 2015 quotes Loghman Ahmedi, head of foreign relations of the KDPI, as saying that the party had mobilized several thousand fighters, some of whom were now operating inside Iran. Ahmedi is quoted as saying that while their forces had previously been instructed to fire only when attacked, the party leadership has now decided to fight the Iranian state “by any means possible”, with some reported to have carried out sabotage attacks in Iran and engaged in fights with Iranian forces (Al Jazeera, 12 September 2015).

Franc Milburn, a political risk analyst specialised on Iraq, states that “[i]n early 2016, the KDPI announced a resumption of conflict, citing the repression of Kurds” and that “[i]n making the announcement, the group claimed it had already started operations some time earlier”. A senior KDPI member is quoted as saying that operations started a year before the time of reporting (i.e. mid-2015) as hit-and-run operations (Milburn, May 2017).

A June 2016 article by Radio Free Europe/Radio Liberty (RFE/RL) states that “[d]espite claims by KDPI leaders about the group’s strength and support among Iranian Kurds, analysts generally agree it does not possess the capability to pose a serious military threat to Iran” (RFE/RL, 29 June 2016). Milburn states that “KDPI may have 1,000-1,500 fighters” (Milburn, May 2017).

As indicated by Landinfo, KDPI’s secretary-general, Mustafa Hijri, announced in a Twitter message in February 2016 that KDPI would “restart armed resistance against the Islamic Republic of Iran”. Meanwhile, the same Landinfo report notes that the KDPI party leadership has issued several statements saying that the KDPI’s military presence is defensive and that the Peshmerga do not attack Iranian forces unless they come under fire themselves. (Landinfo, 13 February 2017, pp. 4-5). A September 2016 Reuters news agency report quotes a member of the KDPI politburo as saying that the party’s “main goal is not to pursue armed clashes” and that it wants “to have organizational, political and civil activities” (Reuters, 4 September 2016).

From May to October 2016, KDPI reported on extensive clashes between Kurdish guerillas and IRGC forces and what they referred to as “mercenaries”. Some of these fights have been confirmed by the IRGC and reported in the Iranian media. Landinfo notes that Kurdish and Iranian media reports on clashes did not always specify the group to which the Peshmerga fighters were affiliated. (Landinfo, 13 February 2017, pp. 4-5)

The March 2018 Al-Monitor article points to the role of sleeper cells (“Urban Peshmerga”) that are active inside Iran:

“The KDPI, for its part, announced a new form of struggle against the Islamic Republic carried out by what the group termed the Urban Peshmerga — which essentially consists of sleeper cells inside Iran. These sleeper cells appear to have been behind clashes and
dozens of assassination attempts on alleged IRGC agents in Iranian Kurdish areas in recent years.” (Al-Monitor, 7 March 2018)

The February 2017 Landinfo report notes that there is a “relatively unknown” group that has been operating since October 2015 under the name “Zagros Eagles. The group allegedly carried out a series of actions against Iranian forces in 2016. These actions were in several cases announced on the KDPI website, and seem to have more offensive character than those carried out in the name of KDPI. The group claimed responsibility for attacks on Iranian forces, some of which were declared as “revenge” for earlier Iranian attacks on KDPI Peshmerga forces. Meanwhile, Loghman Ahmedi, head of foreign relations of the KDPI, is quoted as saying that KDPI has no links to the Zagros Eagles. According to Ahmedi, the Zagros Eagles “describe themselves as an armed underground organization that works to end the Iranian occupation of Kurdistan” and appear to be “a very decentralised organisation that target high-ranking Iranian military and intelligence officials that have been involved in different forms of oppression of the Kurdish people”. However, a well-respected Kurdish journalist is quoted as saying with reference to a source within KDPI that the Zagros Eagles are affiliated to KDPI. According to the journalist, the group was set up as a separate entity in order to prevent KDPI’s relations with the KRG from deteriorating as a result of military action in Iran. As noted by Landinfo, this illustrates a fundamental dilemma for KDPI and the other Iranian-Kurdish parties that operate from bases in northern Iraq: on the one hand, they want to show their presence in Iran and their capability to lead a fight of resistance against the Iranian state. On the other hand, they are dependent on maintaining good relations to the KRG which fears that military escalation could lead to Iranian military actions against north Iraq. (Landinfo, 13 February 2017, pp. 6-7)

The March 2018 Al Monitor article covers the following incidents since January 2018:

“At 4 p.m. March 1 in Binaslawa town just outside Erbil, Salah Rahmani, a veteran peshmerga forces commander with the Kurdistan Democratic Party of Iran (KDPI), got into his car outside his house with his 32-year-old son Sabah. Shortly after the vehicle was started, a blast from a bomb stuck on the vehicle echoed across the town popular with Iranian Kurdish exiles. While Rahmani suffered minor injuries, his son — who worked in a bakery and has a 3-year-old daughter — died from his wounds the following morning. Rahmani, a peshmerga since 1980, is known for his fighting qualities earned from years of battling the Islamic Revolutionary Guard Corps (IRGC). While Iran has not claimed responsibility for the attack, Kurdish opposition groups that have been targeted in the past concluded quickly that Iranian agents or their hired assassins were behind the bombing. [...]”

On Jan. 3, the KDPI reported that a unit of its Urban Peshmerga killed six IRGC members in clashes near the Iranian town of Piranshahr. On Feb. 27, the KDPI-affiliated media outlet Kurdpa reported the assassination of an IRGC member of Kurdish origin in Iran’s Kurdistan province. The Eagles of Zagros, an underground group reportedly affiliated with the KDPI, claimed responsibility.
Two days later, the car bombing that claimed the life of Rahmani’s son took place. The KDPI is not alone in pointing the finger at Iran; in January, another Kurdish opposition group accused the Iranians of planting bombs in their bases.

On March 7, an offshoot of the KDPI announced that one of its senior commanders, Qader Qaderi, had been found dead with 20 bullets in his body near Rania town in Sulaimaniyah province. Qaderi was a senior commander with over 35 years of experience fighting as a peshmerga. Two years earlier, the KDPI headquarters was a target of twin bombings in Koya in which six people — including five peshmerga fighters — were killed and over a dozen wounded.

The recent wave of strikes appears to be a warning that Iranian agents or their proxies can strike the KDPI and other opposition groups anywhere in the Kurdistan Region. Meanwhile, the Urban Peshmerga of the KDPI inside Iran reiterated their commitment to fight the Islamic Republic on March 2 and “avenge” the blood of Rahmani’s son.” (Al-Monitor, 7 March 2018)

A January 2018 report by Rudaw states:

“A Kurdish armed group opposed to Tehran has claimed that their fighters killed at least 6 Iranian security forces in West Azerbaijan province, western Iran on Wednesday afternoon. The Iranian Revolutionary Guards confirmed that three of their fighters were killed by ‘anti-Revolutionary elements’ during the clashes and they are now looking for those who caused the deaths in the border areas. Rostam Jahangiri, a commander from the Democratic Party of Iranian Kurdistan (PDKI), said the clashes happened when a unit of Iranian security forces “attacked” Zewe village in Piranshahr. He claimed that the Iranian unit “humiliated” the villagers and then burned and bombed some homes in Zewe, adding that they also caused damage to the livestock there. Responding to the attack, the PDKI’s “Urban Peshmerga” engaged the Iranian security forces, Jahangiri said. Peshmerga fighters who operate inside Iran close to urban areas are called Urban Peshmerga. Other fighters are stationed in the mountains located inside the Kurdistan Region. Jahangiri, citing local informants, said at least 6 other Iranian security forces were injured in the clashes that ended around 4:20 pm local time. Iranian security forces have been deployed to the area, he added. Piranshahr, a Kurdish city, is close to the borders of the Kurdistan Region where the PDKI and other armed groups opposed to the Iranian state are stationed. Jahangiri told Rudaw in late December that they want to operate deep inside Iranian territories to help empower the Kurdish people in their demands for cultural and national rights. The party ended a two-decade ceasefire in 2015 with the objective of deploying armed Peshmerga to north and northwestern parts of Iran where millions of Kurds live. The attack comes as anti-government protests have taken place across dozens of Iranian cities for the past week, including in Kurdish cities. People have taken to the streets to protest high unemployment, corruption, inflation, and expensive food items. Some have also called for a regime change. At least 21 people have been killed. All Kurdish parties opposed to Iran have expressed their support for the protests.” (Rudaw, 3 January 2018)
A number of sources report on clashes between KDPI and Iranian security forces in the summer and early autumn of 2016:

A late June 2016 BBC News article refers to Iran’s Fars news agency as reporting that the IRGC has killed eleven “rebels” linked to KDPI in a clash in the Sarvabad area (Kurdistan province) near the Iraqi border. Meanwhile, the KDPI is quoted as reporting that several of its fighters and over 20 Iranian troops had died in clashes in recent days. As noted by BBC News, it was unclear whether the 11 dead fighters included five who the IRGC said were killed in clashes along the Iraq border a few days earlier. As reported by KDPI, its Peshmerga fighters had come under attack from IRGC forces in the village of Dorow (near the town of Marivan). Two Peshmerga and several IRGC members were killed. The KDPI further reported that other Peshmerga were ambushed in the mountains of Koslan, with more IRGC members killed in ensuing clashes. Further fighting left dozens of Iranian troops and another Peshmerga dead. As reported by KDPI, Iranian forces had been shelling several Kurdish border villages in recent days. (BBC News, 29 June 2016)

A late June 2016 Radio Free Europe/Radio Liberty (RFE/RL) article reports on recent clashes between KDPI fighters and members of the IRGC:

“The past two weeks of fighting have reportedly pitted official forces against members of the Kurdish Democratic Party of Iran (KDPI), with deadly clashes between the IRGC and Kurdish rebels in heavily Kurdish northwestern Iran, near the border with Iraq. Combat was reported on June 15-16 in Oshnavieh, in Iran’s West Azerbaijan Province. More fighting followed in the nearby Sarvabad, Mahabad, and Marivan regions.

On June 28, the IRGC said its forces had killed 11 Kurdish rebels in the Sarvabad region. An IRGC commander, Mohammad Hossein Rajabi, said three of his troops were also killed in the clashes. The KDPI claims that several of its fighters and more than 20 IRGC members have been killed, and it accuses Iranian forces of shelling villages on the border over the weekend.” (RFE/RL, 29 June 2016)

As reported by the Kurdish media network Rudaw, “[a]t least six Peshmerga of the Kurdistan Democratic Party of Iran (KDPI) were killed in two days of fighting with the Iranian Revolutionary Guard Corps (IRGC)” in the Oshnavieh (Shno) area (Rudaw, 18 June 2016).

A mid-July 2016 article by Voice of America (VOA) states that according to Iranian state broadcasting, “Kurdish rebels have been clashing with Iran’s Revolutionary Guard since mid-June in an area along the Iran-Iraq border” while “[v]ideos on social media also allegedly show Iran shelling positions held by Kurdish rebels” (VOA, 13 July 2016).

An early July 2016 article by Rudaw states that “[t]wo Peshmerga of the Kurdistan Democratic Party of Iran (KDPI) were killed in clashes with the Iranian Islamic Revolutionary Guards Corp (IRGC) in Sawlawa” (Kurdistan Province) (Rudaw, 8 July 2016).
A September 2016 article of Basnews, a news agency based in Erbil (Iraqi Kurdistan), reports about a series of operations carried out by the Zagros Eagles, who are referred to as a “military offshoot” of the KDPI:

“The Kurdish forces have conducted several operations against the Iranian army since August 22. […]

On September 8th, Kurdistan Democratic Party of Iran (KDPI) military offshoot, Zagros Eagles, operating in the Iranian Kurdistan clashed with Iranian troops in Kui Andesha district in the city of Bokan, Iranian Kurdistan, leading to casualties among the Iranian troops. The Zagros Eagles said in a statement that their fighters carried out an offensive against the Iranian troops inside Bokan city, inflicting casualties among the troops.

The KDPI official website said earlier in a statement, that the Peshmerga forces of Zagros Eagles carried out two operations on September 6th against two Iranian military bases; the first operation occurred on the outskirts of Nachit village in Bokan city of West Azerbaijan province. The second operation, as the source said, was undertaken against another Iranian military base at 22:30 local time near the village of Sarchnar in the same city. ‘Both bases were completely destroyed and two Iranian intelligence agents were killed as well,’ the KDPI said.

The Zagros Eagles have since August 22 conducted three operations in different Kurdish cities. On August 22, they carried out an operation on the main road to the city of Bane, killing and wounding several members of the Iranian Revolutionary Guard Corps (IRGC). They carried out another operation on August 26 in the city of Bokan.

These operations however were conducted in retaliation to a number of attacks and ambushes against KDPI Peshmerga forces and the party’s officials in the Kurdish areas by the Iranian Revolutionary Guards Corps (IRC), the source added.” (Basnews, 8 September 2016)

A May 2015 Rudaw article reports on a clash between KDPI members and armed wings of the Kurdistan Workers’ Party (PKK):

“After two weeks of tense stand-off a clash erupted between armed wings of the Kurdistan Workers’ Party (PKK) and Kurdistan Democratic Party of Iran (KDPI) on the Iran-Iraq border, with at least two KDPI fighters reported killed. […] PKK fighters started surrounding a number of KDPI positions since Thursday, and had demanded the group leave the area. The KDPI, a party outlawed in Iran, has previously said it would not withdraw from the border region. The dispute is believed to have started when a KDPI force deployed to the border on May 10 with the intention of establishing a base in areas where the PKK was already entrenched.” (Rudaw, 24 May 2015)

A February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) quotes sources as commenting on the treatment of persons of Kurdish ethnicity suspected of having links to KDPI:
“As regards trial cases related to Kurdish activists, Middle East Consultancy Services noted that in 2016, dozens of Kurds were reportedly arrested without warrant for suspected affiliations with the Democratic Party of Iranian Kurdistan, KDPI. The source referred to Amnesty International reporting on Kurds serving prison sentences or awaiting execution for having a membership of banned Kurdish opposition groups or being sympathetic with such groups. The source added that KDPI, PJAK and Komala are actively underground; they do not exist as armed groups, but as political groups. [...]"

A person will not be punished for just one activity; however, the punishment always depends on the type of activity. A continuation of political activities will result in an accusation, one source mentioned. However, it all depends on the political agenda. The source informed the delegation that it had never heard about a Kurdish political activist being accused for only one low level political activity such as distribution of leaflets etc. On the other hand Middle East Consultancy Services stated that if the authorities find a person with political material, or find a person drawing political slogans on a wall, that person would be arrested.” (DIS/DRC, 23 February 2018a, p. 6)

In December 2017, Freedom from Torture, a UK charity which provides therapeutic care for survivors of torture, published a report based on 69 medico-legal cases of Iranian torture victims the organization reported on since 2013. Of these individuals, nine (or 13 per cent) reported that they were detained due to their profile as a member of an ethnic minority. It is noted that “four of the nine who reported that their ethnic minority profile and activities were linked to their detention and torture were of Kurdish ethnicity. All (nine) persons said that they were “active on ethnic minority issues in Iran”, with some also citing “support for, or membership of, organisations deemed separatist groups by the Iranian government”. The actions they engaged in included “[d]istributing leaflets and literature”, “[a]ttending demonstrations or public meetings”, “[r]aising the Kurdish flag in public” and “[s]upporting Kurdish political prisoners”. It is noted that the nine torture survivors included affiliates of KDPI. (Freedom from Torture, December 2017, p. 20)

According to the Iran Human Rights Documentation Center (IHRDC), a US-based non-governmental organisation, one person convicted on charges of moharebeh for alleged KDPI membership was executed during 2015 (IHRDC, 11 February 2016).

The February 2018 DIS/DRC report quotes sources commenting on the treatment of family members of Kurdish activists:

“The Iranian law prescribes that only the person who has been involved in a crime may be held responsible. There is no ‘kin liability’ (or Sippenhaft), and collective punishment (kin punishment) is absent, a source informed the delegation.

An associate professor said that it is not possible to confirm whether family members of former or current Kurdish activists with a political conflict will be targeted by the authorities, nor is it possible to tell if there is a systematic targeting of family members by the authorities. While one security agency can act systematically in this regard, another would not. In Iran, there are a number of different intelligence services; those affiliated
with the Ministry of Interior, those affiliated with the military and those affiliated with the Revolutionary Guard. Furthermore, the intelligence agencies play different roles and follow different chains of command. Family members of former or current Kurdish activists will be monitored, but it depends on the profile of the active family member and the level of his/her political activities. Furthermore, if a Kurd is not politically active and does not have a politically active family member with a significant profile, it is less probable that he/she would be targeted.” (DIS/DRC, 23 February 2018a, p. 7)

### 4.5 Kurdistan Democratic Party – Iran (KDP-I)

A February 2017 Landinfo report states that the Kurdistan Democratic Party (KDP-I) split off from KDPI in 2006. It is noted that KDP-I had a less active role than KDPI in the large-scale clashes that took place over the summer of 2016. However, KDP-I also moved parts of its Peshmerga forces from Koysanjak (east of Erbil) to the Qandil Mountains on the border with Iran. The report goes on to say that the KDP-I set up a Peshmerga unit named East Kurdistan Defenders (Kurdish: Parizarani Rojhelat Kurdistan) which operates in Iran. In a March 2016 interview with Landinfo, KDP-I’s then secretary-general Khaled Azizi is reported as saying that the task of the East Kurdistan Defenders is to go into the towns and villages, talk to people and build networks. They engage in awareness-raising work and show their presence. They receive support from the local population, which provides them with food, amongst others. The Peshmerga forces are easily recognizable by their grey uniforms. At the same time, Azizi emphasized that KDP-I respects its agreement with the Kurdistan Regional Government (KRG) not to wage war against Iran. According to Azizi, the East Kurdistan Defenders never attack Iranian forces except when under attack. News reports confirm the impression that KDP-I’s strategy with regard to the Iranian forces is of a more defensive nature than KDPI’s. However, KDP-I Peshmerga have on several occasions been involved in fighting with the IRGC. Two KDP-I members were reportedly killed in clashes with IRGC forces near Bolfat outside Sardasht in early September 2017 (along with six IRGC members, according to KDP-I). As reported by the KDP-I, the party was involved in two further clashes which left Peshmerga members injured: one Peshmerga was reportedly injured in clashes near Mahabad in August 2016, while two others were wounded in clashes near the Iraqi border in September 2016. In September 2014, KDP-I was reportedly involved in clashes with the IRGC near the towns of Marewan, Shno and Shardasht, with losses reported on both sides. Azizi is quoted as saying that the Peshmerga were targeted in an ambush and returned fire in self-defence. Iranian media also reported on these clashes: According to Iran’s Bultan News, a group of KDP-I fighters were sent into Iranian Kurdistan and attacked Iranian border guards near Sardasht. Two border guards were killed and several others injured. (Landinfo, 13 February 2017, pp. 7-8)

A January 2017 article by Kurdistan24, a Kurdish news broadcasting organisation based in Erbil (Iraqi Kurdistan), refers to the KDP-I as “a split branch of the Kurdistan Democratic Party of Iran (KDPI) which, unlike the original group, had not resumed armed struggle”. The article goes on to say that Khaled Azizi resigned from his position as secretary-general in December 2016. His deputy Mostafa Mouloudi was elected as the new secretary-general of the KDP-I. (Kurdistan 24, 17 January 2017)
As reported in a September 2015 article by Matt Cetti-Roberts, a photojournalist and documentary photographer working in Northern Iraq, KDP-I does not seek to split Iranian Kurdistan from Iran but to advance the rights of Kurds within Iran (Cetti-Roberts, 25 September 2015).

Referring to information provided by the KDP-I’s Mostafa Moloudi, a September 2013 joint fact-finding mission report by the Danish Immigration Service (DIS) and the Danish Refugee Service (DRC) states with regard to KDPI-I membership and the recruitment and initial training of new members:

“According to Mustafa Moloudi (KDP-Iran), the requirements for people who want to become members of the party are first of all that they adhere to the goals and principles of the party, secondly that they have reached the age of 18, thirdly that they are of Iranian Kurdish origin, fourthly that they are recommended by two party members and finally that they must pay a monthly membership fee paid by all members.

Mustafa Moloudi (KDP-Iran) further explained that there are two types of membership of KDP-Iran: ordinary members and professional or full time members. A person who wants to become a party member must go through two months of training in the party’s training center in KRI [Kurdistan Region of Iraq]. During these two months, aspirants are being taught about the party program and ideology and they also receive practical military training. During the whole period they will go through physical training. […]

Mustafa Moloudi (KDP-Iran) explained the process of recruitment of new members in Iran by saying that potential recruits are watched by the party members for a while. If a person is assessed to be a qualified and trustworthy candidate, then he will be approached by the party member watching him and asked if he is interested to join the party. If the candidate accepts to join the party and if the party finds it necessary, he will be sent to KRI to receive training. The source emphasized that recruitment of new members in Iran is not an easy task, and the involved party members will face a number of difficulties in this process, particularly due to the difficult security situation in Iran. Regarding the profile of the recruited, the source stated that the party focuses on recruitment of young people, particularly university students and educated men and women. The source stressed that the procedure for being recruited to the party is the same for men and women.

Regarding persons who want to become member of the party in Iran, Mustafa Moloudi (KDP-Iran) stated that they do not need to go to the party training center in KRI as they are trained by people from the party organization inside Iran. However, it sometimes happens that these aspirants secretly are brought to the party training center in KRI and trained there.

With regard to the party members working secretly in Iran, Mustafa Moloudi (KDP-Iran) stated that some of these members come to the camp in KRI to receive training on how to deal with their secret work and how they should act in case their activities are revealed to the authorities in Iran, e.g. how to defend themselves, or what they should do in case they are imprisoned. […]
Mustafa Moloudi (KDP-Iran) informed the delegation that all party members in KRI are holders of a membership card.” (DIS/DRC, 30 September 2013, pp. 36-38)

In June 2015, Rudaw reported that Kurdish prisoner Mansour Arvand, convicted in 2011 for moharebeh and “propaganda against the system and membership in the Kurdistan Democratic Party”, was executed (Rudaw, 17 June 2015). The KDP-I leadership confirmed to Landinfo that Arvand was indeed a member of KDP-I (Landinfo, 13 February 2017, p. 8).

4.6 Party of Free Life of Kurdistan (PJAK)

A May 2017 article by political analyst Franc Milburn refers to the Kurdistan Free Life Party (PJAK) as “a PKK offshoot composed mainly of Iranian Kurds opposed to Tehran” (Milburn, May 2017).

A Middle East Eye (MEE) article of September 2015 states that PJAK “has been engaged in armed struggle against the Islamic Republic since 2004 with an aim to secure greater autonomy and cultural rights for the country’s Kurds, as well as opposing theocracy and promoting women’s rights.” (MEE, 8 September 2015)

According to Milburn, different accounts exists as to when and how the group was formed:

“Accounts about the formation of PJAK vary. One is that Iranian Kurds established the party in Iran in the late 1990s and then sought refuge in the PKK-controlled Qandil Mountains where they adopted the tenets of the PKK and its figurehead Abdullah Öcalan. Others believe that the Iranian Kurdish faction split off from the PKK in 2004.” (Milburn, May 2017)

A September 2017 Rudaw article refers to PJAK as “one of several armed Kurdish groups” stationed at the border between Iraq’s Kurdistan Region and Iran. The group calls for greater ethnic and cultural rights for the people of Iranian Kurdistan, including “an autonomous region for the Kurds within a democratic secular Iran”. (Rudaw, 3 September 2017)

Global Security, a US-based non-profit think tank providing information and analysis on security-related issues, refers to PJAK’s ideology as “leftist” and notes that it includes equality of the sexes (Global Security, 1 March 2018).

A January 2018 article of the Jamestown Foundation (JF) states that the Party of Free Life of Kurdistan (PJAK) was “founded in the mid-1990s as an independent student-led movement inside Iran”. It notes that PJAK is currently “part of the People’s Congress of Kurdistan (Kongra-Gel)”, which is referred to as a “purported umbrella group for regional Kurdish movements” that is “in practice dominated by the Turkish-Kurdish Kurdistan’s Workers Party (PKK)”. The article further notes that “PJAK is loyal to PKK founder Abdullah Ocalan’s Marxist-derived ideology, which it seeks to apply to the Iranian context” and that PJAK thus “functions today as the PKK’s Iranian wing”. (JF, 15 January 2018)

According to Milburn, “PKK and PJAK maintain extremely close relations in terms of ideology and fighters, and therefore intelligence”. It is meanwhile noted with reference to Kurdish security sources that PJAK “does not closely cooperate with other groups”. (Milburn, May 2017)
The JF article goes on to say that PJAK also “includes non-Iranian Kurds” and that “its Iranian personnel move between it and both the PKK and the YPG [People’s Protection Units]”, adding that “[t]he group likely has one or two thousand fighters, the majority of whom are in Syria and Iraq” and that “its membership is almost exclusively Kurdish” (JF, 15 January 2018).

Milburn notes with regard to the number and areas of presence of PJAK fighters:

“Outside of official sources, the numbers on armed Iranian Kurds remain opaque and should be considered best-guess estimates and averages. The KDPI may have 1,000-1,500 fighters, Komala less than 1,000, and the PJAK 3,000 or less, according to the author’s discussions with knowledgeable sources. Other groups are harder to estimate.

Most of these fighters are believed to be concentrated in the Zagros mountain range on the Iraqi side of the Iran-Iraq border in the Kurdistan Region of Iraq. This allows them the advantage of conducting cross-border raids into Iranian territory without suffering all-out retaliation from Iranian forces.” (Milburn, May 2017)

It is noted that PJAK declared a ceasefire in 2011 but that the ceasefire has been broken repeatedly by both sides (Landinfo, 13 February 2017, p. 8).

The JF article explains that PJAK is “nominally divided between its military wing, the East Kurdistan Defense Forces (YRK), and its political wing, the East Kurdistan Democratic and Free Society (KODAR)” (JF, 15 January 2018).

The same article goes on to elaborate on the activities of the group’s military wing over the past years:

“The group’s military wing is based in the Mount Qandil area of Iraqi Kurdistan, close to the PKK’s camps there. PJAK’s military arm conducted a sporadic low-level insurgent campaign in Iran from the early 2000s to 2011. This killed dozens of Iranian security force members, mainly in hit-and-run operations in and around Kurdish-majority towns such as Urmia and Mariwan, close to the mountainous and porous border with Iraqi Kurdistan. The group, however, declared a ceasefire in 2011, in part because its operations were showing no sign of producing results. [...] As the Syrian civil war gained momentum, the PKK and PJAK began to send fighters to Syria. This was stepped up from 2014 [...] However, despite PJAK’s increasing involvement in Syria, the group nonetheless abandoned its ceasefire with Iran in 2015, largely in an attempt to capitalize on widespread outrage and protests over the death of a Kurdish woman at the hands of the Iranian security forces in Mahabad in May [2015]. This led to the group resuming attacks on Iranian troops, which triggered increased violence between PJAK and the Iranian government, peaking in August 2015 with a PJAK attack in Mariwan that reportedly killed 20 members of the Iranian Revolutionary Guard Corps (IRGC). The government responded by executing imprisoned Kurdish activists, including prominent prisoner Behrouz Alkhani (EKurd.net; August 8, 2015; Rudaw; August 27, 2015). This heightened activity created fresh divisions between PJAK and its Iranian Kurdish rivals, such as the smaller militant-political group Komala, which warned in
September 2015 that PJAK’s actions would give Tehran an excuse to ‘militarize’ Kurdish areas (EKurd, September 15, 2015). However, such complaints only highlighted PJAK’s militant credentials, which were already boosted by its association with the PKK and YPG. Since then, PJAK attacks have continued sporadically. In one of the most notable attacks, for instance, in early November [2017], the governor of Iran’s West Azerbaijan province reported that PJAK fighters killed eight border guards near the Chaldoran border crossing with Turkey (Press TV, November 3, 2017). […]

The group has used its militant wing to present itself as defending Iranian Kurds from the regime, notably in response to Iranian Kurdish anger at the security forces’ harsh treatment of the ‘Kolbar,’ Kurdish smugglers who carry low-value goods across the mountainous Iran-Iraq border. For instance, when Iranian security forces killed two Kurdish ‘kolbari’ on September 4, Iranian Kurds held largely spontaneous protests the same day in the cities of Baneh, Serdest and Mariwan—this event further illustrates the growing power of social media in the area. The following day, in response to the killings and in an attempt to capitalize on public anger, PJAK shot dead two Iranian troops near the border, in what they said was retaliation for the killings—the incident also shows the ability of the group’s militants to strike rapidly when needed.” (JF, 15 January 2018)

With regard to PJAK’s political wing (KODAR), formed in 2014 (Rudaw, 3 September 2017) and “based in Europe and Iraq” while operating “underground in Iran”, the JF article states that it has – despite PJAK’s insurgent activities – “pursued a pragmatic approach toward Tehran”. For instance, it is noted that “ahead of the 2017 Iranian elections, KODAR called for a boycott of the presidential vote, rejecting both the conservatives and the reformists.” (JF, 15 January 2018)

As noted the Jerusalem Post newspaper, PJAK released a statement in late December 2017 amid ongoing popular protests calling on Iranians to stand together in a struggle for democracy in the country. The statement “emphasized that PJAK was calling on Kurdish people and ‘all the peoples of Iran’ to join the ‘ranks of the struggle for freedom.’” (Jerusalem Post, 1 January 2018).

Referring to media sources, the February 2017 Landinfo report points to a number of armed incidents and executions involving PJAK members. In August 2015, PJAK carried out several revenge attacks against the IRGC after PJAK member Sirvan Nezhavi was executed in August 2015. (Landinfo, 13 February 2017, p. 8)

As reported by Middle East Eye (MEE) in early September 2015 with reference to the IRNA state news agency, two PJAK fighters and two members of the IRGC were killed in clashes near Razi-Kapikoy, a border crossing between Iran’s West Azerbaijan province and Turkey. It is also reported that PJAK killed an IRGC member in an attack the previous week in Kermanshah (MEE, 8 September 2015).

As noted by Landinfo, PJAK claimed to have killed 12 Iranian soldiers in an attack on a military base in Kamyaran (Kurdistan Province), while authorities confirmed that five soldiers were
killed. Later in the same month, another imprisoned PJAK member, Behrouz Alkhani, was executed. In the summer of 2016, PJAK was involved in several clashes reported in Iranian media. (Landinfo, 13 February 2017, p. 8)

Media refer to the Tasnim news agency as reporting in June 2016 that a group of five PJAK members were killed by IRGC forces near Sardasht (Rudaw, 13 June 2016; Reuters, 13 June 2016). It has been stated that the five were responsible for killing two members of the paramilitary Basij militia and an engineer working for the IRGC in Sardasht in May 2016 (Rudaw, 13 June 2016).

As reported by RFE/RL with reference to Fars and Tasnim news agencies, 15 people, including 12 PJAK fighters and three IRGC members, were killed in Oshnavieh in Mid-June 2016 (RFE/RL, 17 June 2016).

As noted by Landinfo, Tasnim reported in October 2016 that the IRGC destroyed a “terrorist cell” in the border region of Kermanshah province. All twelve members of the cell were reportedly killed and a large amount of ammunitions was seized by soldiers, while three Iranian soldiers were injured in the operation. PJAK confirmed the deaths of 12 members of its guerrilla force East Kurdistan Defence Forces (YRK) in the aforementioned attack, which took place in the town of Salasbajani in Kermanshah province. The EKurd news portal quoted PJAK reports saying that PJAK members carried out several revenge attacks against security forces (including IRGC) in several towns including Ruwari in the Harwaman region and Rabat and Jandaran outside Sardasht (West Azerbaijan province). According to PJAK, as many as 32 IRGC members were killed in this series of attacks. These alleged losses were not confirmed by Iranian sources. A senior Iranian officer reported that the IRGC foiled a new infiltration attempt in October 2016 as it drove back a group of “intruding” PJAK members across the border from (Iran’s) Kurdistan province to northern Iraq. (Landinfo, 13 February 2017, pp. 8-9)

According to the Iran Human Rights Documentation Center (IHRDC), two persons convicted on charges of moharebeh for alleged PJAK membership were executed during 2015 (IHRDC, 11 February 2016).

As reported by Tasnim, a private news agency with links to the IRGC, two border guards of Urmia (northwest Iran) were killed and five others injured in an armed clash with PJAK members (Tasnim, 28 May 2017).

A joint fact finding mission report by the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) notes that PJAK’s and Komala’s activities are underground and that “they do not exist as armed groups, but as political groups”. It quotes an associate professor as saying that there used to be considerable attention on PJAK (compared to other Kurdish groups) but that (s)he did not have updated information as to who is typically targeted by the authorities. The source is quoted as saying that PJAK and Komala appear to be less active today (DIS/DRC, February 2018, p. 6).
4.7 Komala parties

An April 2017 Rudaw article states that at the beginning, Komala, which “began armed struggle against the new clerical regime” after the Islamic Revolution of 1979, was originally known as the Tailors Revolutionary Group of Iranian Kurdistan. The article goes on to say that “[i]n 1983, the leaders of Komala, together with some Iranian communist activists, established the Communist Party of Iran and Komala became the branch of the party in Kurdistan” (Rudaw, 30 April 2017). As reported by Landinfo, Komala had bases in northern Iraq since the 1980s and stopped its guerrilla activities against Iran in the mid-1990s at the behest of the Kurdistan Regional Government (KRG) (Landinfo, 13 February 2017, p. 3).

As reported by Al Jazeera in June 2013, there are five groups claiming the name Komala (Al Jazeera, 29 June 2013). The above-mentioned September 2013 fact-finding-mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) quotes Fazel Hawramy as mentioning that Komala is split in three fractions (DIS/DRC, 30 September 2013, p. 11). The DIS/DRC report identifies the following three Komala parties: 1) the Kurdistan Organization of the Communist Party of Iran, Komala (Sazman-e Kurdistan-e Kommunist-e Iran, SKHKI), 2) the Komala of Toilers of Kurdistan and the Komala Party of Kurdistan (Komala Zahmatkeshane) Kurdistan, KZK) and 3) the Komala Party of Iranian Kurdistan (DIS/DRC, 30 September 2013, pp. 40-48).

The same report refers to Ebrahim Alizadeh as the General Secretary of SKHKI (DIS/DRC, 30 September 2013, p. 16), and to Omar Elkhanizade as the Secretary General of the KZK (DIS/DRC, 30 September 2013, p. 44). As noted by The Region, a non-profit platform for news and analysis on the Middle East, the Secretary General of the Komala Party of Iranian Kurdistan is Abdullah Mohtadi (The Region, 3 January 2018). An October 2014 press release by PR Newswire adds that “[t]he Komala Party is an Iranian opposition party fighting for a free, democratic Iran inclusive of all religious and ethnic minorities” (PR Newswire, 13 October 2014).

As noted by Hashem Ahmadzadeh, a former lecturer at the Kurdish Studies Centre of the University of Exeter (United Kingdom), and Gareth Stansfield, a professor of Middle East politics at the same university, in a January 2010 article published in the Middle East Journal, Komala has experienced a number of splits. The authors list five organisations that are currently active under the name “Komala”: 1) the “The Kurdistan Organization of the Iranian Communist Party-Komalah” (Ibrahim Alizadeh), 2) the “Revolutionary Organization of Toilers of Iranian Kurdistan” (Abdullah Mohtadi), which changed its Persian name to “Hezb-e Komala-ye Kordestan-e Iran” (Komala Party of Iranian Kurdistan), 3) the “Organization of Toilers of Kurdistan” (Omar Ilkhanizade), 4) the “Komalay Shorshgeri Zahmatkeshani Kurdistanie Eran - Rewti Yehtnewe” (English: “Revolutionary Organization of Toilers of Iranian Kurdistan - Reunification Faction”) (Abdullah Konaposhi), and 5) the “Rewti Sosialisti Komala” (English: “Socialist Faction of Komala”):

“In 1991 the main figure of the ICP [Iranian Communist Party], Mansur Hekmat, alongside a major group of the leaders and cadres of the ICP resigned from the party and founded the Worker Communist Party of Iran. There have been at least four major splits in the WCPI
during recent years. The Iranian Communist Party also has been subject to a range of splits. Some of the leaders of the ICP, under the leadership of Abdullah Mohtadi, split from the party in 2000 and reorganized the older Komala, i.e., the Revolutionary Organization of the Toilers of the Iranian Kurdistan. There are now five organizations that are active under the same name of Komala: 1) The Kurdistan Organization of the Iranian Communist Party-Komalah (note the 'h' at the end of the name, apparently influenced by the Persian pronunciation of the name) under the leadership of Ibrahim Alizadeh; 2) The Revolutionary Organization of Toilers of Iranian Kurdistan, under the leadership of Abdulla Mohtadi. In the 12th congress of Komala in August 2007, Komala modified its name in Persian to Hezb-e Komala-ye Kordestan-e Iran (Komala Party of Iranian Kurdistan); the Kurdish version remained unchanged. [...] 3) The Organization of Toilers of Kurdistan, led by Omar Ilkhanizade; 4) Komalay Shorshgeri Zahmatkeshani Kurdistani Eran - Rewti Yekgrtnewe (The Revolutionary Organization of Toilers of Iranian Kurdistan - Reunification Faction), led by Abdulla Konaposhi. This faction split to form Mohtadi's Komala on April 29, 2008, accusing Abdullah Mohtadi of non-democratic management of Komala and a policy of cooperation with Reza Pahlavi and the monarchists in Iran. [...] 5) On July 15, 2009 a group of ICP cadres announced that they, following their split from the ICP, would work as Rewti Sosialisti Komala (Socialist Faction of Komala).” (Ahmadzadeh/Stansfield, 1 January 2010)

As reported by Al Jazeera in June 2013, one of the Komala factions signed a cooperation agreement with KDPI in August 2012 (Al Jazeera, 29 June 2013).

For information regarding the mode of organization, activities and membership of the three Komala parties, please refer to chapter 3 of the DIS/DRC report directly (pp. 40-48):

- DIS/DRC – Danish Immigration Service/Danish Refugee Council: Iranian Kurds; On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran; 30 May to 9 June 2013, 30 September 2013

As reported by Rudaw in late April 2017, the Komala Party of Iranian Kurdistan has “started to station its Peshmerga force on the Iranian border with Kurdistan Region after a halt that lasted for nearly 25 years”, thus becoming the third Kurdish party to “resume[...] its armed struggle against Iran” since 2015. (Rudaw, 30 April 2017)

A June 2017 Amnesty International (Al) statement informs about the case of Ramin Hossein Panahi, a Komala member arrested in June 2017 and sentenced to death in January 2018:

“Ramin Hossein Panahi, a 22-year-old man from Iran’s Kurdish minority, started a hunger strike on 27 January after he learned that he had been sentenced to death in connection with his membership of the armed Kurdish opposition group Komala. On 31 January, a Ministry of Intelligence official visited him in prison and said that his death sentence would be commuted to imprisonment if he agreed to make televised ‘confessions’ denouncing Kurdish opposition groups as ‘terrorists’. When he refused, the intelligence official apparently became enraged and said that he would pay with his life for his ‘stubbornness’. Ramin Hossein Panahi was then transferred to solitary confinement where he now
remains. There are fears about his health as he suffers from persistent headaches and a kidney infection, possibly resulting from torture. Following his arrest on 23 June 2017, he was forcibly disappeared for four months. According to him, during this period and a further two months of solitary confinement, Ministry of Intelligence and Revolutionary Guards officials repeatedly tortured him including through beating him with cables, kicking and punching him in the stomach and hitting his head against the wall. They also deliberately denied him adequate medical care for the injuries he sustained from being shot at the time of his arrest.

Ramin Hossein Panahi’s trial, which took place on 16 January, was grossly unfair and lasted less than an hour. His family told Amnesty International that he appeared before the Revolutionary Court in Sanandaj with obvious torture marks on his body but the court failed to order an investigation. According to his lawyer, the court convicted him and sentenced him to death for ‘taking up arms against the state’ (baqi) based on his membership of Komala, but without providing any specific evidence linking him to acts involving intentional killing, which is the required threshold under international law for imposing the death penalty. Between his arrest and trial, he was only allowed one brief meeting with his lawyer, which took place in the presence of intelligence officials.” (AI, 5 February 2018)

A June 2017 Amnesty International (AI) press release reports that Ramin Hossein Panahi was arrested after an exchange of gunfire with IRGC members during which three other members of Komala were killed:

“In addition to Ramin Hossein Panahi, three other men affiliated with the armed Kurdish opposition group Komala were involved in the exchange of gunfire on 23 June 2017. They included Sabah Hossein Panahi, Hamed Seyf Panahi and Behzad Nouri. Ramin Hossein Panahi was injured and subsequently arrested while the latter three were shot dead. The exchange of gunfire apparently started at a Revolutionary Guards checkpoint after the men were identified while travelling in a car and did not heed a call to stop. The authorities have refused to return the dead bodies of the three men to their families for burials and warned the families against holding memorial gatherings. Komala has claimed that six members of the Revolutionary Guards were also killed during the clashes but the Revolutionary Guards have not acknowledged any casualties in the official statement they issued on 23 June.” (AI, 30 June 2017)

Fars news agency states that “[r]eports […] said in early November that several terrorists affiliated to the Komala Party […] were captured by Iranian security forces” (Fars, 7 December 2016).

In December 2017, Freedom from Torture notes that out of 69 medico-legal cases of Iranian torture survivors documented by the organization since 2013, nine indicated that they were detained due to their profile as a member of an ethnic minority. Four of those nine were of Kurdish ethnicity. All (nine) persons said that they were “active on ethnic minority issues in Iran”, with some also citing “support for, or membership of, organisations deemed separatist groups by the Iranian government”. The actions they engaged in included “[d]istributing leaflets
“and literature”, “[a]ttending demonstrations or public meetings”, “[r]aising the Kurdish flag in public” and “[s]upporting Kurdish political prisoners”. It is noted that the nine torture survivors included affiliates of the Komala Party of Iranian Kurdistan. (Freedom from Torture, December 2017, p. 20)

In August 2016, the Center for Human Rights in Iran (CHRI) reported about the execution of Mohammad Abdollahi, who was arrested in 2011 and sentenced to death in 2013 for “waging war against the state,” “corruption on earth” and “membership in Komala”. The CHRI notes that “[t]he sentence was upheld by the Appeals Court on March 24, 2014” and that “[t]he Supreme Court asked the initial court to review the verdict, which was again upheld” (CHRI, 10 August 2016).

According to the Iran Human Rights Documentation Center (IHRDC), a US-based non-governmental organisation, two persons convicted on charges of moharebeh for alleged Komala membership were executed during 2015 (IHRDC, 11 February 2016).

4.8 Worker-Communist Party of Iran (WPI)

This section only refers to the Worker-Communist Party of Iran (WPI) and does not include any details on its splinter groups, such as the Worker-Communist Party of Iran-Hekmatist (WPI-Hekmatist) and the Worker-Communism Unity Party (WUP).

An April 2016 post on the WPI website states that the party was “officially launched on November 30, 1991”. The socialism proclaimed by the WPI means “the downfall of the wage system and the creation of economic equality among people” and strives for a political system that “ensures the most far reaching political freedoms and individual and social rights of the citizens”. The WPI states that it “advocates the immediate overthrow of the Islamic regime and is categorically opposed to all efforts by forces inside or outside the government to preserve it in modified forms” (WPI, 14 April 2016).

A January 2010 Middle East Journal article authored by Hashem Ahmadzadeh, a former lecturer at the Kurdish Studies Centre of the University of Exeter (United Kingdom), and Gareth Stansfield, a professor of Middle East politics at the same university, states that:

“In 1991 the main figure of the ICP [Iranian Communist Party], Mansur Hekmat, alongside a major group of the leaders and cadres of the ICP resigned from the party and founded the Worker Communist Party of Iran [WCPI]. There have been at least four major splits in the WCPI during recent years.” (Ahmadzadeh/Stansfield, 1 January 2010)

Similarly, a 2006 book by David Romano, an assistant professor of International Studies at Rhodes College (USA), states that in 1991, a “group of mainly non-Kurdish members […] split off from the CPI [Communist Party of Iran]” (which had emerged in 1983 as a union between Komala and the Union of Communist Militants) and formed the Worker-Communist Party of Iran (WPI) (Romano, 2006, p. 239).

In July 2002, the Guardian newspaper published an obituary of Mansoor Hekmat which refers to him as the co-founder of the “Worker-Communist parties of Iran and Iraq” and states that
“[t]he Worker-Communist party has backed radical Marxism in Iran, and helped highlight strikes and grassroots activity” in the country (Guardian, 20 July 2002). An August 2009 blog entry by the US college educator and writer Chris Cutrone notes that the Worker-Communist Party of Iran (WPI) is a sister organization of the Worker-Communist Party of Iraq (Cutrone, 1 August 2009).

A section on the WPI in the 2009 “Handbook on extremism and attempts at endangering security” of the Office for the Protection of the Constitution of the German federal state of Saxony (Landesamt für Verfassungsschutz (Freistaat Sachsen)) also indicates that the WPI was founded by Mansoor Hekmat in 1991 after a split from the Communist Party of Iran (CPI). Hekmat remained the chief ideologue and leader of the party until his death in 2002. In 2004, and 2007, groups split from the WPI and formed the Worker-Communist Party of Iran-Hekmatist (WPI-Hekmatist) and the Worker-Communism Unity Party (WUP). As proclaimed by Hekmat in his 1994 party manifesto “A better world”, the WPI’s goal is a “communist society”, which is to be realized not by means of reforms, but through a workers’ revolution. According to this party programme, the most urgent step towards achieving this goal is the overthrow of the Iranian regime. (Landesamt für Verfassungsschutz (Freistaat Sachsen), 2009)

The WPI website states that Hamid Taqvaee is the party’s leader (WPI, undated).

Among the sources consulted by ACCORD within time constraints, no specific information could be found on the treatment of members of the Worker-Communist Party of Iran (WPI) by the authorities.

4.9 Azeri political groups

For information on the treatment of ethnic Azeri activists with no (alleged) affiliation with specific Azeri political organisations, please refer to section 6.4.4 of this compilation (“Azerbaijani (Azeri) Turks”).

Azer Times, an Azeri news website which appears to have an irredentist agenda, showed an undated list [latest information from 2012] which mentioned the following groups as “major” political organisations of Iranian Azerbaijan (referred to as “South Azerbaijan”):


South Azerbaijan National Awakening Movement (SANAM) (Azeri: Güney Azərbaycan Milli Öyanış Harakatı (GAMOH)), leader/founder: Mahmudali Chehreqani; established: 2002

Southern Azerbaijan Student Movement (SASM) (Azeri: Azərbaycan Öyrənci Hərəkatı (AZOH)), established in 2006 by a group of students. (Azer Times, undated)

The same source further listed a number of other political organisations of Iranian Azerbaijan: World Azerbaijani Congress (WAC, DAK) (leader/founder: Ali Nazmi Afshar; established: 1994); South Azerbaijan National Revival Organization (SANRO, AMDT) (leader/founder: Atilla; established: 1995); Azerbaijan National Islamic Front (ANIF, AMIC) (leader/founder: Mahmudali Chehereqani; established: 1998); South Azerbaijani Parliament (SAP, CAP) (leader/founder: Bulud Qarapapaq; established: 1999); Azerbaijan National Liberation Organization (ANLO,

An April 2013 Forbes magazine article by the US Middle East security expert Ilan Berman mentions a “South Azerbaijan National Liberation Front” to which it refers as an “umbrella group of Iranian Azeris and expatriates seeking independence for their part of Iran” (Forbes, 10 April 2013).

**Azerbaijan National Resistance Organization (ANRO)**

Araz News, another Azeri news website with an apparent irredentist agenda, provides an overview of a group named “Azerbaijan National Resistance Organization (ANRO), which “declared its existence” in 2006 and aims to achieve self-determination for Azeri Turks and to end the division of what is referred to as “Azerbaijani historical lands” into northern and southern parts. The organization uses “confidential and half-confidential struggle methods” and seeks to reach communities “through websites and distributing of bulletins, books, booklets and CDs” in cities in Iranian Azerbaijan. (Araz News, 3 October 2014)

An October 2014 Rudaw article quotes ANRO’s foreign relations officer as saying that the organization seeks “complete independence from Iran” (Rudaw, 1 October 2014).

A January 2018 article of the Ahwaz monitor, a news website covering issues concerning Ahwazi Arabs in the Ahwaz region of southwest Iran, quotes a Babek Chalabiyanli, a spokesperson for ANRO, as saying that Iran’s Azeri population is treated like second-class citizens as they are denied to speak and teach their mother tongue, celebrate their culture and face state repression. He is further quoted as saying that “given a referendum, most [Azeris] in Iran would probably vote for independence” and that during the most recent protests of late December 2017 and early January 2018, Iranian Azeris were chanting in their language and demanding an independent Azerbaijan. (Ahwaz Monitor, 16 January 2018)

**South Azerbaijan National Liberation Movement (SANLM)**

According to the website of the South Azerbaijan National Liberation Movement (SANLM), the group started its activities in 1991. It became active “in an organized manner” in 1994 when it adopted its charter and programme (SANLM, undated (a)).

The SANLM Charter describes the SANLM as an organisation seeking to “save” Azeris from what it refers to as the “yoke of [P]ersian chauvinism” and to realise their personal freedom and civil rights in Iran.

As for membership in the SANLM, the Charter states that every Azeri of “legal age who accepts the program and charter of SANLM” and takes part in activities aiming for “national liberation” of Azeris in Iranian Azerbaijan “can be the member of SANLM notwithstanding religion and sex.”
With regard to the organisational structure of the SANLM, the Charter states that the leading bodies of the SANLM are the Congress, the Central Committee and the Leader, with the Congress (normally held every five years) functioning as the “[s]uperior ruling organ” (SANLM, undated (b)).

The Programme of the SANLM states that “SANLM prefers to use political forms of struggle”, which includes the following means: “propaganda of the program, boycott, picket, demonstration, strike and parliament struggle”. The Programme adds that in case of recognition of “national rights” of Azeris of Iranian Azerbaijan by the Iranian state through peaceful talks, the SANLM’s programme would consist in establishing an “autonomous republic to South Azerbaijan in the limits of Iran”. However, in the event of “liberation of South Azerbaijan by means of armed struggle”, the programme of SANLM would be to declare a “South Azerbaijan Republic”. (SANLM, undated (c))

South Azerbaijan National Awakening Movement (SANAM, GAMOH) and New Southern Azerbaijan National Awakening Movement (Yeni GAMOH)

A 2006 Radio Free Europe/Radio Liberty (RFE/RL) article refers to the Southern Azerbaijan National Awakening Movement (SANAM or GAMOH) as a group that “advocates unification of Azeris living on both sides of the Araxes River, which separates Iran from Azerbaijan” (RFE/RL, 31 May 2006).

The Unrepresented Nations & Peoples Organization (UNPO), an umbrella organization of NGOs promoting the rights of indigenous peoples and minorities, provides an overview of the South Azerbaijan National Awakening Movement (SANAM/GAMOH) dated February 2012:

“The Southern Azerbaijan National Awakening Movement (SANAM) was founded in 1995 by Professor Mahmoudali Chehrani. The main goal of the movement is to precipitate national consciousness in the Southern Azerbaijanis Turks. SANAM promotes the struggle for Azerbaijanis Turks’ political rights in Iran. In accordance with SANAM’s constitution and in line with its humanitarian values, it insists on non-violent methods for reaching its goals.” (UNPO, 7 February 2012)

Sources differ with regard to the founding date of SANAM/GAMOH. While the UNPO indicates 1995 as the year the movement was founded (UNPO, 7 February 2012), the above-quoted Azer Times article mentions the year 2002 as the founding year (Azer Times, undated).

The New Southern Azerbaijan National Awakening Movement (Yeni GAMOH) is described in an August 2013 Human Rights Watch (HRW) press release as follows:

“Yeni GAMOH, which stands for ‘New Southern Azerbaijan National Awakening Movement’ in the Azeri language, has for more than a decade promoted Azeri cultural and linguistic identity, along with secularism and the right to self-determination for the Azeris of Iran, members say.” (HRW, 20 August 2013)
A July 2014 Urgent Action by Amnesty International (AI) reports on the cases of five male Azeri members of Yeni GAMOH’s Central Council who were sentenced to nine-year prison terms in April 2013:

“Mahmoud Fazli, Behboud Gholizadeh, Shahram Radmehr, Ayat Mehr-Ali Beyglou and Latif Hasani, all Azerbaijani and members of Yeni Gamoh’s Central Council, an Iran-based Azerbaijani (Turkic) cultural and political rights advocacy organization, were sentenced to nine-year prison terms in April 2013. After their arrest, the five men were detained incommunicado, then moved to Tabriz Central Prison. They were not permitted access to lawyers until one week before their trial. A family member of one of the five said that they were tortured or otherwise ill-treated while detained by the Ministry of Intelligence.” (AI, 4 July 2014)

As reported by Araz News, Latif Hasani was still in prison in December 2017 (Araz News, 12 December 2017).

The Center for Human Rights in Iran (CHRI) states that six ethnic Azeri activists were detained by agents of the Ministry of Intelligence (MOI) in Ardabil in May 2016 and charged with espionage for giving “military and economic secrets to enemies” as members of the “separatist group, GAMOH”, according to the provincial prosecutor (CHRI, 30 June 2017).

### 4.10 Monarchists

A January 2018 report of the Center for Strategic and International Studies (CSIS) notes that “[t]he Monarchist movement seems to have no meaningful strength inside Iran” (CSIS, 11 January 2018).

In his 2015 book “Islamic Law and Governance in Contemporary Iran”, Mehran Tamadonfar, a professor of Political Science at the University of Nevada (USA), states that “there are many Iranian parties (mostly active abroad) that can be categorized as leftist, monarchist, nationalist, liberal-democratic, ethnic, and environmentalist”. The author holds that “[t]hese parties lack any significant social base and any capacity to influence the Iranian politics of today” (Tamadonfar, 2015, p. 158).

As reported by Radio Free Europe/Radio Liberty (RFE/RL) in January 2018, some of those who took part in the late December 2017/ early January 2018 protests “called for the return of the monarchy that was ousted in the Islamic Revolution in 1979” (RFE/RL, 2 January 2018).

A January 2018 article of the British newspaper The Telegraph states with regard to the late December 2017/ early January 2018 protests:

“For the first time in decades, Reza Shah Pahlavi was once again on the lips and on the minds of at least some of its citizens. ‘Reza Shah, rest in peace’, ‘What a mistake we made by taking part in the revolution’ and ‘Bring back the Shah’ were among the slogans cried out by protesters across the country. Even in Qom and Mashhad, two of Iran’s holiest cities, a few waved banners bearing the late king’s picture. [...] The numbers out on the streets chanting for the return of the Shah are undoubtedly a minority. Tehran’s intelligentsia, who
largely hold unfavourable views of the monarchy, have stayed home, as have older, more conservative sectors of society.” (Telegraph, 18 January 2018)

As indicated by BBC News, “the former shah’s son, Reza Pahlavi, who lives in exile in the United States, has issued a statement supporting the demonstrations” (BBC News, 1 January 2018).

RFE/RL quotes a January 2018 IRGC statement saying that “Iran’s revolutionary people along with tens of thousands of Basij forces, police, and the Intelligence Ministry have broken down the chain [of unrest] created” by foreign powers, “militants, and monarchists” (RFE/RL, 8 January 2018).

The Jane’s Sentinel Security Assessment (updated in August 2015), cited in a December 2015 country report of the UK Home Office, lists monarchists as one of several groups that “have […] come under the scrutiny of the MOIS” (UK Home Office, December 2015, p. 26).

Claudio Guarnieri, a security researcher specialized in investigating computer attacks, and Collin Anderson, a Washington D.C.-based computer scientist focused on internet controls and restrictions on communications, note in a November 2016 article that there have been apparent attempts by Iranian authorities to collect IP addresses using so-called WebRTC protocols. These efforts appear to target political opposition activists and human rights activists. It is noted that a fake social media profile with the name Maryam Javadifar has “demonstrated a clear interest in specifically targeting hundreds of political dissidents, primarily members of the Green Movement and Monarchists”. (Guarnieri/Anderson, 11 November 2016)

The Diplomat, a Tokyo-based current-affairs magazine for the Asia-Pacific region, states that many participants in the late December 2017/ early January 2018 protests chanted pro-monarchy slogans such as “Reza Shah, bless your soul”, “long live Reza Shah” or “Iran haphazard, without the Shah [Mohammad Reza]” as well as “O Shah of Iran, return to Iran” referring to Reza Shah, the founder of the Pahlavi dynasty in 1925 and his son. (The Diplomat, 13 January 2018)

In her 2014 book chapter “Construction of Iran’s National Identity”, Sussan Siavoshi, a professor of politics at Trinity University in San Antonio, Texas, gives an analytical overview of the ideological orientations of the monarchist organisations Constitutional Party of Iran (CPI), Rastakhiz Organization of Iran (ROI) and Anjoman-e Padeshahi-e Iran (API):

“Who are the exiled monarchists, and how do they construct the identity of Iranians? It is difficult to paint an accurate picture of the Iranian monarchists, because they consist of several scattered groups with no unifying umbrella organization. For this study, I have chosen three of these monarchist organizations. One is the prominent and moderate Constitutional Party of Iran (CPI), founded by Dariush Homayoun, the prerevolution minister of information. The other two, with more radical perspectives, are the Rastakhiz Organization of Iran (ROI), founded by Masoud Khoshnood, and Anjoman-e Padeshahi-e Iran (API), founded by Frood Fouladvand. API has an overt military wing, the Tondar Organization, which tool responsibility for a fatal bombing in a mosque in Shiraz. Recently,
API has received the most attention from the Western media, due to the execution of two of its alleged members in January 2010 in Iran. [...]

Despite their lack of unity, almost all monarchists are faithful heirs of the Pahlavi policy to promote Persian identity. [...] They differ from each other, however, in what that identity entails. Homayoun, as we will see, believed in a model set by Enlightenment ideals, while ROI and API look back at the pre-Islamic time for inspiration. This difference also provides different rationales for their support for the monarchy. Homayoun, who labeled himself first and foremost a liberal democrat, stated that his support for the monarchy was based on a utilitarian rationale. He believed that, for historical reasons, a system of constitutional monarchy is best suited to protect an enlightened liberal democratic polity in Iran. For the ROI and API, however, the support for the monarchy is based on organic, emotional, and romantic elements.

Similar to that of many exiled political oppositional groups, the monarchists’ effort has been to highlight the illegitimacy of the Islamic Republic. In the eyes of the monarchist opposition, the Islamic Republic from its inception was a usurping force and, this, illegitimate. [...] What is helpful in understanding their attitude is a focus on their narrative on Islamic essence and its association with the Islamic republic. For example, the ROI in the last point of its eleven-point section on ‘Political Ideology of Iran’s Rastakhiz Organization’ offers this judgment about Islam: ‘[We believe] that the religion of Islam is appropriate for Arab lands and that it has no connection with Iranians.’ In one of API’s postings, the author states that the fundamental problem faced by Iran is not the regime of the Islamic Republic or the problem of human rights abuses or the matter of economic hardships; the root of Iran’s problem is in the fourteen hundred years of ‘shameful Islamic tradition’. The API characterizes Islam not only as an alien but as a violent religion, a religion suited only for tazian, i.e., Arabs. [...] With a few exceptions, the CIP has not been as upfront in rejecting Islam, but in its critique of the Islamic Republic, it, too, sometimes reveals a position on Islam that is not too far from the more radical organizations.” (Siavoshi, 2014, pp. 261-262)

Referring to the BBC and the Jamestown Foundation (JF), a September 2013 UK Home Office COI report describes the Anjoman-e Padeshahi-e Iran, which is also known as “Kingdom Assembly of Iran”, as follows:

“The API is a banned Monarchist group. (British Broadcasting Corporation (BBC) News, 28 January 2010) ‘API seeks to overthrow the Islamist regime and to restore the monarchy. It is also staunchly anti-Islam, instead emphasizing Iran’s pre-Islamic Persian heritage in what it labels as its struggle to inspire a Persian Renaissance...The late Dr. Frood Fouladvand founded API abroad before disappearing on January 17, 2007 along the Turkish-Iranian border, during what his supporters described as a mission to ‘liberate’ Iran. Fouladvand operated his antiregime activities from London. (Jamestown Foundation, 20 May 2008)” (UK Home Office, 26 September 2013, p. 266)

A June 2012 Amnesty International (AI) expert opinion to a German court notes that the API strives for the restoration of constitutional monarchy in Iran (AI, 1 June 2012).
An October 2014 report of the Iranian Fars News Agency (FNA) states that authorities arrested a number of persons including “monarchists, anti-revolutionaries, and members of the MKO” [aka MEK] in a protest against acid attacks in Esfahan (FNA, 29 October 2014).

A June 2014 Amnesty International (AI) report describes the case of Hamed Rouhinejad, a student serving a 10-year prison term for having links with the API (AI, 2 June 2014, p. 56).

An older June 2012 AI expert opinion to a German court noted that death sentences were frequently handed down on real or perceived supporters of monarchist groups. The expert opinion includes details on three reference cases: the apparent abduction of three Iranian API members from abroad and their subsequent detention, and the executions of three alleged API members/supporters in 2010 (AI, 1 June 2012).

An older BBC News article of January 2010 provides details on the reported executions of Mohammad Reza Ali-Zamani and Arash Rahmanipour, who were believed to have been convicted for ties with API (BBC News, 28 January 2010).

An older February 2010 article of Radio Free Europe/Radio Liberty (RFE/RL) reported on a death sentence handed down against a man on charges which included having links with a group called “Iranian Royalist Society” (RFE/RL, 18 February 2010).

### 4.11 Arab/Ahwaz political groups

A January report of the Center for Strategic and International Studies (CSIS) states that the ethnic “Arab opposition in the southwest is limited and regional and has marginal strength at best” (CSIS, 11 January 2018, p. 7).

A May 2017 report of the Dutch Ministry of Foreign Affairs (BZ) states that available sources provide very little information on Arab protest movements in Khuzestan province. There is no specific information available with regard to the organisation and structure of existing Arab protest movements. A confidential source reported that the Arabs in the region show only a limited degree of organisation and primarily engage in spontaneous activities and protests, mainly calling for improvement of their living conditions. The source cast doubt on claims of Arab movements playing a significant role in organising protests in Khuzestan. This view could not be verified by other sources, however. As the BZ notes, the Arab Struggle Movement for Liberation of al-Ahwaz (ASMLA) is active in Khuzestan province. Its armed wing is called Martyr Muhyiddin Al Nassr Brigades. During the reporting period (January 2014 to April 2017), the group carried out a number of smaller attacks against Iran’s security personnel and other targets such as pipelines, which killed several people. (BZ, 29 May 2017, p. 46)

A December 2017 Rudaw article states that the Arab Struggle Movement for the Liberation of Ahwaz (ASMLA) was established in 1999. According to its founder, Ahmad Mola Nissi, the group seeks to “liberate Ahwaz lands and people from the Iranian occupation”. (Rudaw, 14 December 2017)
As the Reuters news agency reported in November 2017, the founder of the Arab Struggle Movement for the Liberation of Ahwaz (ASMLA), Ahmad Mola Nissi, was shot dead in the Netherlands. The report notes that ASMLA seeks a separate state in Iran’s Khuzestan province. Mola Nissi is quoted as saying in a July 2017 interview that ASMLA aimed to “liberate Ahwaz lands and people from the Iranian occupation”. It is further noted that “ASMLA’s armed wing, the Mohiuddin al Nasser Martyrs Brigade, has claimed responsibility for several attacks in Iran, including the killing of two members of the elite Revolutionary Guards in January”. (Reuters, 9 November 2017)

The US Congressional Research Service (CRS) mentions an Ahwazi militant group called the Ahwazi Arabs, which “operates in the largely Arab-inhabited areas of southwest Iran”. The report notes that the group was “[r]elatively inactive over the past few years”. However, the Iranian state “continues to execute captured members of the organization”. (CRS, 21 May 2018, p. 34)

The December 2017 Freedom from Torture report based on 69 medico-legal cases of Iranian torture survivors reported since 2013 states that of the nine individuals who reported that they were detained due to their profile as an ethnic minority member, five were of Arab ethnicity. All (nine) persons said that they were “active on ethnic minority issues in Iran”, with some also citing “support for, or membership of, organisations deemed separatist groups by the Iranian government”. The actions they engaged in included “[d]istributing leaflets and literature”, “[a]dvising a strike of Arab workers” and “[a]ttending demonstrations or public meetings”. It is noted that the nine torture survivors included affiliates of the Ahwaz Arab People’s Democratic Front (Freedom from Torture, December 2017, p. 20)

As reported by Reuters in early January 2017, ASMLA claimed its armed wing bombed two oil pipeline in coordinated attacks in Khuzestan province. These reports have been denied by the Interior Ministry of Iran. As Reuters further notes, separatist groups in the region have “carried out intermittent attacks for decades, including on oil installations” (Reuters, 4 January 2017). As specified in a report by Middle East Eye (MEE), these attacks were “[c]arried out by Martyr Muhyiddin Al Nassr Brigade, ASMLA’s military wing” (MEE, 6 January 2017). As for the motives for these attacks, it is noted that ASMLA published a statement “criticis[ing] Iran for its unrestrained military involvement across Arab states in Syria, Iraq, Lebanon, Bahrain and Yemen”. MEE adds that “[t]he Nassr Brigade has carried out other attacks prior to the purported oil pipeline bombings” and that the fiercest strikes attributed to the group took place in 2005 (MEE, 6 January 2017).

Earlier, in July 2016, MEE reported that the Hawks of Ahwaz, a separatist group established in 2015, claimed responsibility for an attack on a petrochemical plant in the city of Ahwaz. A statement released by the group called for resistance against the Persian “occupation” of Arab lands. (MEE, 8 July 2016)

An August 2015 article of the Jamestown Foundation (JF) reports that ASMLA claimed attacks on state targets in April and May 2015:
“In April, the ASMLA announced what it called an ‘unprecedented escalation’ in its armed campaign against Iranian security forces, including the Islamic Revolutionary Guard Corps (IRGC), Basij paramilitary units and other targets that represent the state, on its network of official websites and social media platforms (Ahwazna.net, April 1; Twitter, April 1). On April 2, the ASMLA’s armed wing, the Mohieddin al-Nasser Martyr Brigades, attacked a police checkpoint in Hamidiyeh, approximately 16 miles west of the provincial capital Ahvaz, killing three police officers and wounding two others (al-Arabiya, April 2; Press TV, April 2). Iranian authorities later announced that they had detained the perpetrators of the April attack (Press TV, April 22). The ASMLA also claimed responsibility for a May 16 attack against the governor’s office in Susangerd, located about 40 miles northwest of Ahvaz. The attackers used homemade explosives and small-arms fire. Video footage of the operation was shared by the ASMLA online (YouTube, May 17; al-Arabiya, May 17). The number of casualties resulting from the May attack is uncertain. These attacks fit the pattern of previous operations executed by the ASMLA and other Ahwaz militant currents in Khuzestan (See: Terrorism Monitor, January 23, 2014).” (JF, 7 August 2015)

4.12 Jaish al-Adl and Jundallah

A brief overview of Jaish al-Adl is given in a July 2017 article of the Jamestown Foundation (JF), a Washington D.C.-based policy think tank focusing on China, Russia, Eurasia, and global terrorism:

“JuA [Jaish al-Adl] emerged from Jundullah (Army of God) following the capture, trial and execution of Jundullah’s founder and leader, Abdul Malik Riggi, in 2010 by Iranian security forces. The group adheres to ultra-orthodox Sunni-Deobandi ideology. And although relatively little information is available about the group’s ambitions, the aim of its parent organization was to fight for Sunni-Baluch rights insidelran. In that regard, it is notable that Riggi never called for the separation of Baluchistan-Sistan from Iran.

JuA conducted 12 terrorist attacks between October 2013 and November 2015, resulting in a total of 53 fatalities and 25 injuries of Iranian security forces and civilians. Most of these attacks involved ambushing border security patrols near the Pakistani border.” (JF, 14 July 2017)

In a June 2018 report, the Department of Foreign Affairs and Trade (DFAT) of the Australian Government elaborates on the Jundallah militant group as follows:

“Jundallah (Soldiers of God) is a militant insurgent group established in 2003 to fight for Baluchi rights. Its stated goals are to secure recognition of Baluchi cultural, economic and political rights from the Government of Iran, and to spread awareness of the Baluchi situation through violent and non-violent means. The group is part of a larger Baluchi separatist conflict playing out in Baluchi areas of neighbouring Pakistan. Jundallah has reportedly organised suicide bombings, small-scale attacks, and kidnappings, including of an Iranian nuclear scientist in 2010. Although the group’s insurgency has primarily targeted members of the Iranian security services and other government symbols, it has also targeted civilians. Jundallah attacks have reportedly claimed hundreds of lives. Iranian
authorities captured and executed Jundallah’s leader in 2010, and DFAT understands the group’s activities have largely ceased in recent years.” (DFAT, 7 June 2018, p. 18)

As noted by the Austrian daily newspaper Der Standard, there are several militant groups operating in the largely Sunni-inhabited Sistan and Baluchestan Province, including Jaish al-Adl (“Army of Justice”), an Islamist group (Der Standard, 17 April 2018).

An April 2018 Al Jazeera article reports that “[a]t least five people, including two Iranian security forces personnel, have been killed in clashes with fighters” in Mirjaveh district of Sistan and Baluchestan Province. It is noted with reference to the IRNA news agency that a group of fighters coming from Pakistan had “attempted to seize control of an Iranian border post, resulting in an exchange of fire with Iranian Revolutionary Guard Corps (IRGC) soldiers” (Al Jazeera, 18 April 2018).

In April 2017, Radio Free Europe/Radio Liberty (RFE/RL) reported that ten Iranian border guards were killed in a cross-border attack claimed by Jaish al-Adl (RFE/RL, 27 April 2017).
5 Security forces

According to Article 110 of the Constitution of the Islamic Republic of Iran (amended as of 1989), the Supreme Leader is Chief of Joint Staffs, Chief Commander of the IRGC and Chief Commander of the Armed Forces and Police Forces (Constitution of the Islamic Republic of Iran, 1989, Article 110).

An April 2018 International Crisis Group (ICG) report states that the Islamic Revolution of 1979 produced “competing power centres and security structures” that eventually turned out to be “major obstacles” in the Iran–Iraq War and “to carrying out effective governance once the war ended”. The same source goes on to say that “[c]onstitutional revisions in 1989 produced a body designed for this purpose: the Supreme National Security Council (SNSC), a consensus-building mechanism for setting major domestic and foreign policy and comprising senior officials from all government branches and key decision-makers representing Iran’s main political factions.” (ICG, 13 April 2018, p. 6).

In his 2016 book “The Revolutionary Guards in Iranian Politics”, Bayram Sinkaya, assistant professor at the Department of International Relations of Yildirim Beyazit University (Turkey), states that “[t]he current security structure of Iran was mostly shaped by a series of reforms carried out by Hashemi Rafsanjani, first as Acting Commander in Chief and then as President, in the late 1980s and early 1990s”. The (current) structure of the security apparatus is illustrated as follows:

![Security Structure Diagram](Sinkaya, 2016)

A May 2018 report of the US Congressional Research Service (CRS) states that “leaders and senior officials of a variety of overlapping domestic security organizations form a parallel power structure that is largely under the direct control of the Supreme Leader”. As noted by the source, the domestic security organs include the IRGC (including the Basij force), the Law Enforcement forces (LEF, aka NAJA), the Ministry of Interior, the Ministry of Intelligence (MOI), with the leaders of most security organisations represented on the Supreme National Security Council (SNSC) (CRS, 21 May 2018, pp. 6-7).
A January 2018 article of the Washington Institute for Near East Policy (WINEP), a US foreign policy think tank (authored by Saeid Golkar, a lecturer at the Department of Political Science at the University of Tennessee, Chattanooga and Senior Fellow on Iran Policy at the Chicago Council on Global Affairs), states that “[t]he main security, military, and judicial branches of Iran’s coercive apparatus are the police (Nirou-ye Entezami-ye Jomhouri-ye Eslami-ye Iran, or NAJA), the Basij, and the Islamic Revolutionary Guard Corps (IRGC)” (WINEP, 5 January 2018).

The same article, meanwhile, notes that:

“Iran has more than seventeen different security organizations, with three main bodies involved in internal intelligence: the Ministry of Intelligence, the IRGC Intelligence Organization (IRGC-IO), and the Intelligence and Public Security Police (PAVA), a branch of the NAJA. All of them are directly or indirectly overseen by the Supreme Leader. Despite ongoing power conflicts between these bodies, they typically work hand-in-hand to protect the regime.” (WINEP, 5 January 2018)

As the US Department of State (USDOS) notes in its April 2018 country report on human rights practices (reporting period: 2017), the Ministry of Intelligence (MOI) and the Law Enforcement Forces (LEF) (which operate under the Interior Ministry) report to the President, while the IRGC directly reports to the Supreme Leader (USDOS, 20 April 2018, section 1d).

The January 2018 WINEP article also mentions the judiciary (general courts and two types of extra-constitutional courts, namely the Special Court of the Clergy and the Islamic Revolutionary Courts) as another key component of Iran’s security apparatus (WINEP, 5 January 2018).

The same article states that while there is cooperation between these bodies, “their missions differ depending on Iran’s prevailing security condition, which is assigned one of four categories at any given time: white, gray, yellow, and red”:

“Condition white is normal public order. Condition gray goes into effect when unorganized opposition elements peacefully undermine public order, with no sign of destructive operations. In that case, the police are mainly responsible for controlling the situation and maintaining order. Basij offices help the police quash any strikes, while Herasat personnel help gather intelligence and identify protestors. For example, in 2005-2006, the regime broke a bus drivers strike by using Basij members from other state institutions to transport passengers and maintain the traffic flow. If such strikes ever became more heated, the NAJA’s Counterterrorism Special Force (Nirou-ye Vizhe-ye Pad-e Vesht, or NOPO) would be primarily responsible for anti-riot actions.

If the police cannot control a given situation and the crisis intensifies, the regime invokes condition yellow, in which an organized opposition has begun more violent forms of protest such as disrupting order, blocking public spaces, and attacking public buildings. In response, the Basij are required to work more closely with the police by intensifying their intelligence activities and increasing their patrols and checkpoint stops. […]
Finally, if the above measures fail to reestablish control, the security level increases to condition red, defined as a crisis in which revolts have expanded throughout the country and the opposition is using weapons. In this case, the IRGC takes full control of internal operations, and all other forces must work with the Guards to restore control. During the current protests, IRGC forces have reportedly been deployed in three provinces to smash demonstrations.” (WINEP, 5 January 2018)

Sinkaya’s 2016 book states that “the armed forces of Iran consist of three separate forces: the Army, the IRGC, and the LEF”, noting further that:

“In spite of the measures taken to unify similar organizations in order to increase effectiveness of resources, the Army and the IRGC remained separate military organizations. As established military structures, the Army and the IRGC have their own ground forces, air forces (the Army also has a separate air security forces), and navies. In addition to the conventional hierarchical command systems within the armies, each of the armed forces has their own security and intelligence organizations and ideological-political directorates.” (Sinkaya, 2016)

A May 2018 report of the Congressional Research Service (CRS) elaborates on the functions and levels of influence of the Army (Artesh) and the IRGC:

“The Islamic Revolutionary Guard Corps (IRGC, known in Persian as the Sepah-e-Pasdaran Enghelab Islami) controls the Basij (Mobilization of the Oppressed) volunteer militia that has been the main instrument to repress domestic dissent. The IRGC also has a national defense role and it and the regular military (Artesh)—the national army that existed under the former Shah—report to a joint headquarters. In June 2016, Supreme Leader Khamene’i replaced the longtime Chief of Staff (head) of the Joint Headquarters with IRGC Major General Mohammad Hossein Bagheri, an early recruit to the IRGC who fought against Kurdish insurgents and in the Iran-Iraq War. The appointment of an IRGC officer to head the joint headquarters again demonstrates the IRGC’s dominance within Iran’s military and security structure. On the other hand, Rouhani’s August 2017 appointment of a senior Artesh figure, Brigadier General Amir Hatami, as Defense Minister for Rouhani’s second term cabinet, suggests that the Artesh remains a viable and respected institution in the defense establishment. The Artesh is deployed mainly at bases outside cities and has no internal security role.” (CRS, 23 May 2018, p. 16)

Sinkaya notes that the Supreme Leader has “extensive authority” over Iran’s armed forces. The President, by contrast, has “almost no power to influence either the Army or the IRGC”. However, it is noted that the President has two instruments “by which he can exert indirect influence over the armed forces”:

“First, [...] the president chairs the SNSC, which is in charge of formulating foreign, defense, and security policies. Although he presides over the SNSC, the president and his ministers hold virtually one-third of the overall board, which has curbed his capacity to dominate it. Additionally, the resolutions of the council become effective only after the approval of Leader. The second instrument with which the president can influence armed forces is limited to planning and budget organization and the ministry of defense.” (Sinkaya, 2016)
It is also noted that the Majles (Parliament) has “very limited authority over the armed forces” (Sinkaya, 2016).

Referring to information provided by an associate professor at a Danish university, a February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states that “[i]n Iran, there are a number of different intelligence services; those affiliated with the Ministry of Interior, those affiliated with the military and those affiliated with the Revolutionary Guard. Furthermore, the intelligence agencies play different roles and follow different chains of command” (DIS/DRC, 23 February 2018a, p. 7).

Sinkaya provides an overview of the main responsibilities of the Supreme National Security Council (SNSC), a body established by constitutional amendment in 1989 (see above) which is the “highest-level authority – after the [Supreme] Leader – in charge of formulating foreign and security policies”:

“The principal responsibilities of the SNSC are to determine ‘defense and national security policies within the framework of general policies determined by the Leader’; and to coordinate political, intelligence, social, cultural, and economic activities in regard to general foreign, defense and security policies.” (Sinkaya, 2016)

As for the composition of the SNSC and the authority of its decisions, an April 2018 International Crisis Group (ICG) report notes that:

“The SNSC is chaired by the president and also includes the heads of the legislative and judicial branches; the chairman of the joint chiefs of staff of the armed forces; the head of the planning and budget organisation; two representatives of the supreme leader, one of whom is its secretary; the foreign affairs, interior, defence and intelligence ministers; the commanders of the Iranian Revolutionary Guard Corps (IRGC) and the army; and the affected cabinet minister in a given meeting. Its decisions, when backed by the leader, who is also commander-in-chief, supersede legislation.” (ICG, 13 April 2018, p. 6)

Sinkaya (2016) states that while “[t]he president presides over the SNSC”, “decisions of the council become effective after the confirmation of the Leader”. It is further noted that “the Secretary of the SNSC, who oversees the general affairs of the council and decides on its agenda and priorities, is chosen by the president and confirmed by the Leader. Under the SNSC, there are several undersecretaries and committees of experts.” (Sinkaya, 2016)

The decision-making processes within the SNSC are described as follows:

“The supreme leader and any SNSC member can request that an issue be put on the council’s agenda. Ideas tend to filter upward from the technocratic to the ministerial level, but voting takes place at sessions chaired by the president. As such, key national security decisions are made by a small group of senior officials, who are both relatively insulated from, and yet reflect, alterations in formal institutional structures as a result of elections or personnel changes. These decision-makers, who are mostly the original revolutionaries, have been in the inner power circles for nearly four decades and have intertwining personal histories.” (ICG, 13 April 2018, p. 8)
5.1 Law Enforcement Forces of the Islamic Republic of Iran (LEF, aka NAJA)

The January 2018 article of the Washington Institute for Near East Policy (WINEP), authored by Saeid Golkar, notes that the Law Enforcement Forces (LEF; Persian: Nirou-ye Entezami-ye Jomhouri-ye Eslami-ye Iran (NAJA)) are “under the control of the Interior Ministry, which the constitution has placed under the president’s purview”. However, the article states that “the head of the NAJA is appointed by the Supreme Leader […] effectively limiting the interior minister’s authority to logistical, equipment, and support issues”. (WINEP, 5 January 2018)

In her 2015 book “Nomads in Postrevolutionary Iran”, Lois Beck, an anthropologist at Washington University in St. Louis (USA), writes that President Rafsanjani in 1990-91 fused some of Iran’s armed forces – revolutionary Islamic committees, urban police, and rural gendarmerie – into a single military organization called ‘security forces’ (or law enforcement forces, LEF) [...] and placed it under the authority of the Ministry of Interior (Beck, 2015).

Sinkaya, in his 2016 book, similarly states that in 1991, “different organizations in charge of preserving internal security and public order across the country including the Revolutionary Committees, the Gendarmerie were unified under a single organization, named the Law Enforcement Forces of the Islamic Republic” (LEF). As the author goes on to note, the “LEF is considered part of the armed forces subordinated to the commander in chief, the Leader, but it operates under the supervision of the Ministry of Interior” (Sinkaya, 2016).

Article 1 of the Law of the Law Enforcement Forces of the Islamic Republic of Iran (NAJA) of 1990 states that the Municipal Police, the Islamic Revolution Committees and the Gendarmerie shall be merged in to the Law Enforcement Forces of the Islamic Republic of Iran. (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 1).

Article 2 of the same law states that the Law Enforcement Forces of the Islamic Republic of Iran are subordinate to the Ministry of Interior. The command of NAJA is appointed by the Commander in Chief of the Armed Forces (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 2).

Article 4 specifies the mission and duties of the Law Enforcement Forces, which include the following:

1) Establishing order, security and safeguarding public and private peace
2) Combating, in cooperation with the Ministry of Intelligence, any kind of sabotage, terrorism, rebellion, perpetrators and movements that endanger national security (The quality and nature of this cooperation shall be determined by the National Security Council)
3) Ensuring security for the running of legally authorized societies, formations, protests and activities; preventing any illegal formations, protests and societies; and combating illegal unrest, chaos and activities
4) Taking necessary action in the field of obtaining news and intelligence within the scope of their assigned duties and in cooperation with the country’s other intelligence organisations and units within their scope of authority (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 4)
Note 1 of section 4 of Article 4 states that the collection of news and intelligence on political and security issues and further investigation into such issues falls within responsibilities of the Ministry of Intelligence (MOI). If NAJA, in the process of performing its assigned duties obtains such news and intelligence, it shall immediately cede the task of obtaining and collecting these to the MOI. The same ministry is responsible for providing the NAJA with news and intelligence necessary for the needs and relevant to the duties of the same (i.e. NAJA). (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 4)

Note 2 of the same section states that investigations into societal offenses related to national security or that are part of a conspiracy or secret activity aimed at overthrow, will be carried out by the MOI in cooperation with NAJA. (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 4).

As noted in a May 2018 report of the Congressional Research Service (CRS), the LEF are “an amalgam of regular police, gendarmerie, and riot police that serve throughout the country” and serves as the Islamic Republic’s first “line of defence” in suppressing anti-state protests or other forms of unrest. The same source adds that the LEF is under the civilian supervision of the Ministry of Interior, headed by Abdolreza Fazli. (CRS, 21 May 2018, p. 6)

According to Interpol, the LEF’s responsibilities include border control, crime fighting, emergency services, identity checks, international cooperation with the Interpol community, preventing and fighting terrorism, anti-narcotics work, ensuring public security and peace, and traffic control (Interpol, undated).

Sinkaya indicates that the LEF consists of three “virtually independent subunits”: the Command, the Ideological-Political Directorate and the Organisation of Security and Intelligence. It notes that the commander of the LEF is directly appointed by the Supreme Leader (Sinkaya, 2016).

In an April 2015 e-mail response, Saeid Golkar provided an overview of the three main branches of the LEF (NAJA): the Police Commandership, the Office of the Representative of the Supreme Leader and the Counterintelligence Organization. He also mentions the Public Security and Intelligence Police (PAVA), a security branch subordinated to the Police Commandership:

“[T]he NAJA has had three main branches; the Police Commandership (Farmandehi-e entezami-e NAJA), the Office of the Representative of the Supreme Leader (Daftar-e Namayandegi-ye Vali-ye Faqih dar NAJA) and the Counterintelligence Organization (Sazman Hefazat-e Ettelaat) under the police.

While the Office of the Representative of the Supreme Leader is responsible for indoctrinating the police personnel, the Counterintelligence Organization is responsible for identifying foreign spies, corrupt police, and guarding the police intelligence and other traditional counterintelligence tasks. […]

NAJA has another security branch, which is under the control of Iran’s Police Commandership. It is called Public Security and Intelligence Police (Polis-e amniyat va ettelaat Omoomi, or PAVA). Several police branches are subordinated to the PAVA,
including the Diplomatic Police, the Foreign Nationals and Immigrants’ Affairs Office, and the Moral Security Police.” (Golkar, 28 April 2015)

As specified by Interpol, the LEF have the following operational units: Air Police, Anti-Narcotic Police, Border Guard Police, Cyber Police, Criminal Intelligence Detective Police, Emergency Police Centre, Intelligence and Public Security Police, International Relations and Interpol Department, Prevention and Traffic Police (Interpol, undated).

The January 2018 WINEP article provides an overview of the command structure of the LEF:

“The NAJA’s vertical structure begins with the national police command headquarters. Beneath that, each province has a single command headquarters that controls all police stations. Each city in turn has one disciplinary district (nahieh-e entezami) that manages local police stations, usually called kalantari in urban areas and pasghah-e entezami in rural areas, as other scholars have described. Despite certain local differences, a typical Iranian police station will have a deputy of prevention, a deputy of intelligence, a deputy of inspection, a deputy of operation, and a judiciary police official, among other personnel.” (WINEP, 5 January 2018)

The same article notes that “police personnel consist of cadres (officers) and conscripts (i.e., people who spend two years of their mandatory military service in the NAJA)”, quoting former NAJA commander Gen. Ahmadi Moqaddam as saying that 45 per cent of NAJA personnel are conscripts. The article presents the following estimates of the number of LEF’s members:

“Although no official statistics on force size are available, various estimates place the total number of police between 100,000 and 200,000. In addition, more than 100,000 people work in NAJA-affiliated organizations such as the Police Electronic Services Office (aka ‘police +10’). These include 41,000 employees of protection and surveillance companies that provide security for more than 4,600 neighborhoods.” (WINEP, 5 January 2018)

A January 2018 report of the Center for Strategic and International Studies (CSIS) mentions that Iran has 500,000 police who (alongside the IRGC) serve as an “instrument of indoctrination and control” (CSIS, 11 January 2018, p. 4). Meanwhile, a May 2018 report of the Congressional Research Service (CRS) puts the number of LEF at about 40,000-60,000 (CRS, 23 May 2018, p. 18). The January 2018 WINEP article notes that historically, “[i]n recruiting personnel for the NAJA and similar organs”, the Iranian state has drawn from the Basij, who mostly hail from traditional lower- and lower-middle-class families and tend to be less educated” (WINEP, 5 January 2018). In recent years, the LEF (NAJA), like the IRGC, has been trending towards “recruit[ing] from established Basij and IRGC families”. The source refers to the LEF commander as saying that over 80 per cent of new police hired in 2007 were recruited from among the Basij and that “in 2011 he pledged to increase that figure to 100 percent”. (WINEP, 5 January 2018)

As Sinkaya notes, “[i]n case of necessity, the LEF cooperates with the Basij in coordination with the IRGC” (Sinkaya, 2016).

With regard to PAVA, an October 2017 article published on the Iranian pro-government news website Enghelabe-Eslami.com, describes its mission as follows: Preparing and regulating
policies, drafts, programmes, instructions, and ordinances linked to the production of information, combating social corruption, passport affairs, foreign nationals, public places, and surveillance and control of the proper execution of tasks carried out within these domains. Maintaining the competence and the security capacities of the public security (and intelligence) units throughout the country through continuous surveillance and control and through planning as a means of increasing competence in security and other professional domains. Conducting focused tasks assigned such as to direct and manage public security operations of NAJA in special cases as instructed. (Enghelabe-Eslami.com, 12 October 2017)

The same source lists the following units as being part of the PAVA: Passport Police, Police for Immigration and Foreign Citizens, Moral Security Police, Diplomatic Police, Police for the Surveillance of Public Places, the Support Centre for Intelligence Operations and the Centre for Special Operations. (Enghelabe-Eslami.com, 12 October 2017)

A January 2018 article of the Washington Institute for Near East Policy (WINEP) (author: Saeid Golkar) states that the Intelligence and Public Security Police (PAVA), a branch of the Law Enforcement Forces (LEF), is “responsible for gathering intelligence in neighborhoods and penetrating Iran’s guilds, arresting any workers who are deemed too subversive”. In order to do so, the PAVA “runs a network of local informers (mokhber mahali) to collect news and rumors”. The article also notes that PAVA’s tasks include “conducting religious activities and ferreting out homes used for Christian worship” (WINEP, 5 January 2018).

5.1.1 Intelligence Unit of the Law Enforcement Forces (NAJA Ettelaat)

As noted by Saeid Golkar in an email response of April 2015, the Intelligence Police is a subbranch of the Public Security and Intelligence Police (PAVA) and is “responsible for gathering intelligence in neighborhoods, penetration into the guilds, and identifying guild activities and arresting the workers, and also runs a network of local informers [Mokhber Mahali], for collecting information, news, and rumors.” (Golkar, 28 April 2015)

No further information could be found on the intelligence unit of the LEF.

5.1.2 Moral Security police including Morality Patrols (Gasht-e Ershad)

A December 2017 United Press International (UPI) article notes that police who “arrest women for violating the Islamic dress code, known as the Gasht-e Ershad or Guidance Police, often round up women and take them to police stations if they were spotted with loosely veiled hair, nail polish or short garments.” (UPI, 29 December 2017)

As Saeid Golkar noted in an April 2015 email response, the “Moral security police (Polis-e Amniyat-e Akhlaghi) is a subbranch of the PAVA, which is responsible for arresting women with inappropriate hejab, or those engaging in mixed parties”. The source indicates that the “Morality Patrols (Gasht-e Ershad) are subordinated to the Moral security police. They patrol the streets to monitor and issue warnings about ‘un-Islamic’ dress and conduct.” (Golkar, 28 April 2015)
An April 2016 BBC News article gives the following overview of the Morality (or Guidance) Patrols (Gasht-e Ershad):

“Gasht-e Ershad (Persian for Guidance Patrols), supported by Basij militia [...]”

Iran has had various forms of ‘morality police’ since the 1979 Islamic Revolution, but the Gasht-e Ershad are currently the main agency tasked enforcing Iran’s Islamic code of conduct in public. Their focus is on ensuring observance of hijab - mandatory rules requiring women to cover their hair and bodies and discouraging cosmetics. [...] They are empowered to admonish suspects, impose fines or arrest members of the public, but under reforms that come into force this year, will soon no longer be able to do any of these things. Instead, 7,000 undercover Gasht-e Ershad agents will be deployed to report suspected transgressions to the police, who will decide whether to take action. The Gasht-e Ershad is thought to draw a lot of its personnel from the Basij, a hard-line paramilitary unit; it also includes many women. [...] They are mainly seen as a scourge for urban women - usually from wealthier social groups - who try to push the boundaries of the dress code. This includes wearing the headscarf as far back on the head as possible, or by wearing looser clothing, especially in the heat of summer, although men sporting ‘Western’ hairstyles are also at risk. Fear of encountering them has even prompted the creation of Android app that helps people avoid Gasht-e Ershad mobile checkpoints. President Hassan Rouhani has expressed opposition to the Gasht-e Ershad, but Iran’s constitution gives him little sway over the security forces.” (BBC News, 22 April 2016)

The pro-government Enghelabe-Eslami.com website informs about the scope of duties of the Morality Patrols (Gasht-e Ershad):

“The duties of Gasht-e Ershad consist in make suggestions to people with regard to Islamic dress. Gasht-e Ershad is not obliged to ensure national security but rather is an auxiliary force subordinate to the security police (which is in charge of overseeing halls, hotels, CD vendors, coffeeshops, internet cafés, and arresting criminals).” (Enghelabe-Eslami.com, 12 October 2017)

An April 2018 article by Radio Free Europe/Radio Liberty (RFE/RL) notes that president Hassan Rouhani has “criticized the morality police’s use of violence against women failing to observe the compulsory Islamic dress code”. Rouhani’s comments came “after mobile footage went viral on Iranian social media showing a female member of the morality police beating a woman whose head scarf was not sufficiently covering her hair”, although the president did not directly refer to the incident. (RFE/RL, 21 April 2018)

5.1.3 Cyber Police (FATA)

A brief summary of the objectives of the Cyber Police (FATA), an institution created in 2011, can be found on the organisation’s undated website:

“The purpose of establishing cyber police is to secure cyber space, to protect national and religious identity, community values, legal liberty, national critical infrastructure against electronic attacks, to preserve interests and national authority in cyberspace and to assure
people in all legal affairs such as economic, social and cultural activities in order to preserve national power and sovereignty.

Cyber police of Islamic Republic of Iran was established in 2011 based on internal and international standards in order to prevent, investigate and combat cybercrime.” (FATA, undated)

A January 2018 report of the Center for Human Rights in Iran (CHRI) notes that the Cyber Police are an entity “under the authority of Iran’s national police, which reports to the Ministry of Interior”. The source notes that “[w]hile that ministry is ostensibly under Rouhani’s authority, [...] the head of the Ministry of Interior cannot be appointed without Khamenei’s approval.” (CHRI, 10 January 2018, p. 19)

The April 2018 US Department of State (USDOS) country report on human rights practices mentions the Cyber Police as one of the government organisations (other examples being the Basij “Cyber Council” and the Cyber Army) that monitored, identified, and countered alleged cyber threats to national security and “especially targeted citizens’ activities on officially banned social networking websites such as Facebook, Twitter, YouTube, and Flickr, and reportedly harassed persons who criticized the government or raised sensitive social problems”. (USDOS, 20 April 2018, section 2a)

A December 2016 article of the Center for Human Rights in Iran (CHRI) reports that:

“A state crackdown on social media ahead of Iran’s 2017 presidential election has resulted in the Cyber Police (FATA) requiring Iranian-owned channels with more than 5,000 followers on the country’s most popular messaging application, Telegram, to seek official permits. Meanwhile, several Iranian-owned Telegram channels have been hacked by state agents [...]. In early December 2016, FATA targeted Telegram channels with 300,000 to 500,000 members that mainly contained posts about entertainment and other non-political issues. The accounts of these channels were hacked just a few days after their administrators were summoned and questioned by FATA.” (CHRI, 9 December 2016)

As reported in a January 2017 article by Radio Zamaneh, a Netherlands-based independent Persian-language broadcaster, the Cyber Police announced that nearly 70 per cent of internet crimes across Iran occur through the instant messaging service Telegram, another 20 per cent on Instagram and another two percent through Whatsapp (Radio Zamaneh, 19 January 2017).


5.2 The Ministry of Intelligence (MOI)

Many Western sources refer to this organisation as the “Ministry of Intelligence and Security” (MOIS) which is used as a translation of “Vezarat-e ettela’at va amniyat-e keshvar” (VEVAK). This designation, however, is incorrect as the organisation’s Persian name does not in fact contain the adjunct “va amniat-e keshvar” (“and national security”) (Posch, 13 April 2015). The
correct full Persian name of the ministry is „Vezarat-e Ettela’at Jomhuri-ye Eslami-ye Iran” (VAJA), which translates as “Intelligence Ministry of Islamic Republic of Iran”. This compilation will refer to the ministry as “Ministry of Intelligence” (MOI), although “Ministry of Intelligence and Security”, “MOIS” or “VEVAK” will inevitably appear in many of the original quotes.

A May 2018 report of the Congressional Research Service (CRS) states that the Ministry of Intelligence (MOI) is an entity that “conducts domestic surveillance to identify regime opponents” and seeks to “penetrate antiregime cells” (CRS, 21 May 2018, p. 7). As noted by Walter Posch, a senior researcher at the Institute for Peace Support and Conflict Management (IFK) of the Austrian Defence Academy (Austrian Armed Forces), the MOI coordinates Iran’s intelligence services (Posch, 13 April 2015).

As explained by Walter Posch, when the MOI was founded, it did adopt many operative functions of the Shah’s Organisation of Intelligence and National Security (Sazeman-e Ettela’at va Amniyat-e Keshvar, SAVAK) but not its state security apparatus. In fact, the Supreme Leader took the security role away from the new intelligence agency and assigned it to the IRGC and the police forces in order to prevent the MOI from accumulating as much power as the SAVAK held under the Shah (Posch, 13 April 2015).

Wilfried Buchta refers to the main tasks and functions of the MOI as set out in the 1983 foundation law of the ministry:

“Since its inception in 1984, based on a foundation law passed by the parliament in 1983, the MOIS has emerged as one of the most influential and powerful entities in Iran. [...] According to the foundation law of the MOIS, passed by the Iranian Parliament in 1983, the MOIS is responsible for the coordination of intelligence operations among all the information agencies (LEF, IRGC, the Second Bureau of the regular army, Basij) on the one hand and the Ministry of the Interior and the General Prosecutor on the other hand. Article 10 of that law describes the main tasks and functions of the MOIS as follows: (a) gathering, procurement, analysis and classification of necessary information inside and outside the country and (b) disclosure of conspiracies and activities pertaining to coup d’ètats, espionage, sabotage, and the incitement of popular unrest, which would endanger the security of the country and the system. The same law stipulates that the allocated financial means of the MOIS are exempt from the public law of accountability. Also, the law does not lay down any system of checks and balances that would require the MOIS to be supervised by the judiciary or any other state organ. A separate special law stipulates that the Head of the MOIS must be a high-ranking cleric. By stipulating that only a cleric can be at the helm of this key Ministry, the regime obviously intended to further strengthen its grip on power.” (Buchta, 2004, p. 13)

As indicated in an older January 2013 report of the French Centre for Research on Intelligence (Cf2R), a Paris-based think tank specialising in international intelligence and security issues, the Ministry of Intelligence (MOI) was established on 18 August 1984. It succeeded the Organization of Intelligence and National Security (SAVAK) which had existed from the times of the Shah. While a number of intelligence officers were executed in the aftermath of the Islamic Revolution, the new regime managed to “turn” some former SAVAK officers who then provided...
their professional expertise to the nascent MOI. The MOI operates both within Iran and abroad. Its primary mission is to track down persons who oppose the regime, particularly members of the Mojahedin-e Khalq Organisation of Iran (MEK), which is perceived by Tehran as the most serious threat to the regime. However, all types of dissident groups including monarchists, Kurds, Arabs, Balochs constitute targets of the MOI. In theory, the MOI operates under the authority of the Supreme Council for National Security. But in fact, it answers directly to the Supreme Leader. The MOI’s headquarters are located in Tehran, in the premises previously used by the SAVAK. The staff number is indicated as 30,000, and all staff are civilian. Several thousand members of staff (estimates range from 2,000 to 8,000) reside abroad. Agents working for the MOI have been able to infiltrate various Iranian opposition movements based in exile, especially the MEK. (Cf2R, January 2013, pp. 1-6)

Meanwhile, a January 2018 report of the Center for Strategic and International Studies (CSIS) mentions that the MOI has around “4,000-6,000” personnel (CSIS, 11 January 2018, p. 4).

An older report of the US Library of Congress (LoC) published in December 2012, which deals extensively with the MOI, notes that occupants of the post of Minister of Intelligence “must hold a degree in ijtihad (the ability to interpret Islamic sources such as the Quran and the words of the Prophet and imams) from a religious school, abstain from membership in any political party or group, have a reputation for personal integrity, and possess a strong political and management background.” (LoC, December 2012, p. 1)

In a May 2008 report, the Iran Human Rights Documentation Center (IHRDC) states that according to the Code for the Formation of the Ministry of Intelligence ratified in 1983, the Ministry of Intelligence is charged with the “gathering, procurement, analysis, and classification of necessary information inside and outside the country” and it “was given the specific responsibility of making anti-opposition measures more efficient”. According to the report, the Ministry of Intelligence is “the principal operational mechanism through which the regime can extend its reach overseas.” (IHRDC, May 2008, pp. 9-10)

The December 2012 US Library of Congress (LoC) report describes the role of the MOI within the Iranian intelligence architecture and the Ministry’s organisational structure:

“MOIS answers directly to the Supreme Leader of Iran. Although the president appoints the head of the ministry, the Supreme Leader must approve the appointment, and the president cannot remove the appointee without the Supreme Leader’s approval. [...]”

According to Iran’s constitution, the Supreme Leader sets the direction of foreign and domestic policies. He is commander in chief of the armed forces and controls intelligence operations. Hence, both MOIS and IRGC Intelligence, including the Quds Force, report directly to the Supreme Leader.

The president is the second-highest-ranking official in Iran. However, the constitution limits his authority in such a way that it subordinates the entire executive branch — and specifically MOIS and a small number of other ministries including the foreign and oil
ministries — to the Supreme Leader. Iran’s intelligence apparatus is composed of a number of entities, one of which is MOIS. […]

MOIS is the main organization involved in intelligence operations that protect national security by collecting information; however, the Supreme National Security Council (SNSC) determines national-security policies and makes sure the policies are aligned with the Supreme Leader’s views. Article 176 of Iran’s constitution established the Supreme National Security Council and charges it with responsibility for ‘preserving the Islamic Revolution, Iran’s territorial integrity, and national sovereignty.’ (LoC, December 2012, pp. 10-14)

The same source notes the historically close relationship between the Supreme Leader Khamenei and the IRGC since its establishment in 1980 (Khamenei was minister of defence at the time). Disagreements between the Supreme Leader and presidents Mohammad Khatami (1997-2005) and Mahmud Ahmadinejad (2005-2013) on the intelligence landscape are reported to have led the Supreme Leader to rely on “the IRGC Intelligence Organisation as an alternative organization that would work parallel to MOIS — because the president can influence the ministry’s direction one way or another, whereas the IRGC is completely under the Supreme Leader’s command.” (LoC, December 2012, pp. 14-15)

Regarding the actual relationship between the MOI and the IRGC, the same source tentatively notes:

“There is no clear division of powers and responsibilities between MOIS and the IRGC Intelligence Organization, and analysts believe this lack of definition of their responsibilities and their overlapping jurisdictions have caused friction between them. Apparently in some cases, the IRGC’s Quds Force and IRGC Intelligence do not share information with MOIS as they are supposed to do. […] After the 2009 presidential election, the IRGC blamed MOIS for not fulfilling its duties, claiming that was why the disputed election (of Ahmadinejad) caused massive and unprecedented turmoil.” (LoC, December 2012, p. 16)

Posch notes that since the MOI was established in 1984, there have been fierce rivalries among intelligence services (Posch, 13 April 2015).

An October 2017 article of the Middle East Institute (MEI), a non-profit think tank and cultural center in Washington, D.C. (author: Ali Alfoneh) states that “the conflict between the country’s intelligence agencies has reached an unprecedented level”, citing a “recent public row between the Islamic Revolution Guards Corps (I.R.G.C.) Intelligence Organization, the Judiciary and the Ministry of Intelligence”:

“On October 8, Gholam-Hossein Mohseni Ezhehi, Judiciary spokesman, announced at a press conference that a certain Abd al-Rasoul Dorri Esfahani, an Iranian-Canadian dual national who represented the Central Bank of Iran at the nuclear negotiations between Iran and world powers, was ‘sentenced to five years in prison’ on charges of ‘espionage on behalf of two [foreign] spy agencies.’ However, Intelligence Minister Mahmoud Alavi swiftly dismissed the Judiciary’s claim a few days later and added that Esfahani was
‘innocent of any wrongdoing,’ and ‘cooperated’ with the Counter Intelligence Directorate of the Intelligence Ministry during the entire course of the nuclear negotiations. [...] 

Further examination of the Esfahani file shows a new level of coordination between the I.R.G.C. and the Judiciary in an attempt to undermine the more professional Intelligence Ministry.” (MEI, 23 October 2017)

As noted by the same source, available material suggests that the MOI is organised on the basis of 15 directorates:


A May 2018 report of the Congressional Research Service (CRS) states that the MOI is headed by Mahmoud Alavi (CRS, 21 May 2018, p. 7).

A January 2018 article of the Washington Institute for Near East Policy (WINEP) notes that “[t]he security apparatus, including the Intelligence Ministry [...], mainly recruit from seminary schools, though they too draw from the Basij at times (and many seminary students are Basij members)” (WINEP, 5 January 2018).

The December 2012 LoC report notes that the headquarters of the MOI appears to be located in North Tehran (LoC, December 2012, p. 23).

The same source reports on the “methods of operation and tactics” of the MOI by highlighting its activities in the areas of infiltration of opposition groups abroad, disinformation and control of the internet:

“MOIS infiltrates Iranian communities outside of Iran using a variety of methods. For instance, a society called ‘Supporting Iranian Refugees’ in Paris is used to recruit Iranian asylum seekers to spy on Iranians in France. MOIS also has agents who abduct individuals abroad, return them to Iran, and then imprison or kill them. MOIS’s tactics of penetrating and sowing discord within the opposition abroad are discussed in an article on a Web site affiliated with the current Iranian government. [...] 

The ministry also engages in disinformation. The largest department within MOIS, the Department of Disinformation (Farsi: nefaq), uses psychological warfare and disinformation against the government’s opponents. This department is also in charge of employing psychological warfare to manipulate the media and to mislead other intelligence agencies about Iran’s intelligence and military capabilities. However, it is unclear exactly where this department is located in the ministry. [...]
With respect to the Internet, for the past 10 years MOIS and two other governmental entities, the Ministry of Culture and Islamic Guidance and Islamic Republic of Iran Broadcasting (IRIB), have also sought to control Iranians’ access to the Internet. This effort was intensified after the controversial presidential election in 2009. The government has imposed intelligence, technical, and cultural strategies to control access to the Internet. The head of the MOIS Counterintelligence Directorate has stated that ‘the Internet poses a danger to the world, and Iran is always on the lookout for spies.’ These entities cooperate to block any sites that cause problems and to make sure that preferred sites continue to function.” (LoC, December 2012, pp. 30-31)

As noted by Posch in April 2015, the MOI in fact has only very few units that carry out operational tasks. They have small anti-terror units which, however, are highly effective and capable of infiltrating groups. Posch stated that the cases he is aware of suggest that they do not engage in physical torture, but instead rely on psychological methods of interrogation. Many MOI interrogators are highly educated individuals (some of them are university professors), and their goal is to socially corrupt their targets. While it is frequently alleged that the MOI has engaged in torture, in fact, it appears that the torture has been carried out by other groups, even though it may have taken place in the same prisons which are also used by the MOI. (Posch, 13 April 2015)

The January 2018 WINEP article states that the MOI in order to penetrate Iranian society, “has established Herasat branches in every civilian organization and university in the country, tasking them with identifying potential security threats. Herasat officials reportedly surveil employees (e.g., by monitoring their communications), act as informants, and influence hiring and firing practices”. (WINEP, 5 January 2018)

As reported by the Center for Human Rights in Iran (CHRI) press release, in November 2017, the Tehran Revolutionary Court sentenced three activists arrested by MOI agents in March 2017, Majid Assadi, Payam Shakiba, and Mohammad Banazadeh, to imprisonment and exile after the MOI exerted pressure on the court. According to a family member of one of the prisoners, “[t]he lawyers defended their clients in court but the judge found them guilty in the presence of the Intelligence Ministry representative who practically directed the court proceedings”. The three men were charged with “propaganda against the state” and “assembly and collusion against national security” on the basis of allegations made by the MOI. The family member is quoted as saying that “[t]he sentences will not stand if the Appeals Court makes a fair judgment because the case is only based on accusations by a representative of the Intelligence Ministry without any evidence and the accused all denied the charges during their interrogation”. (CHRI, 4 December 2017)

Another December 2017 CHRI press release states that “Hossein Zaman, a former Revolutionary Guards commander who has been banned from producing or performing music for more than 15 years”, is quoted as saying that the ban was imposed on him because the MOI intended to intimidate him into refraining from expressing his political views. (CHRI, 8 December 2017b)
A January 2018 BBC Persian article reports that the MOI has announced to implement “new measures” and to carry out arrests in response to the recent protests in Iran. According to the announcement, “the Ministry [...] has been able to collectively arrest disrupters of public order and security.” The MOI announced the individual or collective “identification and detention” of a number of persons in various cities who, in the Ministry’s view, have been involved in instigating the late December 2017/early January 2018 protests, have committed acts of destruction, and have been linked to foreign countries and entities. The Ministry announced that measures included arresting persons linked to “one of the counter-revolutionary groups based in Europe”, “the evil criminals among those who were mainly behind the riots”, the “perpetrators of damage to religious centres, public and private property”, and “those who incited the people to participate in protests in cyberspace”. The MOI is also quoted as saying that it arrested “the operational core of rioters in Izeh county” (Khuzestan province) and arrested a suspect who “intended to put fire on the house of a town official”. (BBC Persian, 11 January 2018)

5.3 Islamic Revolutionary Guards Corps (IRGC)

The Islamic Revolutionary Guards Corps (IRGC) is referred to as an “elite military force responsible for protecting the Islamic regime from internal and external threats” (DW, 13 October 2017). An October 2017 article by Deutsche Welle (DW) provides the following overview of the IRGC:

“The IRGC was established at the end of Iran’s 1979 Islamic Revolution as an elite armed militia whose role was to protect the then embryonic Shiite clerical regime. It also formed an important counterweight to Iran’s conventional military, many of whose leaders were believed to be loyal to the exiled shah. The IRGC initially operated as a domestic force, but expanded quickly after Iraqi dictator Saddam Hussein invaded Iran in 1980, when Ayatollah Ruhollah Khomeini gave the group its own ground, naval and air forces. [...] Some analysts have argued the IRGC has since become a state-within-a-state, a visible manifestation of what is usually referred to as the ‘deep state’ in other — less authoritarian — countries. The IRGC’s role is enshrined in the constitution and it answers only to Iran’s supreme leader, Ayatollah Ali Khamenei, thus also endowing it with an enormous range of legal, political and in effect also religious powers.” (DW, 13 October 2017)

 sinkaya (2016), in an historical overview, explains that the relationship between the IRGC and the older (conventional) Army of the Islamic Republic of Iran (Artesh) has been “complicated” since the early years of the Islamic Republic when the IRGC was “informally tasked with surveillance over the Army” due to the new leaders’ suspicions towards former members of the Shah’s apparatus. The author states that the two entities have “maintained their separate institutional and administrative structures, each with its own ground force, air force, and navy” as the IRGC “evolved into a gigantic military organization in just a decade”. (Sinkaya, 2016)

As noted in a May 2018 Congressional Research Service (CRS) report, the IRGC is “generally loyal to Iran’s political hardliners” and more politically influential than the country’s (numerically larger) conventional armed forces (CRS, 23 May 2018, p. 19).
Sinkaya notes that the Supreme Leader directly appoints the Commander of the IRGC and, upon recommendation of the IRGC Commander, the senior ranks of the organization including the commanders of the five IRGC forces (ground forces, air forces, navy, the Basij, and the Qods Force) and the head of the IRGC Organization of Security and Intelligence. It is further noted that “the Leader also has exclusive authority to promote senior officers”, with “[t]he promotion of Guards members with the rank of sartip (major general) and above” being “within the exclusive jurisdiction of the leader”. (Sinkaya, 2016)

Sinkaya also notes that a representative of the Supreme Leader who “reports directly to the Leader” and “is not accountable to anyone within the IRGC for his duties and activities”, occupies the ideological-political directorate within the IRGC. He is in charge of “supervision of the IRGC Command and approval of its decisions” as well as “overseeing the religious and ideological training of the Guards and supervising its publications”. The author goes on to elaborate that “[t]he representative is authorized with establishing his own offices, which are dispersed to all units in parallel with the command structure of the IRGC”. These offices employ “numerous clerics called the ‘political guides’” who “operate under the supervision of the representative”. It is also noted that the representative is “responsible for the approval of promotions, appointments, and dismissals of IRGC commanders and has a supervisory role in the admissions process”. (Sinkaya, 2016)

The same author notes that as a result of the “the institutional relationship between the Leader and the IRGC” which “aims to secure fidelity of the Guards to the former”, “the declarations, order, and instructions of the Leader […] are considered by the Guardsmen equal to law”. Moreover, “in case of conflict between the laws and instructions of the Leader, the Guards tend to prefer the latter”. (Sinkaya, 2016)

As noted in the May 2018 CRS report, Ali Jafari, who has been the overall commander of the IRGC since September 2007, is “considered a hardliner against political dissent and a close ally of the Supreme Leader” (CRS, 23 May 2018, p. 19).

Sinkaya (2016) highlights the IRGC’s influence on politics and wider society:

“Operating within the institutional framework drawn above, the IRGC has some mechanisms that help it influence the decision-making processes and politics in the country. First, membership of IRGC Commanders to the SNSC [Supreme National Security Council] provides a platform for the Guards to present their views and ideas on matters under consideration by the ruling civilian elites. Second, informal networks and personal relations have a considerable role in the IRGC’s relationship with other institutions. The IRGC is supposed to have former comrades, supporters, constituents, and allies in different organizations. […]

Finally, the IRGC has the capacity and capability to reach wider segments of society with its numerous publications, websites, and the organizational capacity of the Basij. The Basij is found in almost all ministries, governmental institutions, universities, and neighborhoods. Through its control over the Basij, the IRGC has the capability to penetrate into many areas of society. Either via the Basiji organizations or through its numerous publications, the IRGC
has attempted to disseminate its values, concerns, and views on major developments to the majority of Iranians.” (Sinkaya, 2016)

Michael Connell, director of the Iranian Studies Program at the Center for Naval Analyses, wrote in an October 2010 article:

“In 2005, the IRGC announced that it was incorporating a flexible, layered defense — referred to as a mosaic defense—into its doctrine. The lead author of this plan was General Mohammad Jafari, then director of the IRGC’s Center for Strategy, who was later appointed commander of the IRGC.

As part of the mosaic defense, the IRGC has restructured its command and control architecture into a system of 31 separate commands—one for the city of Tehran and 30 for each of Iran’s provinces. The primary goal of restructuring has been to strengthen unit cohesion at the local level and give commanders more latitude to respond to potential threats—both foreign and domestic.” (Connell, 11 October 2010)

A January 2018 article of the Washington Institute for Near East Policy (WINEP) (author: Saeid Golkar) describes the IRGC as a rather “decentralized system, with ten regional headquarters that each command a handful of provincial corps (sepah-e astani).” These units were restructured in this way so that “they could operate autonomously, defending the regime against both high-intensity warfare and low-intensity internal challenges such as insurgency” (WINEP, 5 January 2018). The same source goes on to elaborate on the role of the IRGC Ground Forces and the Basij units:

“All members of the IRGC Ground Forces and Basij report to their local IRGC provincial corps. The missions for each corps include defending their provincial boundaries and suppressing unrest, which is accomplished by a security brigade (yegan-e amniat) consisting of IRGC Ground Forces and Basij units. Indeed, the Ground Forces have mainly been geared toward quelling internal disorder since the early 2000s, leaving the regular army to defend Iran's external borders. Some Ground Force units are similar to conventional army units, while others are trained for covert missions and asymmetric warfare, but most of them consist of light infantry trained and equipped for internal security tasks.” (WINEP, 5 January 2018)

In a May 2018 interview with Deutsche Welle (DW), Walter Posch states that previously the core of the IRGC consisted of 15 armed divisions dating from the Iran-Iraq War. These divisions were dissolved during a large-scale reform in 2009. Currently, there are paramilitary IRGC security units in every province. (DW, 11 May 2018)

The May 2018 CRS report refers to the IRGC as the “key organization for maintaining internal security”, with the “Basij militia, which reports to the IRGC commander in chief, operating from thousands of positions in Iran’s institutions”. As of 2008, the Basij force has been “integrated at the provincial level with the IRGC’s provincial units”. (CRS, 23 May 2018, p. 19)
For information regarding the military role of the IRGC Ground Force, Navy and Air Force, the foreign policy role of the IRGC Qods Force (QF) and the IRGC’s involvement in economic matters, please see page 19 of the same report:

- CRS - Congressional Research Service: Iran’s Foreign and Defense Policies, 23 May 2018
  https://fas.org/sgp/crs/mideast/R44017.pdf

With regard to recruitment of new members, the January 2018 WINEP article indicates that “[s]ince 2000, all IRGC members have been recruited from established Basij and IRGC families”. It is further mentioned that the security apparatus, including the IRGC-IO, “mainly recruit from seminary schools, though they too draw from the Basij at times (and many seminary students are Basij members)”. (WINEP, 5 January 2018)

According to a January 2018 report of the Center for Strategic and International Studies (CSIS), the IRGC has 125,000 personnel (CSIS, 11 January 2018).

5.3.1 IRGC Intelligence Organisation

A March 2017 article of the Campaign for Human Rights in Iran (CHRI) states that the IRGC Intelligence Organisation (IRGC-IO) was created by Supreme Leader Ali Khamenei “in 1997 after the election of reformist President Mohammad Khatami” and that the presidency has “no control over” this institution. The article adds that “Amid the protests against the contested presidential election in 2009, Khamenei expanded the organization’s powers”. (CHRI, 16 March 2017)

An April 2018 article by Radio Farda, the Persian-language broadcaster at Radio Free Europe/Radio Liberty (RFE/RL), notes that the IRGC-IO is “closely tied to Supreme Leader Ayatollah Ali Khamenei” and “operates parallel to President Hassan Rouhani’s Intelligence Ministry” (Radio Farda, 22 April 2018).

A November 2015 article of the Washington Institute for Near East Policy (WINEP) provides an historical overview of the IRGC Intelligence Organisation (IRGC-IO) [called “IRGC Intelligence Directorate” up to 2009, remark by ACCORD]:

“The IRGC-IO was established by Ayatollah Ali Khamenei in 1997 after the election of reformist president Mohammad Khatami as an alternative organization with functions that parallel the Ministry of Intelligence and Security (MOIS). The IRGC-IO has largely taken over domestic security, though MOIS shares responsibilities for actively thwarting reformists and preventing internal unrest. Shortly after its establishment, the IRGC-IO appears to have been instrumental in suppressing the 1999 student uprisings. […]

After the contested 2009 presidential elections, Khamenei directed a major reorganization that expanded the IRGC-IO’s intelligence and security powers. In July 2009, Khamenei appointed regime loyalist and close confidant Hossein Taeb, formerly MOIS deputy commander of counterintelligence (1989-1997) and commander of the paramilitary Basij (2008-2009), to head the IRGC-IO. Taeb had been Khamenei’s student in the early days of the 1979 Islamic Revolution and befriended Khamenei’s son during the Iran-Iraq War.” (WINEP, 25 November 2015)
A June 2015 article of the Foundation for the Defense of Democracies (FDD) (authored by Ali Alfoneh), states that Taeb was appointed head of the IRGC Intelligence Directorate in October 2009 after overseeing the violent crackdown on anti-government protests earlier the same year as commander of the Basij Resistance Force. According to the article, this reflected the Supreme Leader’s dissatisfaction with the Ministry of Intelligence’s “inability to prevent the unrest” (FDD, 19 June 2015). At the same time, “Khamenei issued an edict promoting the IRGC intelligence apparatus to the level of an organization practically on par with the government’s Intelligence Ministry” (Radio Farda, 22 April 2018). The Intelligence Directorate was thus renamed “IRGC Intelligence Organisation” (FDD, 19 June 2015).

A May 2018 CRS report even states that in 2009, the Supreme Leader “gave the IRGC’s intelligence units greater authority, surpassing that of the Ministry of Intelligence.” (CRS, 23 May 2018, p. 19)

The November 2015 WINEP article points to the “IRGC-IO’s lack of accountability to normal government oversight”. It is also noted that there is a “longstanding bureaucratic rivalry” between the IRGC-IO and the MOI. While President Rouhani has control over the MOI and appoints its senior ranks, the president “exerts no authority over the IRGC-IO or the IRGC commander”. (WINEP, 25 November 2015)

In a May 2018 interview with Deutsche Welle (DW), Walter Posch states that the IRGC has an intelligence organization of its own which acts in a very independent manner and over which even the IRGC Commander has very limited control as it reports directly to the Office of the Supreme Leader (DW, 11 May 2018). As noted by Saeid Golkar in his 2015 book Captive Society, “the intelligence branch of the IRGC’s activities has increased dramatically since 2009” (Golkar, 2015, p. 90).

As the same article notes, Supreme Leader Ali Khamenei stated in September 2015 that no other organisation bears the “institutional responsibility to protect the Islamic Revolution like the IRGC” and called on the IRGC-IO to “constantly monitor all issues and identify threats” to the existing political order. Later the same year, the IRGC-IO “led the investigation and subsequent arrest of Iranians accused of ties to Western intelligence agencies” and “spearheaded a drive against a ‘new wave of sedition,’ arguably the largest state crackdown since 2009”:

“[It]he Taeb-led IRGC Intelligence Organisation intensified its operations against ‘the sedition’, [fetneh], revolutionaries real and imagined, cybercrime and Iran’s ethnic and religious minorities”, noting that agents of the IRGC-IO “systematically censor the internet, engage in cyber-warfare and arrest dissident bloggers” (FDD, 19 June 2015).
The November 2015 WINEP article states that “under [Hossein] Taeb’s leadership, the IRGC-IO has arrested and interrogated thousands of Iranians accused of being part of a Western-fomented ‘velvet revolution’ to topple the Islamic Republic”. It is noted that the IRGC-IO “used the threat of Western infiltration to justify broadening its interrogation and arrest powers, increasing its supervisory role over the media, and tightening regime control of cyberspace”. (WINEP, 25 November 2015)

The CHRI reported that increasing numbers of arrests were carried out by the MOI ahead of the May 2017 presidential elections which may reflect a “growing rivalry between the Intelligence Ministry and the Islamic Revolutionary Guard Corps’ (IRGC) Intelligence Organization, which has also stepped up its arrests” (CHRI, 16 March 2017).

The April 2018 Radio Farda article notes that “analysts and legal experts” including the deputy speaker of the parliament, Ali Motahari, “maintain that the existence of the Intelligence Organization – and specifically its interference in cases related to espionage -- explicitly violates the Iranian Constitution”. (Radio Farda, 22 April 2018)

Radio Farda notes that the IRGC-IO “has detained several people charged with espionage, including Abdolrasoul Dorri Esfahani, an Iranian accountant and member of Rouhani’s delegation in Tehran’s nuclear talks with global powers that led to the Joint Comprehensive Plan of Action (JCPOA) in 2015”. Moreover, the organisation “detained several prominent environmentalists on January 24 [2018], including the Iranian-Canadian founder of Iran’s Wildlife Heritage, Kavous Seyyed-Emami” who was found dead in Tehran’s Evin prison two weeks later. It is noted that “Seyyed-Emami and his fellow environmentalists were charged with espionage, while the chairman of the parliamentary Environment Faction, Mohammad Reza Tabesh, cited top officials of the Intelligence Ministry as dismissing the allegation”. (Radio Farda, 22 April 2018)

The January 2018 WINEP article (author: Saeid Golkar) notes similarly to the MOI’s Herasat network, the IRGC-IO “has its own broad social network, the Basij intelligence staff (stead-e khaberi-e Basij), whose members are present throughout Iran’s estimated 4,000 Basij districts”. It is noted that “[m]uch like the Herasat, Basij intelligence officers act as the regime’s eyes and ears by monitoring citizen activities and keeping files on local activists.” (WINEP, 5 January 2018)

5.3.2 Basij force

In his 2015 book Captive Society: The Basij Militia and Social Control in Iran, Saeid Golkar writes that “[t]he Organization for the Mobilization of the Oppressed (Sazeman-e Basij-e Mastazafan), commonly referred to as the Basij”, was “[c]reated by the command of Ayatollah Ruhollah Khomeini” and “has the specific goal of confronting internal and external threats” to the Islamic Republic. (Golkar, 2015, p. 13)

A May 2018 report of the US Congressional Research Service (CRS) refers to the Basij as a “volunteer militia under IRGC control” (CRS, 23 May 2018, p. 18).
A brief historical overview of the Basij force is provided in a December 2016 article of the Washington Institute for Near East Policy (WINEP):

“The Basij are a volunteer-based paramilitary force formed soon after the 1979 revolution. During the Iran-Iraq War, they assumed their main role of augmenting the IRGC by supplying a stream of short-term volunteers, quickly gaining a reputation as either martyrdom-seeking devotees or ill-trained cannon fodder. It was not until late 2009 -- after ‘Green Movement’ protestors took to the streets en masse to dispute the presidential election -- that the Basij were fully integrated into the IRGC’s ‘mosaic defense’ provincial security architecture, gaining their own professional cadre in the process.” (WINEP, 20 December 2016)

A January 2018 Radio Farda article provides an account of the Basij force’s role since its creation in 1979/1980:

“Shortly after the 1979 revolution, Ayatollah Ruhollah Khomeini, the founder of Iran’s Islamic Republic, gave a speech to the Islamic Revolutionary Guards Corps (IRGC) and emphasized that the country needed a 20 million-strong army to be able to defend itself against its enemies, particularly the United States. Iranian sources consider that date the official establishment of the Basij (the name means mobilization). However, the related law was only passed in June 1980. It states that the purpose of the Basij is ‘to train and organize all volunteers for encountering any threat and invasion against the accomplishments of the Islamic revolution from inside and outside.’ The law also places the Basij organization under the control of the supreme leader; however, in practice, it has always been supervised by the IRGC. When Iraq under Saddam Hussein invaded Iran in September 1980, the ayatollahs faced a challenge in defending the country. They had weakened the country’s military by executing or imprisoning many high-ranking military officers, allegedly for being loyal to the previous regime or being involved in suppressing the revolutionaries. Under such circumstances, the Basij started to recruit millions of volunteers for the war. Without the contribution of the so-called Basijis, Iran most probably would have lost the war to Saddam’s army. When the war was over, the IRGC started to use the Basij for staging propaganda events in support of the regime. For instance, when the supreme leader calls for a rally in support of the system or against Western countries, the Basijis are the first on the scene and encourage or even force others to attend. During the presidency of Mohammad Khatami (1997-2005), who attempted some political reforms, Basijis became thugs attacking reformist politicians, journalists, students, or anyone critical of the conservative establishment. The height of their notoriety was the protests against the re-election of Mahmud Ahmadinejad as Iran’s president in 2009, when they were armed by the IRGC to suppress protesters. In addition to beating up supporters of the so-called Green Movement and handing them over to security forces, they were also responsible for killing dozens. [...] The Basij also does significant recruitment in schools. The recruits are separated into categories, ‘Omidan’ (Hopes, in elementary schools); ‘Pouyandegan’ (Seekers, in middle schools) and ‘Pishgaman’ (Standard Bearers, in high schools).” (Radio Farda, 4 January 2018)
A January 2018 article of the Washington Institute for Near East Policy (WINEP) (author: Saeid Golkar) refers to the Basij as the “largest civil militia organization in the world, with around five million members spread among twenty-four branches and divided into four main rankings: regular, active, cadre, and special. It is noted that the Basij form “a cluster network consisting of Basij bases, districts, and regions”:

“Although the bases are the lowest organizational level, their high visibility (50,000 locations throughout Iran) makes them the Basij’s true grassroots backbone. Each Basij resistance district controls ten to fifteen bases and is home to local security and military forces. These districts are in turn controlled by IRGC regional branches. Depending on size, some cities have more than one IRGC region (e.g., Tehran).” (WINEP, 5 January 2018)

The US Department of State (USDOS) country report on human rights practices during the year 2017, published in April 2018, notes that “Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country’s strict moral code, without formal guidance or supervision from superiors” (USDOS, 20 April 2018, section 1d).

A May 2018 report of the Congressional Research Service (CRS) states that the Basij force “monitors adherence to the regime’s directives and compliance with the country’s law and customs”. The source notes that the Basij is “accused of arresting women who violate the regime’s public dress codes and raiding Western-style parties in which alcohol […] might be served” (CRS, 21 May 2018, p. 6).

The January 2018 WINEP article highlights tactics used by the Basij force in suppressing political dissent:

“To be sure, not all Basij members are involved in political suppression. Yet the organization has several security and military units composed of active or volunteer members, including the Imam Ali Security Battalions. These personnel undergo training in special tactics such as the use of bespoke weapons and motorcycles to suppress unrest. Some active Basij members are organized into rapid-reaction battalions called the Beit al-Muqaddas, with responsibility for defending vital installations in their neighborhoods. […] Plainclothes Basij officers are responsible for penetrating demonstrations, identifying activists, and misleading protestors. Other Basij members deploy near police personnel, recording videos and occasionally attacking people. In some cases, they use motorcycles to take control of the streets, contain unrest, and intimidate protesters, using force as needed to scatter people.

Tellingly, the NAJA requested help from some Basij districts after the latest protests expanded. Although the police were not completely ready for crowd control operations in 2009, they are more prepared today, with some eyewitnesses noting their increased efficiency. This is especially true in large cities, where they have practiced anti-riot missions for years. In smaller towns, however, inexperienced or minimally trained personnel are often involved in such missions, resulting in greater casualties due to fear and unprofessionalism.” (WINEP, 5 January 2018)
A January 2018 report of the Center for Strategic and International Studies (CSIS) explains that the Basij force has “evolved steadily since the end of the Iran-Iraq War, and large elements are now local paramilitary security forces tied to the IRGC”. The same source comments on estimates regarding the strength of the Basij force:

“Iranian official estimates sometime put their total part-time and full-time strength at more than 20 million, and other estimates indicate a core strength of 90,000, and up to 600,000 with some kind of mobilization potential. These numbers are soft to say the least, and being a regular soldier or conscript, or policeman, has never meant that any given case is a strong supporter of any regime.” (CSIS, 11 January 2018, p. 4)

A May 2018 report of the US Congressional Research Service (CRS) puts the strength of the Basij force at 100,000:

“Security forces number about 40,000-60,000 law enforcement forces, with another 100,000 Basij (volunteer militia under IRGC control) permanently deployed. Hundreds of thousands of additional Basij could be mobilized in the event or an all-out war.” (CRS, 23 May 2018, p. 18)

An article of the WINEP (author: Farzin Nadimi) notes that in December 2016, Supreme Leader Ali Khamenei appointed a new chief of the Basij force, Gen. Gholam Hossein Gheibparvar, who “replaced Muhammad Naghdi, who had held the job for seven years”. The article provides the following details on Gheibparvar:

“Gheibparvar, an avid proponent of meticulous intelligence preparedness in both ‘hard’ and ‘soft’ warfare, helped crush that year’s unrest in Tehran and several other major cities in his capacity as an IRGC divisional commander. Previously, he led the Imam Hossein HQ, succeeding his mentor Gen. Hossein Hamedani.” (WINEP, 20 December 2016)

The same article goes on to elaborate on the Imam Hossein Headquarters:

“That headquarters reportedly oversees around 500 Basij battalions throughout Iran’s thirty-one provinces. Attached to their respective provincial IRGC units, these so-called ‘independent’ Imam Hossein (IH) battalions are said to undergo a gradually expanding range of specialized training, including urban and nuclear/biological/chemical warfare. They are tasked with quelling domestic disturbances and supporting the IRGC in defending against foreign invaders. The IRGC’s special Muhammad Rasoul Allah Corps in Tehran has a sizable Basij contingent specifically tasked with securing the capital area. The Basij have also reportedly organized a large number of Beit al-Moqadass reserve battalions that can quickly assemble and augment IH battalions in times of emergency.” (WINEP, 20 December 2016)

5.4 Cyber-surveillance agencies and groups
This section covers cyber-surveillance actors with the exception of the Cyber Police (FATA) of the Law Enforcement Forces, which has been covered in section 5.1.3 of this compilation.

“The SCC was established by a decree issued by Khamenei in March 2012 and is composed of 17 representatives from government institutions and 10 members appointed by the supreme leader. It is intended to provide a centralized focal point for policymaking and the regulation of Iran’s virtual space, effectively minimizing the roles of the executive, legislative, and judicial branches of the government and bringing Internet policy under Khamenei’s direct control. [...]”

The SCC has been routinely criticized for being disorganized, not holding enough meetings, and has even been rebuked by Khamenei for not doing enough to encourage Iranians to use the Internet in a ‘clean’ and Islamic fashion. In September 2015, Khamenei consolidated the SCC’s power over internet policy and made some personnel changes to the council. In April 2016, the supreme leader dissolved the High Council of Informatics, the Supreme Council of Information, and the Supreme National Security Council of Information Exchange (AFTA), incorporating their powers into the SCC.” (Freedom House, 14 November 2017)

A January 2018 article of the Center for Human Rights in Iran (CHRI) provides the following details on the SCC:

“Khamenei centralized decision-making power over the internet in Iran’s Supreme Council of Cyberspace. This 27-member body, formed on March 8, 2012 on Khamenei’s orders, is chaired by Iran’s president, but because all its individual members and most of those who represent organizational entities are handpicked by the supreme leader, the president and others from his cabinet who serve on the council have a more marginalized role in it. Indeed, this move significantly restricted the power of the president and his administration over internet policy, whose current members include many who favor a less restrictive online environment.” (CHRI, 10 January 2018, p. 18)

The same article notes that several organisations that were previously involved in internet policy-making (including the Supreme Council of Informatics, the Supreme Council of Information and the Supreme Council of Information Exchange) were dissolved and merged into the SCC. (CHRI, 10 January 2018, p. 18)

The same article goes on to list a number of other institutions that have an “important role in shaping internet policies and use in Iran” while being “similarly under the direct or indirect control of Khamenei”. These include the Working Group to Determine Instances of Criminal Content, the principal body charged with making internet filtering decisions (It reports to the judiciary, whose head is under the authority of the Supreme Leader), the judiciary itself, which has the “power to shut down websites or applications, order the deletion of content, and order filtering” (just as the Cyber Police), and the Ministry of Islamic Guidance, which “also can limit users’ access to information”. It is noted, meanwhile, that “it is direct interventions by Iran’s security and intelligence agencies, in particular Iran’s Islamic Revolutionary Guard Corps (IRGC), which also report directly to Supreme Leader Khamenei, that have come to play an increasingly important role in shaping the country’s internet policies”:

“For example, Iran’s Telecommunications Company, which is owned by the IRGC, is one of the principal entities involved in the design and development of the National Information
The April 2018 US Department of State (USDOS) country report on human rights practices states that “[t]he government collected personally identifiable information in connection with citizens’ peaceful expression of political, religious, or ideological opinion or beliefs” and that “[i]n August [2017] the SCC announced new regulations requiring that all foreign social media platforms, like Telegram, move all their data to servers inside the country or risk being closed” (USDOS, 20 April 2018, section 2a).

The January 2018 CHRI report notes an increase in “cyberattacks on the social networks accounts of civil and political activists, journalists, academics and influential cultural figures” during President Rouhani’s first term in office (2013-2017):

“Two state organizations are responsible for the vast majority of the attacks: the Islamic Revolutionary Guard Corps (IRGC) and, to a lesser extent, the Intelligence Ministry. [...] The nature of the attack varies depending on the motives. The attackers may hack into the account and not disrupt anything, in order to conduct covert surveillance. They may take control of the account and use it to attack someone else’s account, or less frequently, to spread false information. When the goal is to stop a website from publishing the news or some piece of information, they will simply bring the website down. [...] The attacks are usually not technically sophisticated and in some cases, including those that involve Android malware attacks, use tools that can be purchased for approximately $50 USD. Yet they can be effective for hacking individuals who, like most people, are not sufficiently familiar with basic security requirements.” (CHRI, 10 January 2018, pp. 48-49)

The same source goes on to note that “cyberattacks have not been limited to individuals inside the country” but have “also targeted hundreds of civil and political activists outside Iran” as well as “several public figures within President Rouhani’s administration” (CHRI, 10 January 2018, p. 48).

The April 2018 USDOS country report on human rights practices highlights the role of the Ministry of Culture and Islamic Guidance in matters in granting permissions to internet service providers:
“The Ministry of Culture and Islamic Guidance must approve all internet service providers. The government also requires all owners of websites and blogs in the country to register with the agencies that comprise the Commission to Determine the Instances of Criminal Content (also referred to as the Committee in Charge of Determining Unauthorized Websites or Committee in Charge of Determining Offensive Content), the governmental organization that determines censoring criteria. These include the Ministry of Culture and Islamic Guidance, Ministry of Information and Communications Technology, Intelligence Ministry, and the Tehran Public Prosecutor’s Office.” (USDOS, 20 April 2018, section 2a)

The same source notes that “[g]overnment organizations, including the Basij ‘Cyber Council,’ the Cyber Police, and the Cyber Army, which observers presumed to be controlled by the IRGC, monitored, identified, and countered alleged cyber threats to national security”. The source specifies that “[t]hese organizations especially targeted citizens’ activities on officially banned social networking websites such as Facebook, Twitter, YouTube, and Flickr, and reportedly harassed persons who criticized the government or raised sensitive social problems.” (USDOS, 20 April 2018, section 2a)

A January 2018 report of the Carnegie Endowment for International Peace indicates that “Iran’s offensive cyber activities are almost exclusively overseen by the IRGC” (with little prospect of oversight of elected officials) and “composed of a scattered set of independent contractors who mix security work, criminal fraud, and more banal software development”. The report notes that “[w]hile the relationships between proxies and governments can range from passive support to complete control, Iran’s indigenous threat actors maintain an arm’s-length relationship to the state, with certain operations orchestrated to meet the needs of the government”. (Carnegie Endowment for International Peace, 4 January 2018, p. 17)

The same source goes on to provide details on the nature of cyber operations conducted by Iranian groups against foreign and domestic targets over the past years:

“After successfully suppressing the 2009 Green Movement and first detecting the Stuxnet attack in 2010, Iranian threat actors conducted sustained campaigns against domestic and foreign adversaries. These indigenous operations appear to be performed by small groups of individuals that have varying levels of technology experience with no more than ten people per team. These campaigns and the resources produced by the groups range from rudimentary to relatively professional, but most actors still face a low capacity ceiling. […]”

Iranian threat actors conduct campaigns with established toolkits that sometimes last for years and ensnare hundreds of targets. However, the fluid nature and decentralization of these groups make them relatively difficult to track. Malware that is publicly attributed to Tehran is often abandoned immediately on exposure, and identifiable members appear to change groups over time. Some groups seem to split up, have members move elsewhere, or even collaborate, further blurring lines. For example, while an IRGC-affiliated group labeled Rocket Kitten was the most active operator for a two-year period (2014–2016), attracting press attention as Iran’s premiere threat, it has since faded into quiescence, eclipsed by the actor Oilrig.
Despite their substantial financial impact, Tehran’s disruptive operations against foreign targets have been technically simple. The compromise of a small number of IT personnel enabled the destruction of data on computers maintained by Saudi Aramco, eventually resulting in hundreds of millions of dollars in damage. In only a few campaigns have Iranian threat actors shown the professionalism and sophistication approaching that expected of a nation-state actor; in one such case, the operation could be tied directly to the Ministry of Intelligence (Magic Kitten, discussed later). [..]

While sophistication alone can be a superficial metric of posed threat, Iranian operations do not demonstrate the common technical precautions taken by other nation-state actors (such as obfuscating malware), and, even with strong social engineering capabilities, attacks are often betrayed by a lack of investment in nontechnical resources (such as fluency in English or personal tailoring of messages). These resource constraints also account for why Iranians are more effective at compromising dissidents—Iranian threat actors understand their target’s context and language, as opposed to when they are tasked with European languages or other cultures. [..]

It is often difficult to determine the origins and perpetrators of Iranian offensive cyber operations, as these campaigns may disappear as quickly as they appear. Public exposure often leads them to change tactics and abandon tools, making tracking even more difficult. The history of cyber operations targeting Iranians and originating from Iran is populated by groups that arise out of nowhere and conduct campaigns for ambiguous reasons over a finite time span, then disappear.” (Carnegie Endowment for International Peace, 4 January 2018, pp. 17-22)

The same source indicates that “[i]n only two incidents” (in 2010 and 2013) have Iranian government entities taken direct credit for the defacement of political opposition sites, both attributed to branches of the Revolutionary Guard” (Carnegie Endowment for International Peace, 4 January 2018, p. 22). The source notes that “[i]n most cases, Iran uses cutout or proxy organizations”:

“These cutouts represent themselves as patriotic Iranians or pan-Islamic movements acting independently in defense of the supreme leader, national sovereignty, and religious ideals. Conducting offensive cyber operations through covert organizations provides Tehran plausible deniability for any attacks, thereby protecting its claim to victimhood while also allowing the state to signal its intentions to its opponents. [..]

When the U.S. Justice Department unsealed its Operation Ababil indictment in March 2016, it named two Iranian corporate entities that employed at least seven individuals who had been contracted by the Iranian government. The indictment implicated three of the participants as being part of the Sun Army, an Iranian cutout defacement group. The Sun Army followed the typical pattern found with the Iranian Cyber Army and other state-aligned defacements, arising out of nowhere to perform targeted political acts over a short life span. [..]

As Iran’s cybersecurity landscape has professionalized, some defacement groups have sought to convert their infamy into corporate success. Based on the disclosure of personal
information about threat actors, there are indications that those engaged in Iranian offensive cyber operations work within corporate entities (such as IT consultancies) or contractors of Iranian security forces. [...] 

The transition of amateur hackers into contractors for state security agencies is reflected in basic qualities and patterns of life found across most threat actors. There are clear indications that the threat actors documented are solely Iranians operating inside Iran, not diaspora Iranians or non-Iranians. At the most basic level, they tend to follow the normal patterns of life of office workers, being active during the Iranian workweek (Saturday through Wednesday) and dormant during Iranian holidays, particularly the long holiday of Nowruz, the Persian New Year. [...] 

While those behind the groups may be nationalists or ideologically aligned with the regime, they do not appear to be enrolled members of the military or security apparatus. These individuals and groups also differ in social and religious predilections; some participants promote the use of narcotics and trade pornography on personal social media, while others are devoutly religious and embed Islamic references in malware code. Iranian threat actors have often used pornography as bait in their spearphishing campaigns and display an irreverent sense of humor.” (Carnegie Endowment for International Peace, 4 January 2018, pp. 23-24) 

The same source summarizes various measures taken by the Iranian authorities to “respond to the challenges posed by the internet to the state’s information and communication monopoly”: 

“Among their first responses was mandatory content filtering, which entailed blocking access to any sites considered pornographic, antireligious, or politically subversive. With the increased availability of circumvention tools, however, filtering became less effective. Subsequently, basic offensive cyber operations, such as disrupting adversarial sites during the Green Movement, gave the regime the ability to reassert some control over information flows and project the illusion of the Islamic Republic’s dominance over the internet. 

Iranian cyber operations are highly adaptable as the online platforms and tools used by the public change. For example, after Iranians shifted to Telegram because of its unfiltered public chat feature and security claims, so too did the attention of Iranian threat actors. Alongside credential theft operations targeting Telegram users, one threat actor appears to have gone as far as mapping all the Telegram accounts connected with Iranian telephone numbers. This information-gathering operation had deeper ties to efforts to target the chat application’s users and aligned with recurrent arrests of administrators from critical Telegram groups. This learning process is repeated elsewhere, including for mobile phones and Macintosh computers.” (Carnegie Endowment for International Peace, 4 January 2018, p. 40) 

The same report notes that “state-aligned offensive cyber operations routinely focus on similar classes of targets”, particularly “[g]overnment officials”, “[r]eformist politicians”, “[m]edia professionals”, “[r]eligious minorities”, “[c]ultural figures” and “[o]pposition groups, terrorist
organizations, and ethnic separatist movements” (Carnegie Endowment for International Peace, 4 January 2018, p. 40).

According to the Carnegie Endowment for International Peace, Cyber operations against government officials “have sought to compromise members of Hassan Rouhani’s government[…] and the state’s bureaucratic institutions” including Iranian diplomats (Carnegie Endowment for International Peace, 4 January 2018, p. 41). The same source provides an overview of cyber operations targeting reformist politicians:

“The cyber operations against reformists have been broad, successful, and frequent. One threat actor maintained access to a computer used by a reformist cleric and a deputy at a prominent Iranian university for months, watching him conduct political operations and media interviews. Similarly, in December 2015 the Facebook account of Gholam Ali Rajaee, a political activist close to former president Akbar Hashemi Rafsanjani, was used to spearphish the accounts of journalists and others. The previous year, that same threat actor, Rocket Kitten, had also successfully compromised a number of former parliament members and other reformists in the diaspora, some of whom were later arrested.

Young activists mobilizing for reformists were targeted with malware and credential theft operations in the lead up to the February 2016 parliamentary election, particularly those connected to female candidates. The targeting often aligns with offline pressure from the IRGC and Intelligence Ministry: when the office of one reformist close to Rouhani was raided in May 2017, he was targeted in repeated spearphishing attempts. Despite the ascent of moderates to more positions of power, reformists remain a primary target of the government’s cyber capabilities.” (Carnegie Endowment for International Peace, 4 January 2018, p. 43)

Then same source goes on to report on operations against media professionals:

“Iranian cyber operations have repeatedly focused on journalists working with reformist media outlets and international satellite broadcasters that fall immediately outside the strict state-sanctioned narratives. Multiple Iranian threat actors conducted numerous credential theft attempts, using fake service notifications, against Iran-based foreign correspondents and Iranian journalists working for prominent publications such as Shargh and the Iranian Labor News Agency. Similarly, freelance reporters inside Iran are frequently compromised through fictitious personas that send them malware purporting to be news content. These campaigns have often targeted publications that would later be closed and journalists who would be detained by Iranian security forces. These incidents are also often timed with elections, normally periods when the government has more aggressively prosecuted journalists.” (Carnegie Endowment for International Peace, 4 January 2018, p. 43)

The source summarizes operations against Baha’is and other religious minorities as follows:

“Prominent members of the faith, including the diaspora relatives of imprisoned Baha’i leaders in Iran, continue to be subjected to sustained cyber operations. Similarly, cutout groups as recently as February 2017 defaced Baha’i sites with pro-regime propaganda
coinciding with events such as the anniversary of the Islamic Revolution. The ongoing targeting of the Baha’i and the defacement of their sites underscores the Iranian regime’s concern with organizations it perceives as subversive and its use of disruptive attacks to buttress the ideological agenda of the state.

The religious targets of Iranian cyber operations have not been limited to aggressively marginalized groups such as the Baha’is but also include recognized religious communities such as Christians, Jews, Zoroastrians, and Sunni Muslims. In one example, a mainstream Jewish community leader in Tehran was compromised through malware and surveilled as he went about coordinating events and managing a local religious publication. Still other spearphishing campaigns have routinely targeted evangelical Christian converts, atheists, or new age religious sects. More broadly, a malware campaign posing as information on the persecution of Christian converts was sent to human rights organizations, and fictitious profiles have posed as religious minorities to infiltrate evangelical Persian-language networks.” (Carnegie Endowment for International Peace, 4 January 2018, pp. 44-45)

Cyber operations against cultural figures within Iran and abroad, “including artists, musicians, comedians, cartoonists, and satirists”, are reported as follows:

“Iran-originating spearphishing campaigns have also targeted Iranian cultural figures—including artists, musicians, comedians, cartoonists, and satirists—regardless of whether they reside in Iran or abroad.

There have [...] been intrusions into devices and accounts associated with less prominent underground artists inside Iran and networks of fictitious social network profiles connected with Iranian death metal rock bands and hip-hop groups. These themes of targeting famous pop musicians and their staff—both inside Iran and abroad—are recurrent and do not focus solely on individuals critical of the establishment.

Iranian security forces have publicly acknowledged their operations to identify individuals involved in ‘immoral behavior’ online. In January 2016, several Iranian fashion models popular on social media were arrested for their activities online and forced to delete their accounts, an effort labeled by the IRGC as Operation Spider. At the same time, the arrests of employees of the foreign-based AAA Music television channel led to their social media accounts being defaced with a message, purportedly from the Ministry of Intelligence, about the illegality of the network. In interviews with and public statements by those rounded up in Operation Spider, these individuals were commonly operating openly, and the defacements were conducted after they were forced to hand over passwords.

Operation Spider was not the first of its kind: the activities of Flying Kitten suggest an earlier interest in surveillance of the Iranian fashion industry. In early 2014, the threat actor compromised the computer of a social media model that was popular for portraying a fashionable lifestyle without wearing the state-mandated hijab. After the intrusion she retreated offline, stopped logging on to modeling sites, and deleted her Facebook account. Her image was also appropriated for further operations against other communities. The opaque nature of campaigns such as Operation Spider obscures how Iranian authorities track down people like online models. However, incidents such as the Flying Kitten
compromise and the infiltration of LGBT-support networks and sex worker social media communities by others suggest a relationship between both efforts.” (Carnegie Endowment for International Peace, 4 January 2018, pp. 45-46)

Operations against political opposition groups, Islamist militant organizations, and ethnic separatist movements are reported as follows:

“While documentation of Iranian cyber operations by international researchers has typically assumed that all domestic targets of intrusion campaigns are political dissidents, a small portion of these campaigns focus on areas in which law enforcement hacking has become internationally normalized, chiefly in the collection of evidence and intelligence on violent terrorist activities and financial crime.

For instance, Iranian threat actors have actively sought to compromise the digital operations of Sunni jihadi movements through credential theft, malware, and other intrusions. To compromise Islamist organizations, Iranian actors have leveraged bait documents and messages in Persian and Arabic and posed as media organizations such as Al Jazeera and Al Arabiya. Flying Kitten attempted to spread malware by posting comments on Al Arabiya’s Facebook page purporting to promote jihadism. These intelligence efforts have targeted jihadi groups across the Middle East and North Africa, Pakistan, and Afghanistan, including the Islamic State and al-Qaeda, while focusing on Iraqi and Persian-language groups.

Security-related cyber operations extend as well to fringe political organizations that have previously engaged in hostilities against the Islamic Republic. Iranian threat actors have successfully compromised individuals affiliated with front groups for Mojahedin-e Khalq (MeK) opposition group, including the Iranian American Society of Texas and the Simay Azadi television station. These intrusions provided access to private Facebook discussion groups and intra-organizational planning for MeK rallies, Telegram channels, and MeK television programming. Given the MeK’s past disclosures on Iran’s nuclear program, which the organization has claimed were conducted through an in-country network of collaborators, these activities also constitute a counterespionage program.

Iranian threat actors also maintain a significant focus on disenfranchised ethnic minorities advocating for greater autonomy. One recurrent target has been Baluchi groups, a Sunni Muslim population located in both Iran and Pakistan. [...]

Tehran has also devoted considerable resources to cyber operations targeting Kurdish organizations inside Iran and abroad. Malware samples from April 2015 targeted the Free Life Party of Kurdistan (PJAK), a militant Iranian faction of the Marxist-Leninist Kurdistan Workers’ Party (PKK). The same threat actor appears to have successfully compromised a Kurdish satellite television station, Newroz TV, aligned with the PKK.” (Carnegie Endowment for International Peace, 4 January 2018, pp. 46-47)
6 Human rights issues

6.1 Freedom of expression, association, and assembly

Articles 24, 25, 26 and 27 of the Iranian Constitution of 1979 (last amended in 1989) contain the following provisions with regard to freedoms of expression, association, and assembly:

“Article 24 - Publications and the press shall have freedom of expression unless they violate the essentials of Islam or public rights. Its details shall be set forth by law.

Article 25 - It shall be prohibited to inspect or fail to deliver letters, to record and divulge telephone conversations, to disclose telegraphic and telex communications, to censor them or fail to communicate or deliver them, to eavesdrop or to make any other search whatsoever, unless by order of law.

Article 26 - It shall be allowed to form parties, societies, political or professional associations and Islamic or other religious societies of the recognized minorities, provided that they do not violate the principles of freedom, independence, national unity, Islamic standards and essentials of the Islamic Republic. No one may be stopped from participating in them or forced to participate in one of them.

Article 27 - It shall be allowed to hold assemblies and marches, without carrying arms, provided that it does not violate essentials of Islam.” (Constitution of the Islamic Republic of Iran, 1989, Articles 24, 25, 26 and 27)

The USDOS country report on human rights practices 2017 states:

“A 2016 political crimes law defines political crimes and provides for the treatment of political prisoners. The law defines a political crime as an insult against the government, as well as ‘the publication of lies.’ Political crimes are those acts ‘committed with the intent of reforming the domestic or foreign policies of Iran,’ while those with the intent to damage ‘the foundations of the regime’ are considered national security crimes. The court and the public prosecutor’s office retain responsibility for determining the nature of the crime.

Many of the law’s provisions have not been implemented, and the government continued to arrest and charge students, journalists, lawyers, political activists, women’s activists, artists, and members of religious minorities with ‘national security’ crimes that do not fall under the political crimes law.” (USDOS, 20 April 2018, section 1e)

In her August 2017 report to the UN General Assembly, the UN Special Rapporteur on the situation of human rights in Iran states:

“The situation of human rights defenders, including anti-death-penalty campaigners, women’s rights activists, trade unionists, human rights lawyers, minority rights activists and relatives of those summarily executed or forcibly disappeared during the 1980s who are seeking accountability, remains deeply concerning.” (UN General Assembly, 14 August 2017, p. 8)
According to the USDOS “[s]everal journalists, academics, opposition politicians, human and women’s rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during the year”. (USDOS, 20 April 2018, section 2d)

6.1.1 Treatment of political opposition groups and activists

With regard to support of opposition groups, Article 500 of the Islamic Penal Code stipulates:

“Anyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations shall be sentenced to three months to one year of imprisonment.” (Islamic Penal Code, 2013, Article 500, as translated in IHRDC, 18 July 2013)

In a June 2018 report the Department of Foreign Affairs and Trade (DFAT) of the Australian Government describes the Iranian party landscape as follows:

“The Political Parties Law (1981, last amended in 1989) gives the Interior Ministry authority to issue permits to political parties. [...] The Guardian Council has power of veto over political candidates, and disqualified a large number of candidates from the reformist bloc ahead of the 2016 parliamentary elections.” (DFAT, 7 June 2018, p. 25)

In a May 2017 telephone interview, Houchang Hassan-Yari, Emeritus Professor at the Royal Military College of Canada (Kingston, Canada), stated that there are no political parties in Iran in the way they are known in the West. “Political parties” in Iran are in fact merely groups of people who come together prior to elections and decide to support one candidate or another. These are ideologically driven factions who have common interests, all believing in the absolute power of the Vali-e Faqih (Supreme Leader) and seek to invite people to vote for their candidates. Once the elections are over, these groups go into “hibernation”. In a way, they are like “mushrooms”, in the sense that they suddenly appear and then disappear after a short life. This applies to conservative groups like Heyat-e Motalefeh Eslami, who firmly believe in the system of Velayat-e Faqih (Governance of the Islamic Jurist), as well as to reformist movements such as Mosherkat (a group that was founded by the brother of former reformist President Mohammad Khatami, gained a majority in the 6th (“reformist”) parliament and was dismantled by the judiciary after the 2009 presidential elections). All these groups never evolved into real political parties with headquarters, offices in different cities and regions, clear party manifestos, projects, party membership or party activities. Unlike political parties in the West, Iranian “parties” do not pursue the goal of taking power. Indeed, it does not matter much who wins the presidency or the parliament, for even the country’s president does not hold real power but rather has a “secretarial” role, with the real power residing with the Supreme Leader. As to political groups’ possible links to organisations that are active outside Iran, Hassan – Yari noted that parties that were opposed to or critical of the regime, such as the National Front, Freedom Movement or the Toudeh Communist Party, were dismantled by the Islamic regime. There are small vestiges of these and other organised groups that pursue some activities in exile, but not within Iran. Indeed, since political groups in Iran are frequently accused of collaborating with foreign groups, they are very unlikely to have organized or organic relationships with groups that are active outside Iran. It does of course happen, however, that members of the Iranian
diaspora would talk positively about one group or another in social media platforms without significant impact on the political game in Iran. (Hassan-Yari, 3 May 2017)

In a February 2016 article the Reuters news agency notes that according to Iran’s Interior Ministry, there are “over 250 registered political parties” in Iran, although it has “no tradition of disciplined party membership or detailed party platforms” (Reuters, 18 February 2016).

In its 2018 report Freedom House observes further limitations on the participation in the political process and states that politicians were disqualified by the Guardian Council or sentenced to prison or house arrest:

“In 2015, two new reformist parties—Nedaye Iranian (Voice of Iranians) and Ettehad Mellat Iran (Iranian National Unity)—were established ahead of the 2016 parliamentary elections. However, most candidates from these and other reformist groups were disqualified by the Guardian Council ahead of the voting. In September 2017, seven reformist politicians were sentenced to one-year prison terms and barred from political and media activity for two years, having been convicted in a closed trial of spreading ‘propaganda’ against the regime. Top opposition leaders remain subject to restrictions on their movement and access to the media. Mousavi, Rahnavard, and Karroubi—leaders of the reformist Green Movement, whose protests were violently suppressed following the disputed 2009 presidential election—have been under house arrest since February 2011”. (Freedom House, January 2018, section B)

Regarding the various forms of repression against persons with a political affiliation unwanted by the government, the USDOS states:

“Members of political parties and persons with any political affiliation that the regime deemed unacceptable faced harassment, violence, and sometimes imprisonment. The government maintained bans on several opposition organizations and political parties. Security officials continued to harass, intimidate, and arrest members of the political opposition and some reformists.” (USDOS, 20 April 2018, section 3)

In her August 2017 report, UN Special Rapporteur on the situation of human rights in Iran noted that she received information on numerous cases of arrests and detention of members of opposition parties in the run-up before the May 2017 elections (UN General Assembly, 14 August 2017, p. 5). In a June 2017 report the CHRI similarly states that “[d]espite Rouhani’s proclamations, dozens of journalists and political activists were arrested” in the run-up to the May 2017 presidential elections, “in addition to the numerous political prisoners who were arrested during his first term”. (CHRI, June 2017, section 2)

In the June 2018 report the Australian government’s Department of Foreign Affairs and Trade (DFAT) states in a country information report that “[i]n the past decade, Iranians have twice taken to the streets in large numbers to protest the government”. The report first mentions the protests following the 2009 presidential elections, referred to as the “Green Movement”, during which the Basij units and other paramilitary forces “beat thousands of protesters and arrested hundreds, while snipers killed dozens”. The report further states that “[i]n late
December 2017, a small protest in Mashhad rapidly escalated and spread to more than 50 other cities and towns across the country, involving an estimated 40,000 protesters. According to the report the protests “focused on economic hardships but also had a virulent anti-government and anti-regime element”. Concerning the level of violence and the conduct of security forces conduct during the more recent protests the report states:

“While the demonstrations were largely peaceful, there were some isolated low-level incidents in which protesters set fire to security forces’ offices or other infrastructure. While police initially took the lead in attempting to disperse the protesters, the government again deployed basij units and the IRGC and succeeded in ending the demonstrations by early January 2018. Estimates of the total number of arrests vary significantly: while one Reformist MP said that authorities had arrested 3,700 (including 68 university students), a Dubai-based news source claimed that over 8,000 were detained. Some fatalities resulted from the protests, including among members of the security forces, but the overall scale and death toll (still unclear) of the protests was far lower than that of the 2009-10 demonstrations.” (DFAT, 7 June 2018, pp. 26-27)

Referring to the same protests, the CHRI states in a May 2018 report that “4000 protesters were arrested, many were beaten in detention, and at least two detainees died in custody under suspicious circumstances” (CHRI, May 2018, p. 20). According to Amnesty International (AI) “[r]eports emerged that security forces killed and injured unarmed protesters by using firearms and other excessive force” (AI, 22 February 2018).

More general, on the subject of repression against political activists, the USDOS states that the “government restricted the work of domestic activists and often responded to their inquiries and reports with harassment, arrests, online hacking, and monitoring of individual activists and organization workplaces” (USDOS, 20 April 2018, section 5). The Freedom House report states that “[a]ctivists are routinely arrested without warrants, held indefinitely without formal charges, and denied access to legal counsel or any contact with the outside world”. According to the report, many of the arrested activists “are later convicted on vague security charges in trials that sometimes last only a few minutes” (Freedom House, January 2018, section F).

According to the CHRI, “three Green Movement political opposition leaders, Mir Hossein Mousavi, Mehdi Karroubi and Zahra Rahnavard have been under house arrest without charge or trial for more than seven years” (CHRI, May 2018, p. 20). According to the USDOS, “Hengameh Shahidi, a member of the Etemad Melli (National Trust) opposition party, was arrested” in March 2017 “without a warrant and without being informed of the charges”. Referring to reports of unspecified sources the USDOS states that Shahidi went on hunger strike and was released from prison in August 2017 (USDOS, 20 April 2018, section 3). According to Radio Farda, Shahidi was detained again in June 2018 (Radio Farda, 26 June 2018; see also RSF, 29 June 2018). The report of the Special Rapporteur on the situation of human rights in Iran provides information on the situation of Ayatollah Hossein Boroujerdi, “a cleric arrested in 2006 for his advocacy of the separation of religion and state”. According to the report, the cleric “was imprisoned for eleven years in harsh conditions, amidst reports of torture and other ill treatment, prolonged solitary confinement, without adequate access to a lawyer or medical services”, allegations which the Iranian government denied. According to the report, he later
was placed under house arrest and is continuously subjected to harassment (HRC, 5 March 2018, p. 10). The Amnesty International Report 2017/2018 states that “[d]ozens of environmental activists were summoned for interrogation, detained and prosecuted for participating in peaceful protests against air pollution, disappearing lakes, river diversion projects and dumping practices.” In a February 2018 article Radio Free Europe/Radio Liberty (RFE/RL) reports that seven environmentalists were taken in custody. The detained had worked together with Iranian-Canadian environmentalist Kavous Seyed-Emami, who died in Evin prison. (RFE/RL, 12 February 2018).

Freedom House states that “[a]ctivists campaigning for the rights of ethnic minorities and greater autonomy for minority regions have come under pressure from the authorities, and some have been jailed” (Freedom House, January 2018, section F). According to the USDOS, “13 activists were reportedly arrested in Ahvaz in June 2017 as they gathered to celebrate Eid al-Fitr on the day before an annual protest for Arab ethnic rights”. The USDOS states that the activists “had planned to walk to the homes of political prisoners and the families of those who have been unjustly executed” (USDOS, 20 April 2018, section 6). In a statement published in June 2017 Amnesty International (AI) states that “Ramin Hossein Panahi, a 22-year-old member of the Komala armed opposition group, was arrested on 23 June 2017 after he took part in armed clashes with Iran’s Revolutionary Guards in the neighbourhood of Shalman, in Sanandaj, Kurdistan Province, northwest Iran”. According to the report, four relatives of Panahi were arrested by the Revolutionary Guards, although “[i]nformation received by Amnesty International suggests that none of the men arrested had any involvement with the armed clashes and were instead arrested by Revolutionary Guards in an apparent effort to exact retribution and create a climate of fear” (AI, 30 June 2017).

6.1.2 Treatment of human rights and women’s rights activists

With respect to the criminalization of human rights activities by the authorities, a March 2018 report of the UN Special Rapporteur on the situation of human rights in Iran states:

“A recent opinion rendered by the Working Group on Arbitrary Detention makes reference to the reports in which the Iranian authorities use vaguely worded and overly broad national security-related charges to criminalize peaceful or legitimate activities in defence of human rights, and as such contravened the principle of legality and allow for arbitrary application. The Special Rapporteur fully supports the apprehensions expressed by the Working Group on Arbitrary Detention, and reiterates her concern for the situation of a number of human rights defenders and prisoners of conscience currently imprisoned.” (HRC, 5 March 2018, p. 11)

According to the January 2018 Freedom House report, “nongovernmental organizations that work on non-political issues such as poverty and the environment are allowed to operate relatively freely”, whereas other groups, “especially those that have highlighted human rights violations, have been suppressed”. The report gives two examples, namely the “Center for Human Rights Defenders, which remains closed with several of its members in jail” and the “Mourning Mothers of Iran (Mothers of Laleh Park), which had been gathering in a Tehran park to bring attention to human rights abuses” (Freedom House, January 2018, section E).
In its World Report 2018 Human Rights Watch (HRW) states that in Iran “[s]cores of human rights defenders and political activists remain behind bars for their peaceful activism”. The report mentions the cases of children’s rights activist Atena Daemi who is “serving a seven year prison sentence from November 2016 for peaceful activism” and student activist Zia Nabavi who is “serving a 10-year prison sentence in Karoon prison in the city of Ahvaz” (HRW, 18 January 2018). According to the May 2018 CHRI report, the prominent human rights activist Narges Mohammadi “who was issued a 16-year prison sentence for her peaceful advocacy of political and women’s rights (of which 10 years she must serve), was arrested on the basis of a complaint by Rouhani’s Intelligence Ministry”. The report also mentions human rights defender Abdolfattah Soltani, who serves “a 13-year prison sentence for defending political prisoners” (CHRI, May 2018, p. 18). The USDOS mentions the daughter of former president Akbar Hashemi Rafsanjani, Faezeh Hashemi, a women’s rights activist and former member of parliament who was sentenced to a six-month prison term in March 2017 “for ‘spreading falsehoods,’ ‘disturbing public opinion,’ and ‘propaganda against the state’, although a final ruling was said to be pending appeal” (USDOS, 20 April 2018, section 1e). According to an August 2017 article by the CHRI, “[w]omen’s rights activist and photojournalist Alieh Matlabzadeh has been sentenced to three years in prison by a preliminary court in Tehran for participating in a women’s empowerment seminar” (CHRI, 17 August 2017a). According to the report of the UN Special Rapporteur, student activist Arash Sadeghi who was “convicted in 2016 and sentenced to 15-years imprisonment following previous arrests” is in a critical condition “because of his prolonged hunger strike and denial of medical assistance” (HRC, 5 March 2018, p. 11). The same report also mentions Soheil Arabi who “also remains imprisoned following his conviction in 2014 for statements made on Facebook” and who reportedly is “in pain following his hunger strike and after being beaten during an interrogation amidst reports of inadequate access to medical care, medicine, and warm clothes” (HRC, 5 March 2018, p. 11).

In its 2017/2018 report Amnesty International observes that “[s]tate-sanctioned smear campaigns were conducted against women who campaigned against the compulsory hijab” (AI, 22 February 2018). In a February 2018 report Amnesty International mentions the cases of “Shima Babaee, who is campaigning against compulsory veiling”, and her husband Dariush Zand, both detained in Tehran’s Evin prison, without access to family and lawyer. They were arrested by the Ministry of Intelligence on 1 February in connection with their peaceful human rights work (AI, 23 February 2018).

### 6.1.3 Treatment of lawyers

The UN Special Rapporteur on the situation of human rights in Iran describes the situation of defendants and lawyers according to experiences of individuals met by the Special Rapporteur as follows:

“In the course of her missions, individuals that the Special Rapporteur met described similar patterns. A number also described how defendants had been put under extreme pressure by judges to change their lawyers. It is further recalled that defendants accused of national security, political, capital, or press crimes, and those accused of such offences that carry life sentences are obligated to select legal counsel from an official pool of lawyers chosen by the head of the judiciary during the pre-trial stage. In 2015, the Bar Association
reportedly called for this to be reconsidered, however the Special Rapporteur regretfully notes that no changes have been made.” (HRC, 5 March 2018, p. 14)

On the same subject, a June 2018 Human Rights Watch (HRW) report similarly states that “Iran’s judiciary reportedly created a very short list of lawyers approved to represent people accused of national security crimes – commonly used to prosecute activists – in Tehran’s courts during the investigative stage of the case”. The report further mentions that the list excludes women and human rights lawyers. (HRW, 5 June 2018)

The UN Special Rapporteur also notes in her March 2018 report that she continues to receive “information concerning the ongoing harassment of lawyers and judges”, giving the following examples:

“In one case reported to the Special Rapporteur, a lawyer was beaten and detained for being late to a court session. The Special Rapporteur also heard accounts of lawyers being disbarred or rejected for membership to the bar association after having represented certain defendants. In previous responses the Government has indicated that according to the Constitution, the Judiciary is independent.” (HRC, 5 March 2018, p. 14)

A March 2018 joint NGO statement published by HRW on harassment and intimidation against families of detainees who died in prison addresses the issue of “systematic harassment and intimidation of families and lawyers” seeking truth and justice for detainees who have died in detention. According to the report, the “lawyers have received threats for pursuing legal action, faced pressure to withdraw their representation, and, in at least one case, a lawyer has been detained for speaking to the media”. (HRW, 13 March 2018)

According to the USDOS, lawyers “who defended political prisoners were occasionally arrested”. The report goes on to state that the “government continued to imprison lawyers and others affiliated with the Defenders of Human Rights Center advocacy group”. The USDOS mentions the case of Abdolfattah Soltani, “a human rights lawyer affiliated with the center” who has been imprisoned since 2011. (USDOS, 20 April 2018, section 1e)

A June 2018 report by Amnesty International addresses the case of lawyer Zeynab Taheri who was arrested following “her public announcement that she intended to publish key evidence” pointing to the innocence of her client, a Sufi bus driver who was executed on 18 June 2018 (AI, 20 June 2018). A RFE/RL report states that well-known human rights lawyer Nasrin Sotoudeh was arrested on 13 June 2018 to serve a five-year prison sentence on unknown charges. The report notes that in 2010, Sotoudeh had previously been “sentenced to six years in prison - reduced from an initial 11-year sentence - and a 10-year ban on practicing law for several charges, including acting against Iran’s national security” (RFE/RL, 14 June 2018).

In an April 2018 report the US Commission on International Religious Freedom (USCIRF) states that “[o]ver the past few years, a number of human rights lawyers who defended Baha’is and Christians in court were imprisoned or fled the country for fear of arrest.” (USCIRF, April 2018, p. 6)
6.1.4  Treatment of artists, musicians and artisans

In a May 2016 article IranWire states that “[s]ince the 1979 Islamic Revolution, religious leaders and hardliners have imposed tight regulations and extensive bans on the country’s musicians, and demanded they conform to and promote strict Islamic values”. The article goes on to note that musicians, producers, and organizers “face harsh regulations from Iran’s Ministry of Culture and Islamic Guidance, from which they must obtain official permission to hold a concert, a requirement that gives authorities the power to closely control the music scene and ensure it lives up to so-called Islamic norms and standards” (IranWire, 26 May 2016). A March 2014 report by the International Campaign for Human Rights in Iran (ICHRI), later renamed to Center for Human Rights in Iran (CHRI), similarly states that Iranian musicians need “government authorization in order to perform and produce their music, and this is often denied for individuals that are not seen as conforming politically or ideologically to the government’s views”. The report goes on to state that “[u]nlicenced musicians who perform or produce their music are frequently arrested” (ICHRI, 15 March 2014, section III.13). The USDOS states that authorities “considered heavy metal and foreign music religiously offensive, and police continued to repress underground concerts and arrest musicians and music distributors” (USDOS, 20 April 2018, section 2a). On the same issue a June 2017 CHRI report states that during Rouhani’s first term “concerts were cancelled around the country after being attacked by extremists for being ‘un-Islamic’ or for featuring female musicians, independent music producers sent to prison” (CHRI, June 2017, section 6).

Regarding the subject of concerts being cancelled by the authorities, the IranWire article states:

“Since the election of the moderate President Hassan Rouhani in 2013, the number of Iranian bands permitted to perform concerts has surged. Yet, as the recent cancellations prove, it is not unusual for local authorities – often ultra-conservative forces, who consider music, singing and dancing a haram or ‘sinful’ act – to defy the decisions and permits issued by the ministry. Consequently, musicians and their fans are caught up in the ongoing power struggle between moderates and hardliners concerning the role of religion in the country.” (IranWire, 26 May 2016)

Regarding further barriers musicians face in Iran, the IranWire article states:

“The strict permission requirements are not the only obstacles musicians face in Iran; in fact, religious censorship of music goes much further than that. Musical instruments are banned on television, solo female artists are prohibited from performing in front of audiences, universities are not allowed to host concerts on campus, and musicians are consistently banned, imprisoned and harassed by authorities.” (IranWire, 26 May 2016)

Regarding other forms of artistic or cultural expression the June 2017 CHRI report states that during Rouhani’s first presidency term, members of Iran’s fashion industry were subjected to crackdowns by security forces, books were refused publication and films were banned (CHRI, June 2017, section 6). In an April 2018 Guardian article on Iranian art the Teheran-based curator of an art exhibition in London interviewed by the newspaper states that in Iran, “the state vets most artistic work prior to public display” (Guardian, 5 April 2018).
A January 2017 report by Amnesty International states that a number of artists are under arrest for being convicted of “charges based on their peaceful artistic activities”. The report goes on to mention the “brothers Mehdi Rajabian, a musician, and Hossein Rajabian, a filmmaker, who have both been sentenced to six years’ imprisonment” (AI, 25 January 2017). A November 2017 IranWire article points out that Mehdi and Hossein Rajabian already had been arrested together with music producer Yousef Emadi in October 2013 for running BargMusic, an alternative digital music production and distribution company that operated without an official permit” (IranWire, 10 November 2017). IranWire further elaborates on the cases of the three artists:

“In February 28, 2016, Branch 54 of Iran’s Revolutionary Court, presided over by Judge Hassan Babaee, sentenced them to three years in prison and a three-year suspended sentence on charges of ‘insulting the sacred’ and ‘propaganda against the regime’. But in September 2017, Emadi was sentenced to an additional year in prison on new charges, although he was supposed to be released on parole. He is now on Ward 7 of Evin Prison and is suffering from an inflammatory bowel disease.” (IranWire, 10 November 2017; compare Freemuse, 28 June 2017 and USDOS, 20 April 2018, section 2a)

The UN Special Rapporteur on the situation of human rights in Iran states in its March 2018 report that in April 2017, “Special Procedures mandate holders raised concerns following the arrest and detention” of a number of persons, including film director and producer Saleh Deldam (HRC, 5 March 2018, p. 9). The Special Rapporteur refers to the original document which reads as follows:

“Mr. Saleh Deldam a filmmaker, member of Mardom Salary political party and its artists’ branch was arrested on 23 January 2017 by agents of the Intelligence Ministry. During the past years, he had been allegedly detained and interrogated on numerous occasions by Intelligence officers and the Revolutionary Guards because of public statements he made. Prior to the arrest, Intelligence agents tried to arrest him on the basis of an order issued by Tehran’s Prosecutor accusing him of “acting against national security” and “propaganda against the regime” (OHCHR, 5 April 2017, p. 2)

6.1.5 Treatment of students and academics who are (perceived to be) aligned with the opposition

The Congressional Research Service (CRS), a public policy research arm of the United States Congress, mentions in a November 2017 report that “[s]tudent dissident groups composed of well-educated, Westernized urban youth have been the backbone of the Iranian opposition” (CRS, 21 May 2018, p. 31).

Regarding the situation of students in Iran, the 2018 Freedom House report states:

“Academic freedom remains limited in Iran, despite attempts by Rouhani’s government to ease the harsh repression universities have experienced since 2009. Khamenei has warned that universities should not be turned into centers for political activities. Students have been prevented from continuing their studies for political reasons or because they belong to the Baha’i community. Foreign scholars visiting Iran are vulnerable to detention on trumped-up charges.” (Freedom House, January 2018, section D)
On the same subject the USDOS states:

“The government significantly restricted academic freedom and the independence of higher education institutions. Authorities systematically targeted university campuses to suppress social and political activism by prohibiting independent student organizations, imprisoning student activists, removing faculty, preventing students from enrolling or continuing their education because of their political or religious affiliation or activism, and restricting social sciences and humanities curricula. Authorities barred Bahai students from higher education and harassed those who pursued education through the unrecognized online university of the Bahai Institute for Higher Education.” (USDOS, 20 April 2018, section 2a)

The Amnesty International Report 2017/18 notes that “[s]cores of students continued to be barred from higher education in reprisal for their peaceful activism, despite President Rouhani’s election promise to lift the ban” (AI, 22 February 2018).

In a December 2017 report, CHRI writes about the protests held at several Iranian universities on the occasion of Student day, 7 December 2017. The protests focused “on the rising costs of higher education, gender, and religious discrimination, and the ongoing presence of security forces on campuses”. CHRI states that protests began on “December 4 at the University of Tehran and spread to other campuses in the capital, including the Sharif University of Technology, Allameh Tabataba’i University, and Shahid Beheshti University” (CHRI, 8 December 2017a). The report goes on to specify the students’ demands:

“[The protests were primarily organized by a confederation of more than 30 student union groups that issued a joint statement calling for an end to the privatization of student services; the reinstatement of state subsidies for students on food, housing, and transportation; the reinstatement of independent student groups and students who were expelled for political reasons; ending gender discrimination on campuses; and allowing ethnic and religious minorities to pursue higher education in Iran.” (CHRI, 8 December 2017a)

Referring to statements of a researcher at York University, Toronto, who has researched Iranian politics, the Immigration and Refugee Board of Canada (IRB) describes the status of disciplinary institutions in universities as follows:

“[S]tudent associations have not reorganized themselves as before. However, the punitive power of disciplinary institutions supervising student life is weakened. This includes the Discipline Committees, assigned by Ministry of Higher Education and responsible for penalizing students who commit administrative, political, and moral violations. They have abandoned their harsh policies of suspending and purging dissident and protesting students. The heads of universities obtained more power over three other institutions, including Harasat (affiliated to the Ministry of Intelligence), Office of the Supreme Leader Representative at universities, and Student Basij (student members of the Revolutionary Corps). The power of the last two institutions remains enormous and they play a key role in keeping the student body silent and suppressed.” (IRB, 16 January 2017).
In a January 2018 report, the CHRI states that according to “Parvaneh Salahshouri, the leader of the women’s faction in Iran’s Parliament”, approximately 90 students were arrested during the protests that broke out across the country in December 2017. (CHRI, 8 January 2018)

In an April 2018 article, BBC News reports that Iranian-British professor Abbas Edalat was arrested on security charges. Referring to a report by an Iranian news agency, the article goes on to state that Edalat was “part of a ‘network’ of British spies whose members have been identified and arrested”. According to the BBC article, Edalat “is a professor of computer science and mathematics” and had been “a founder of an anti-war protest group that opposed sanctions in Iran” (BBC News, 29 April 2018). In a February 2018 article, The Independent notes that “Ahmadreza Djalali, a resident in Sweden who had been working as a researcher at the Karolinska Institute of medicine in Stockholm, was arrested during a trip to Iran in April 2016”. The article states that in October 2017, he was “found guilty of spying activity which led to the Israeli intelligence agency assassinations of four scientists working on Iran’s nuclear programme” and was sentenced to death (The Independent, 17 February 2018).

6.1.6 Treatment of unionists

Regarding the freedom of association and workers’ rights, the USDOS states:

“Authorities did not respect freedom of association and the right to collective bargaining, and the government did not effectively enforce applicable laws. The government severely restricted freedom of association and interfered in worker attempts to organize. Labor activism was seen as a national security offense.” (USDOS, 20 April 2018, section 7a)

On the same subject the 2018 report by Freedom House notes that “Iran does not permit the creation of labor unions” and that “only state-sponsored labor councils are allowed” (Freedom House, January 2018, section E). The UN Special Rapporteur on the situation of human rights in Iran specifies in her March 2018 report that the Iranian Labour Code “only permits workers’ representation through an Islamic Labour Council (membership of which is vetted) or a trade association” (HRC, 5 March 2018, p. 10). In her August 2017 report to the UN General Assembly the Special Rapporteur stated that “[c]andidates standing for election to Islamic labour council boards are subjected to screening procedures, including to demonstrate their Islamic belief and their ‘practical allegiance’ to Islam, and to show that they are faithful to the rule of the Supreme Leader” (UN General Assembly, 14 August 2017, p. 9).

In a June 2017 report, the CHRI notes that “[i]ndependent labour unions are prevented from functioning, workers are unable to negotiate freely and bargain collectively, strikers are often fired and risk arrest, and labour leaders are sentenced to long prison terms” (CHRI, June 2017, section 5). Freedom House similarly states:

“Labor rights groups have come under pressure in recent years, with key leaders and activists sentenced to prison on national security charges. Workers who engage in strikes are vulnerable to dismissal and arrest.” (Freedom House, January 2018, section E)

The 2017/2018 report of Amnesty International states that “[b]ans on independent trade unions persisted” and that “several trade unionists were unjustly imprisoned”. The report
further observes that security forces “continued to violently suppress peaceful protests by workers, including on International Workers’ Day” (AI, 22 February 2018). In its March 2018 report, the UN Special Rapporteur similarly mentions the continuous reporting on the “intimidation and arrest of labour union leaders”. The Special Rapporteur further notes that she “has previously reported on the conviction and imprisonment of teachers, bus drivers, and general worker unions, on the basis of charges relating to, inter alia, national security, propaganda, and disrupting public order and peace” (HRC, 5 March 2018, p. 10).

The May 2018 report by the CHRI addresses the cases of two labour activists and one teachers’ rights activist being prosecuted based on complaints made by the Ministry of Intelligence:

“Labor activists are frequently prosecuted based on complaints made by the Ministry of Intelligence. For example, Ebrahim Maddadi and Davood Razavi of Tehran’s bus drivers’ union were both arrested by Intelligence Ministry agents in 2015. Teachers’ rights activist Mahmoud Beheshti-Langroudi was prosecuted on charges brought by the Intelligence Ministry when it operated under President Ahmadinejad (2005-13) but summons and other actions against him have continued under Rouhani.” (CHRI, May 2018, p. 19)

The USDOS states that in the reporting year 2017 a number of unionists were imprisoned for their peaceful activism:

“According to reports from UNSR Jahangir, a number of trade unionists were imprisoned during the year for their peaceful activism, including Mehdi Farahi Shandiz, a member of the Committee to Pursue the Establishment of Labor Unions in Iran, who in March was transferred to a remote prison in Qazvin Province. Shandiz continued serving a three-year sentence, having been convicted of ‘insulting the supreme leader’ and ‘disrupting public order.’ Many others faced lengthy sentences for peaceful trade union activities, including Mahmoud Salehi, a member of the Coordinating Committee to Help Form Workers’ Organizations in Iran, and Jafar Azimzadeh and Shapour Ehsanirad from the Free Union of Workers of Iran.” (USDOS, 20 April 2018, section 7a)

On the same subject, the 2018 Human Rights Watch report states:

“Authorities sent back to prison several prominent trade unionists whom they had sentenced to prison for peaceful activities but later released. Authorities arrested Ismael Abdi, the Secretary General of the Teachers’ Union, and Mahmoud Beheshti Langeroudi, the Union’s Spokesperson, on June 7 and September 13, respectively, while they were out on furlough. On August 9, Reza Shahabi, a prominent labor activist, returned to prison to serve the remainder of his six-year prison sentence in order to prevent the judiciary from seizing his bail. Shahabi had been released on medical grounds in May 2014.” (HRW, 18 January 2018)

6.2 Freedom of the media

According to Article 24 of the Constitution of the Islamic Republic of Iran of 1979, which was last amended in 1989, “[p]ublications and the press shall have freedom of expression unless they violate essentials of Islam or public rights.” Article 24 further adds that the distinct aspects of this exception “shall be set forth by law” (Constitution of the Islamic Republic of Iran, 1989,
Article 24. These specifications are determined particularly by Article 6 (limits of the press) and Article 7 (banned activities) of the Iranian press law, which was ratified in 1986 and amended in April 2000 and again in 2009 (IHRDC, undated (a)).

The Iran Human Rights Documentation Center (IHRDC) and the Iran Data Portal provide English translations of the Press Law.

- IHRDC – Iran Human Right Documentation Center: The Press Law, undated (a)
- Press Law, Ratified on 8 September 2002 (published by Iran Data Portal)
  http://irandataportal.syr.edu/press-law

### 6.2.1 Treatment of journalists and bloggers

**Working conditions: censorship and self-censorship**

In its report on freedom of press in Iran, the Committee to Protect Journalists (CPJ), an independent, non-profit organisation that promotes freedom of press worldwide, states that “[s]everal foreign and local journalists […] operate under the premise that authorities monitor their phone calls, email, and social media accounts” (CPJ, 24 May 2018, p. 16). Another form of control exerted by the government was mentioned by a former Tehran-based AFP reporter who was quoted in an article by Reporters Sans Frontières (RSF) in February 2018:

“‘The regime exercises its control by placing journalists within the agency who can tell the authorities what’s going on there, or by threatening the foreign journalists who don’t accept the censor’s rules. There have been several cases of journalists who have even been accused of indecent behaviour and have been threatened with imprisonment.’” (RSF, 13 February 2018)

Regarding the accreditation procedure, a dual national journalist told RSF:

“‘Two days after I applied to the Ministry of Culture and Islamic Guidance for accreditation, I received a call to discuss my situation. They asked me to go to a hotel. I asked who I was talking to, knowing full well it was the brothers from intelligence. Two men were waiting for me there. Very politely, they made it clear that I should not cross the red lines, which are covering Khamenei or the opposition […]’ Sometimes they sent me phrases to insert in my articles. For them, neutrality and balance meant censorship. I cooperated during the two years I was in Iran.”’ (RSF, 13 February 2018)

In accordance with the red lines mentioned above, CPJ referred to other journalists who identified “the Supreme Leader or other high-ranking member[s] of one of Iran’s unelected councils or organizations; the judiciary; and the Islamic Revolutionary Guard Corps (IRGC)” as the “three main subjects that cannot be criticized”. Hannah Kaviani, who left Iran in 2007 and works for the US-funded Persian-language news service Radio Farda, describes the situation to CPJ as challenging, even for “seasoned foreign correspondents”, as it requires “around-the-clock diligence” due to ever-present “informal red lines” (CPJ, 24 May 2018, p. 9).
The November 2017 Freedom House Freedom on the Net 2017 report points out that increased fear evoked by “harsh sentences meted out to journalists, activists, and ordinary citizens” and the “perception of pervasive surveillance” results in extensive self-censorship, especially when reporting on political matters (Freedom House, 14 November 2017). In its May 2018 report, CPJ similarly explains that “some journalists said self-censorship is ingrained after decades of repression and retaliation against the press” (CPJ, 24 May 2018, p. 11).

Corresponding to the issues of censorship and self-censorship, in January 2018 RSF pointed out that “[d]omestic media outlets under strict government control have ignored the anti-government protests in more than 100 cities throughout the country […], in which 22 people [have] been killed and around 17,000 have been arrested, including several citizen-journalists.” (RSF, 5 January 2018a)

**Ban on and modification of the Association of Iranian Journalists**

The May 2018 CPJ report cited above gives insights into the ban on and planned modifications of the Association of Iranian Journalists, which had formerly advocated the interests of journalist in legal as well as employment disputes:

“The association has been closed since August 2009, when security forces arrested several of its members and raided its offices after the disputed presidential election. Instead of allowing the independent association to re-establish itself, authorities are pushing a parliamentary bill that would create a government-sponsored body called the Iranian Media System.” (CPJ, 24 May 2018, p. 18)

In reference to the Center for Human Rights in Iran (CHRI), CPJ states that the Iranian Media System is planned to consist of journalists, the Minister of Culture and Islamic Guidance, a member of parliament, a judge, a representative from seminary schools in Qom, a media expert (appointed by the Supreme Cultural Revolution Council), a web expert (appointed by the Supreme Cyberspace Council), and the commission’s chairperson. As reported by CPJ, contrary to the former Association of Iranian Journalists which aimed at protecting the press, the newly designed commission will be enabled to penalize and suspend journalists. (CPJ, 24 May 2018, p. 18)

Following CPJ, critics of the bill argued that the proposal “give[s] security forces and the hardline conservative judiciary tighter control of the media” and warned that the proposed bill could mark “the end of independent journalism in Iran”. CPJ reported that “[t]he Bill was up for vote in parliament in late 2017, but was pulled by the Rouhani administration after opposition from key figures in the media community as well as reformist forces in parliament”. (CPJ, 24 May 2018, p. 18)

Detailed information on the proposed “Comprehensive Mass Media Regulatory Plan” can be found in an October 2016 article of the Center for Human Rights in Iran (CHRI):
Prosecution and detention

In its May 2018 report, CPJ stated that their latest prison census revealed the lowest number of imprisoned journalists in a decade. According to a CPJ infographic, on 1 December 2015 the number of detained journalists was 19, while the number decreased to 8 journalists in 2016 and to 5 journalist on 1 December 2017. CPJ was aware of at least three journalists in jail as of 1 May 2018 (CPJ, 24 May 2018, pp. 8-9). In contrast to that, in an August 2017 article RSF identified Iran with a total number of 28 journalists and citizen journalists behind bars as “one of the world’s five biggest prisons for journalists and citizen-journalists” (RSF, 22 August 2017). As of July 2018, the RSF violation of press freedom barometer revealed a number of 9 journalists and 20 citizen journalists imprisoned (RSF, numbers as of 17 July 2018).

In April 2018 Radio Free Europe/ Radio Liberty (RFE/RL) reported on the long-standing practice of Iranian authorities to arrest and imprison journalists, bloggers and activists for statements deemed to be blasphemous or offensive to Shi’ite Islam by clerical leaders (RFE/RL, 25 April 2018). In a report published in September 2017, Human Rights Watch (HRW) described the accusations journalists have to face as “vaguely defined national security charges” and in terms of the limited legal defence for those detainees HRW adds:

“Iran’s criminal procedure law, which went into force in 2014, sought to expand legal access for detainees. However, article 48 of the approved amendments requires people accused of certain offenses, including political charges, to choose their counsel from a pool of lawyers approved by the head of Iran’s judiciary. The list is not available to the public, and attorneys and families of detainees charged with national security crimes frequently report that detainees have been denied access to a lawyer at the pre-trial investigation stage.” (HRW, 12 September 2017)

According to Amnesty International’s (AI) State of the World’s Human Rights report published in February 2018, Iranian “[j]ournalists and online media workers faced a renewed wave of harsh interrogations, arbitrary arrests and detentions” in the run-up to the presidential elections in May 2017. The same source continues that those who used the messaging application Telegram were confronted with particularly long prison sentences; in some cases, the sentences exceeded ten years. (AI, 22 February 2018)

RFE/RL reported in April 2018 that Amir Hossein Miresmaili, a reporter of the Jahane Sanat daily was arrested due to a tweet which was regarded as insulting to Shi’ite Islam’s so-called Eighth Imam (RFE/RL, 25 April 2018), but according to CHRI he was released on bail after 24 days in prison (CHRI, 19 May 2018).

In the article cited above, HRW mentions the arrests of two Iranian journalists (namely Sasan Aghaei, deputy editor of the reformist daily Etemad, and Yaghma Fashkhami, journalist for the
website Iran Didban) (HRW, 12 September 2017). According to an article of the Center for Human Rights in Iran (CHRI), Sasan Aghaei and Yaghma Fashkhami were still imprisoned as of 18 December 2017 (CHRI, 18 December 2017).

In January 2018 RSF reported on Soheil Arabi, a photographer and citizen journalist, who was allegedly involved in the creation of a blasphemous and dissident Facebook network. While he was first sentenced to three years in prison and 30 lashes, he was “retried a few months later and sentenced to death. The death sentence was then overturned and in 2015 he was finally sentenced to seven and a half years in prison.” RSF stated that Soheil Arabi’s health condition is critical, as he was mistreated and recently on a hunger strike. (RSF, 5 January 2018b)

Radio Farda and HRW report on journalists who were released from prison but detained again shortly afterwards. Ehsan Mazandarani, a reformist journalist who was detained in March 2016 on charges of “assembly and collusion against national security” and “propaganda against the state” was released in February 2017. However, following HRW one month later he was arrested again, as authorities called his release ‘a mistake’ (HRW, 12 September 2017). USDOS refers to Reporter Sans Frontières (RSF) when stating that Mazandarani had been released on 31 October 2017 (USDOS, 20 April 2018, section 2a). In June 2018 Radio Farda similarly disclosed that Hengameh Shahidi [here referred to as Shaidi] who was arrested in March 2017 was released again, due to ‘criminal tweets’ against the judiciary (Radio Farda, 26 June 2018; see also RSF, 29 June 2018).

Regarding the criminal proceedings of Iranian bloggers, Freedom House mentioned in its report cited above that both blogger and tech entrepreneur Arash Zad as well as human rights blogger Mohsen Sadeghinia were arrested in 2015 (Freedom House, 14 November 2017). According to Journalism is not a Crime, a database that documents human rights abuses against Iranian journalists, Arash Zad posted on 25 December 2017 that he had been released (Journalism is not a Crime, 4 March 2018).

In its report on the press freedom situation, CPJ mentions a “special risk” dual national journalists have to face when working in Iran (CPJ, 24 May 2018, p. 16). In this regard, RSF summarizes the following:

“It must be pointed out that Iranian law does not permit dual nationality. Dual nationals are regarded as Iranians, and as Iranians alone. Several dual national journalists have been jailed in recent years for ‘collaborating with foreigners’ or ‘espionage’. They include Roxana Saberi and Jason Rezaian.” (RSF, 13 February 2018)

For information on cyber operations against media professionals, please see section 5.4 of this compilation.
6.2.2 Internet and social media activism

SHOMA (National Information Network)

As already briefly mentioned in section 5.4 on cyber-surveillance agencies and groups, the National Information Network (NIN) or “SHOMA” is a state-controlled and censored form of the internet (CHRI, 10 January 2018, p. 20). The Freedom House Freedom on the Net Report of 2017 provides the following definition of SHOMA and its aims:

“SHOMA was defined in a 2011-2016 development plan as ‘an IP-based internet supported by data centers that are completely undetectable and impenetrable by foreign sources and allow the creation of private, secure intranet networks.’ [...] SHOMA aims to improve internet access while moving much of the content and websites visited by Iranian users to domestic servers, where traffic can be closely monitored and censored by the authorities.” (Freedom House, 14 November 2017)

The same source reports that the first phase of SHOMA was concluded in August 2016, but its full implementation will reportedly take until March 2020. (Freedom House, 14 November 2017)

Freedom House further describes that in recent years internet penetration, its bandwidth and speed have grown notably. According to both the Iranian government and the United Nations’ International Telecommunication Union (ITU), internet penetration laid at 53.23 percent in Iran in March 2017. However, Freedom House reported that Iran’s supreme leader as well as its parliament deem the trend of increasing bandwidth a threat, as long as the National Information Network is not fully launched (Freedom House, 14 November 2017). Accordingly, IranWire, a joint venture of a group of Iranian journalists in the diaspora, stated in February 2016 that Ayatollah Khamenei ordered the government to slow down the internet in 2012 - an order that was still in place in 2016 (IranWire, 17 February 2018).

In May 2017, CHRI mentions specific discounts offered by mobile and internet providers for users who limit their online access to a number of around 200 websites on “Iran’s state-controlled, domestic internet service, the National Internet Network (NIN”). Following CHRI, these discounts are limited to users who do not use virtual private networks (VPN) to access non-approved sites (CHRI, 5 May 2017). While CHRI terms the discounts as methods to “discourage users in Iran from accessing websites that have not been sanctioned by the government” (CHRI, 5 May 2017), Freedom House regards “a move to prioritize local content through differential pricing” as a threat to net neutrality (Freedom House, 14 November 2017).

Blocking and filtering

Regarding internet restrictions and censorship, in its Freedom on the Net 2017 Report Freedom House describes the following:

“Significant restrictions on content have been in place since 2009. Platforms like Facebook and Twitter remain blocked, [...]. Censorship decisions remain highly politicized, with both
conservative and reformist news sites censored for failing to adhere to strict guidelines on how to report on sensitive political, social, and international issues. Self-censorship remains pervasive and overt digital activism is generally limited, though it increased during political campaigns in 2017.” (Freedom House, 14 November 2017)

Freedom House states that the “Committee to Determine Instances of Criminal Content (CDICC), a government body headed by the prosecutor general and consisting of representatives from 12 state institutions” is responsible for decisions on censorship. The same source adds that these decisions are theoretically derived from the 2009 Computer Crimes Law (CCL), “which outlines a broad range of banned content, from insulting religious figures and government officials to distributing pornographic content and the use of illegal circumvention tools”. However, in practice, not much is known about “the inner workings of the committee”, and censorship decisions are described as being “often arbitrary and not transparent”. (Freedom House, 14 November 2017)

Freedom House describes the filtering system used by the authorities as centralized and capable of blocking websites “within a few hours across the entire network in Iran”. (Freedom House, 14 November 2017)

Additionally, in an article published in May 2018, Radio Farda refers to the Iranian Information and Communication Technology Minister who announced that the ministry has begun to block anti-filtering and circumvention tools, following an order by the Supreme Council of Cyberspace. (Radio Farda, 16 May 2018)

According to Freedom House’s Freedom of the Net 2017 Report, the 2009 Computer Crimes Law determines that blogging platforms and other service providers are responsible for all kinds of content visible on their sites, which “has led to the suspension of blogs or shutting of news websites hosted on platforms inside Iran, under orders from government officials.” (Freedom House, 14 November 2017)

Regarding the messaging application Telegram, Freedom House refers to the attorney general when stating that every week tens of thousands of Telegram channels are ordered to be blocked by the judiciary (Freedom House, 14 November 2017). In January 2017 the Center for Human Rights in Iran reported on the announcement the Supreme Cyberspace Council made in December 2016, following which admins of Telegram channels that exceed a number of 5,000 followers “must obtain a permit before February 25, 2017” (CHRI, 10 January 2017).

For further information on the Supreme Council of Cyberspace, please see section 5.4 of this compilation.

Ban of Telegram

In its May 2018 report the Committee to Protect Journalists (CPJ) quote Amir Rashidi, an internet security and digital rights researcher at the New York-based Center for Human Rights in Iran, saying that “Telegram is basically the internet for Iranians” (CPJ, 24 May 2018, p. 9). As
reported by Reporters Sans Frontières (RSF), on 30 April 2018 a complete ban of Telegram was ordered by an Iranian court. RSF further adds that the order was prompted by the Prosecutor’s Office for Culture and Media, which reportedly accused Telegram of

“disrupting national unity, allowing foreign countries to spy on Iran by giving access to a great deal of information gathered about the country and its citizens, spreading insults about what is sacred and religious, disseminating anti-Islamic publicity and fake news designed to confuse the public [and] being used by Daesh [Islamic State] to endanger national security.” (RSF, 4 May 2018)

According to the same source, the court’s decision was “clearly following the lead set by Supreme Leader Ali Khamenei who called for Telegram to be permanently blocked after a wave of protests in January, when several apps including Telegram were blocked for 12 days”, but it was not in line with the government, which did not authorize the blocking. (RSF, 4 May 2018)

In a comprehensive June 2018 report about the implications of Iran’s ban of Telegram, the Center for Human Rights in Iran (CHRI) summarises the consequences for citizens as follows:

“The ban will disrupt the most important, uncensored platform for information and communication in Iran, one that is used extensively by activists, independent and citizen journalists, dissidents and international media. It will also impact electoral politics in Iran, as centrist, reformist and other relatively moderate political groups that are allowed to participate in Iran’s elections have been heavily and successfully using Telegram to promote their candidates and electoral lists during elections. […]

The ban will also erode people’s economic and social rights. Telegram has become deeply integrated into daily business in Iran and is central to many people’s livelihoods. Its channels are especially important to small and mid-size companies, family-based operations, entrepreneurs and startups, for transactions ranging from marketing and advertising to communications and sales, and the ban will impact the incomes and employment of significant numbers of Iranians. […]

In sum, the ban on Telegram shows the Iranian leaders’ deep fear of the free flow of information and their reckless prioritization of censorship at any cost. The ban demonstrates the state’s growing technological capability and its willingness to use it to restrict Iranians to a digital world controlled by the state.” (CHRI, June 2018, p. 7)

Following a New York Times article, as of May 1 2018 some Iranians were said to still have access to Telegram “over their home internet connections” (NYT, 1 May 2018). In a similar manner, the Center of Human Rights in Iran (CHRI) states in the report cited above, that the ban of Telegram will affect Iranians differently, as “[m]any Telegram users will continue to use the app, as Iranians are well versed in accessing blocked applications via VPNs and other circumvention tools” (CHRI, June 2018, p. 20).
In section 5.4 on cyber-surveillance agencies and groups, state-sponsored cyber-attacks on the accounts of journalists and activists were described. Regarding the consequences of these attacks in terms of prosecution of its victims, the Center for Human Rights in Iran (CHRI) writes the following:

“The consequences of these hacking attacks can be catastrophic for the victims. Cyber espionage is being used as a tool for the Iranian judiciary; because the authorities cannot find evidence to legally prosecute the activists, dissidents, journalists and others whom they wish to target, they pursue private information unlawfully obtained through these attacks. They then use this information to prosecute these individuals in sham trials undertaken by a judiciary complicit in the denial of due process and violation of rights”

(CHRI, 10 January 2018, p. 58)

Freedom House reported in November 2017 on the actions of the Iranian security forces against the administrators of Telegram channels. According to Freedom House, prior to the presidential elections in May 2017 “security forces arrested at least six admins of 12 reformist-aligned Telegram channels.” The admins were reportedly forced to deactivate or delete their channels. (Freedom House, 14 November 2017; see also CHRI, 21 March 2017)

Regarding the six above-mentioned Telegram channel administrators, Human Rights Watch (HRW) wrote in September 2017 that according to their lawyer, the channel admins were sentenced to three to five years in prison in August 2017. HRW further notes, that “[s]everal parliament members as well as Mahmoud Alavi, the intelligence minister, and President Hassan Rouhani have publicly opposed the arrests” (HRW, 12 September 2017). An article on the Journalism is not a Crime database reports that the six administrators (including Nima Keshvari, Mojtaba Bagheri, Saeed Naghdi, Ali Ahmadnia, Javad Jamshidi, and Sobhan Jafari-Tash) “went on a hunger strike in Evin Prison to protest against their prolonged detention without access to legal counsel” in June 2017. The same source mentions that the “detained admins were able to leave Evin Prison after posting bail set at 500 million tomans, or over $150,000, each” in late July and August 2017. According to the website, Nima Keshvari “remained free on bail until further developments” after the verdict in late August 2017 (Journalism is not a Crime, 28 December 2017).

In its Freedom on the Net 2017 report, Freedom House lists cases in which people were arrested, detained or sentenced to death because of their Internet-related actions:

“In August 2016, a news site affiliated with the IRGC announced that the corps’ cyber command had arrested and summoned a total of 450 admins running messaging app channels and social media pages. IRGC sources claim that these arrests were made in response to ‘public demand for confronting cyber criminals.’

Iranian citizens that are not politically active also find themselves subject to harsh prison sentences for their activities on social media. Sina Dehghani, who was detained in 2015 at the age of 19, has been sentenced to death over a series of public messages he had posted on the messaging platform LINE. [...]
In the reporting period [June 2016 to May 2017], three 24-year-old men were each sentenced to 12 years in prison for posting cartoons about religion and politics on Facebook and Telegram. Alireza Tavakoli, Mohammad Mehdi Zamanzadeh, and Mohammad Mohajer were arrested in Tehran by forces from the intelligence ministry in late 2016.

Amid domestic political tensions between reformists and conservatives, hardliners within the judiciary and IRGC have conducted a campaign against the country’s ‘infiltration’ by Western ideas, individuals, and companies. Numerous foreigners or Iranians with dual nationality who were active in journalism, human rights, or ICT development work remain imprisoned by the authorities, often with little explanation.

Nizar Zakka, a Lebanese citizen with permanent residency in the U.S., was detained in September 2015 after giving a talk at a state-sponsored conference in Tehran, for which he received an official invitation. Zakka heads the Arab internet freedom organization IJMA3, which has received hundreds of thousands of dollars of funding from the U.S. State Department and USAID for projects in support of internet freedom. One year after his arrest, he was sentenced to 10 years in prison and fined US$4.2 million Iranian state television claimed he had ‘deep ties to the U.S. intelligence and military establishment.’

In February 2016, a court confirmed the long prison issued to four individuals working for the technology review website Narenji based in the city of Kerman. Ali Asghar Honarmand, Hossien Nozari, Ehsan Paknejad, and Abass Vahedi were sentenced to 11, 7, 5, and 2.5 years respectively on charges of “designing sites, websites, and creating content for media hostile to the regime” according to one report. […]

Saeed Malekpour, a permanent resident of Canada, has been in prison since 2008 for writing open source software that third parties had used for sharing pornographic photos. He was sentenced to death on charges of ‘threatening the nation’s Islamic ideals and national security via propaganda against the system,’ allegedly tortured, and forced to publicly confess.” (Freedom House, 14 November 2017)

Regarding above-mentioned Alireza Tavakoli, Mohammad Mehdi Zamanzadeh, and Mohammad Mohajer, the Journalism is not a Crime database states that as of 15 February 2018 all three “are [...] serving their 12-year prison sentences” (Journalism is not a Crime, 15 February 2018). With regard to Saeed Malekpour, Amnesty International Canada reported in a May 2018 article that “[i]n 2012 his death sentence was commuted to life imprisonment” (AI, 28 May 2018).

### 6.3 Freedom of religion

#### 6.3.1 Religious demography

The German Foreign Office (Auswärtiges Amt, AA) states that more than 99 per cent of Iran’s population are Muslim. Of these, some 90 per cent are Shia while another 8 per cent are Sunni. Other religious groups include Christians, Zoroastrians, Bahais and Jews (AA, last updated June 2018). The CIA World Factbook, last updated in June 2018, states that according to 2011 estimates, 99.4 per cent of Iran’s population are (officially) Muslim, with Shias accounting for
90 to 95 per cent and Sunnis for 5 to 10 per cent. Other religious groups, including Zoroastrians, Jews and Christians, constitute 0.3 per cent, while another 0.4 per cent are listed as being of unspecified faith (CIA World Factbook, last updated 7 June 2018).

The US Department of State (USDOS) 2017 report on international religious freedom, published in May 2018 (and covering the year 2017), similarly notes that “[a]ccording to U.S. government estimates and other statistical reports, including Global Security and Iran Press Watch, Muslims constitute 99.4 percent of the population”, with Shias constituting 90 to 95 per cent and Sunnis (predominantly Turkmen, Arabs, Baluchis and Kurds) 5 to 10 per cent. The report notes that while “Afghan refugees, economic migrants, and displaced persons also make up a significant Sunni population[,] accurate statistics on the breakdown between Sunni and Shia are unavailable”. It is also noted that “no official statistics [are] available on the number of Muslims who practice Sufism” even though unofficial estimates put their numbers at “several million”. As for the numbers of members of non-Muslim faiths (Yaresan/Ahl-e Haq, referred to here as “Yarsanis”), Bahais, Christians, Zoroastrian and Jews, the same report notes that:

“According to U.S. government estimates and other statistical estimates, including those from Global Security, Iran Press Watch, and Iran Primer, groups constituting the remaining less than 1 percent of the population include Bahais, Christians, Jews, Sabean-Mandaesans, Zoroastrians, and Yarsanis. The three largest non-Muslim minorities are Bahais, Christians, and Yarsanis. […]

According to Human Rights Watch data, Bahais number at least 300,000.

According to World Christian Database statistics, there are approximately 350,000 Christians, although some estimates suggest there may be many more Christians than actually reported. While the government Statistical Center of Iran reports there are 117,700 Christians, Elam Ministries, an Iranian Christian organization, estimates that there could be between 300,000 and one million Christians. The majority of Christians are ethnic Armenians concentrated in Tehran and Isfahan. Estimates by the Assyrian Church of the total Assyrian and Chaldean Christian population put their combined number at 7,000. There are also Protestant denominations, including evangelical groups, but there is no authoritative data on their numbers. Christian groups outside the country estimate the size of the Protestant community to be less than 10,000, although many Protestants and other converts to Christianity from Islam reportedly practice in secret.

There is no official count of Yarsanis, but the Human Rights Activists News Agency (HRANA) estimates there are up to two million. Yarsanis are mainly located in Loristan and the Kurdish regions.

According to Zoroastrian groups and the Statistical Center of Iran, the population includes approximately 25,000 Zoroastrians.

According to the Tehran Jewish Committee, the population includes approximately 9,000 Jews, while a British media report estimated their number at 18,000-20,000.
The population reportedly includes 5,000-10,000 Sabean-Mandaeans.” (USDOS, 29 May 2018, section 1)

6.3.2 Religious crimes (including apostasy, heresy, blasphemy)

A May 2016 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN Human Rights Council (HRC) notes that Iran’s Islamic Penal Code contains “vague and broadly defined” hudud provisions, which are “loosely defined as ‘crimes against God’”:

“These crimes include insulting or cursing the prophet (arts. 262-263), certain forms of consensual heterosexual and all same-sex relations between adults (arts. 221-241), ‘sowing corruption on Earth’ (art. 266) and apostasy. Individuals convicted of some of these crimes are not generally allowed to seek a pardon or have their sentences commuted [...].” (HRC, 26 May 2016, p. 4)

A March 2017 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN Human Rights Council (HRC) states that the Islamic Penal Code (IPC) contains provisions on another category of crimes defined as ta’zir crimes, which are acts […] deemed to be in conflict with the interests of religious or state authorities but for which no penalties are specified under sharia law. These include “insults” against “Islamic sanctities as specified in article 513 of the IPC. (HRC, 17 March 2017, p. 9)

An August 2017 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN General Assembly mentions that under Iranian law, the death penalty can be imposed for a number of crimes including apostasy and blasphemy (UN General Assembly, 14 August 2017, p. 12). A November 2017 report of the Congressional Research Service (CRS) notes that according to critics, penalties for “attempts by non-Muslims to convert Muslims, [...] moharebeh (enmity against God) and sabb al-nabi (insulting the prophets)” are “selectively applied to regime opponents” (CRS, 21 May 2018, p. 18).

Apostasy

As noted in the March 2017 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN Human Rights Council (HRC), “[a]postasy is not specifically codified as a crime in the Islamic Penal Code, but is a hudud crime under sharia” (HRC, 17 March 2017, p. 9, footnote 31) which is also applied by Iranian courts (Landinfo, 27 November 2017, pp. 21-22). The report specifies that “[t]he judiciary can issue sentences for apostasy pursuant to article 167 of the Constitution [...].” (HRC, 17 March 2017, p. 9, footnote 31)

Article 167 of the Constitution of the Islamic Republic of Iran (last amended in 1989) stipulates that:

“A judge shall be required to try to find out the verdict of every lawsuit in codified laws; if he fails to find out, he shall render a verdict on the matter under consideration based on authentic Islamic sources or authoritative Fatwas. He may not refrain from dealing with the case and rendering a judgment on the pretext of silence, inadequacy or brevity of or
contradiction in codified laws.” (Constitution of the Islamic Republic of Iran, 1989, Article 167)

Moreover, Article 220 of the Islamic Penal Code states that “[r]egarding the *hadīd* [plural: *hudūd*, annotation by ACCORD] punishments that are not mentioned in this law Article one hundred and sixty seven (167) of the Islamic Republic of Iran’s Constitution shall be applicable” (Islamic Penal Code, 2013, Article 220, as translated in IHRDC, 8 April 2014).

A July 2014 report of the Iran Human Rights Documentation Center (IHRDC) states that due to the lack of specific provisions on apostasy in the IPC, “there is no explicit provision describing the manner in which a charge of apostasy may be proven”. The report outlines that Article 160 of the IPC deals with methods of proving criminal conduct in general:

> “Nevertheless, Article 160 of the IPC mentions the different methods by which the commission of a crime may be proven. According to this article, confessions, the testimony of two male witnesses or the ‘knowledge of the judge’ can each be the basis for a conviction.” (IHRDC, 30 July 2014, p. 13)

A May 2017 country report of the Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) also notes that under sharia law, apostasy constitutes a *hudūd* crime. On the basis of this interpretation, conversion from Islam to another religion is considered to be apostasy. The report also notes that renouncing the Islamic faith without adhering another faith or questioning Shia Islam is considered apostasy and can be punished as such. It is noted that in Shia Islam, apostasy committed by a Muslim-born person is punishable by death. A male person who has converted to Islam but later turned away from it will be given the opportunity to repent before being executed. Muslim women are exempted from the death penalty for apostasy but will receive a life sentence unless she returns to Islam, in which case she will be released from prison early. The source states that during the reporting period (January 2014 until April 2017), individuals who have criticized Shia Islam have been convicted on these grounds, noting that in this respect, the authorities have been increasingly focusing on prominent persons, Islamic scholars and members of the clergy. It is noted that while apostasy often figured among the initial accusations levelled against defendants, apostasy charges have not been included in criminal prosecution during the reporting period. (BZ, 29 May 2017, p. 33)

The IHRDC elaborates on the distinction made in Shi’a jurisprudence on whether an apostate is born to Muslim or non-Muslim parents. Furthermore, Shia jurists hold that female apostates should be exempted from execution:

> “Shi’a jurisprudence makes a distinction between an apostate who is born to Muslim parents (murtad-i fitri) and an apostate who is born to non-Muslim parents (murtad-i milli). According to jurists such as Ayatollah Khomeini, the repentance of apostates born to Muslim parents cannot be accepted. Therefore, such apostates are to be killed. Even if only one of the parents is a Muslim at the time of conception, that person is considered to be a Muslim. An apostate who is not born to Muslim parents is considered to be a murtad-i milli. Such an apostate will be given a chance to repent, and he is only to be executed if he does...
not repent. Some jurists have held that a murtad-e milli should be given a three-day period to repent, and he should be killed if he refuses to repent after three days. [...] Based on a number of oral traditions attributed to Shi’a Imams, Shi’a jurists believe that female apostates are not to be killed. Ayatollah Khomeini states that a female apostate is to be imprisoned for life, beaten at times of prayer and afforded only a small amount of food. If she repents, she is to be set free.” (IHRDC, 30 July 2014, pp. 8-9)

The August 2017 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN General Assembly states that “[i]n January [2017], the Supreme Court upheld the death sentence of Sina Dehghan for social media posts considered to be apostasy [...].” (UN General Assembly, 14 August 2017, p. 12).


A November 2017 report of the Norwegian Country of Origin Information Centre (Landinfo) states that while it is not uncommon for detained (Christian) converts to be threatened with possible apostasy charges, the practice of Iranian prosecution authorities and courts shows that actual apostasy charges are a rare occurrence. Throughout the history of the Islamic Republic, Christian converts have only exceptionally been charged with apostasy. It is also noted that it is rare for converts to be convicted for blasphemy. (Landinfo, 27 November 2017, p. 22)

A February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states with reference to Middle East Concern, a UK-based Christian NGO, that “Christian converts are typically not charged with apostasy” (DIS/DRC, 23 February 2018b, p. 9) and that “[i]t is a general trend that the authorities charge people for being a threat to national security, rather than charge them for apostasy”. (DIS/DRC, 23 February 2018b, p. 32)

Meanwhile, the same DIS/DRC report states that Middle East Consultancy Services, a UK-based firm, indicated that while “there is no legislation on apostasy in the Penal Code [...], “many converts are prosecuted”, pointing to the following case from June 2015:

“Hesameddin Farzizadeh [...] was sentenced to death for apostasy by the Criminal Court of Meshkinshahr in Ardabil province. He was arrested in November 2014 in a raid on his house by the lebas shakhshiha (plain clothed agents). He was sentenced for his book From Islam to Islam. The charge of apostasy stems from the mentioned book, in which he examines the history of Shi’a Islam and raises questions about certain facets of Shi’a beliefs.” (DIS/DRC, 23 February 2018b, p. 36)
**Heresy**

The USDOS 2017 report on international religious freedom, published in May 2018, states that the Islamic Penal Code (IPC) specifies the death penalty for the crime of *fisad fil-arz* (“corruption on earth”), which includes heresy (USDOS, 29 May 2018, section 2).

An August 2017 article of Radio Free Europe/Radio Liberty (RFE/RL) reports on the case Mohammad Ali Taheri, a faith healer who has been sentenced to death on charges of “spreading corruption on Earth” for founding a group named the Circle of Mysticism, a group that “promotes a mystical understanding of the universe”:

“Imprisoned Iranian spiritual leader Mohammad Ali Taheri has been sentenced to death for a second time, two years after an initial death sentence that was overturned on appeal. Taheri’s lawyer Mahmud Alizadeh Tabatabaei said on August 27 that Taheri has been sentenced after being convicted of ‘spreading corruption on Earth’ for founding a group called the Circle of Mysticism. [...] A popular faith healer whose group promotes a mystical understanding of the universe, Taheri was for a time allowed to teach in public and to practice. But he came under increased pressure following a warning by Iran’s Supreme Leader Ayatollah Ali Khamenei about ‘false mysticism that might lure away people from Islam.’ Taheri was first arrested in 2010 and has been in Evin prison in Tehran since 2011, when a court sentenced him to five years in prison for blasphemy. He was sentenced to death on similar charges in 2015, but an appeals court later rejected the verdict.” (RFE/RL, 28 August 2017)

In her August 2017 report to the UN General Assembly, the UN Special Rapporteur on the situation of human rights in Iran stated that in January 2017, “the Tehran prosecutor announced that an unnamed man and woman had been sentenced to death on charges of sowing corruption on Earth for ‘encouraging’ illicit sexual relations in the context of a new ‘sect.’” (UN General Assembly, 14 August 2017, p. 12)

No further information could be found on the issue of heresy.

**Blasphemy**

The USDOS 2017 report on international religious freedom, published in May 2018, states that the IPC specifies the death penalty for the crime of *sabb al-nabi* (‘insulting the prophets’ or ‘insulting the sanctities’) (USDOS, 29 May 2018, section 2).

Article 262 of the IPC of 2013 defines the crime of sabb-e nabi (ṣāb ul-nabi) as follows:

“Article 262 - Anyone who swears at or commits qazf [false accusation of sexual offences, annotation by ACCORD] against the Great Prophet [of Islam] (peace be upon him) or any of the Great Prophets, shall be considered as Sāb ul-nabi [a person who swears at the Prophet], and shall be sentenced to the death penalty.
Note - Commission of qazf against, or swearing at, the [twelve] Shi’ite Imams (peace be upon them) or the Holy Fatima (peace be upon her) shall be regarded as Sab-e nabi.” (Islamic Penal Code, 2013, Article 262, as translated in IHRDC, 8 April 2014)

Article 263 of the IPC deals with extenuating circumstances in cases where a person has been accused of sabb-e nabi:

“Article 263 - When the accused of a sabb-e nabi (swearing at the Prophet) claims that his/her statements have been under coercion or mistake, or in a state of drunkenness, or anger or slip of the tongue, or without paying attention to the meaning of the words, or quoting someone else, then s/he shall not be considered as Sāb ul-nabi [a person who swears at the Prophet].

Note - When a sabb-e nabi (swearing at the Prophet) is committed in the state of drunkenness, or anger or quoting someone else, if it is considered to be an insult, the offender shall be sentenced to a ta’zir punishment of up to seventy-four lashes.” (Islamic Penal Code, 2013, Article 263, as translated in IHRDC, 8 April 2014)

Articles 513 and 514 of the IPC contain the following provisions:

“Article 513- Anyone who insults the sacred values of Islam or any of the Great Prophets or [twelve] Shi’ite Imams or the Holy Fatima, if considered as Saab ul-nabi [as having committed actions warranting the hadd punishment for insulting the Prophet], shall be executed; otherwise, they shall be sentenced to one to five years’ imprisonment.

Article 514- Anyone who, by any means, insults Imam Khomeini, the founder of the Islamic Republic, and/or the Supreme Leader shall be sentenced to six months to two years’ imprisonment.” (Islamic Penal Code, 2013, Articles 513 and 514, as translated in IHRDC, 18 July 2013)

The IHRDC comments in its July 2014 report that “[i]t is not precisely clear what constitutes insulting the Prophet”, noting that “arguably many statements could be deemed offensive” (IHRDC, 30 July 2014, p. 11). The same report indicates that under Articles 513 and 514 of Book Five of the IPC, insulting Islamic beliefs and insulting the Ayatollah Khomeini (the founder of the Islamic Republic) and/or the Supreme Leader constitutes a “ta’zir crime” (IHRDC, 30 July 2014, p. 12), again pointing out that the text of these articles does not specify what types of utterances are considered to be insults” (IHRDC, 30 July 2014, p. 13).

The same report quotes an explanatory note in which the Iranian parliament (Majles) “attempted to clarify the issue”:

“From the point of view of criminal law, insulting, swearing and the like involve using phrases that are explicit or obvious, or taking actions and performing acts which, considering the norms of the society, time, place, and the circumstances of the affected individuals, cause the humiliation of those persons. An insult does not materialize without explicit words.” (IHRDC, 30 July 2014, p. 13)
The IHRDC points out that in this explanatory note, “[t]here is no line drawn between mere criticism and an insult” (IHRDC, 30 July 2014, p. 13). The same report notes that “[t]he evidentiary requirements” for a conviction on charges of swearing at the Prophet or insulting sacred religious values are “the same as [for] other crimes: either a confession from the accused, testimony from two male witnesses or the knowledge of the judge” (IHRDC, 30 July 2014, p. 14).

A February 2017 Landinfo report states that Iranians cannot in practice criticize Islam in public without the risk of being charged with blasphemy, which is punishable by death. If a person charged with blasphemy is Muslim, he or she may also be at risk of being charged with apostasy. The same report notes that cases relating to blasphemy can be tried by criminal courts, revolutionary courts and special courts for the clergy. Whether such a case is tried by a revolutionary court depends on other potential charges that are being levelled against the defendant or on which other provisions of the IPC the prosecutors choose to apply in a specific case. (Landinfo, 6 February 2017, pp. 1-2)

A March 2017 article of Iran Human Rights (IHR) informs about the cases of three men who were reportedly sentenced to death (in two cases) and imprisonment (in one case) for sharing content on social media “that the judicial and security authorities in Iran consider offensive to Islam”:

“According to close sources, Sina Dehghan, a resident of Tehran, was arrested on October 21, 2015 by Ministry of Intelligence agents from the city of Arak. At the time of his arrest, Mr. Dehghan was reportedly just finishing up his mandatory military service at a base in Tehran operated by the Iranian Revolutionary Guard Corps. Close sources say that prior to his arrest, Sina Dehghan along with Mohammad Nouri, Sahar Elyasi, and an individual under the age of 18 used the messenger app ‘Line’ to share content that the judicial and security authorities in Iran consider offensive to Islam.

Branch 1 of the criminal court in the Markazi province, presided by Judge Mohamad Reza Rahmati, reportedly sentenced Sina Dehghan and Mohammad Nouri to death and Sahar Elyasi to seven years in prison. The individual under the age of 18 has reportedly not received a sentence yet and was released on bail.

In February 2017, Iran’s Supreme Court confirmed the death sentences for Sina Dehghan and Mohammad Nouri and reduced Sahar Elyasi’s sentence to three years in prison. Additionally, these three individuals were sentenced by a Revolution Court to 16 months in prison on the charge of insulting the Supreme Leadership.” (IHR, 27 March 2017)

The February 2018 joint fact finding mission report of the DIS and the DRC notes that Sina Dehghan was sentenced to death in May 2016 for conducting a teachers’ protest campaign and committing blasphemy by sharing writings online. The death sentence was upheld by the Supreme Court. (DIS/DRC, 23 February 2018b, p. 11)

A February 2018 RFE/RL article notes that in 2017, Amin Afshar Naderi and two other Iranian Christians were each sentenced to ten years in prison on charges of “conducting evangelism”
and carrying out “illegal church activities”. The article goes on to say that “Islamic judges also imposed an additional five-year prison sentence against Naderi on a charge of blasphemy”. (RFE/RL, 4 February 2018)

### 6.3.3 Treatment of religious non-conformity

A June 2017 article of the Center for Human Rights in Iran (CHRI) states that the IPC “does not specifically prohibit the consumption of food or water during Ramadan”. It also notes that “[c]hildren, people with health problems, travelers and non-Muslims are excluded from the ban on eating or drinking in public during Ramadan”. (CHRI, 2 June 2017)

Meanwhile, Article 638 of the IPC of 2013 contains provisions on harām (sinful) acts committed in public places:

> “Anyone in public places and roads who openly commits a harām (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months’ imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public prudence, they shall only be sentenced to ten days to two months’ imprisonment or up to 74 lashes.” (Islamic Penal Code, 2013, Article 638, as translated in IHRDC, 18 July 2013)

A June 2017 Iran Human Rights (IHR) article states that since the start of the Muslim holy month of Ramadan on 26 May 2017, “about 90 case files were reportedly opened in the city of Qazvin (central Iran) for individuals who were caught eating or drinking during the fasting hours”, as the state-run news Mehr news agency reported with reference to the prosecutor of Qazvin. The article goes on to say:

> “According to the Qazvin Prosecutor, 20 individuals were issued flogging sentences and fines on the same day as their arrests, and their sentences were reportedly carried out on the same day as well.” (IHR, 12 June 2017)

The June 2017 article of the Center for Human Rights in Iran (CHRI) quotes an Iranian legal expert as saying that police in Iran are not legally permitted to arrest persons for eating or drinking in their cars during Ramadan without a warrant, as “private cars are considered private spaces”, according to a decision by the Supreme Administrative Court. It is however noted that in late May 2017, Traffic Police Chief General Taghi Mohri warned that during Ramadan, drivers and passengers may be arrested for eating or drinking inside private vehicles, saying that while “[i]t is true that a vehicle is an example of a private space, […] it’s not the same as a house”. (CHRI, 2 June 2017)


A January 2017 Amnesty International (AI) press release states that “[m]any of those flogged in Iran are young people under the age of 35 who have been arrested for peaceful activities such as publicly eating during Ramadan” (AI, 18 January 2017).
Article 264 of the 2013 Islamic Penal Code (IPC) (English translation by the Iran Human Rights Documentation Center, IHRDC) states that “[c]onsuming, including drinking, injecting, smoking, etc, of an intoxicant, whether [the amount] is a little or a lot, fluid or solid, intoxicated or not, pure or mixed, provided that the mixture does not exceed a certain limit so that it is not intoxicating any longer, shall be punishable by the hadd punishment”. A note to the same article indicates that “[c]onsuming beer shall be punishable by the hadd punishment, even if it does not result in drunkenness”. Article 265 specifies that “[t]he hadd punishment for consumption of intoxicants is eighty lashes”. Article 266 states that “[a] non-Muslim shall be sentenced to the hadd punishment only if s/he publicly consumes intoxicants”, specifying in a note that “[i]f consumption of alcohol by non-Muslims is not committed in public, but if the offender appears in public roads and places while s/he is drunk, he shall be sentenced to the punishment prescribed for openly committing a harām (sinful) act [art 638 of the Fifth Book].” (Islamic Penal Code, 2013, Articles 264 through 266, as translated in IHRDC, 8 April 2014)

6.3.4 Treatment of religious minorities

Article 13 of the Iranian Constitution of 1979 (last amended in 1989) provides that “Iranian Zoroastrians, Jews and Christians shall be the only recognized religious minorities who, within the limits of law, shall be free to carry out their religious rites and practise their religion in personal status and religious education” (Constitution of the Islamic Republic of Iran, 1989, Article 13).

As noted in a March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR), “the wording of Article 13 states that the three aforementioned groups are the only recognized religious minorities, which implies that followers of other religions (such as Bahá’í, Sabean-Mandaeans and Yarsani) do not enjoy the same rights” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 11).

Regarding the formation of religious societies, Article 26 of the Constitution of the Islamic Republic of Iran (amended as of 1989) states that establishing “Islamic or other religious societies of the recognized minorities” is permitted “provided that they do not violate the principles of freedom, independence, national unity, Islamic standards and essentials of the Islamic Republic”. The text goes on to say that “[n]o one may be stopped from participating in them or forced to participate in one of them.” (Constitution of the Islamic Republic of Iran, 1989, Article 26)

The Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) notes that in legal terms, the recognized religious minorities, i.e. Christians affiliated with “the old churches” (Armenians, Aramaeans and Chaldeans), Jews and Zoroastrians, are free to practice their religion (BZ, 29 May 2017, p. 29).

The annual report of the US Commission on International Religious Freedom (USCIRF), which covers the year 2017, states that “Five (out of a total of 290) seats in the parliament are reserved” for the above-mentioned groups (two seats for Armenian Christians and one seat each for Assyrian/Chaldean Christians, Jews and Zoroastrians). (USCIRF, April 2018)
Freedom House’s Freedom in the World 2018 report, published in January 2018, notes that while “parliament grants five seats to recognized non-Muslim minorities[,] ethnic and especially religious minorities are rarely awarded senior government posts, and their political representation remains weak” (Freedom House, January 2018, section B).

**Ethnic Christian communities**

A November 2017 report of the Norwegian Country of Origin Information Centre (Landinfo) states that Iranian Christians have traditionally been members of ethnic minorities such as Armenians and Assyrians. They were thus affiliated with the old churches based on common language and ethnicity, e.g. the Apostolic Church of Armenia or the Assyrian Church of the East. It is noted that a number of recent reports on Christians in Iran often refer to these minorities as “ethnic Christians”. (Landinfo, 27 November 2017, pp. 7-8)

The April 2018 annual report of the US Commission on International Religious Freedom (USCIRF) states that “Iran’s Christian population […] is divided between the traditional Armenian and Assyrian/Chaldean ethnic churches and the newer Protestant and evangelical churches.” (USCIRF, April 2018)

The USDOS 2017 international religious freedom report states that ethnic Armenians (mainly resident in Tehran and Isfahan) constitute the largest Christian group in the country. The report further notes that “[e]stimates by the Assyrian Church of the total Assyrian and Chaldean Christian population put their combined number at 7,000” (USDOS, 29 May 2018, section 1).

The May 2017 country report of the Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states that Christians belonging to the “old churches” of Orthodox and Catholic denomination, i.e. Armenians, Aramaeans and Chaldeans, are recognized as religious minorities (BZ, 29 May 2017, p. 29). As indicated by Mehr News Agency (MNA), Armenians are “followers of the Oriental Orthodox branch of Christianity” (MNA, 25 December 2017).

A January 2016 article by La Croix, a Catholic newspaper published in Paris, states that Christians in Iran have two different kinds of legal status. According to La Croix, Chaldeans and Armenians, who belong to officially recognized churches, encounter few problems. They do not mix with Muslims and do not proselytize. The article quotes Yann Richard, an expert on Iran and Eastern Christianity, as saying that Chaldeans and Armenians number about 100,000 people and are represented by three lawmakers in the Iranian Parliament. This constitutes a favourable treatment since Iran normally allows only one lawmaker per 200,000 Iranian inhabitants. In order to be able to enter their churches, one has to speak either Syriac or Armenian. (La Croix, 26 January 2016)

With regard to Iranian Catholics, a May 2018 article by Mohabat News, an Iranian Christian news agency, quotes Iranian-born journalist and Christian convert Sohrab Ahmari as saying that Catholics in Iran can be Armenian or Assyrian and that “[t]hey have their own churches, but they can’t evangelize and they can’t have Bibles in any languages but their own”. He is further
quoted as saying that Catholic churches in Iran are being closely monitored by means of surveillance cameras to ensure that Muslims do not enter, and that religious schools are restricted in what they are allowed to teach. (Mohabat News, 15 May 2018)

The April 2018 USCIRF annual report indicates that “[m]embers of the historical churches face extensive government surveillance and legal restrictions on construction and renovation of houses of worship” (USCIRF, April 2018).

Human Rights Without Frontiers (HRWF), a Brussels-based international human rights NGO, in its Freedom of Religion or Belief & Blasphemy Prisoners Database, informs about the cases of imprisoned Iranian Catholic converts Anousheh Reza-Bakhsh and Soheil Zagarzadeh Sani, a mother and son who were arrested in Urmia (West Azerbaijan province) and charged with “spying for and contact with foreign countries” (HRWF, 11 April 2018, p. 135).

Information on house churches, conversion within Iran

For information on house churches and the situation of practising Christians, please also see the following June 2017 query response compiled by ACCORD:

- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: Query response on Iran: House churches; situation of practising Christians; treatment by authorities of Christian converts’ family members [a-10094], 14 June 2017  

In an historical overview, the Norwegian Country of Origin Information Centre (Landinfo) states that over the years, the authorities increased pressure on churches in the country that were linked to Assembly of God (an evangelical group) or Presbyterian or Anglican denominations (Landinfo, 27 November 2017, p. 10). Since the 1980s, Assembly of God churches were closed down in several cities: in Sari (1988), Kerman and Shiraz (1992), Gorgon (1993) and Ahvaz (December 2011). In May 2012, the Assembly of Gog church in Jannat Abad, a Western suburb of Tehran, was forced to close down. At last, Iran’s oldest Persian-speaking church, the Central Assembly of God church of Tehran, was closed after the pressure, threats and harassment by the Ministry of Intelligence (MOI). (Landinfo, 29 November 2017, p. 10)

A February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states that:

“…The closure of churches affiliated with the ‘Assembly of God’ in 2013 has resulted in the spread of house churches, as people who were attending the Church services began to go to house churches instead. One source noted that house churches are quite common in Iran and their numbers are growing. According to the source, the increasing number of house churches show that they have space to operate, even though they are illegal.” (DIS/DRC, 23 February 2018b, p. 5)

A November 2017 Landinfo report states that house churches are usually small in size and can be linked to local or national networks or with networks linked to foreign countries. Iranian authorities have declared that operating house churches is illegal. Several sources indicate that
the Christian underground movement has grown over recent years, amongst others as a result of frustration with the Iranian state, negative attitudes towards Islam and apparently also as a result of targeted missionary activities carried out by Christian organisations based abroad. The Iranian authorities view the organized house church movement as a political opposition threatening national security. As a consequence, since 2005 and especially since 2009/10, Christian converts have increasingly been targeted for arrests and charged with security-related offences. (Landinfo, 27 November 2017, p. 4)

Human Rights Without Frontiers (HRWF), a Brussels-based international human rights NGO notes in its 2017 Freedom of Religion or Belief & Blasphemy Prisoners Database that:

“In Iran, Evangelical and Pentecostal Protestants have for example been indicted for: membership in organisations that aim to disrupt national security, assembly and collusion against national security, undermining national security, propaganda against the system, organising a group to overthrow the regime, enmity against God (Moharebeh), and other crimes.” (HRWF, 2017, p. 6)

An undated overview of Iran’s house church network, published by Global Opportunities for Christ (GOFC), a US-based Christian non-profit organisation that conducts research on Christian missionary work in a number of regions including the Middle East and maintains relationships with ministry leaders, states that “key leaders” of the house church network in Iran, “travel between […] churches to minister and evangelize”. (GOFC, undated)

The February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) notes that “[i]t is difficult for the authorities to control house churches as they are dispersed, not structured and unknown” (DIS/DRC, 23 February 2018b, p. 5).

Meanwhile, The Pathway, a bi-weekly published by the Missouri Baptist Convention that seeks to cover events affecting members of the Southern Baptist Convention and evangelical Christians as a whole, quotes Rob Duncan, regional manager with Middle East Concern, as saying with reference to the case of church leader Youcef Nadarkhani (sentenced to death in 2010 for apostasy, released in 2013) that “[o]nce you remove the leadership, the sheep are basically without shepherds, and easier to control by the government authorities, and easier to threaten”. (The Pathway, 7 June 2016)

With regard to how Iranians attending house churches learn about Christianity, GOFC notes that most “have come to Christ through the agency of Christian satellite TV broadcasts, social media, dreams and visions, Scripture distribution and personal, one-on-one witnessing” (GOFC, undated).

The January 2016 article of the French La Croix newspaper states that non-ethnic Christians (Roman Catholics and evangelical Christians) are generally well-connected via US-based Christian TV programmes (particularly SAT 7-PARS, broadcasted from Cyprus) and social media. These Christians gather for prayers in underground house churches. Some of these Iranians
become baptised in evangelical churches while on holiday abroad and then return to Iran with the desire to open a house church. (La Croix, 26 January 2016)

Christian Broadcasting Network (CBN), a US-based Christian-oriented religious television network, notes that:

“In 2006, Mohabat TV became the first 24-hour Farsi Christian satellite TV channel to beam gospel programs into Iran. Today, it is one of 4 satellite TV channels broadcasting continuous Christian programming into Iran. ‘Christian satellite TV broadcasts into Iran have played a vital role in the success of underground house church movement,’ Ansari wrote.” (CBN, 28 January 2018)

Treatment of Christian converts (including upon return to Iran) and those carrying out conversions

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) provides an overview of the situation of Evangelical Christians and Christian converts:

“Evangelical Christians and Christian converts […] are particularly targeted for repression because many conduct services in Persian and proselytize to those outside their community. Pastors of house churches are commonly charged with unfounded national security-related crimes, as well as apostasy and illegal house-church activities. During the year, government-controlled and pro-government media outlets continued to spread anti-Christian sentiment, while anti-Christian publications proliferated online and in print throughout Iran.” (USCIRF, April 2018)

The February 2018 joint fact finding mission report of the DIS and the DRC elaborates on the issue of surveillance of house churches and their members:

“The authorities use informers to infiltrate the house churches. The infiltrators are identified and selected by the authorities. To prevent infiltration and intervention, house churches organise themselves as a mobile group consisting of a small number of people. A source mentioned that the prevention of external infiltration is difficult, as the authorities use informers who pretend to be converts. One source explained that it would be a strategy for the authorities to either monitor or arrest and release members of a house church to make an informant out of them. The authorities could use information on the person’s background to put pressure on them.

House churches are monitored by the authorities. If the authorities receive a report about a specific house church, a monitoring process will be initiated, one source noted. However, the authorities will not act immediately, as the authorities want to collect information about both the members and who is doing what in the community. Flourishing house churches are more in danger, as the authorities see these churches as a bigger threat. Whether the authorities will intervene depends on the activities of the house church and the size of the group. A source said that the house churches are systematically raided. […]
One source pointed out that there has been a change in the authorities monitoring of social media and online activities. Another source added that there is a widespread monitoring of telecommunication and electronic communication if a Christian has caught the interest of the authorities. Certain keywords serve as base for the electronic surveillance e.g. ‘church’, ‘Jesus’, ‘Christian’ and ‘baptism’. As it is wellknown that the authorities are tapping phones, the house members are cautious and turn off their phones long before they reach their meeting place. [...] It is unknown to what extent the Iranian authorities have the capacity to monitor everybody. The authorities do not monitor everyone all the time; what the authorities want is to create a fear among people that they are being monitored all the time, a source highlighted.” (DIS/DRC, 23 February 2018b, pp. 5-6)

In its undated overview of Iran’s house church network, the GOFC notes that “[w]hen house churches of secret believers gather together, they must do so quietly for fear of having the neighbors hear them singing, or speaking about Jesus or the Bible, and turn them in to the secret police” (GOFC, undated).

The February 2018 joint fact finding mission report of the DIS and the DRC notes that:

“Neighbours, who have become aware of unusual activities around a house, can cause a house church to be revealed for the authorities. A foreigner interacting with Christians in Iran added that otherwise, the authorities do not have the possibility to know about the house church as members are discrete about it.” (DIS/DRC, 23 February 2018b, p. 6)

The January 2016 report of the French La Croix newspaper states that as long as Christian converts are discreet about their conversion, they are tolerated within their families (La Croix, 26 January 2016).

The February 2018 joint DIS/DRC report states that:

“It is unlikely that a family member will report to the authorities on a converted family member. However, it occurs in cases where the family member is a government employee or whose professional and/or social status is affected by the Christian family member. One source added that many families are loyal to the regime and have a Basij member within the family. If there are children in the family, they could also inform their teachers about activities in their homes, at school.” (DIS/DRC, 23 February 2018b, p. 6)

La Croix indicates that if a conversion becomes known to the public, i.e. if converts take up positions of responsibility or give sermons in a church, they face the risk of being targeted for apostasy anytime (La Croix, 26 January 2016).

The February 2018 DIS/DRC report elaborates on the types of behaviour that may result in a Christian convert being targeted:

“A conversion and an anonymous life as a converted Christian in itself do not lead to an arrest, but if the conversion is followed up by other activities as for instance proselytising
and training others, the case differs; the same applies if family members report the convert to the authorities. One source highlighted that if a convert does not proselytize or promote a house church, the authorities will not know about him/her. Middle East Concern, however, did not consider a life as an anonymous Christian as sustainable, as converts, in this case, have to lie about their faith and act against their religion. Amnesty International added that a conversion might be revealed to the surrounding community if the convert does not participate in Islamic events as many social norms and cultural activities are connected to Islam.

Converts who tell their family about their conversion risk getting into trouble; they risk exclusion and threats from the family who might think that the converted family members will create a problem for them. According to one source many converts do not tell their families about the conversion. Several sources addressed the issue regarding Iranian converts returning from Europe. According to two sources, converted returnees who do not carry out activities related to Christianity upon return will not be of interest to the authorities. Middle East Concern made the distinction whether the converted person was known before leaving Iran or not; returning will cause problems if the convert has been known by the authorities before leaving. If the opposite is the case, going back to Iran would not be problematic. Converts who announce their conversion in public may face serious problems.

If the returned convert has been very outspoken about his/her conversion on social media, including Facebook, the authorities might become aware of it and arrest and interrogate the convert upon return. A Western embassy (3) said that the subsequent process would depend on what the returnees inform the authorities about. The embassy did not consider that the converts would receive harsh punishment if they are not high-profiled and are not involved in propagating Christianity or activities perceived as a threat to national security.

Declaring conversion on Facebook in itself does not lead to persecution but likely to monitoring. One source explained that a photo indicating a conversion posted on the internet would be evaluated by the authorities along with the profile and activities of the converted person. If the person did not have any previous affiliation with Christianity before leaving the country, he/she will not be persecuted.

If a converted person uses the religion politically to for instance compare disadvantages of Islam with advantages of Christianity or another religion on social media, it could be a problem for him, a source mentioned. Most Iranians are not very religious, but they might see conversion as a way to come closer to Western values, and as a protest against the system, another source mentioned. However, it was underlined that it would apply to a person who has made his/her own analysis of the two religions and not someone who has used ‘copy paste’ phrases.

A baptism in itself will not have significance, according to two sources. A foreigner interacting with Christians in Iran noted that it is doubtful whether it would make a difference for the authorities if the convert is baptized. Middle East Concern source
considered that a baptism, which is documented, could alert the authorities and prove to be problematic.” (DIS/DRC, 23 February 2018b, pp. 7-9)

The January 2018 La Croix article quotes Yann Richard, an expert on Iran and Eastern Christianity, as saying that allegations of apostasy are often concealed by means of false accusation of moral depravity since the Iranian state does not want to appear to be religiously intolerant. (La Croix, 26 January 2016)

The February 2018 DIS/DRC report notes on the authorities’ patterns of targeting house church members:

“The authorities are primarily targeting the house church leaders and secondary the members and converts. Two other sources stated that the authorities target both the leaders of the house churches and the members.

The typical pattern of targeting is by arresting and releasing the house church leaders, as the authorities want to weaken the house church. Ordinary members of house churches also risk arrest in a house church. However, they will be released again on the condition that they stay away from proselytizing. If they stop proselytizing, the authorities will stop gathering information about them, a source added. One source mentioned that it would be possible for an arrested convert to pay his/her way out of an arrest. The source added that even if it is known that the person is a converted Muslim, it would be a question of the amount of money paid to be released. Whether a house church member is targeted also depends on his/her conducted activities and if he/she is known abroad, the same source noted. Ordinary house church members risk being called in for interrogation on a regular basis as the authorities want to harass and intimidate them, a source explained.

If a house church member is arrested for the first time, he/she will normally be released within 24 hours. If he/she has been detained in prison, he/she will receive his charge within 24 hours and come to court within ten days, a source mentioned.” (DIS/DRC, 23 February 2018b, p. 7)

Human Rights Without Frontiers (HRWF), in its Freedom of Religion or Belief & Blasphemy Prisoners Database, lists the following Iranian Protestants as being held in prison for various activities related to their faith: Hadi Asgari, Victor Bet-Tamraz, Shamiriam Isavi Khabizeh Bet-Tamraz, Saheb Fadayee, Yusif Farhadow, Ebrahim Firouzi, Nasser Navard Goltape, Eldar Gurbanov, Yaser Mosibzadeh, Yousef Nadarkhani, Mohammad Reza Omidi, Massoud Rezaie, Mohammad Roghangir, Eskandar Rezai, Soroush Saraei. (HRWF, 11 April 2018)

A July 2017 article of the Center for Human Rights in Iran (CHRI) reports on the arrests and trials of the above-mentioned Victor Bet-Tamraz, Hadi Asgari, Yusif Farhadow, Eldar Gurbanov, Nasser Navard Goltapeh, Yousef Nadarkhani, and Mohammad Reza (Yasser) Omidi. The article further mentions the names of Bahram Nasibov, Mohammad Ali Mosibzadeh, Zaman (John) Fadaei, Kavian Fallah Mohammadi, who also were tried and sentenced in 2017. Moreover, CHRI refers to Mansour Borji, “the advocacy director of Article 18, a London-based organization that
defends Christians in Iran”, when stating that the trials of Yusif Farhadov, Eldar Gurbanov, Bahram Nasibov and Nasser Navard Goltapeh were “completely lacking due process” and that:

“No evidence was presented to show the defendants had acted against national security, Borji told CHRI, but the four were convicted of being ‘Zionist Christians’ who ‘acted against national security with the intention of overthrowing the state in a soft war.’” (CHRI, 20 July 2017)

An earlier July 2017 article of the CHRI notes that all four converts were “sentenced to 10 years in prison based on Article 498 of Iran’s Islamic Penal Code” (CHRI, 6 July 2017), which stipulates that “Anyone, with any ideology, who establishes or directs a group, society, or branch, inside or outside the country, with any name or title, that constitutes more than two individuals and aims to perturb the security of the country, if not considered as mohareb, shall be sentenced to two to ten years’ imprisonment” (Islamic Penal Code, 2013, Article 498, as translated in IHRDC, 18 July 2013).

For further details on above-mentioned cases, please refer directly to the HRWF report:

- HRWF - Human Rights Without Frontiers: Freedom of Religion or Belief & Blasphemy Prisoners Database, 11 April 2018

A December 2016 Radio Farda article states that “[f]our Iranian converts to Christianity have been arrested in the city of Karaj, Alborz province, less than two weeks before Christmas”, adding that security forces also “raided two shops belonging to two of the detainees”, sealing them off for “overcharging”, “profiteering” and “breaking guild regulations” (Radio Farda, 16 December 2016). In October 2017, the same source reported that an “Iranian convert to Christianity has been arrested in the city of Dezful, southwest of the country” (Radio Farda, 15 October 2017).

Information regarding the arrested Christians mentioned in above-cited articles by Radio Farda could not be found in the HRWF database.

**Sunni Muslims, including conversion to Sunnism**

Article 12 of the Constitution of the Islamic Republic of Iran provides that the country’s official religion is Islam and the Twelver Jafari school. It goes on to state that “Other Islamic faiths such as Hanafi, Shafei, Maleki, Hanbali and Zaidi, shall enjoy full respect”, specifying the rights of adherents of these faiths as follows:

“The followers of these faiths are free to carry out their religious rites according to their own Fegh [religious jurisprudence] their religious education and training, personal status (marriage, divorce, inheritance and will) and lawsuits related thereto shall be officially recognized by courts of law. In any region where the followers of these faiths have a majority, the local rules and regulations, within the scope of authorities of councils, shall be in conformity with these faiths, by reserving the rights of followers of other faiths.” (Constitution of the Islamic Republic of Iran, 1989, Article 12)
The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) states that “[t]he Sunni Muslim population in Iran is concentrated in underdeveloped areas and experiences discrimination in employment and political leadership, and many Sunni activists report harsh treatment in prison due to their religious practices” (USCIRF, April 2018).

A March 2018 joint report of the NGOs Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that ethnic Arabs in Iran (referred to locally as Ahwazi or Ahwazi Arabs) are mostly Shia Muslims but include a “substantial minority” of Sunnis who, as a consequence, are “vulnerable to intersectional discrimination on the basis of both religion and ethnicity”. The same report also notes that the majority of Iran’s ethnic Baluchi population are Sunni Muslims and therefore “face intersectional discrimination”. (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, pp. 9-10)

The Amnesty International (AI) Report 2017/18, published February 2018, similarly notes that “Sunni Muslims continued to report discrimination including restrictions on holding separate prayers for Eid al-Fitr celebrations and exclusion from high-ranking positions” (AI, 22 February 2018).

The April 2018 USCRIF report specifies that:

“The repeated requests of Tehran’s Sunni community to build an official mosque in the city have all been refused; they therefore hold prayers in smaller spaces they refer to as ‘prayer halls.’ In August and September 2017, prominent Sunni leader Molavi Abdul Hamid and Supreme Leader Ayatollah Ali Khamenei exchanged a series of public letters regarding anti-Sunni discrimination in employment and mosque construction. Khamenei wrote that ‘no kind of discrimination or inequality by the institutions of the Islamic Republic is allowed based on race, ethnicity or religion,’ an assertion in stark contrast to the lived reality of Sunni communities.” (USCIRF, April 2018)

Radio Farda reported in a November 2017 article that the Molavi Abdul Hamid (transcribed here as Abdola-Hamid), prayer leader of the city of Zahedan in Sistan and Baluchestan province, in an interview published by the state-run Iranian Students News Agency (ISNA), “reiterated that Sunnis do not get high level government jobs and he is personally under travel restrictions” barring him “from traveling, except to the capital”. (Radio Farda, 12 November 2017)

The May 2018 US Department of State (USDOS) Report on international religious freedom (covering the year 2016) describes the situation of members of the Sunni minority as follows:

“Residents of provinces with large Sunni populations, including Kurdistan, Khuzestan, and Sistan and Baluchestan, reported continued repression by judicial authorities and members of the security services, including extrajudicial killings, arbitrary arrest, and torture in detention, as well as discrimination, including suppression of religious rights, lack of basic government services, and inadequate funding for infrastructure projects. […] Sunnis reported continued underrepresentation in government-appointed positions in the
provinces where they formed a majority, such as Kurdistan and Khuzestan, as well as an inability to obtain senior government positions.” (USDOS, 29 May 2018, section 2)

A September 2017 article of the Center for Human Rights in Iran (CHRI) states that “[d]espite accounting for an estimated 10 percent of Iran’s population, no Iranian Sunni has ever been appointed to a ministerial position in government since the establishment of the Islamic Republic in 1979” (CHRI, 9 September 2017).

As the May 2018 USDOS report indicates, “Sunni activists reported that throughout the year, and especially during Moharam, the government sent hundreds of Shia missionaries to areas with large Sunni Baluch populations to try to convert the local population” (USDOS, 29 May 2018, section 2).

A March 2016 article of the Middle East Institute (MEI) states that:

“Iran’s Sunnis have long struggled with poverty and discrimination, and are suspiciously viewed as the country’s fifth column. Iran’s Shiite-centric policies and its security-driven paranoia are contributing to the economic hardships of Iranian Sunnis, and fueling their sense of alienation. These discriminatory policies can be felt throughout Sunni-majority regions. In a remote, economically deprived village in Iran’s Sistan-Baluchistan province, ‘There are no men; all have been hanged by the government for drug and other offenses,’ says Shahindokht Molaverdi, a vice president in President Hassan Rouhani’s government. […]

To monitor activities of Sunni groups and prevent Wahhabi-Salafi proselytization, the Iranian government established a council in 2008 to better control schools for religious teaching of Sunnis. The bylaws of the council placed representatives of Iran’s supreme leader in charge of administrating Sunni schools. Sunni members of parliament described the bylaws, including its first article, as discriminatory government interference in Sunni religious affairs. […]

The Iranian government also closely monitors the situation in Kurdistan, another Sunni majority province in the country’s northeastern. Iran’s interior ministry recently published a report on the activities of alleged ISIS sympathizers in Kurdish areas. The report refers to the activities of Salafi groups in Iraqi Kurdistan and asserts that ‘considering ethnic and religious ties [between Iraqi and Iranian Kurdistan] these activities pose a potential threat to the internal security of Iran.’ Kurdish Salafi groups include Ansar al-Islam, the Kurdistan Islamic Emirate, Kataib Qaed fi Kurdistan, and Jaish Sahabeh. […]

In an effort to intellectually uproot Wahhabism and Salafism, the Hawza ‘Elmiyya in the city of Qom—a seminary where Shiite Muslim clerics are trained—has provided special education for thousands of people around the country. They aim to raise awareness and promote a critical approach to ‘Wahhabism, Baha’ism, Sufism, fake mysticism, Christianity, and Zoroastrian.’” (MEI, 21 March 2016)
A February 2018 joint report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states that “Shiite Ahwazi converting to Sunni-Islam may also attract the authorities’ attention” (DIS/DRC, 23 February 2018a, p. 10).

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) states that “[a]t least 140 Sunni prisoners reportedly are detained on charges related to their beliefs and religious activities”. It also states that according to human rights groups, “communal punishment of the Sunni community through prolonged detention and harassment have intensified following the June 2017 attacks in Tehran by the Islamic State of Iraq and Syria (ISIS).” (USCIRF, April 2018)

The August 2017 USDOS international religious freedom report, which covers the year 2016, notes that the authorities “executed more than 20 Sunni Kurdish prisoners at Rajai Shahr Prison on charges of moharebeh, ‘being affiliated with Salafi groups’, and ‘acting against national security.’” The report adds that “[c]ourts also upheld the 2015 death sentences of Sunni prisoners Mohammad Kayvan Karimi, Amjad Salehi, and Omid Payvand, on charges of ‘enmity against God through spreading propaganda against the system,’ despite NGO reports the convictions were based on confessions obtained through torture.” (USDOS, 15 August 2017, section 2)

A September 2017 article of the Center for Human Rights in Iran (CHRI) notes that “[d]ozens of Iranian Sunnis have been detained on suspicion of having alleged links with the attackers who carried out the deadly terrorist attacks in Tehran on June 7, 2017” that were claimed by the so-called Islamic State (IS) group. The same article continues:

“In July 2017, the Council of Sunni Theologians of Iran, representing clerics based in the country’s northwestern Kurdish-populated provinces, suspended operations in response to the ongoing climate of intimidation and fear perpetuated by the Intelligence Ministry since the attacks.” (CHRI, 9 September 2017)

### Jews

A December 2017 Radio Farda article notes that “[t]he number of Jews in pre-Islamic revolution was reportedly more than 120,000” and points to diverging estimates regarding the present size of Iran’s Jewish community:

“There are contradictory reports on the number of Jews still living in Iran. Sam Kermanian believes that about 10,000 Jews live in Iran at present. However, in an interview published in Kermanshah Daily two years ago, representative of Jewish community to majlis (the Islamic Republic’s parliament), Siamak Moreh Sedq said about 25,000 Jews were living in Iran.” (Radio Farda, 29 December 2017)

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that “Jews number 8,756 according to the 2011 census, although some groups give larger estimates”, with
most Jews living in Tehran, while “there are also communities in Shiraz, Isfahan and other large cities”. (MRG/Ceasefire Centre for Civilian Rights/CSHR, 13 March 2018, p. 10)

Article 13 of the Iranian Constitution of 1979 (last amended in 1989) mentions Jews as one of the recognized religious who, “within the limits of law, shall be free to carry out their religious rites and practise their religion in personal status and religious education” (Constitution of the Islamic Republic of Iran, 1989, Article 13).

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) provides the following overview of the situation of persons of Jewish faith:

“Although the vitriolic sentiment was not as pronounced as in previous years, the government continued to propagate anti-Semitism and target members of the Jewish community on the basis of real or perceived ‘ties to Israel.’ Throughout the year, high-level clerics continued to make anti-Semitic remarks in mosques, while numerous programs broadcast on state-run television advanced anti-Semitic messages. In December 2017, two synagogues in Shiraz were attacked and vandalized, leaving sacred texts destroyed. Discrimination against Iranian Jews, who number between 15,000 and 20,000, fosters a threatening atmosphere for the community.” (USCIRF, April 2018)

Haaretz, an Israeli newspaper, reported in late December 2017 that “[t]wo synagogues in the Iranian city of Shiraz were attacked by vandals who damaged Torah scrolls, prayer books and ritual objects” (Haaretz, 28 December 2017).

Zoroastrians

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) indicates that “Zoroastrians number 25,271 according to the 2011 census” (see also USDOS, 15 August 2017, section 1; BBC News, 27 October 2017) and “live mostly in the provinces of Yazd, Kerman and Eastern Azerbaijan but with notable populations in the cities of Tehran and Shiraz as well”. The report states that Zoroastrians are followers of a monotheistic religion that originated in ancient Persia and that “[t]he name of the religion is derived from its founder, the prophet Zarathustra (Zoroaster).” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018)

Article 13 of the Iranian Constitution of 1979 (last amended in 1989) mentions Zoroastrians as one of the recognized religious who, “within the limits of law, shall be free to carry out their religious rites and practise their religion in personal status and religious education” (Constitution of the Islamic Republic of Iran, 1989, Article 13).

A January 2018 article of the Center for Human Rights in Iran (CHRI) states that Zoroastrians are “subject to discrimination” (CHRI, 30 January 2018).

The April 2018 United States Commission on International Religious Freedom (USCIRF) report presents an overview of the treatment of Zoroastrians with a focus on discrimination within the context of political representation:
“In recent years, members of the Zoroastrian community, which numbers between 30,000 and 35,000 people, have come under increasing repression and discrimination. Following the May 2017 local elections, discrimination against the community rose to national prominence as a Zoroastrian elected in Yazd was suspended from his position due to his religion. The Guardian Council, a governmental body of jurists that assesses legislation for compliance with Islamic values, upheld his suspension based on a pre-election statement from its chairman, Ayatollah Ahmad Jannati, stating that non-Muslims cannot run for office in majority-Muslim areas, despite protections in the election law allowing members of recognized religions to do so. In December 2017, the Iranian parliament amended the national law on local councils, explicitly affirming the right of recognized religious minorities to hold office. However, this amendment was rejected by the Guardian Council, leaving the debate ongoing at the end of the year.” (USCIRF, April 2018)

Freedom House reports that the rejection of the the bill “affirm[ing] minorities’ right to run for municipal councils” by the Guardian Council means that “the dispute would have to be settled by the Expediency Council” (Freedom House, January 2018, section B).

The suspension of the elected Zoroastrian town councillor in Yazd is also reported in an October 2017 BBC article (BBC News, 27 October 2017).

A November 2015 article by Iran scholar Pejman Abdolmohammadi states that “[t]here is also a new trend, particularly among Iranian youth, of conversion from Islam to Zoroastrianism” (Abdolmohammadi, November 2015, p. 10).

For further information on Zoroastrianism and the situation of Zoroastrians, including the treatment of converts from Islam to Zoroastrianism and persons living in mixed marriages between Zoroastrians and non-Zoroastrians, please refer to the following June 2017 UK Home office country policy and information note:


**Bahais and Babis**

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) states that Iran’s Bahai community is “at over 300,000 people”, making it “the largest non-Muslim religious minority” in the country. (USCIRF, April 2018; see also MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 9)

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that:

“Bahá’í are believed to be the largest non-Muslim religious minority in Iran, with the size of the community estimated at 300,000. The Bahá’í faith was founded in Iran in the mid-1800s and frames itself as new revelation and continuation of monotheistic, and other, religious traditions that predate it. Followers of the Bahá’í faith have long been labeled as
heretics by the clerical establishment in Iran, with statesanctioned persecution intensifying after the Iranian Revolution of 1979.” (MRG/CEasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 9)

Freedom House’s Freedom in the World report, published in January 2018, states that “Baha’is are systematically persecuted, sentenced to prison, and banned from access to higher education” (Freedom House, January 2018, section D).

The Amnesty International Report 2017/18, published in February 2018, includes a brief overview of the situation of members of the Bahai community:

“Widespread and systematic attacks continued to be carried out against the Baha’i minority. These included arbitrary arrests, lengthy imprisonment, torture and other ill-treatment, forcible closure of Baha’i-owned businesses, confiscation of Baha’i properties, bans on employment in the public sector and denial of access to universities. The authorities regularly incited hatred and violence, vilifying Baha’is as ‘heretical’ and ‘filthy’.” (AI, 22 February 2018)

The April 2018 report provides an overview of the treatment of Bahais which is “deemed by the government a heretical, ‘deviant sect’ whose members are de facto apostates”. The report thus refers to Bahais as the “most severely persecuted religious minority in Iran, not recognized by the state, and denied their political, economic, cultural, and religious rights” and informs about arrests of members of the Bahai community:

“Over the past 10 years, more than 1,000 Baha’is have been arbitrarily arrested. In April 2017, the UN Working Group on Arbitrary Detention stated that the 2016 sentencing of 24 Iranian Baha’is to lengthy prison terms was based solely on their religious beliefs and a ‘violation of their right as a religious minority.’ In October 2017, the 200th anniversary of the birth of the founder of the Baha’i faith, nearly 20 Baha’is were arrested and 25 homes raided. At the end of the reporting period, over 90 Baha’is were being held in prison solely because of their religious beliefs.

Those imprisoned include four of the seven high-profile Baha’i leaders known as the ‘Friends of Iran’ or Yaran. Three of these leaders—Mahvash Sabet, Fariba Kamalabadi, and Behrouz Tavakkoli—were released in September, October, and December 2017, respectively, after completing 10-year sentences on false charges of espionage and spreading propaganda. [...] The other four leaders—Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, and Vahid Tizfahm—remained in prison at the end of the reporting period. Two Baha’i instructors imprisoned for their work with the outlawed Baha’i Institute for Higher Education were released from prison in 2017 following completion of five-year sentences. However, five other instructors remained in prison at year’s end, and two more were summoned to begin prison terms in November and December 2017.” (USCIRF, April 2018)

The same report also points to the following measures affecting persons of Bahai faith:

“In April, July, and October 2017, Iranian authorities closed down dozens of Baha’i-owned shops for observing holy days. While some closures were temporary, many shops closed in
2016 remained shuttered at the end of the reporting period despite legal appeals, and over 600 shops have been closed since 2014. In November 2017, the President’s Special Assistant for Citizens’ Rights Affairs Shahindokht Molaverdi stated that the Rouhani Administration would ‘follow legal procedures’ to remedy the issue of closures.

Although the Iranian government maintains publicly that Baha’is are free to attend university, the de facto policy of preventing Baha’is from obtaining higher education remains in effect. Over 50 Baha’i students have reported being expelled during the academic year since 2013, despite high scores on standardized tests. In November 2017, three Baha’i students who wrote to the government to protest being denied enrollment in university were sentenced to five years in prison each on charges of ‘membership in the anti-state Baha’i cult.’” (USCIRF, April 2018)

The same report goes on to inform about the 2016 murder of a Bahai man whose killers were sentenced to lighter punishments than those stipulated in the Islamic Penal Code for murder of Muslims:

“In September 2016, Baha’i Farhang Amiri was stabbed to death by two brothers outside of his home in Yazd; the two men later reportedly confessed, saying they killed him because he was an apostate whose murder would guarantee them paradise. In July 2017, the older brother convicted of the murder was sentenced to 11 years in prison and two years’ exile, while the younger brother received five and a half years in prison. Under the Iranian penal code, murder of a Muslim carries the death penalty, while murder of a Baha’i or other member of an unrecognized religion carries much lighter legal penalties.” (USCIRF, April 2018)

The same source also notes that there has been a steady growth in “anti-Baha’i propaganda aired on official channels”, with “an estimated 26,000 pieces of anti-Baha’i media [...] run on official or semi-official channels” since 2014 (USCIRF, April 2018).

Further information on the situations of persons of Bahai faith can be found in an August 2016 report of the Norwegian Country of Origin Information Centre (Landinfo) (in Norwegian) and in section 2 (“Status of Government Respect for Religious Freedom”) of the May 2018 US Department of State (USDOS) report on international religious freedom which covers the year 2017:

  https://www.ecoi.net/de/dokument/1436871.html
**Sufis**

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) provides the following overview of the Sufi tradition and the number of its followers in Iran:

“Sufis are followers of a mystical tradition within Islam. Those in Iran belong to various orders, including the Nematollahi Gonabadi and the Naqshbandi orders. Many of these orders identify as Twelver Shi’a Muslim, the official state religion. State-affiliated Shi’a authorities, however, often regard Sufism as a deviation from Islam. There are no hard statistics on the number of Sufis in Iran, although some estimates place them at several million.” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 10)

A May 2018 Human Rights Watch (HRW) press release indicates that “[t]he Nematollahi Gonabadi Dervish community consider themselves followers of Twelver Shia Islam [...] but authorities have persecuted them for their religious beliefs in recent years” (HRW, 15 May 2018).

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) gives an overview of the treatment of Gonabadi Sufis:

“Adherents to Sufi orders, which emphasize the mystic elements of Islam, are targeted for ‘following a deviant sect’ that does not conform to the state’s official interpretation of Islam. Members of the Nematollahi Gonabadi Sufi order, Iran’s largest, continued to face a range of abuses, including attacks on their prayer centers and homes; expulsion from educational and cultural institutions; and harassment, arrests, physical assaults, and travel bans on their leaders. Over the past year, authorities have detained dozens of Sufis, sentencing many to imprisonment, fines, and floggings. Iranian state television regularly airs programs demonizing Sufism, and many of the administrators of a popular Sufi website remain in prison on charges including ‘membership in a sect endangering national security.’ In late December 2017, as protests spread nationwide, security forces arrested five Gonabadi Sufis as they visited the hospitalized administrator of the Sufi website.” (USCIRF, April 2018)

The May 2018 HRW press release reports that over 300 members of the Gonabadi Dervish community were arrested in February 2018 after clashes “when the authorities violently repressed a peaceful protest in Tehran”:

“The clashes left dozens injured and three police officers and another security force member dead. On March 18 [2018], after an unfair trial that lasted three sessions, the authorities sentenced Mohammad Sallas, 46, to death on charges of killing the police officers by driving a bus into a crowd of security officers. [...] Many of those arrested remain in custody on vaguely defined charges and without access to a lawyer. On May 10 [2018], a member of the Gonabadi Dervish community with close knowledge of the situation who requested anonymity told Human Rights Watch that 430 Dervish men remained in custody in Fashafouyeh prison in Tehran. Activists tweeted on
May 14 that the authorities had arraigned 11 women among those detained on charges that included disobeying the police and acting against national security. [...] 

On March 4, the authorities informed the family of Mohammad Raji, one of those arrested, that he had died in custody. The authorities have not investigated his death and had threatened reprisals against his family if they spoke about it publicly.

On April 18, Abbas Jafari Dolatabadi, the Tehran prosecutor, said at a news conference that ‘350 indictments have been issued with regard to the incidents on Pasdaran Street, and some of the cases have been referred to the Revolutionary Court.’

He said the authorities are charging the detainees with disturbing public order, disregarding police orders, conspiracy, collusion to disrupt the country’s national security, and using weapons.

The source with knowledge of the situation said that among those detained are family members, particularly women, to pressure their family members to confess that they used violence during the protests. The source said that members of the police and Iran’s Islamic Revolutionary Guard Corps’ (IRGC) Intelligence Unit have been interrogating the detainees.

Several family members have confirmed that the authorities are not giving detainees access to lawyers or permitting regular family visits or phone calls. They also said that several people injured during the February 20 crackdown have not had adequate access to medical treatment.” (HRW, 15 May 2018)

An October 2017 article of the Center for Human Rights in Iran (CHRI) informs about the cases of six Gonabadi Dervish men who were arrested in 2011 and sentenced in 2015 for “waging war against the state” by following “a deviant sect”:

“The sentences of a lifetime in exile issued against Mohammad Ali Shamshirzan and Hamid Arayesh of the Sufi order in Iran known as Gonabadi Dervishes has been illegally changed to life in prison unless the two ‘repent,’ a source with knowledge about the case informed the Center for Human Rights in Iran (CHRI). Four other dervishes—Kazem Dehghan, Mohammad Ali Sadeghi, Ebrahim Bahrami and Mohammad Ali Dehghan—who had also been sentenced to exile, are now facing five to seven years in prison. [...] 

The six men were arrested in Kowar, Fars Province, in August 2011 when radical Shia Muslim seminary students attacked their religious gathering. They were interrogated at the Intelligence Ministry’s detention center in the province’s capital city of Shiraz and later transferred to the city’s Adelabad Prison.

Convicted in April 2015 by the Revolutionary Court in Shiraz of the charges of ‘waging war against the state’ for following ‘a deviant sect,’ the six were sentenced to long periods in exile in different cities. Shamshirzan, Dehghan and Arayesh were respectively handed life in exile sentences in the southern port city of Bandar Abbas; Zahedan in Sistan and Baluchistan Province and Ahwaz in Khuzestan Province.
Sadeghi, Bahrami and Dehghan were respectively issued seven years sentences in exile in Dezful in Khuzestan Province, Zabol in Sistan and Baluchistan Province and Maragheh in East Azerbaijan Province.” (CHRI, 5 October 2017)

A July 2017 article of the Center for Human Rights in Iran (CHRI) states that:

“State authorities in Iran have blocked access to websites belonging to the Sufi Gonabadi Order to erase the religious minority’s presence on cyberspace, their lawyer told the Center for Human Rights in Iran (CHRI). [...] Since July 10, 2017, access to the group’s Mazar Soltani websites in Iran have been blocked by the country’s principal internet filtering body, the Taskforce to Determine Instances of Criminal Content. The sites contain speeches by the group’s leader, Nour Ali Tabandeh, as well as articles on mysticism.” (CHRI, 22 July 2017)

Freedom House states in its January 2018 Freedom in the World report that “[i]n recent years, there has been increased pressure on the Sufi Muslim order Nematollahi Gonabadi, including destruction of their places of worship and the jailing of some of their members” (Freedom House, January 2018, section D).

Yaresan/Ahl-e Haq

An April 2017 report of the Danish Immigration Service (DIS) states that “[f]ollowers of Yari faith, the Yaresan, in Iran are most commonly known as the ‘Ahl-e Haqq’ in Iran. The group often call themselves a ‘tayefe’ (meaning tribe or group) or ‘Yaresan’. Other appellations employed for followers of Yari faith are ‘Aliullahi’ or ‘Ali-Ilahi’ (one who believes that Ali is God)” (DIS, 6 April 2017, p. 4) or Kaka’i. They are “followers of a syncretic religion dating to the fourteenth century” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 10).

The April 2017 report of the DIS provides the following demographic information about the Yaresan:

“In Iran, the Yaresan are mainly concentrated in the province of Kermanshah with estimates of approximately half a million Yaresanis. Groups of Yaresan also live in other areas of Iran, including West Azerbaijan, Lorestan, Tehran, Hamadan, Kelardasht, Karaj and Saveh. There are no accurate estimates of the size of the Yaresan community in Iran, and numbers range from one to four million. The area of Guran [also spelled Goran ed.] in the western part of Kermanshah, where the Yari faith has its origins and where many of sites considered holy to the Yaresan are located, has the ‘most dense concentration’ of Yaresan. In the eastern part of Kermanshah, in the town of Sahneh and its surrounding villages, another Yaresan community is found.” (DIS, 6 April 2017, p. 4)

The April 2017 DIS report quotes Philip Kreyenbroeck, professor and director of Iranian Studies at Georg-August University of Göttingen, as saying that the Yaresan in Iran are divided into a “modernist” and a “traditionalist” group (DIS, 6 April 2017, p. 4).

Referring to the same source, the DIS report goes on to provide the following background information on the two groups of Yaresan:
“According to Dr. Philip Kreyenbroek, historically, a rift emerged among the Yaresan with
the teachings put forward by Haji Ne’matollah Jayhunabadi (1871-1920) in the late 1800’s.
These teachings broke with the Yaresan communities’ beliefs and traditions within Yari
faith and had lasting consequences for the Yaresan. The source explained that Jayhunabadi
was not of a so-called Sayyed family, that is a family of a religious leader, and therefore not
in a position to transmit religious knowledge, according to Yari tradition. In his teachings,
Jayhunabadi in many ways asserted that the Yaresan were Muslims and reconciled Yari
faith with Shi’ism. [...] Followers of this ‘modernist’ version come mainly from an educated
class both in Iran and in the West, particularly in France where Paris has become a center
of their activities. [...]” (DIS, 6 April 2017, p. 4)

The ‘traditionalist’ Yaresan, who are concentrated in the Guran area of Kermanshah in Iran,
on the other hand, reject the idea that Yari faith can be considered a version of Shia Islam.
This group has always been closed to outsiders, and still remains closed today, according
to Dr. Philip Kreyenbroek.” (DIS, 6 April 2017, p. 4)

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre
for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that:

“The government does not recognize the religion and refers to some of its branches as
‘misguided cults.’ Consequently, it classifies Yarsanis as Muslims, a strategy also adopted
by some members of the community to avoid discrimination. However, Yarsanis are
adherents to a distinct faith and according to some estimates comprise around a million
adherents in Iran. Nearly all Yarsanis are Kurdish and therefore face intersectional
discrimination on the basis of both religion and ethnicity.” (MRG/ Ceasefire Centre For
Civilian Rights/CSHR, 13 March 2018, p. 10)

The April 2018 report of the United States Commission on International Religious Freedom
(USCIRF) notes that:

“While the Iranian government considers followers of the Yarsan faith to be Shi’a Muslims
who practice Sufism, members identify as a distinct and separate religion [...]. Yarsanis
whose religious identity is publicly known face discrimination in education, employment,
and running for political office. In the May 2017 elections, 28 of the 30 Yarsani candidates
for local office in the city of Hashtgerd were disqualified from running. The following
month, Yarsani leaders published an open letter to President Rouhani requesting that the
constitutional status of the Yarsan faith be clarified. As with previous such letters, the
community received no reply.” (USCIRF, April 2018)

The May 2018 US Department of State (USDOS) report on international religious freedom
(covering the year 2017) notes that authorities reportedly continued to deny members of the
Yarsan community access to higher education and government employment unless they
declared themselves as Muslim on their application forms (USDOS, 29 May 2018, section 2).

A September 2017 report of the Kurdistan Human Rights Network, a Paris-based NGO reporting
on human rights issues in Iranian Kurdistan, notes that “Iran’s Security forces arrested a Kurdish
Yarsan activist who was a resident of Neka (a city in the north of Iran) and transferred him to an unknown location” (KHRN, 26 September 2017).

Yezidis

Two academic experts consulted in 2015 stated that they were not aware of any Yezidi communities within Iran (Senior research fellow, 28 August 2015; Professor at a university in Canada, 26 August 2015).

Khanna Omarkhali, senior research fellow at the Department of Iranian Studies at the University of Göttingen, stated in an August 2015 email response that there is no official information about the situation of Yezidis in Iran today. It is not even known exactly whether there are still Yezidis in the country. There are some unofficial reports that there are 13 Yezidi villages in Iran and some of the followers of this religion have been assimilated among the Ahl-e Haqq group, who are called Yarisan there. All there is available are sporadic references to their existence in travel reports. But given the political attitudes towards minorities and especially towards Yezidis, who are identified there as followers of Yazid ibn Muawiyah and therefore are subject to strongly negative attitudes, it is plausible to assume that they were forced to practice their religion secretly and thus remained “under veil”. (Omarkhali, 31 August 2015)

An undated brief overview of Yazidism published by the Central Council of Yazidis in Germany (Zentralrat der Yeziden in Deutschland) based in the German city of Oldenburg however mentions that the areas of Yezidi settlement are located within those of the Kurds in Iraq, Syria, Turkey and Iran (Zentralrat der Yeziden in Deutschland, undated).

Petra Uphoff, a German scholar in Islamic studies, stated in her 2012 doctoral dissertation submitted at the University of Cologne that there is little Information on the level of recognition and living conditions of members of the Yazidi community in Iran. Most of the time, they seek to remain invisible as Yazidis, which is easier to do in the Kurdish areas with its wide mix of minority groups. In theory, one could expect that Yazidis enjoy a fair amount of tolerance due to their discreet lifestyle and the fact that they do not engage in proselytizing. However, they are neither mentioned in the Constitution nor are they granted any representation in parliament. (Uphoff, 2012, p. 362).

Martin van Bruinessen, a social anthropologist and emeritus professor at Utrecht University (Netherlands) specialised in Kurdish studies, stated in an email response of August 2015:

“There are occasional references to Yezidis in Iran, allegedly living in Kermanshah province. I have never been able to find these communities and long believed that these references were based on misunderstanding, as travellers heard about ‘devil-worshippers’ (as locals sometimes name the Guran Ahl-e Haqq) and inferred that these must be Yezidis.

However, I have more recently heard that there are in fact a few small groups of Yezidis who took refuge in Iran when they were persecuted in the Ottoman Empire; they allegedly settled in different parts of Kurdistan, in Kermanshah and West Azerbaijan provinces.
Fearing more persecution, they have always kept their religious background hidden from outsiders, while keeping to their traditions in their own circles.

These communities must, however, be very small and inconspicuous, and not subject to specific policies.” (van Bruinessen, 28 August 2015)

Ezidi Press, a German-based news portal representing Yezidi interests, reported in a January 2015 article that it can be life-threatening to reveal one’s identity as being Zoroastrian, Baha’i or Yezidi in Iran, which is why there are no Yezidis in Iran, or very few Yezidis living in secret (Ezidi press, 10 January 2015).

No further information could be found on Yezidis in Iran.

**Sabean Mandaeans**

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) includes the following information on the Sabean-Mandaeans community:

“Sabean-Mandaeans are adherents of a pre-Christian monotheistic religion based on the teachings of John the Baptist. They number between 5,000 and 10,000 in Iran. Most live in the Khuzestan province near the border of Iraq, where they rely on the Karoun River for the performance of baptism rituals.” (MRG/Ceasefire Centre for Civilian Rights/CSHR, 13 March 2018, p. 10)

In her 2010 doctoral dissertation entitled “The Mandaeans of Iran”, Caroline Nik Nafs notes that since the Statistical Centre of Iran (AMAR) does not collect data on non-recognized minorities, there are no official figures on the country’s Mandaean population, and estimates on their numbers in Iran vary between 3,000 and 30,000 (Nik Nafs, 2010, p. 50).

A December 2016 article by Tavanaa, an e-Learning Institute seeking to inform Iran’s civil society, notes that Iran’s Constitution does not recognize Sabean-Mandaeans as a religious minority (Tavanaa, 24 December 2016)

Sources note that the Sabean-Mandaeans are not recognized as members of one of the religions of the book mentioned in the Koran and thus lack protection (Ahwaz News Agency, 2 February 2013; Ezidische Akademie, 28 February 2010; IWPR, 30 July 2010; Lantos Swett, 20 June 2013).

Jamsheed Choksy mentions in his 2012 journal article that since the Islamic Revolution in 1979, Iran’s Mandaeans have experienced “discrimination, isolation, and intimidation” (Choksy, 2012, p. 271; see also Tavanaa, 24 December 2016).

The May 2018 US Department of State (USDOS) report on international religious freedom notes that the Iranian government recognises “Sabean-Mandaeans as Christian, even though the Sabean-Mandaeans do not consider themselves as such”, and that “[a]uthorities reportedly
continued to deny the Sabean-Mandaean” community “access to higher education and government employment unless they declared themselves as Christian” (USDOS, 29 May 2018).

In her 2010 doctoral dissertation, Nik Nafs explains that Mandaeism, a pre-Christian religion which shares similarities with Zoroastrianism, Judaism and Christianity, is characterised by a monotheism influenced by dualistic beliefs, strict hygiene rules, complex mythology and a rejection of asceticism. Running water is a core element of all Mandaean rituals. The most important ritual is baptism in rivers, which can be performed anytime for the remission of one’s sins. Mandaeans generally practice endogamous marriage and do not proselytize (Nik Nafs, 2010, pp. 7-8). According to the IWPR, Iran’s Mandaeans are located in Khuzestan province (IWPR, 30 July 2010).

The July 2010 article of the Institute for War and Peace Reporting (IWPR), an independent not-for-profit organisation that works with media and civil society in conflict zones, provides the following general information on Mandaean religion and society:

“The Mandaeans, or Sabians as they are often known, are followers of John the Baptist, but are not Christians. [...] Ethnicity and faith are closely connected in Mandaean identity, so there is no proselytising. Marriage with outsiders is strictly forbidden, and counts as apostasy, so anyone doing so is cast out of the faith. As a result of this practice, the Mandaean population is constantly shrinking. But in recent years emigration has been a major factor in reducing numbers in Iran as well as Iraq. [...] Because the Mandaeans do not seek to convert others, they are not perceived as a threat by the Shia clerical establishment. Yet unlike other faith communities – Armenian and Assyrian Christians, Zoroastrians and Jews – the Mandaeans are not recognised as a discrete group in the Islamic Republic’s constitution, and are not accorded representation in parliament as others are.” (IWPR, 30 July 2010)

The same article quotes a Mandaean man from Ahvaz (Khuzestan province), who emigrated to France, as saying that because Mandaeans are not mentioned in the Constitution as a minority, their children are “forced to attend Koranic classes and Islamic studies” and, unlike recognized minorities like the Jews, are unable to “opt out of religious classes for Muslims in school”. Similarly, Mandaeans are not legally allowed to name their children based on their religious preference but are required to give them Muslim or Iranian names. The IWPR further quotes an Arab Muslim originating from the same province as saying that “[t]he Arabs of Khuzestan have good relations with the Mandaeans” while “Persian-speakers in Khuzestan are still unfamiliar with the Mandaeans and regard them as an Arab tribe”. (IWPR, 30 July 2010)

A January 2015 BBC Persian article states that Mandaeans lack recognition under the Constitution and face restrictions in a number of domains. This affects their right to bury their dead according to traditional customs, and their children are forced to take part in Islamic religious classes and Shia religious practices without being given equal access to their own Mandaean religious teachings. (BBC Persian, 7 January 2015)
The 2013 journal article of USCIRF commissioner Katrina Lantos-Swett states that “[o]ver the past few years, the Sabean Mandaean religious community, whose members, like Baha’is, are unprotected, have been facing intensifying official harassment”, with continuing reports that their members “experience societal discrimination and pressure to convert to Islam” and are “often denied access to higher education”. The article notes that “[i]n recent years, hundreds of Sabean Mandaean families have reportedly fled the country”. (Lantos Swett, 20 June 2013)

Followers of mystic schools, interuniversalists

General information on the origins and the beliefs underlying interuniversalism (Erfan Halgheh) can be found in a November 2013 query response of the Immigration and Refugee Board of Canada (IRB):
• IRB – Immigration and Refugee Board of Canada: Iran: Situation and treatment of practitioners of Interuniversalism (Erfan Halgheh) (2010-October 2013) [IRN104640.E], 6 November 2013

The May 2018 US Department of State (USDOS) report on international religious freedom states that in August 2017, “[t]he Revolutionary Court of Tehran sentenced Mohammad Ali Taheri, founder of the spiritual doctrine of ‘Interuniversalism’ and the Erfan-e Halgheh group, to death for a second time […].” This death sentences was rejected by the Supreme Court, which ordered retrial of the case. (USDOS, 29 May 2018, section 2)

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) notes that “[s]everal dozen of Taheri’s followers were arrested in July and August 2017, and human rights organizations estimate that over 300 have been arrested since 2010. Many Erfan instructors and students were released shortly after being interrogated during the year.” (USCIRF, April 2018)

For information on the teachings of Eckankar religious movement, please see the following overview on Eckankar’s international website:
• Eckankar.org: Basic Beliefs of Eckankar, undated
  https://www.eckankar.org/belief.html

In a March 2017 article, Iran Human Rights (IHR) reported on the case of Marjan Davari, a woman who was “reportedly arrested on September 24, 2015 in Karaj by Ministry of Intelligence agents for holding a class and translating a book about ‘Eckankar’” and “sentenced to death by branch 15 of Tehran’s Revolution Court […] on the charge of ‘Spreading corruption on earth’”. The same article elaborates on the case as follows:

“In order to issue the Corruption on earth charge, the court cited the topics that Ms. Davari translated and the lecture she gave - in addition to using the following accusations against her: apostasy, illegitimate relationships, gathering and colluding against the state, and membership in Eckankar,’ a close source tells Iran Human Rights.
Marjan Davari was detained in Ward 209 of Evin Prison where she was not allowed any contact with her family or lawyer for four months. She is currently held in Gharchak Varamin Prison located in the city of Rey (Tehran province). In February 2017, she was transferred to this prison from Evin’s women’s ward.” (IHR, 27 March 2017)

For more information on this case, please see the following article of the Center for Human Rights in Iran (CHRI):
- CHRI - Center for Human Rights in Iran: Translator in Prison for One Year Without Knowing Charges; Her Lawyer Denied Access to Case File, 13 September 2016
  https://www.iranhumanrights.org/2016/09/marjan-davari/

Atheists and non-practising Muslims

For information on the treatment of atheists in Iran, please also see our June 2017 query response:
- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: Query response on Iran: Treatment of atheists by State and non-State actors [a-10099], 12 June 2017b

A November 2015 study by Pejman Abdolmohammadi, an Iran scholar and visiting research fellow at the London School of Economics and Political Science, notes that “[d]espite the lack of official statistics (as in order to avoid state persecution there are no public conversions), several indicators seem to suggest that a significant number of young Iranians do not consider themselves Muslims”. The author writes that “[m]any of them are either becoming atheists or secretly converting to other religions – especially Zoroastrianism, Baha’ism and Christianity, but also Buddhism”, noting that “[t]hese conversions are not registered”. (Abdolmohammadi, November 2015, p. 10)

A May 2017 country report of the Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states that while atheism is forbidden in Iran, it is not uncommon for people to claim that they do not believe. It is impossible to say how many people actually consider themselves atheists. Former Muslims who have become atheists are by definition considered to be apostates and are thus at risk of persecution and, possibly, the death penalty. If it becomes known that a person is atheist, he or she may face the same societal problems as Muslim converts to Christianity i.e. expulsion and discrimination. According to sources, persons who view themselves as atheists will usually not publicly express this, which enables them to live a normal life in Iran. While the sources do not explicitly refer to theism and deism, they note that a large part of Iran’s population have a secular lifestyle, which means that they do not practice their Islamic faith, for example by not attending meetings at the mosque or refraining from fasting during Ramadan. It is noted that atheists, deists and theists (like all followers of Non-Islamic faiths) have to adhere to Islamic rules of conduct. (BZ, 29 May 2017, p. 33)

A February 2017 report of the Norwegian Country of Origin Information Centre (Landinfo) states that it is not allowed to question the existence of God and that atheists declaring
themselves as such are at risk of being sentenced to death on the basis of Islamic law (Landinfo, 6 February 2017, p. 1).


Further information on the treatment of atheists and irreligious people can be found in a December 2015 query response of the Immigration and Refugee Board of Canada (IRB):


6.4 Treatment of minority ethnic groups

6.4.1 Kurds

For information regarding the treatment of persons (allegedly) affiliated with Kurdish parties, please refer to sections 4.4 (Kurdistan Democratic Party of Iran (KDPI)), 4.5 (Kurdistan Democratic Party-Iran, KDP-I), 4.6 (Party of Free Life of Kurdistan, PJAK), and 4.7 (Komala Parties) of this compilation.

The March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) explains that:

“Kurds are concentrated in the northwest of Iran in the provinces of Kurdistan, West Azerbaijan, Kermanshah and Ilam. Their numbers are estimated to fall between 8 and 10 million. Since the early twentieth century, Kurds have faced threats to their traditional livelihoods as a result of forced sedentarization and militarization of their areas. Most are Sunni Muslims and therefore face intersectional discrimination on the basis of both sect and ethnicity.” (MRG/Ceasefire Centre for Civilian Rights/CSHR, 13 March 2018, p. 10)

The April 2018 US Department of State (USDOS) country report on human rights practices, which covers the year 2017, notes that:

“The estimated eight million ethnic Kurds in the country frequently campaigned for greater regional autonomy. The government continued to use the law to arrest and prosecute Kurds for exercising their rights to freedom of expression and association. The government reportedly banned Kurdish-language newspapers, journals, and books and punished publishers, journalists, and writers for opposing and criticizing government policies. Authorities suppressed legitimate activities of Kurdish NGOs by denying them registration permits or bringing security charges against persons working with such organizations. Authorities did not prohibit the use of the Kurdish language in general.” (USDOS, 20 April 2018, section 6)

In a March 2018 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on human rights in Iran referred to the situation of detained persons of Kurdish ethnicity as follow:
“The Special Rapporteur is [...] deeply concerned by reports of individuals from the Kurdish community having been persecuted, arrested, and sentenced to death for their political affiliation or beliefs. According to information received, as of 31 October 2017, 1,828 Kurds had been detained by the authorities on charges related to various activities such as environmental activism, eating in public during the month of Ramadan, working as border couriers engaged in smuggling illicit goods, or for celebrating the results of the referendum held in neighbouring Iraqi Kurdistan. Information received indicates that 114 of these detainees were charged with political or security-related crimes, often for engaging in civic activism or because of their membership in Kurdish political parties. Some face long prison sentences, lashes and/or heavy financial penalties. Among these prisoners, there are individuals who are workers, teachers, kulbars (border couriers), artists, and human rights activists. In 2017, information received indicates that at least 64 Kurdish prisoners were executed by the authorities, and at least 16 Kurdish political prisoners were reportedly subjected to torture or ill-treatment, with 31 going on hunger strikes to protest the circumstances surrounding their arrest and detention. 15 were denied basic rights such as visitation by their family members, and 15 others were deprived of adequate medical care. [...] The health situation of Zeynab Jalalian in this regard is of continuing concern. She has been on medicinal strike since February 2017 to protest the lack of adequate medical care afforded to her. She is serving a life sentence following her arrest in 2007 for alleged membership of a prohibited group.” (HRC, 5 March 2018, p. 17)

Referring to comments provided by a number of interviewed sources, the February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) distinguishes several profiles of ethnic Kurds that may be targeted by the authorities:

“Kurds asserting their ethnic and religious identity are a target, as well as Kurds engaging in or associated with political activities. Further, Kurds promoting or perceived to be promoting separatism are also a target. Families, individuals or tribes who are affiliated with women rights are also a target. A Western embassy noted that there is no persecution of Kurds solely because of their ethnicity in Iran. Another Western embassy mentioned that according to the Iranian laws, Kurds in Iran enjoy the same rights as other Iranian citizens; even though both embassies said that Kurds may be oppressed. Middle East Consultancy Services added that arbitrary detainment occurs. The authorities may interfere in cultural activities conducted in the Kurdish areas, but it is difficult to point out when the red line is crossed and why the authorities intervene. An associate professor explained that it depends on time and event. Further, activities framed as Kurdish are regarded with suspicion, Middle East Consultancy Services stated that Iranian Kurds are free to celebrate cultural occasions such as Norooz. However, cultural events becoming political are an issue Middle East Consultancy Services mentioned as examples shouting political statements or carrying political iconography during the celebrations. Other activities that may trigger the attention of the authorities are gatherings of more than a few people. The authorities might interrogate the gathered people and arrest or question them without further prosecution, or with subsequent prosecution. This type of interference is intended to discourage people from gathering and to send a signal that the
authorities are keeping individuals and groups under surveillance, Amnesty International said.

Furthermore, it is reasonable to assume that people active on the social media are under some kind of monitoring by the authorities, an associate professor noted.” (DIS/DRC, 23 February 2018a, pp. 5-6)

An August 2017 article by the Centre for Human Rights in Iran (CHRI) reports about the case of Farzaneh Jalali, a Kurdish civil rights and women’s rights activist:

“In the six months since she was released from a three-week detention, Iranian Kurdish children and women’s rights activist Farzaneh Jalali has been repeatedly called in for questioning by the Intelligence Ministry. [...] The former student activist and university newspaper editor was arrested on February 23, 2017, by agents of the Intelligence Ministry’s office in Kermanshah, 281 miles west of Tehran, and questioned for nearly three weeks before being released on 300 million tomans ($92,000 USD) bail on March 13 [2017]. She has since been continuously harassed and accused of national security charges without any legal justification, her lawyer told CHRI.” (CHRI, 22 August 2017)

With regard to Faili Kurds, the Department of Foreign Affairs and Trade (DFAT) of the Australian Government elaborates in a June 2018 report:

“The Faili (also spelled Feyli, and commonly known as Iraqi) Kurds are a subgroup of the larger Kurdish population. They originate from the Zagros Mountains which straddle the Iran-Iraq border, and many have family members on either side of the border. Faili Kurds in Iran typically reside either close to the Iraqi border, including Khuzestan, Lorestan, Kermanshah, and Ilam provinces, or in major cities. They are distinguishable from other Iranian Kurds by their religion (most are Shi’a), location, and distinctive dialect. Three main groups of Faili Kurds live in Iran: Iranian citizens, those of Iraqi origin who are registered refugees, and those of Iraqi origin who are not registered refugees. Accurate population estimates for the three groups or for the overall number of Faili Kurds in Iran are not available.

[...] Upon seizing power in the 1960s, the Ba’athist government in Iraq adopted several policies with the effect of excluding Faili Kurds, most notably Decree No. 666 (1980) that cancelled the Iraqi citizenship of all Iraqis of ‘foreign origin’. Under the Decree, authorities seized the properties and documentation of Faili Kurds, and eventually expelled them by force from Iraq. The expulsion of Faili Kurds intensified during the Iran-Iraq War: some estimates of the numbers of Faili Kurds who crossed into Iran between the late 1970s and 1988 range up to 250,000 (although this estimate is very much at the high end). Iran recognised many (but not all) Faili Kurds as refugees. The number of those remaining in Iran is unclear. Many returned to Iraq after the fall of Saddam Hussein in 2003: UNHCR reported in 2008 that 7,000 registered Faili Kurds remained in Iran. Reports suggest that many Faili Kurds of Iraqi origin have applied for Iranian citizenship. However, the actual number of those who have succeeded in obtaining Iranian nationality is believed to be low due to the lengthy and complicated process and the high costs involved – this is also true for naturalisation applications for nationality from other groups, including those who have
married Iranians or been in-country for generations. Others have not applied for naturalisation because they do not have the required family members in Iran to prove their Iranian nationality. DFAT is not aware of specific instances whereby authorities have singled out Faili Kurds for mistreatment, regardless of the category to which they belong.” (DFAT, 7 June 2018, pp. 18-19)

In a 2014 report written under the aegis of Tilburg University Law School’s statelessness programme, social scientist Jason Tucker mentions the Faili Kurds and Khavari Afghans as populations that are “either stateless or at risk” of being stateless (Tucker, 2014, p. 10).

6.4.2 Arabs (including Ahwazi Arabs)

For information on the situation of Ahwazi Arabs, please also refer to the following June 2018 UK Home Office report:

- UK Home Office: Country Policy and Information Note Iran: Ahwazis and Ahwazi political groups, June 2018

The March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) provides an overview of the living areas and population estimates of ethnic Arabs in Iran:

“Arabs live primarily in Khuzestan province in southwestern Iran, bordered by Iraq to the west and the Persian Gulf to the south. Locally, they refer to the province as Ahwaz and identify as Ahwazi or Ahwazi Arab. There are pockets of other Arab communities along the western coast of Iran. Estimates of the size of the Arab population in Iran today range up to 5 million. Most are Shi’a Muslims, although a substantial minority are Sunni and are consequently vulnerable to intersectional discrimination on the basis of both religion and ethnicity.” (MRG/Ceasefire Centre for Civilian Rights/CSHR, 13 March 2018, p. 9)

Official numbers put the Ahwazi Arab population at 1.4 million (Asharq Al-Awsat, 30 March 2018). According to the April 2018 US Department of State (USDOS) country report on human rights practices (covering the year 2017), Ahwazi Arabs are estimated to number two million (USDOS, 20 April 2018, section 6).

A January 2017 Reuters article states that “Ahwazi Arabs are a minority in mainly ethnic Persian Iran, and some see themselves as under Persian occupation and want independence or autonomy” (Reuters, 4 January 2017).

The USDOS country report on human rights practices notes with regard to the treatment of Ahwazi Arabs:

“Ahwazi Arabs, representing 110 tribes, faced continued oppression and discrimination. Ahwazi rights activists reported the government continued to confiscate Ahwazi property to use for government development projects, refusing to recognize the paper deeds of the local population from the prerevolutionary era. In June [2017], 13 activists were reportedly
Social and cultural anthropologist Eleanor Beevor writes in an April 2018 article (published on the Al Bawaba network) that among Iran’s ethnic minorities, “Iranian Arabs are particularly vulnerable, given that their identity is often conflated with Iran’s foreign adversaries”, noting that “[t]his is despite the majority of Ahwazis siding with Iran during the Iran-Iraq War, even as Saddam Hussein was courting their favour to try and turn them against Tehran” (Beevor, 11 April 2018).

Asharq Al-Awsat, an Arabic international newspaper headquartered in London (UK), reported in a March 2018 article:

“Thousands of people took it to the streets in Ahwaz Iranian province protesting what they called the Iranian authority’s marginalization of Iranians of Arab origin and its efforts to erase their Arab identity. […]”

Clashes with police broke out in various Ahwazi cities in protest against a cartoon TV show that used figurines to misrepresent various ethnicity in Iran. The segment completely ignored the Arab origins of the city and dolls symbolizing Ahwazi Arabs were nowhere to be found.

The discontent grew after a video circulated on social media showing a number of young Arabs protesting against a play in Mashour city, after showing a man in Arab dress begging for money from another wearing a traditional costume of another national.

The videos on social media showed Iranian forces shooting live ammunition extensively in the air and another showed Iranian forces arresting several protesters as random shots being fired.

Ahwaz sources said that in the early hours more than 26 people were arrested, including three women.” (Asharq Al-Awsat, 30 March 2018)

Social and cultural anthropologist Eleanor Beevor notes in her April 2018 article commenting on the spring 2018 protests in Ahwaz:

“These events are the latest in a string of upsets between Ahwaz’s inhabitants and Tehran. This area, known as Al-Ahwaz, is home to the Ahwazi Arabs, an Arab ethnic minority that has suffered grimly as a result of prejudices against them. Within the myriad struggles of discontent in Iran, Ahwazi Arabs have forged their own record of protest, but have paid dearly for their actions. In December 2017, during the mass protests against economic hardship across the country, the Ahwazis held their own demonstrations against government plans to divert more water from Ahwaz to central Iran. This was despite the fact that the Ahwaz area suffers from drought. […]”
In 2005, there was a three-day uprising in Ahwaz when a letter (thought by many to be a forgery) supposedly from an Iranian minister came to light, which detailed plans to grab Ahwazi Arab land and redistribute it to ethnic Persians. 

The latest catalyst for unrest was a particularly undignified one. On the second day of this year’s Nowruz celebrations, Iran’s Channel 2 aired a documentary for children that purportedly showcased the diversity of Iran’s people, and featured dolls wearing the traditional costumes of all its ethnic groups.

However, there were no dolls and no mention for the country’s Ahwazi Arabs, who number between five and eight million. Initially, they launched an online campaign protesting the program, but to no avail. A few days later, Ahwazis scheduled a protest outside the offices of Iran’s broadcasting corporation, demanding an apology for the omission.

There is a widespread suspicion among the Ahwazi that their absence from the program was not an honest mistake, but a continuation of the policy described in the controversial 2005 letter – a policy of erasing Ahwazi identity from Iran’s national landscape.” (Beevor, 11 April 2018)

The May 2017 country report of the Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states that during the reporting period (January 2014 until April 2017), some ethnic Arabs were sentenced to death and/or executed after charges of *moharebeh* (“enmity against God”) and *fisad fil-arz* (“corruption on earth”). Dozens of Arabs, including minors, were arrested in 2015 and detained in the weeks prior to the tenth commemoration of the mass protests and subsequent arrests of April 2005”. According to family members of detainees, the arrests were made by members of the security and intelligence agencies. Arrests are often followed by house searches. Some activists are arrested every year in April and detained for several weeks. (BZ, 29 May 2017, p. 46)

The February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) notes on the treatment of Ahwazi Arabs:

“Some local Sunni-Muslim sheikhs are also a target and recently, they have been accused of Wahhabi and Islamic State propaganda by the authorities.” (DIS/DRC, 23 February 2018a, p. 7)

“The Revolutionary Guard as well as the Ministry of Intelligence are conducting activities in Khuzestan and other places where Ahwazi Arabs live. However, the authorities’ presence is lesser than in the Kurdish areas, two sources highlighted. […]

For Iranian authorities, the red line is crossed when activities conducted by Ahwazi Arabs are interpreted as separatist. A source added that long prison sentences will be issued in cases related to separatist activities. Two sources explained that the Iranian government accepts the Ahwazi Arabs’ culture. Based on anecdotal evidence, an associate professor informed the delegation that different activities including cultural, social and political are accepted for all ages, but it depends on how they are framed. Some of the local tribal
leaders in Khuzestan and other places where Ahwazi Arabs live have been successfully elected to the local councils, and they have even been much outspoken.

Ahwazi Arab journalists may be in the authorities’ spotlight, as well as activists advocating for Ahwazi Arabs’ minority rights. Further, Ahwazi Arabs conducting activities perceived as political may be on the authorities’ radar. [...] 

Ahwazi academics, activists working with Ahwazi history and authors writing in Arabic are under surveillance, a source said. According to another source, the Arabic language is welcome in the Iranian establishment; as an example, the source highlighted the use of Arabic in the call to prayer. Further, most clerics and top leaders have Arabic language skills.

A Western embassy (4) noted that the Ahwazi community has many grievances towards the Iranian state, and it has been quite vocal about it, especially the groups in exile. However, these grievances are not alive in the Iranian society.” (DIS/DRC, 23 February 2018a, pp. 9-10)

An August 2017 report of the UN Special Rapporteur on the situation of human rights in Iran states that:

“The Special Rapporteur received detailed information about the reported persecution of the Arab ethnic minority in the Islamic Republic of Iran known as the Ahwazi Arabs, which included allegations of a change in the ethnic composition of the region through the confiscation of land and the establishment of settlements. Information about 45 cases involving the arrest and detention of Ahwazi Arabs was transmitted during the reporting period. Most of the cases seem to have taken place after participation in cultural and traditional events or protests against environmental degradation. Ali Kaab Omeir, 17 years old, was reportedly arrested in February in the Keyan Abbad neighbourhood of Ahwaz, Khuzestan Province, and remains detained incommunicado for his participation in a protest against a policy aimed at diverting water from Ahwaz to other provinces. In May, three Arab ethnic rights activists, Issa Damni, Mojahed Zargani and Hossein Heydar, were sentenced to a year in prison by branch 4 of the revolutionary court in Ahwaz for organizing Arabic-language classes and promoting ethnic rights.” (UN General Assembly, 14 August 2017, p. 19)

Amnesty International (AI), in an August 2017 press release, reported on the cases of two detained Ahwazi Arab ethnic rights activists affiliated with the now-disbanded cultural rights group Al-Hiwar:

“Mohammad Ali Amouri, a 40-year-old minority rights activist from Iran’s Ahwazi Arab minority and a founding member of a now-disbanded cultural rights group called Al-Hiwar (meaning ‘Dialogue’ in Arabic), has been on death row since 2012. Rahman Asakereh, another founding member of Al-Hiwar, aged 41, has been serving a 20-year prison sentence since 2011. Both men have been punished for their peaceful activities at Al-Hiwar, which included promoting Arabic culture and identity through poetry events, language classes and reading sessions, voicing demands for newspapers in the Arabic
language, and conducting community education to reform traditional practices among Arab clans which are harmful toward women and girls.

Mohammad Ali Amouri was arrested in January 2011 after he was deported to Iran from Iraq despite being a recognized refugee under UNHCR protection. He had left Iran in 2008 after repeated interrogations and dismissal from his teaching position.

Rahman Asakereh was arrested together with several other founding members of Al-Hiwar shortly after, in February 2011. At the time of his arrest, he was studying for a Master’s Degree in Social Sciences at the University of Ahvaz and was working on a dissertation about the challenges faced by bilingual students in Iran’s education system. He had set up a private library at his home in Ramshir (Khalafabad) where youth could borrow books about Arab history and culture.

The arrests of Al-Hiwar members followed years of harassment by intelligence and security officials, who had repeatedly summoned the activists for interrogation and accused them of ‘espionage’, ‘collusion with Ba’athist currents’ and ‘espousal of ethnic tension’.

Following their arrests, Mohammad Ali Amouri and Rahman Asakereh were held for several months in solitary confinement in a secret detention centre in Ahvaz, which was controlled by the Ministry of Intelligence. They have said that, during this period, they were repeatedly tortured, including through sleep and food deprivation, kicking, beatings with electric cables and gas hoses and suspension from the ceiling. The torture was aimed at extracting false ‘confessions’ about the men’s involvement with an armed group intent on overthrowing the Islamic Republic. The exact name and profile of this armed group was never made clear by the authorities.

In June 2012, Mohammad Ali Amouri and Rahman Asakereh stood trial before Branch Two of the Revolutionary Court in Ahvaz. The court dismissed the men’s allegations of torture without ordering an investigation, and relied on their forced ‘confessions’ to convict them of ‘enmity against God’ (moharebeh). Branch 32 of the Supreme Court upheld the sentence in December 2012. In early 2014, Rahman Asakereh was transferred to Mashhad’s Vakil Abad prison in north-eastern Iran, which is very far from his family’s place of residence in southern Khuzestan province. This has inflicted further pain and suffering on Rahman Asakereh and his wife and four children, who cannot afford the cost of travel to see him.” (AI, 2 August 2017, p. 49)

In February 2017, the Center for Human Rights in Iran (CHRI) reports on another case of a detained ethnic Arab activist:

“Ali Kab-Aomair, a 17-year-old ethnic Arab activist, has been held incommunicado since he was violently arrested on February 8, 2017 by agents of the Intelligence Ministry in Ahwaz, Khuzestan Province (southwestern Iran). [...]”

Mohammad Kab-Aomair, Ali Kab-Aomair’s paternal cousin, said that Ali Kab-Aomair was summoned by phone to the Intelligence Ministry’s office in Ahwaz and questioned about his activism and ethnicity before being arrested.
‘Ali went there and the officials asked him why he wore traditional Arab clothing in rallies for the protection of the Karoon River and carried signs in Arabic,’ he told the Campaign on February 12. ‘The officials told him that his friends had been arrested for carrying Arabic banners in Al-Ghadir Stadium in Ahwaz (during a soccer match) to protest Iran’s support for the war in Syria.’

‘The officials wanted to scare him so that he wouldn’t go to protest rallies again,’ added Mohammad Kab-Aomair. ‘As a matter of fact, Ali was very careful and had even deleted photos from his Instagram page that showed him in traditional Arab clothing because the officials are very sensitive about it, but they suddenly raided his home and arrested him.’”

(CHRI, 15 February 2017)

6.4.3 Baluchis (Balochs)

In its June 2018 Country Information Report on Iran the Department of Foreign Affairs and Trade of the Australian Government (DFAT) states that:

“Baluch primarily reside in the arid south-eastern province of Sistan and Baluchistan, a poorly developed area bordering Pakistan and Afghanistan with limited access to education, employment, healthcare, and housing. Drug smuggling is prevalent and the rule of law in the province is weak. Around ten per cent of the predominantly Sunni Baluch are nomadic or semi-nomadic. Baluch are under-represented in the provincial government. Baluch rights activists claim that more than 70 per cent of Baluch live below the poverty line. They further claim that Baluch journalists and human rights activists are subject to arbitrary arrest, physical abuse and unfair trials; and that authorities pressure the families of detainees to remain silent, under threat of retaliation for speaking out about cases.”

(DFAT, 7 June 2018, p. 18)

The March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that:

“Baluchis are an ethnic group spread across Iran, Pakistan and Afghanistan. The Baluchi population in Iran is estimated to be somewhere between 2 and 3 million. Most live in Sistan-Baluchestan, the country’s poorest and most underdeveloped province. They are speakers of the Baluchi language and the majority are Sunni Muslims, so face intersectional discrimination.” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, pp. 9-10)

In a March 2018 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on human rights in Iran specifies that reportedly more than 80 percent of the citizens residing in Sistan and Balochistan province “are of Baloch ethnic background and adhere to the Sunni faith”. (HRC, 5 March 2018, p. 17)

The April 2018 US Department of State (USDOS) country report on human rights practices, (covering the year 2017) notes that:

“Local and international human rights groups alleged discrimination during the year against the Baluchi ethnic minority, estimated at between 1.5 and two million persons. Areas with large Baluchi populations were severely underdeveloped and had limited access to
education, employment, health care, and housing, and Baluchi activists reported that more than 70 percent of the population lived below the poverty line.

According to activist reports, the law limited Sunni Baluchis’ employment opportunities and political participation. Activists reported that throughout the year, the government sent hundreds of Shia missionaries to areas with large Sunni Baluch populations to try to convert the local population. According to Baluchi rights activists, Baluchi journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials.” (USDOS, 20 April 2018, section 6)

In a July 2018 article the Center for Human Right in Iran (CHRI) addresses the case of Abdollah Bozorgzadeh, a Baluchi rights activist who was detained in the Iranian city of Iranshahr in Sistan and Baluchistan province in June 2018 “during a rally to protest the alleged rape of dozens of women”. According to the article the location of Bozorgzadeh remained unknown three weeks after his detention (CHRI, 11 July 2018b).

In a May 2018 article RFE/RL states that “Zahedan, the provincial capital of Sistan and Baluchistan, has been the scene of occasional clashes between Iranian security forces and Baluch separatists.” (RFE/RL, 26 May 2018)

In another article, dated 26 June 2018, RFE/RL mentions that Sistan and Baluchistan province “lies on a major smuggling route for Afghan opium and heroin” and that “Iranian security forces frequently clash with militants and drug traffickers” there. (RFE/RL, 26 June 2018)

According to a March 2016 RFE/RL article, “Iranian Vice President Shahindokht Molaverdi has “come under fire” for claiming that “the entire male population of a village in restive Sistan-Baluchistan Province has been executed on drug-related offenses”. Molaverdi made the claim on 23 February 2016 in an interview with the Mehr news agency. The article goes on to state that she did not specify “the name of the village or the number of people executed” and that she was accused by local officials “of spreading lies and damaging the province”. RFE/RL further states that Molaverdi was quoted by a local website as saying that “she does not plan to give any interviews on the matter”, while “Mohammad Javad Larijani, head of the Iranian judiciary’s Human Rights Council, told CNN on 1 March 2016 that he will deal with this case and “suggested that the number of those executed in the village was small” (RFE/RL, 2 March 2016). On the same subject the US-based magazine Foreign Policy states in a February 2016 article that:

“Last July, Amnesty International claimed Iranian authorities executed nearly 700 people in what the rights group labeled a six-month ‘execution spree.’ According to Amnesty, that was almost as many people as were executed in Iran in all of 2014, and most of the victims were put to death for drug-related offenses. As it turns out, many of them may have come from a single village in southern Iran, where Iranian Vice President for Women and Family Affairs Shahindokht Molaverdi said every adult male was executed after being found guilty on drug-related charges. [...]

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The close proximity to Afghanistan’s opium industry made [Sistan and Baluchistan province] an easy target for drug smugglers, and roughly a decade ago almost 4,000 Iranian police officers were killed while trying to shut down those routes. But executing heads of households in the already impoverished region and not taking measures to then care for their family members, Molaverdi said, will only further the problem.” (FP, 26 February 2016)

Regarding citizenship, statelessness and access to state social assistance, health care, and education of adherents of the Baloch ethnic group, the UN Special Rapporteur on the situation of human rights in Iran states that:

“There are no official statistics on the number of Baloch citizens without proof of citizenship but based on available data number over 20,000. Many do not have official proof of citizenship and therefore face multiple challenges including exclusion of access to state social assistance including welfare payments, health care, and education. Additionally, they face challenges in obtaining utilities such as water, electricity and phone service, and are at risk of statelessness. In 2013, officials ordered an expedited process for cases in which birth certificates of applicants likely be Iranian would be issued. This resulted in the issuance [of] 24,000 birth certificates. Many cases remain unaddressed due to challenges faced by Baloch families in accessing the needed documentation. In a positive development, the Cabinet of Ministers requested the Ministry of Education to issue a special card for children without birth certificates so they could attend school. According to the officials, over 20,000 such children registered for school in the province and 19,000 were allowed to attend.” (HRC, 5 March 2018, p. 17)

For information regarding the militant groups Jaish al-Adl and Jundallah, please refer to section 4.12 of this compilation.

6.4.4 Azerbaijani (Azeri) Turks

The March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that:

“Azerbaijani Turks (also referred to as Azerbaijanis, Turks or Azeris) are Iran’s largest ethnic minority and number as many as 15 million. They are mostly found in north and northwestern Iran, in the provinces of West Azerbaijan, East Azerbaijan, Ardabil and Zanjan. Most are Shi’a Muslims like the Persian-majority population of Iran. However, as speakers of Azerbaijani Turkish, lack of recognition of their language rights has been a persistent grievance.” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 9)

The Congressional Research Service (CRS) notes in its November 2017 paper on Iran that Azeris, who are of Turkic ethnicity, “are mostly well integrated into government and society”, however “many Azeris complain of ethnic and linguistic discrimination”. There are arrests of Azeris who “press for their right to celebrate their culture and history” every year, as the government “accuses them of promoting separatism”. (CRS, 21 May 2018, p. 15)
The April 2018 US Department of State (USDOS) country report on human rights practices, covering the year 2017 notes that ethnic Azeris, numbering approximately 13 million and representing 16 percent of the population, “were more integrated into government and society than other ethnic minority groups”. There were reports by Azeris that “the government discriminated against them by harassing Azeri activists or organizers, and changing Azeri geographic names” (USDOS, 20 April 2018, section 6). The USDOS also refers to the Center for Human Rights in Iran (CHRI) reporting the 2014 arrest of four Azeris and their conviction to prison sentences in February 2017:

“According to a CHRI report in February, authorities arrested four Azeris and charged them with ‘forming an illegal group’ and ‘assembly and collusion against national security’ for peaceful activism on International Mother Language Day. Alireza Farshi was sentenced to 15 years in prison and two years in exile, while Akbar Azad, Behnam Sheikh, and Hamid Manafi were sentenced to 10 years in prison and two years in exile. The activists were reportedly opposing a government ban on the teaching of Turkish alongside Persian in schools.” (USDOS, 20 April 2018, section 6; see also CHRI, 23 February 2017)

The CHRI also reports on the case of activist Abbas Lesani in April 2017:

“Azeri ethnic rights activist, is being tried for advocating state recognition of his mother tongue and making a speech at his friend’s wedding calling for an end to the discrimination of Azeris in Iran. Speaking in an interview with the Center for Human Rights in Iran (CHRI) on April 10, 2017, Lesani said his first trial was held in the Revolutionary Court in Meshkinshahr, Ardabil Province, on March 7 for the charges of ‘acting against national security’ and ‘propaganda against the state.’ This week he was tried at the Revolutionary Court in Ahar, East Azerbaijan Province, for allegedly ‘organizing and leading opposition groups intent on overthrowing the state.’ […] Lesani has already spent a year in prison for ‘propaganda against the state.’ He was released in June 2016.” (CHRI, 14 April 2017)

Voice of America (VOA), an international broadcaster funded by the US government, reports in July 2018 that police arrested 17 activists who wanted to promote minority Azeri rights at Babak Fort:

“Residents of Iran’s northwestern ethnic Azerbaijani region say police have arrested 17 local activists to prevent them from staging an annual rally at a mountain fortress to promote minority Azeri rights. In messages sent to VOA Persian on Thursday, the residents provided names of the 17 activists who they said had been detained in recent days. They said the arrests happened in several cities, including Tabriz and Ahar in East Azerbaijan province and Meshgin Shahr in neighboring Ardabil province. […] Iranian Azerbaijanis traditionally have climbed the steep path to Babak Fort in early July to celebrate what they say is Babak’s birthday. A resident of the region sent VOA Persian a mobile phone video of the fort’s ramparts on Thursday, saying the clip had been filmed earlier in the day. About a half-dozen police officers can be seen in the clip, with a similar number of other people nearby, who appear to be tourists.” (VOA, 5 July 2018)

CHRI reports in detail about the events at Babak Fort in July 2018:
“Several ethnic rights activists detained at an annual celebration at Babak Fort in Iran’s East Azerbaijan Province required medical attention after being violently interrogated. ‘All of the 20 people so far have been released from the [Intelligence Ministry’s] detention center in Kaleibar have signs of physical abuse and broken bones,’ an Azeri rights advocate told the Center for Human Rights (CHRI) on July 10. [...] According to the source, several activists were taken into custody on July 5 and 6 while taking part in a peaceful ceremony held every year at the fort, which is believed to be the historical stronghold of Babak Khorramdin, a ninth-century rebel who fought against Islamic rulers. Several other people were also arrested during the three weeks leading up to the event. [...] ‘We were going to hold a gathering at Babak Fort just like every year,’ the Azeri activist told CHRI. ‘But since June 22, agents have been summoning and detaining known activists and so far our figures show more than 80 people have been taken into custody. Some of them were quickly released but around 50 of them are still in detention at unknown locations.’ The source added that the detainees have been denied access to legal counsel and that the judicial authorities are not responding to inquiries by their relatives.” (CHRI, 11 July 2018a)

A comprehensive paper on identity, society, and regional security with regard to the Azerbaijani population in Iran was written by Emil Souleimanov, Associate Professor at Charles University in Prague, and Josef Kraus, Assistant Professor at Masaryk University in Brno, in September 2017 and can be found under the following link:

- Souleimanov, Emil Aslan/Kraus, Josef: Iran’s Azerbaijan Question in Evolution. Identity, Society, and Regional Security. Silk Road Paper published by Central Asia-Caucasus Institute, September 2017
  

6.4.5 Khavaris and Afghan-origin communities deprived of Iranian citizenship

According to an April 2018 report on Afghans in Iran, the Swedish Migration Agency (Migrationsverket) states that “Iran is hosting approximately 950,000 Afghan refugees with assistance from UNHCR”, who are “holders of amayesh-cards, granting them legal residency and basic social services in Iran”. Moreover, there is “a significant number of Afghan citizens residing and working illegally in the country” and “around 620,000 Afghan citizens in Iran holding temporary permits, like work or student visas, for their stay in the country”. (Migrationsverket, 10 April 2018, p. 4)

The Swedish Migration Agency refers to information obtained from an international NGO in Tehran in November 2017, when stating that Afghans who arrived in Iran before 2001 were allowed to register for an ‘amayesh-card’ and therefore are allowed to have access to the health system and to education. Following the same source, those who already registered before 2001 have to renew their registration, whereas those who have arrived in Iran after 2001 do not have the possibility to register for an ‘amayesh-card’. (Migrationsverket, 10 April 2018, p. 10)

The Norwegian Country of Origin Information Centre (Landinfo) states in its April 2018 report on Afghans in Iran that around half of this group does not have legal residency status. Landinfo
elaborates that there are only limited options to receive an Iranian citizenship or a permanent residence even for Afghan families who have lived in the country for generations. Landinfo refers to information obtained from an international NGO in Tehran when stating that individuals who newly arrive in Iran are not allowed to apply for protection and that the Iranian asylum system does not provide any procedures for assessing protection needs. (Landinfo, 16 April 2018, p. 7)

In a study on Afghans living in Iran, the Afghanistan Research and Evaluation Unit (AREU) writes in October 2005 that the first documented migration of Afghans to Iran took place around 1850, when around 5,000 Hazara households moved to Iran, before another 168,000 Afghans settled in the east of Mashad in the late 19th century. The source states that in the 1930ies “Hazaras from Afghanistan were officially categorised as a tribal group called Khawari and represented at ceremonies and Iranian national celebrations”. (AREU, October 2005, p. 10)

Regarding the group of Khavaris, Jason Tucker, a graduate student at the Center for Development Studies of the University of Bath, explains in his 2014 paper on statelessness and nationality in Iran:

“Despite their long history in Iran, the nationality of the Khavaris is disputed by the Iranian authorities. The Khavaris today are, by default, deemed to be Afghan by the Iranian authorities, if they fail to present ID cards showing they are of Iraqi or Iranian nationality - although many are not Afghan nationals. Moreover, even Khavaris in possession of Iranian documents now appear at risk of statelessness. In 2004, some had their birth certificates confiscated. Similarly in 2005 there was an increase of cases of Khavaris reporting that their birth certificates had been nullified.” (Tucker, 2014, p. 13)

In above-cited report, the Swedish Migration Agency refers to figures obtained from a 2011 report of the Middle East Institute and the independent French think-tank Fondation pour la Recherche Stratégique and notes that Afghans in Iran consist of different ethnic groups, including Hazara, Tajik, Pashtun, Baloch and Uzbek (Migrationsverket, 10 April 2018, p. 19). In a 2015-2016 project portfolio, UNHCR states that Hazaras and Tajiks represent over 70 per cent of Afghans in the country (UNHCR, 2015, p. 5). Regarding their integration into the Iranian society, the Swedish Migration Agency states that Hazara and Tajiks benefit from speaking Dari and further notes that Hazara have another thing in common with the majority of the Iranian society, as they are typically Shia Muslims (Migrationsverket, 10 April 2018, p. 19).

In terms of the composition of the group of Afghans in Iran, Landinfo refers to its complexity and diversity and states that the Afghans in Iran differ regarding their status, their length of stay, their personal and financial resources and their level of adaptation to the Iranian community. (Landinfo, 16 April 2018, p. 8)

Following a 2013 Human Rights Watch (HRW) report, Landinfo states that amayesh-registered Afghans are allowed to work, however, only under strict conditions and only in specific sectors (Landinfo, 16 April 2018, p. 18). In its 2013 report, HRW elaborates that “registered Afghan refugees are entitled to apply for temporary work permits”, but these are difficult to acquire as they are expensive and as “the Iranian government has not consistently and freely issued
them in recent years”. HRW further notes that often the “narrowly defined occupational fields” Afghans are allowed to work in consist of “not only poorly paid, but dangerous” jobs (HRW, November 2013, pp. 70-71). In its 2013 concluding observations, the UN Comitee on Economic, Social and Cultural Rights (CESCR) expresses its concerns on the fact that “Afghan workers are often paid less than the minimum wage, or are faced with non-payment of wages” (CESCR, 17 May 2013, p. 4).

In its aforementioned report, Landinfo states that in some cases, Afghans who migrate to Iran are met with goodwill, while in other cases they have to face harsh discrimination and harassments. Landinfo further refers to a migration researcher in Tehran, when stating that around 60% of the Afghans in Iran can be termed as marginalized (Landinfo, 16 April 2018, pp. 8-9). In June 2018, Radio Free Europe/Radio Liberty (RFE/RL) reports that Afghan migrants “frequently face discrimination and resentment among other Iranians who blame them for joblessness and other social ills, and are thought to have been recruited by the hundreds for combat duty in nearby Syria [...]]” (RFE/RL, 12 June 2018).

Regarding the (coerced) recruitment of Afghan migrants for the Syrian conflict, the Swedish Migration Agency states in the English summary of its May 2018 report:

“Ever since the first years of conflict in Syria, Shiite Afghans (primarily Hazara) have been recruited by the Revolutionary Guard in Iran and sent to Syria in order to fight for the Assad regime. Many of them have signed up voluntarily when offered strong incitements like permanent residence permits in Iran and considerale salaries. Several Afghans who have been subjected to recruitment do, however, claim that Iran is using coercion when recruiting. When scrutinizing these claims that have been published they seem to refer to a situation when Afghans without legal residence in Iran have been found by Iranian authorities and forced to choose between fighting in Syria or being deported to Afghanistan.” (Migrationsverket, 23 May 2018, p. 4)

In its Trafficking in Persons Report 2018, the US Department of State (USDOS) further notes that “[g]overnment officials were allegedly complicit in the coerced recruitment of Afghan men and boys as young as 13 years old residing in Iran to fight for Iranian-supported militias operating in Syria.” (USDOS, 28 June 2018)

In the English summary to its April 2018 report, the Swedish Migration Agency describes the approach of the Iranian government regarding the Afghan population within the country as follows:

“The main focus of the Iranian government has for many years been the voluntary return of the registered Afghans, but in recent years there has been a shift in their practical stance. There have been new progressive developments for the Afghan population living in Iran enabling them to become better prepared for future repatriation as well as better equipped for contribution to the Iranian society while living there.

This practical shift has partly been brought about by realities on the ground in Afghanistan as the precarious security situation there means that there is currently no sustainable
return for all the Afghans from Iran. The positive developments for Afghans in Iran does not only include the amayesh-registered population but also Afghans residing illegally in the country. Since an educational decree was issued by the Supreme Leader in Iran in 2015 all Afghan children in the country have the right to free basic education. Furthermore, in 2017 the government initiated a headcount exercise that by mid-September had covered around 800 000 illegal residents in the country, most of them Afghans. Participating in the headcount implies the possibility of being protected from deportation for the time being. No one knows the end state yet of this headcount exercise, but it may eventually open up for the headcounted to get their stay in Iran regularized through temporary visas, as was the case with a previous programme launched in 2010 called the Comprehensive Regularization Plan.

Even though there have been progressive developments for Afghans in Iran during recent years, there are still plenty of hardships faced by many of the Afghans living in the country. Afghans are still subjected to a number of restrictions in areas like work, higher education, ownership of property and freedom of movement. It also remains a fact, that in spite of the headcount and other positive developments for the unregistered Afghans, a huge number of Afghans are still being deported from Iran every year.” (Migrationsverket, 10 April 2018, p. 4)

Detailed information on the situation of Afghans in Iran, on their legal status, their access to community service and education, restrictions on work, ownership and freedom of movement and the cultural conditions can be obtained from the reports of Migrationsverket (in Swedish) and Landinfo (in Norwegian), both published in April 2018:


6.5 Treatment of women

6.5.1 Freedom of movement

In a May 2017 report, Human Rights Watch (HRW) elaborates on the issue of freedom of movement of married women:

“According to Article 18 of Iran’s passport law, married women, including those under the age of 18, must receive permission from their husbands to get a passport. While the permission to travel abroad can be included in the marriage contract, a husband’s written consent must be presented along with a passport application. Even if a husband grants permission to his wife when she is applying for a passport, he can always change his mind and prevent her from traveling abroad. This legal provision allows men to prevent their wives from traveling for any reason and at any point in time. In an emergency situation, however, the prosecutor can grant permission for women to travel without such permission.” (HRW, 25 May 2017, p. 33)
A May 2016 report of the UN Special Rapporteur on the situation of human rights in Iran equally states that married women require their husband’s permission to apply for a passport. The article goes on to specify that in an “emergency situation” the local prosecutor can also give the required permission (HRC, 26 May 2016, p. 15). However, in a July 2017 article, the Center for Human Rights in Iran (CHRI), an independent NGO based in New York, mentions that “obtaining permission from a prosecutor would remain extremely difficult”. A member of Iran’s Bar Association told CHRI that “she was aware of only one case of a local prosecutor granting permission to a wife to travel abroad without her husband’s consent” (CHRI, 18 July 2017).

In a July 2017 article, the Tehran-based private English-language newspaper Iran News notes that under the current law, “all Iranians under 18 years of age — both male and female — must receive paternal permission before receiving travel documents”. For women over the age of 18, the news article states that they require the “written consent of their father or guardian to obtain a passport” (Iran News, 28 July 2017). In a February 2014 article, Al-Monitor, an online news platform for news coverage on the Middle East, also discusses the issue of travel restrictions for Iranian women. The article points out that a bill passed by the Majles [Parliament] in November 2013 requiring “single women to obtain a notarized permit from their father or male guardian” for each departure was revoked following heavy criticism. As explained by an Iranian MP who is a member of the Majles’s National Security and Foreign Policy Committee, under current legislation, “single Iranian women over the age of 18 can obtain a passport with their father or grandfather’s official permission”. The Iranian MP further states that “once a woman has her passport, she is cleared to exit the country, and there is no need for male permission to be obtained for every departure” (Al-Monitor, 2 February 2014, as cited in ACCORD, December 2015).

As indicated in a January 2013 article of the Guardian newspaper, divorced women are “free to hold a passport and leave the country without permission” (Guardian, 15 January 2013).

On the issue of in-country movement, the USDOS states in its country report on human rights practices for the year 2017 that “[w]omen often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for traveling alone.” (USDOS, 20 April 2018, section 2d)

With reference to Iran’s civil code, German international broadcaster Deutsche Welle (DW) notes in a September 2017 article that “a husband can also ban his wife from traveling internationally or working, if he believes that his wife starting a job is incompatible with the interests of the family or with his or his wife’s dignity” (DW, 27 September 2017). According to Freedom House’ Freedom in the World 2018 report which covers the year 2017, women are also “banned from certain public places, such as sports stadiums” (Freedom House, January 2018, section G).

Information on gender segregation can be found in section 6.5.4 of this compilation.
Marriage, divorce, adultery, premarital relations

Marriage

In its March 2013 commentary on Iranian laws that affect gender equality, the Iran Human Rights Documentation Center (IHRDC) states that under Islamic sharia, marriage is defined as a contract which “makes sexual relations between a man and woman lawful” and establishes “a set of default rights and duties for each party, some supported by legal force, others by moral sanction”. The contract involves 1) the making of a marriage offer by the woman or her guardian, 2) its acceptance by the husband and 3) mahri [Persian: mahriyeh], which is “money or a valuable item that the husband pays or pledges to pay the wife”. (IHRDC, 8 March 2013)

The IHRDC goes on to elaborate on the contractual rights and duties of husband and wife:

“[T]he marriage contract sets forth certain rights and duties for both parties. Each one’s duty is the other one’s right and there is a direct link between rights and duties. These include the woman’s duty to tamkin (sexual submission and obedience) and the man’s duty to pay mahriyeh and provide nafaqa (maintenance). If one party fails to perform his/her duties s/he may lose his/her rights.” (IHRDC, 8 March 2013)

A June 2015 report compiled by the Finnish Immigration Service (FIS), which refers to a variety of sources, states:

“The man is the head of the family, and the woman lives in the family under a male guardian (wali). Before marriage, a woman’s guardian is her father or grandfather, and, after marriage, her guardian is her husband. [...] A woman who is marrying for the first time, and who is assumed to be a virgin, cannot choose her spouse freely but needs permission from her guardian. In special circumstances, a court can give a woman permission to marry if her father does not have a just reason to object to the marriage. This applies to both permanent and temporary marriages.” (FIS, 26 June 2015, pp. 8-9)

HRW in its 2018 world report (reporting year 2017) similarly states that a “virgin woman needs her male guardian’s approval for marriage” and specifies that this approval is required regardless of the woman’s age (HRW, 18 January 2018).

Article 13 of the Constitution of the Islamic Republic of Iran of 1979, which was last amended in 1989, states that Iranian Zoroastrians, Jews and Christians are, “within the limits of the law, [...] free to carry out their religious rites and practice their religion” in matters including personal status. (Constitution of the Islamic Republic of Iran, 1989, Article 13)

Underage marriage

In its February 2018 human rights report, Amnesty International (AI) notes that in Iran the legal age of marriage for girls remained 13 years. However, the report further notes that “fathers and grandfathers could obtain permission from courts for their daughters to be married at an even younger age.” (AI, 22 February 2018)
The underlying provisions can be found in Article 1041 of the Civil Code (CC) (English translation as provided by IHRDC) which defines the minimum age of marriage for boys and girls as follows:

“Marriage of girls before reaching the age of 13 full solar years and boys before reaching the age of 15 full solar years is subject to the permission of the Guardian and on condition of taking the child’s best interest into consideration and approval of the relevant court.” (IHRDC, 8 March 2013)

The UN Special Rapporteur on the situation of human rights in Iran states in a March 2018 report that she “received further information concerning the ongoing prevalence of child marriage” in Iran and points out that “girls can be married as young as nine with the permission of the court” (HRC, 5 March 2018, p. 15). Meanwhile, IranWire, a joint venture of a group of Iranian journalists in the diaspora, notes in an October 2017 article that “Iran effectively has no minimum age for marriage” (IranWire, 13 October 2017). The June 2015 report of the Finnish Immigration Service (FIS) similarly remarks that “there is no consensus on the lowest acceptable age for marrying in Iran” and goes on to elaborate on marriages of girls younger than 13 years and boys younger than 15 years, which require “the guardian’s consent and a court’s permission”:

“The Islamic law underlying Iran’s codified legislation considers a child ready for marriage once he or she reaches puberty: the age of maturity is therefore eight years and nine months (9 lunar years) for girls and 14 years and seven months (15 lunar years) for boys. The Civil Code nevertheless permits marriages of even younger children. [...] The question of a child’s maturity for marriage purposes is settled by Marriage Register Offices.” (FIS, 26 June 2015, pp. 11-12)

As stated by IranWire in a July 2016 article, by law a girl can “object to the marriage, and prevent it”. However, the article goes on to point out that “girls under the age of 13 are normally dominated by the wishes and decisions of their fathers” and therefore “cannot realistically object, the only hope of preventing such marriages is through the courts”. According to the article, courts “can refuse permission if it deems the marriage to be against the interests of the girl, as stipulated in Article 1041 of the Civil Code.” (IranWire, 11 July 2016)

Regarding the prevalence of underage marriage in Iran, the CHRI notes in an August 2017 article:

“The most recent Interior Ministry figures show that 17 percent of all females who got married in the nine months between March and December 2015 were under the age of 18. More than five percent of them were under 15. The largest number of child marriages registered during the same period were in Sistan and Baluchistan, Khuzestan, Khorasan Razavi, East and West Azerbaijan, Fars, Zanjan, Tehran, Hamadan and Mazandaran provinces respectively.” (CHRI, 17 August 2017b)

A June 2016 report by the UN Children’s Fund (UNICEF) indicates that as of 2014 three percent of girls in Iran were married by the age of 15, and 17 percent of girls were married by the age of 18 (UNICEF, June 2016, p. 151). A September 2017 article of Deutsche Welle notes with
reference to UNICEF’s figures that “the real number of child marriages in Iran could be much higher, as many of the marriages are not officially registered” (DW, 11 September 2017).

**Divorce**

In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran states that “[w]omen do not have equal rights to men in marriage, divorce, child custody, or inheritance.” The report also notes that “[h]usbands have an incontestable right to divorce” (HRC, 5 March 2018, p. 15). According to the USDOS, a “husband is not required to cite a reason for divorcing his wife” (USDOS, 20 April 2018, section 6).

The IHRDC in its March 2013 commentary on Iranian laws notes on the issue of women’s rights in divorce:

> “On November 19, 1992, the law of ‘Correction of Divorce Rules’ was adopted by the Expediency Council according to which the requirement of the intervention of the Special Civil Court and the certificate of impossibility of reconciliation was stressed. Moreover, it was provided that divorce should only be granted if all the wife’s rights including nafaqa, mahriyeh, etc. were either paid or the wife is content. The law also extended the divorced wife’s financial rights to the right to sue for payment for household services during the marriage.

> Article 1133 of the Civil Code was another article that was amended in 2002. While the old article provided that a man could divorce his wife whenever he wishes without any judicial procedure, the amended article provides:

> ‘A man can divorce his wife under the conditions of the current law and by applying to the court.

> Note- A woman, too, and according to articles 1119, 1129 and 1130 of the current law can request a divorce from the court.’” (IHRDC, 8 March 2013)

The USDOS states that women have the right to divorce in a number of circumstances:

> “A woman has the right to divorce if her husband signs a contract granting that right; cannot provide for his family; has violated the terms of their marriage contract; or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. The law recognizes a divorced woman’s right to part of shared property and to alimony. These laws were not always enforced.” (USDOS, 20 April 2018, section 6)

A September 2017 article by the Thomson Reuters Foundation notes that if a wife’s husband is unwilling to divorce, “the wife must legally prove that he is abusive, has psychological problems or is somehow unable to uphold his marriage responsibilities.” (Thomson Reuters Foundation, 18 September 2017)

The IHRDC in its March 2013 commentary on Iranian laws also deals with the circumstances under which a wife can refer to the court to ask for divorce. The IHRDC cites Article 1130 of the
Civil Code (CC) which states that “if it is proved to the court that the continuation of the marriage will cause osr-va-haraj (intolerable difficulty and hardship) [...], the judge can compel the husband to divorce his wife. The same article further states that “[i]f it is not possible to compel the husband, then, [the wife] shall be divorced by permission of the judge.” (IHRDC, 8 March 2013)

A note that was added to Article 1130 in July 2002 specifies the circumstances that need to be proven for a case to be considered as osr-va-haraj (English translation as provided by IHRDC):

“Note (added on 20/7/2002) - The osr-va-haraj (intolerable difficulty and hardship) mentioned in this article refers to the conditions that make the continuation of [marital] life intolerable and difficult for the wife; the following circumstances, if proved in the relevant court, shall be considered as a case of osr-va-haraj:

1 - The husband’s leaving of marital life for, at least, six consecutive months, or, nine alternative months in a one year period, without any acceptable reason.

2 - The husband’s addiction to any kind of drugs or alcohol that, damages the marital life, and his refusal, or impossibility of compelling him, to quit the addiction in a period prescribed by the doctor. If the husband does not fulfill his promise [to quit], or, again begins his abuse, the divorce shall be granted by the request of the wife.

3 - Final conviction of the husband to five years, or more, imprisonment.

4 - Wife battery or any kind of mistreatment of the wife that is intolerable in the wife’s condition.

5 - Husband’s affliction to incurable mental illnesses or contagious disease or any kind of incurable diseases that disrupts the marital life.

The circumstances mentioned in this article are not exhaustive and the court may grant the divorce in other cases that osr-va-haraj is proved in the court.” (IHRDC, 8 March 2013)

Custody

On the issue of custody for children after divorce, the USDOS states that “[t]he law provides divorced women preference in custody for children up to age seven, but fathers maintain legal guardianship rights over the child and must agree on many legal aspects of the child’s life (such as issuing travel documents, enrolling in school, or filing a police report)” (USDOS, 20 April 2018, section 6). The IHRDC in its March 2013 commentary on Iranian laws explains the difference between custody and guardianship under Iranian law noting that custody is the “physical custody of children and raising them” which – under Article 1168 of the Civil Code (CC) – is the “right and duty of both parents”. Guardianship “mainly deals with legal and financial issues and primarily belongs to the natural guardian (vali-ye-qahri), i.e. the father and/or paternal grandfather”. (IHRDC, 8 March 2013)
A 2017 study on children’s rights conducted by London-based Persia Educational Foundation cites article 1169 of the Civil Code including a 2003 amendment on this issue:

“A mother has preference over others for seven years from the birth of her child for the custody and maintenance of the child whose parents do not live in the same house. After the lapse of this period, custody will devolve to the father. Amendment: If there is any dispute between the parents after the child turns seven years old, it is up to the court to determine the custody according to the child’s best interest. (Announced by the Expediency Discernment Council on November 29, 2003).” (Persia Educational Foundation, 2017, p. 8)

With respect to the abovementioned amendment the study, however, observes:

“But in reality the scenarios witnessed in family courts tell a different story. The woman must go through complicated procedures to claim custody of her children and even after providing sufficient proof that the father is a substance abuser or is morally ineligible, the court often rules for a compromise or grants custody to the father on grounds of better financial capabilities. […] Most legal procedures do not give the woman a chance to acquire the qualifying condition to peacefully take custody of her child.” (Persia Educational Foundation, 2017, p. 8)

The study goes on to cite article 1170 of the Iranian Civil Code which stipulates that “the custody will devolve to the father” if the mother “becomes insane or marries another man during her period of custody”. The study also mentions that while a mother loses custody to her child if she marries another man, “the law remains silent about the father who marries another woman”. (Persia Educational Foundation, 2017, p. 8)

The IHRDC in its March 2013 commentary on Iranian laws elaborates on the provisions concerning custody and guardianship in the case of the husband’s death:

“[I]n the case of the husband’s death, a woman naturally acquires custody of her children (Article 1171), but, as discussed earlier, loses the custody if she remarries (Article 1170). Moreover, even when the child’s father dies, the mother cannot become the child’s natural guardian (vali). Rather, in that case, the child’s paternal grandfather will be his/her natural guardian. In fact, a woman is not entitled to natural guardianship (velayah) of her children under Islamic and current Iranian laws.” (IHRDC, 8 March 2013)

Adultery

In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran states that “[a]dultery (covered by the offence of ‘zina’) remains criminalised, with punishments ranging from lashing to stoning to death (HRC, 5 March 2018, p. 15). The USDOS notes that “women sometimes receive disproportionate punishment for crimes such as adultery, including death sentences” (USDOS, 20 April 2018, section 6). In its June 2015 report the Finnish Immigration Service remarks that “[a]dultery carries the death penalty under both the Islamic Sharia law and the Iranian Penal Code”, however, it also mentions that sentencing offenders to death is “rare in practice” (FIS, 26 June 2015, p. 16).
The Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) in February 2018 released a joint paper on relations outside of marriage in Iran and marriages without approval of the family. Referring to a number of anonymous sources and Western embassies, the paper notes:

“Adultery or extramarital relations are prevalent in Iran, and divorcing is increasing and becoming more common. Adultery cases require four male and two female witnesses before the court to pass a penalty of stoning which applies to married persons, a source explained. In cases where one of the involved is unmarried it requires two male witnesses and four female witnesses to pass a penalty of lashes, or four confessions from the parties involved. According to the source the police usually do not intervene, at least in large cities, unless there is a private complainant. A confession is as well required in adultery trial cases. Practice regarding dealing with adultery cases by the authorities has changed. A Western embassy explained that adultery cases rarely go to the court. An anonymous legal source added that the judges know how the society has changed and are trying to get around cases of adultery. Furthermore, in practice, punishments like stoning are no longer being practiced in major Iranian cities but provincial and less-urban areas of Iran are still witness to such practices, the same source stated.” (DIS/DRC, 23 February 2018c, pp. 6-7)

An August 2016 article of the IranWire specifies the legal provisions regarding the punishment for extramarital sexual intercourse (zena):

“The punishment for zena is stoning if it can be established that the man or the woman are medically sane and able to engage in sexual intercourse with their legal spouses but have had extramarital sex. The punishment for zena can be execution in the following circumstances:

- If a couple engages in zena with a blood relative who they are prohibited from marrying, both people will be condemned to execution.

- If a man sleeps with his step-mother, he will face execution; [and since the step-mother is married, she will be condemned to stoning].

- If a non-Muslim man has intercourse with a Muslim woman, the man will be punished by execution.

It is also worth mentioning that the punishment for rape — which also falls under the definition of zena — is execution. So in Iran, a person found guilty of consensual extramarital sex can be handed down the same sentence as a rapist. Although execution is not always the punishment for other types of zena — depending on the case, punishment could result in the guilty party receiving lashes — it is perhaps surprising that such a scenario exists under Iranian law.” (IranWire, 2 August 2016)

Referring to various anonymous sources and Western embassies, the DIS and the DRC note in their joint report from February 2018:

“Another source added that sometimes people are accused not for adultery, but for instance of not following societal norms and the religious lines. An anonymous analyst said
that for less serious sex offenses such as kisses or lying naked under the same cover, the sentence will be from 74 up to 99 lashes regardless and irrespective of whether or not the partners were married or not or one of them was married. A Western embassy noted that indecent behaviour might be punished with a cash fine. (DIS/DRC, 23 February 2018c, p. 8)

**Premarital relations**

The Center for Human Rights in Iran (CHRI) in its June 2016 article notes that the “increasing popularity of Iranian couples living together without getting officially married has alarmed officials of the Islamic Republic.” The article points out that the “Iranian law does not recognize relationships outside of registered marriages, and considers them to be ‘illegitimate’ criminal acts.” According to the CHRI unmarried couples can be summoned to court and they can be punished based on article 637 of Iran’s Criminal Code (CHRI, 6 June 2016). The IHRDC in July 2013 provides an unofficial translation of book five of the Islamic Penal Code of Iran, which cites the abovementioned Article 637 as follows:

“Article 637- When a man and a woman who are not married to each other, commit indecent acts other than zina, such as kissing or sleeping next to one another, they shall be sentenced to up to ninety-nine lashes; and if the act is committed by force only the one who has used force shall be punished as ta’zir.” (Islamic Penal Code, 2013, Article 637, as translated in IHRDC, 18 July 2013)

Referring to a number of anonymous sources, the February 2018 DIS/DRC report notes:

“By law, relationship between a man and a woman outside a marital relationship is punishable by 100 lashes but the punishment varies depending on the specific case [Footnote 22: An anonymous analyst: 36; an anonymous legal source: 46, 47]. A source added that it could end up between 6 months – 1 year in prison and usually ends up with detention for some time.” (DIS/DRC, 23 February 2018c, p. 6)

The DIS/DRC report goes on to elaborate on the enforcement of the law:

“Generally, the police do not crack down on white marriages [Footnote 11: A Western embassy: 18; an anonymous analyst: 31]. If no one reports pre-marriage relation to the authorities, the unmarried couples will not be prosecuted by the authorities, a source informed the delegation [Footnote 12: An anonymous analyst: 35]. [...] A source explained that due to the pressure on the judiciary, the courts have reduced the use of harsh punishment, and capital punishment is no longer used. [Footnote 17: An anonymous legal source: 47].” (DIS/DRC, 23 February 2018c, pp. 5-6)

Referring to statements of two Western embassies and an anonymous analyst, the DIS/DRC report discusses the families’ and the neighbours’ role regarding the issue of pre-marital relationships:

“It cannot be excluded that families or neighbours report a pre-marriage relationship, according to a Western embassy. A Western embassy noted that cases where the families take a matter regarding pre-marriage relationship to the court happen very rarely.
Consequences within the families are generally minimal but there is a massive difference between families practice and it depends on where in Iran it is taking place. In the south of Iran, the families would most likely take it upon themselves to solve the matter for instance the couple might be forced into marriage. An anonymous analyst mentioned that if someone reports such a relationship, the person would in most cases be neglected by the authorities. In more conservative cities like Qum and Mashad, the situation regarding white marriages might differ.” (DIS/DRC, 23 February 2018c, pp. 5-6)

6.5.3 Violence against women

The USDOS states that the “law does not prohibit domestic violence”, and authorities “considered abuse in the family a private matter and seldom discussed it publicly” (USDOS, 20 April 2018, section 6). The UN Special Rapporteur on the situation of human rights in Iran states in her March 2017 report that “the Iranian legal framework fails to adequately protect women from violence and to criminalize marital rape.” The Special Rapporteur further remarks that “certain provisions might even condone sexual abuse, such as article 1108 which obliges wives to fulfill the sexual needs of their husbands at all times” (HRC, 17 March 2017, p. 18). Similarly, Iranian reformist MP Soheila Jelodarzadeh addresses the issue in a July 2016 article of the Iranian government news agency Islamic Consultative Assembly News Agency (ICANA). She notes that “[t]he police and the legal system are not fully implementing current laws to defend women” and goes on to say that “if a woman is physically assaulted, she can hardly expect protection from the state” (CHRI, 28 August 2017; compare ICANA, 23 July 2016).

In a study on domestic violence in Iran, published in the Journal of Interpersonal Violence in June 2017, 1,600 women from six different regions of the country were surveyed. The results of the study summarize as follows:

“The prevalence of domestic violence among participants were emotional (64%), physical (28%), and sexual (18%). Higher education (both women and their partners), employment status of partner (being employed), and lower number of children lowered the risk, whereas history of previous marriage (for either women or their partners), unstable marriage, substance abuse, crowded family situation, and lower socioeconomic status increased the risk of domestic violence. There is a high prevalence of domestic violence, particularly emotional, against women by their partners.” (Saffari et al., 2 June 2017)

An article of the Iranian Students’ News Agency (ISNA) mentions another study on women’s issues. According to sociologist Aliyeh Shakerbigi, the study shows that 32 percent of women in urban areas and 63 percent in rural areas had been victims of domestic violence. (ISNA, 19 April 2017; compare CHRI, 28 August 2017).

On the issue of rape, the April 2018 US Department of State (USDOS) country report on human rights practices, which covers the year 2017, states:

“Rape is illegal and subject to strict penalties, including death, but it remained a problem. The law considers sex within marriage consensual by definition and, therefore, does not address spousal rape, including in cases of forced marriage. Most rape victims likely did not report the crime because they feared retaliation or punishment for having been raped,
including charges of indecency, immoral behavior, or adultery, the last of which carries the
death penalty. Rape victims also feared societal reprisal or ostracism. For a conviction of
rape, the law requires four Muslim men or a combination of three men and two women or
two men and four women, to have witnessed a rape. A woman or man found making a
false accusation of rape is subject to 80 lashes.” (USDOS, 20 April 2018, section 6)

In a May 2018 article, IranWire notes on the same issue:

“Iran’s Islamic Penal Code defines three types of sexual crimes — ‘verbal sexual abuse,’
adultery’ and ‘rape.’ The minimum punishment for these offences is two months in prison
and 74 lashes, while the maximum is a death penalty. And the law is also very complicated. For example, to prove the crime of rape, the accused must repeat his confession to the
judge four times, or four ‘just’ men — or at least three men and two ‘just’ women — must
testify. Also, weirdly, the length of the penetration can affect the sentence.” (IranWire, 30 May 2018)

The USDOS notes on the issue of honour killings and other harmful traditional practices:

“There were no official reports of killings motivated by ‘honor’ or other harmful traditional
practices during the year, although human rights activists reported that such killings
continued to occur, particularly among rural and tribal populations. The law reduces
punitive measures for fathers and other family members who are convicted of murder or
physically harming children in domestic violence or ‘honor killings.’” (USDOS, 20 April 2018,
section 6)

In her March 2017 report, the Special Rapporteur on the situation of human rights in Iran notes
on the same issue:

“Similar concerns apply to provisions such as articles 301 and 612, of the 2013 Islamic Penal
Code, which provide for lighter punishment if a murder is committed by a father or paternal
grandfather of the victim and even allows judges to release the perpetrator without any
punishment. These provisions, as observed by the Committee on the Rights of the Child,
pave the way for total impunity in the case of killings in the name of so-called honour.” (HRC, 17 March 2017, p. 16)

Referring to predominantly anonymous sources, the DIS/DRC also addresses the issue of
honour crimes:

“Honour-crimes would primarily take place in rural and tribal regions [Footnote: Middle
East Consultancy Services: 86; a Western embassy: 23], where such crimes would have the
support from the community and the family, and the authorities would probably not
intervene in these cases [Footnote: Middle East Consultancy Services: 86; An anonymous
source: 63, 64]. […] A Western embassy (2) said it did not assume that a woman would seek
protection from the authorities if she has a problem with her family regarding her
marriage, as the authorities are considered to be less sympathetic to young women who
have run away. An anonymous analyst said that whether a girl who has married without
consent would get in trouble depends on the level of bigotry in the area she comes from.”
(DIS/DRC, 23 February 2018c, pp. 9-10)
On the issue of sexual harassment of women, the USDOS states:

“The law addresses sexual harassment in the context of physical contact between men and women and prohibits physical contact between unrelated men and women. There was no reliable data on the extent of sexual harassment, but women and human rights observers reported that sexual harassment was the norm in many workplaces. There were no known government efforts to address this problem.” (USDOS, 20 April 2018, section 6)

A September 2015 article of the Guardian newspaper discusses the topic of sexual harassment of women in Iran. The newspaper’s correspondent in Teheran claims that “the hijab has made sexual harassment worse in Iran”:

“Islamic dress laws have failed to protect women who talk of constant unwanted attention with the tacit approval of all, including the authorities who are supposed to protect them. [...] The irony of a system that goes to great lengths to ‘protect women’s bodies’ is that while harassers are acting freely, stalking and groping under the eyes of all, the moral police is arresting women for ‘bad hijab’, skimpy manteaus or tight leggings.” (Guardian, 15 September 2015)

Amnesty International (AI) notes in its 2017/2018 report on the issue of harassment of women by the police and paramilitary forces:

“Compulsory veiling (hijab) allowed police and paramilitary forces to harass and detain women for showing strands of hair under their headscarves or for wearing heavy make-up or tight clothing. State-sanctioned smear campaigns were conducted against women who campaigned against the compulsory hijab.” (AI, 22 February 2018, section ‘discrimination-women and girls’)

An April 2018 Al-Jazeera article reports on videos showing violent assaults committed by the so-called morality police:

“The so-called morality police here are facing a wave of criticism after a video showing female officers violently scuffling with a young woman whose hijab was loose went viral and prompted public outrage. [...] Numerous videos similar to the one that has gone viral have been posted online in the past.” (Al-Jazeera, 20 April 2018)

6.5.4 Dress and gender segregation

On the subject of dress segregation the USDOS states in its April 2018 country report on human rights practices, which covers the year 2017:

“The law provides that a woman who appears in public without appropriate attire, such as a cloth scarf veil (‘hijab’) over the head and a long jacket (‘manteau’), or a large full-length cloth covering (‘chador’), may be sentenced to flogging and fined. Absent a clear legal definition of ‘appropriate attire’ or of the related punishment, women were subjected to the opinions of various disciplinary and security force members, police, and judges.” (USDOS, 20 April 2018, section 6)
In an April 2018 article Al-Jazeera notes that the approach to assign “a police force to enforce the hijab law was introduced during Mahmoud Ahmadinejad’s presidency”. The article goes on to note that “President Hassan Rouhani did not do away with the morality police, in spite of promising to at a certain point”, but that he has “restricted its power and his centrist government repeatedly criticises the use of force in promoting the hijab” (Al-Jazeera, 20 April 2018). As explained by an April 2018 Guardian article, “Hassan Rouhani, has made clear that his administration is against enforcing the law so harshly, but his powers are limited when it comes to the conduct of the police, who are under the influence of the unelected faction of the Iranian establishment” (Guardian, 19 April 2018).

A May 2016 online article of the Washington-based public radio network National Public Radio (NPR) notes on this issue: “Despite objections from Iran’s president, Hassan Rouhani, Tehran’s police have announced up to 7,000 undercover officers will be on the lookout for those who don’t follow conservative Islamic modes of dress and behavior. They’re called the Gashte Ershad, the ‘guidance patrol’, and they have broad powers to chastise and even arrest people for failing to meet what might be called the modesty test.” (NPR, 3 May 2016)

Radio Free Europe/Radio Liberty (RFE/RL) notes in a June 2017 article that since “[t]he hijab became compulsory following the 1979 Islamic Revolution [...] tens of thousands of women have been harassed because of their appearance. Those who fail to fully observe the hijab are fined, detained, and publicly harassed by the country’s dreaded morality police, which launches regular crackdowns, especially in summer” (RFE, 8 June 2017).

The Special Rapporteur on the situation of human rights in Iran states in her March 2018 report that “[w]omen who do not wear a hijab that conforms to the interpretation of modesty can be sentenced up to two months in prison or be fined” (HRC, 5 March 2018, p. 16). A February 2018 article by Radio Farda, the Iranian branch of the U.S. government-funded Radio Free Europe/Radio Liberty, quotes a February 2018 announcement of the Iranian police as saying that: “Although the sentence for not wearing a hijab is two months in prison, anyone encouraging others to take off their hijab will be jailed for 10 years”. According to the article, this announcement is based on the police’s interpretation of Article 639 of the Iranian penal code, “which calls for one to 10 years imprisonment for those convicted of ‘opening brothels’ and ‘encouraging people to engage in prostitution’” (Radio Farda, 28 February 2018). For the full text of Article 639 of the Islamic Penal Code, please see the English translation provided by the IHRDC (IHRDC, 18 July 2013).

Radio Free Europe / Radio Liberty (RFE/RL) reports in a March 2018 article that at the beginning of 2018, Iranian authorities announced that “they had detained 29 women who removed their head scarves as part of a campaign against the country’s mandatory Islamic dress code” (RFE/RL, 7 March 2018). In July 2018, RFE/RL reports that an Iranian woman, who had protested by removing her head scarf in public in December 2017, has been “sentenced to two years in prison in addition to an 18-year suspended prison term”. According to the woman, she has left the country (RFE/RL, 10 July 2018).

On the issue of gender segregation, the USDOS states:
“The government enforced gender segregation in many public spaces. Women must ride in a reserved section on public buses and enter some public buildings, universities, and airports through separate entrances.” (USDOS, 20 April 2018, section 6)

The USDOS report goes on to address the issue of women being barred from sport events:

“In September, according to media and reporting from human rights groups, women were barred from attending a World Cup qualifying match in Tehran between Iran and Syria. Female Syrian fans were present, and a protest outside Azadi stadium ensued. As noted by the UNSR [United Nations Special Rapporteur] and other organizations, several Iranian female athletes were also barred from participating in international tournaments, either by the country’s sport agencies or by their husbands.” (USDOS, 20 April 2018, section 6)

On the same issue, an IranWire article from December 2017 notes:

“Iranian officials have announced that, after years of controversial debate and sustained campaigns, women will not be allowed to enter sports stadiums. The decision came after a grand ayatollah, Naser Makarem Shirazi, strongly objected to removing the ban, showing just how much power the highest senior clerics wield in Iran.” (IranWire, 13 December 2017)

In a June 2018 article, Human Rights Watch (HRW) reports with regard to the opening of Tehran’s Azadi stadium for women and men to watch two games of the 2018 World Cup:

“On June 20 and 25, 2018, the authorities opened Azadi stadium’s doors to women and men to watch a live screening of the last two games of Iran’s national football team at the 2018 World Cup. […] Iran’s discriminatory ban on women attending men’s football matches dates to 1981. In 2012, authorities extended the ban to volleyball matches. In response, Iranian women have campaigned and lobbied parliament to reverse the ban. They have even disguised themselves as men to avoid these discriminatory restrictions. Over the past few years, Iranian women and rights organizations have also tried to reverse the policy through direct appeals to FIFA and the international volleyball federation (FiVB). In March, police arrested about 35 women who gathered in front of Azadi Stadium seeking admission to watch a game between two popular Tehran men’s football teams, Esteghlal and Persepolis, and detained them for several hours.” (HRW, 28 June 2018)

6.5.5 Treatment of women perceived to have transgressed other social mores

In the January 2017 report Amnesty International (AI) states that under Iranian law there are more than 100 ‘offences’ which are punishable by flogging. Examples of the ‘offences’ include ‘breach of public morals’, amongst others. The report also mentions young people being arrested for attending mixed-gender parties:

“These cover a wide array of acts, ranging from theft, assault, vandalism, defamation and fraud to acts that should not be criminalized at all such as adultery, intimate relationships between unmarried men and women, ‘breach of public morals’ and consensual same-sex sexual relations. Many of those flogged in Iran are young people under the age of 35 who
have been arrested for peaceful activities such as publicly eating during Ramadan, having relationships outside of marriage and attending mixed-gender parties.” (AI, 18 January 2017)

An August 2017 article by IranWire states that “[u]nder Islamic law in Iran, drinking alcohol and holding parties involving unrelated men and women are forbidden. Private parties are often raided by police, and participants are usually temporarily detained before being handed heavy fines” (IranWire, 9 August 2017). Freedom House similarly reports that the “[p]olice conduct raids on private gatherings that breach rules against drinking alcohol and mixing with unrelated members of the opposite sex” and remarks that “[t]hose attending can be detained and fined or sentenced to corporal punishment in the form of lashes” (Freedom House, January 2018, section G).

The Center for Human Rights in Iran (CHRI) states in a December 2017 article that in Iran “women are prohibited from singing or playing musical instruments solo” and notes that “[s]ome women who have attempted to perform solo have been harassed and forcibly removed from the stage” (CHRI, 8 December 2017b). According to a March 2018 article by the same source, females are also “not allowed to dance for anyone else except their husbands” (CHRI, 10 March 2018).

Human Rights Watch (HRW) reports in July 2018 that Iranian state television “broadcasted apologies by several women who were briefly detained in May for posting videos of themselves dancing on their popular Instagram accounts”. HRW adds that “Iranian law vaguely defines what constitutes acts against morality, and authorities have long censored art, music, and other forms of cultural expression, as well as prosecuted hundreds of people for such acts”. (HRW, 11 July 2018)

In an August 2016 article that predominately refers to the statements of a jurist based in Turkey, IranWire gives an insight into legal aspects regarding ‘acts against chastity’ (such as sexual acts in public) and ‘illicit sexual relations other than sexual intercourse’ (such as kissing):

“According to Article 637, if a man and a woman who are not married to each other become engaged in an illicit sexual relation other than sexual intercourse — such as kissing — or are found guilty of acts against chastity, they will be sentenced to punishment of up to 99 lashes. But what is the difference between ‘illicit sexual relations’ and ‘acts against chastity’? Mousa Barzin Khalifeloo, a jurist based in Turkey, says illicit sexual relations refer to a ‘prohibited relations under sharia’, but not intercourse. However, he says, acts against chastity are not necessarily prohibited under sharia. Instead, they are acts that go against customs or mores in society. For example, if a married couple performs a sexual act in a public place, since they are married to each other, their act does not go against sharia, but it is not acceptable behavior because of Iran’s social customs. Barzin provides another example: ‘Under sharia, there is no rule about men’s clothing, but if a man appears without a shirt on the street, it would be against the custom of the society of Iran.’” (IranWire, 2 August 2016)

The article goes on to elaborate on the diverging interpretation of the term ‘illicit sexual relations’:
When asked what kinds of relations are prohibited under sharia, Barzin says there is no consensus amongst judges in Iran on the matter. ‘Some judges argue that physical contact is required for a relation to be considered as an illicit sexual relation, but other judges argue that although the article specifically refers to kissing, this is just one example, and that the definition of illicit sexual relations should not be limited to physical contact between opposite sexes.’ Barzin also says judges who view the law in this way tend to have a very broad interpretation of the term ‘illicit sexual relations.’ In fact, many of them apply the term to anything they view to be in violation of sharia — ‘such as unmarried men and women walking together in a park, drinking coffee in a café or even speaking on the phone.’ Barzin says he represented a female client who was charged with engaging in illicit sexual relations for sending romantic text messages.” (IranWire, 2 August 2016)

6.6 Treatment of individuals of diverse sexual orientations and gender identities

6.6.1 Legal situation and treatment by the state

Legal aspects

The UK Foreign and Commonwealth Office (FCO) states in its 2016 Human Rights and Democracy Report that homosexuality continues to be illegal and that “punishments can range from 100 lashes to the death penalty for both men and women” (FCO, 20 July 2017). The London-based Small Media Foundation in a May 2018 report states that under the Rouhani administration there have been “no changes to the status of LGBTQ people within Iranian domestic law” and that “Iran’s Penal Code continues to explicitly forbid sexual relations between same-sex partners”. The report points out that the ban applies irrespective of whether “such relations are consensual or coerced” (Small Media Foundation, 17 May 2018, p. 15). The April 2018 US-Department of State (USDOS) country report on human rights practices states that according to NGOs the law’s lack of distinction between consensual and non-consensual same sex intercourse “led to both the victim and the perpetrator being held criminally liable” in cases of assault. The USDOS also notes that consensual same-sex sexual activity “is punishable by death, flogging, or a lesser punishment” (USDOS, 20 April 2018, section 6).

According to the Small Media Foundation report, the Iranian Penal Code “distinguishes between a number of different types of sexual acts, which are each prescribed different punishments”. The report goes on to elaborate on the law’s distinction between the “active” party and the “passive” party to the act:

“Punishments for passive partners are more severe than for active partners, although active partners can also face the death penalty if they are a non-Muslim caught having sex with a Muslim. The offences and punishments for males engaged in sexual relations (as well as other same-sex conduct such as passionate kissing) are described in detail in Articles 233-237 of the IPC.” (Small Media Foundation, 17 May 2018, p. 16)

The Iran Human Rights Documentation Center (IHRDC) provides an unofficial translation of Books I and II of the Islamic Penal Code with all amendments up to January 2012. Article 233 of the Iranian Penal Code defines the term livat as follows:
“Article 233- Livat is defined as penetration of a man’s sex organ (penis), up to the point of circumcision, into another male person’s anus.” (Islamic Penal Code, 2013, Article 233, as translated in IHRDC, 8 April 2014)

Article 234 sets out the punishment for livat, making a distinction between the “active” party and the “passive” party to the act:

“Article 234- The hadd punishment for livat shall be the death penalty for the insertive/active party if he has committed livat by using force, coercion, or in cases where he meets the conditions for ihsan; otherwise, he shall be sentenced to one hundred lashes. The hadd punishment for the receptive/passive party, in any case (whether or not he meets the conditions for ihsan) shall be the death penalty.

Note 1- If the insertive/active party is a non-Muslim and the receptive/passive party is a Muslim, the hadd punishment for the insertive/active party shall be the death penalty.

Note 2- Ihsan is defined as a status that a man is married to a permanent and pubescent wife and whilst he has been sane and pubescent has had a vaginal intercourse with the same wife while she was pubescent, and he can have an intercourse with her in the same way [vaginal] whenever he so wishes.” (Islamic Penal Code, 2013, Article 234; as translated in IHRDC, 8 April 2014)

The Small Media Foundation report similarly states that “[p]unishments for passive partners are more severe than for active partners” but goes on to specify that “active partners can also face the death penalty if they are a non-Muslim caught having sex with a Muslim.” (Small Media Foundation, 17 May 2018, p. 16)

Article 235 of the penal code, as translated by IHRDC, defines the term tafkhiz as follows:

“Article 235- Tafkhiz is defined as putting a man’s sex organ (penis) between the thighs or buttocks of another male person.

Note- A penetration [of a penis into another male person’s anus] that does not reach the point of circumcision shall be regarded as tafkhiz.” (Islamic Penal Code, 2013, Article 235; as translated in IHRDC, 8 April 2014)

Article 236 sets out the punishment for tafkhiz:

“Article 236- In the case of tafkhiz, the hadd punishment for the active and passive party shall be one hundred lashes and it shall make no difference whether or not the offender meets the conditions of ihsan [mentioned in note 2 of article 234], or whether or not [the offender] has resorted to coercion. Note- If the active party is a non-Muslim and the passive party is a Muslim, the hadd punishment for the active party shall be the death penalty.” (Islamic Penal Code, 2013, Article 236; as translated in IHRDC, 8 April 2014)

Article 237 sets out the punishments for homosexual acts other than livat and tafkhiz, with a note saying that the provisions of this article also apply to female persons who engage in the same activities:
“Article 237- Homosexual acts of a male person in cases other than livat and tafkhiz, such as kissing or touching as a result of lust, shall be punishable by thirty-one to seventy-four lashes of ta’zir punishment of the sixth grade.

Note 1- This article shall be equally applicable in the case of a female person.

Note 2- This article shall not be applicable in the cases punishable by a hadd punishment under Shari’a rules.” (Islamic Penal Code, 2013, Article 237; as translated in IHRDC, 8 April 2014)

Apart from the punishments for lower-level same-sex conduct, as specified in Article 237 and Note 1 of the same article, the Islamic Penal Code establishes punishments for female same-sex relations in Articles 238-240:

“Article 238- Musaheqeh is defined as where a female person puts her sex organ on the sex organ of another person of the same sex.

Article 239- The hadd punishment for musaheqeh shall be one hundred lashes.

Article 240- Regarding the hadd punishment for musaheqeh, there is no difference between the active or passive parties or between Muslims and non-Muslims, or between a person that meets the conditions for ihsan and a person who does not, and also whether or not [the offender] has resorted to coercion.” (Islamic Penal Code, 2013, Article 237; as translated in IHRDC, 8 April 2014)

An undated note on the IHRDC’s homepage states that “[w]omen convicted of same-sex acts would face flogging, but if they are convicted for the fourth time they could face execution as well.” (IHRDC, undated (b))

Practice of law enforcement, human rights violations and discrimination by state actors

A 2013 IHRDC report notes that “in most cases”, it is “the ‘knowledge of the judge’ [that] has been relied upon to mete out harsh sentences for alleged homosexual acts”. The report explains that “[a]ccording to Shari’a law, a judge, through his own knowledge and understanding, can come to a conclusion regarding guilt or innocence of the parties involved”. (IHRDC, 7 November 2013)

A May 2015 country report of the Netherlands Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ), which covers the period from December 2013 up to April 2015, includes extensive information on the treatment of sexual minorities in Iran. The report states that prosecution of homosexual acts is relatively rare as these types of conduct are difficult to prove. This would require several eyewitnesses, and those found to have unjustly incriminated a person in a case relating to sodomy face severe penalties. The report quotes a confidential source as saying that it is likely that most convictions for moharebeh (“enmity against God”), a capital offence, are in practice convictions for homosexuality. During the reporting period, several death sentences were handed down for moharebeh. In most of these cases, the acts that have led to this judgment have not been specified.
According to a confidential source that has made inquiries among jurists and lawyers, judges especially in Tehran increasingly urge lawyers not to let their clients confess to sodomy. This allows judges to conclude that there is not enough conclusive evidence, so that the accused person can go free and this ‘uncomfortable’ case can be closed.

It is known that homosexuality is more heavily penalized in smaller towns and peripheral regions because of the more conservative values that prevail outside the large cities. In addition, the personal views of the courts in respect of these matters and the severity of sentencing vary considerably. In most cases, courts refrain from imposing the death penalty and opt for floggings instead. (BZ, 7 May 2015, pp. 15-16)

A June 2016 article by the Guardian states that “lavat (sodomy) is a capital offence and people are frequently executed for it” (Guardian, 21 June 2016). In a December 2017 article the German-based weekly magazine Zeit-Magazin states that in Iran more than 4,000 homosexuals have been executed since the Islamic Revolution in 1979. The article goes on to note that thousands of people have been forced to undergo hormone therapy (Zeit-Magazin, 1 December 2017). In a March 2017 article, the Guardian writes that although execution for homosexuality “is less common now, it still occurs”. According to the Guardian article, “a 19-year-old boy was hanged in Iran’s Markazi province” in the summer of 2016 and two men were executed in 2014 (Guardian, 1 March 2017).

On the subject of the documentation of human rights violations against the LGBT community, a 2016 report by the US-based advocacy group OutRight Action International notes that “[t]here are no reliable statistics on the number of arrests, imprisonments and floggings of LGBTIQ people [...], as victims often avoid reporting their experiences due to fear and social stigma” (OutRight Action International, 2016a, p. 15). Similarly, the Small Media Foundation report observes:

“[V]erifying human rights reports remains an enormous challenge for international human rights monitoring organisations. This does not only extend to executions; the state’s harassment of LGBTQ citizens through lower level ‘public decency’ laws is also difficult to catalogue and advocate for at the international level, in large part owing to LGBTQ community members’ fears of drawing unnecessary attention to themselves and their sexual orientation or gender identity.” (Small Media Foundation, 17 May 2018, p. 26)

In its 2018 Iran report, the organization Hands Off Cain, a Belgium-based NGO promoting the abolition of the death penalty, states that in Iran there were “at least 544 executions in 2017”. According to the report in five of these cases (1 percent) the death sentence was imposed for “crimes of a sexual nature (adultery, immoral relations and sodomy).” (Hands Off Cain, 2018)

The Small Media Foundation report describes the development of the LGBT community’s situation during the Rouhani presidency as follows:

“Despite Rouhani’s promises to deliver social and cultural freedoms to Iranian citizens after the long winter of the Ahmadinejad era, his government has offered no substantive concessions to the country’s beleagured LGBTQ community. The story of his administration so far has been one of stasis, deadlock and the continued marginalisation of Iran’s LGBTQ community. Although it could be argued that the broadly laissez faire character of
Rouhani’s social policies create the space for Iranian society to gradually liberalise on social issues, it remains the case that LGBTQ people live under constant threat of harassment, arrest, and even execution.” (Small Media Foundation, 17 May 2018, p. 15)

The USDOS describes the LGBT community’s situation during the reporting year 2017 as follows:

“Security forces harassed, arrested, and detained individuals they suspected of being gay or transgender. In some cases security forces raided houses and monitored internet sites for information on LGBTI persons. Those accused of ‘sodomy’ often faced summary trials, and evidentiary standards were not always met. Punishment for same-sex sexual activity between men was more severe than between women. According to international and local media reports, on April 13 at least 30 men suspected of homosexual conduct were arrested by IRGC agents at a private party in Isfahan Province. The agents reportedly fired weapons and used electric Tasers during the raid. According to the Canadian-based nonprofit organization Iranian Railroad for Queer Refugees, those arrested were taken to Dastgerd Prison in Isfahan, where they were led to the prison yard and told they would be executed. The Iranian LGBTI activist group 6Rang noted that, following similar raids, those arrested and similarly charged were subjected to forced ‘anal’ or ‘sodomy’ tests and other degrading treatment and sexual insults.” (USDOS, 20 April 2018, section 6)

In a June 2017 report, Human Rights Watch (HRW) summarizes the notes of the United Nations Children’s Rights Committee on the situation of LGBT children in Iran as follows:

“In March, the United Nations Children’s Rights Committee noted that flogging was still a lawful punishment for boys and girls convicted of certain crimes. The committee noted reports that lesbian, gay, bisexual, transgender, and intersex (LGBTI) children had been subjected to electric shocks to ‘cure’ them.” (HRW, 23 June 2017)

The undated note on the IHRDC’s homepage states that LGBT Iranians are “subject to a wide range of abusive discriminatory practices such as custodial rape, arrests at social functions, expulsion from educational institutions and denial of employment opportunities”. (IHRDC, undated (b))

With respect to an exemption from military service the USDOS states:

“The law requires all male citizens over age 18 to serve in the military but exempts gay and transgender women, who are classified as having mental disorders. New military identity cards listed the subsection of the law dictating the exemption. According to 6Rang this practice identified the men as gay or transgender and put them at risk of physical abuse and discrimination.” (USDOS, 20 April 2018, section 6)

A December 2017 report published by the Iranian LGBT network 6Rang gives an overview of the different types of “hostile or hateful remarks that Iranian state officials have made between 2011 and 2017 to perpetuate the toxic notion that homosexual people are less human than others.” According to the report Iranian state officials referred to homosexual persons as:
“Immoral and corrupt; Animalistic and subhuman; Sick and diseased; Western and Imperialistic; Counter-Revolutionary and Zionist.” (6Rang, December 2017, p. 7)

A 2016 report by OutRight Action International describes the situation of lesbian women in Iran as follows:

“Discriminatory laws and practices against those perceived to be homosexual, and government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against lesbians, who are portrayed as criminals and sick because of their sexual orientation. [...] Social expectations for women to marry, coupled with a lack of economic and legal independence (women account for only 16 per cent of the labor force), mean that lesbians, as women, will often have decisions made for them by males in their family. Lesbians have little chance or ability to challenge or resist when the decision is made that they will marry a man. This can lead to situations where lesbians live their entire lives in marriages in which nonconsensual heterosexual sexual acts are continually and regularly forced upon them.”

(OutRight Action International, 2016a, p. 2)

The report goes on to point out that lesbian women in Iran face “double discrimination”:

“In addition to the restrictions on their rights as women, lesbians in Iran face further restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance. This double discrimination contributes significantly to the abuses they face. Lesbians face arbitrary arrest and detention, and they suffer further human rights violations at the hand of police while in detention, ranging from homophobic assaults to physical torture. [...] Lesbians in Iran also face human rights abuses from private actors, including in the workplace, at school, in the family, and in public. Discriminatory laws and practices against those perceived to be homosexual, and government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against lesbians, who are portrayed as criminals and sick because of their sexual orientation.”

(OutRight Action International, 2016a, p. 3)

On the subject of arrest and legal punishment of lesbian women the report states:

“Given the legal ban on same-sex relations among women in Iran, the possibility of arrest and legal punishment, including jail sentence and flogging, by authorities remains a reality for Iranian lesbians.” (OutRight Action International, 2016a, p. 15)

Transgender, sex reassignment procedures

In a 2016 report on the situation of transgender people in Iran, Outrights Action International states:

“Although the medicalization of issues related to gender identity has allowed for some legal recognition for members of the trans community, it has also reinforced the stigma rooted
in the notion that trans individuals suffer from psychological and sexual disorders and require treatment to become ‘normal.’” (OutRight Action International, 2016b, p. 20)

On the subject of so-called sex-reassignment surgeries, the undated note on the IHRDC’s homepage states:

“While the Iranian government permits and even encourages sex-reassignment surgeries (SRS), transgender persons face unequal treatment. Transgender individuals are often pressured by healthcare professionals to undergo SRS, and they are subject to arbitrary arrest solely based on their appearance.” (IHRDC, undated (b))

On the subject of state subsidies for sex reassignment procedures the USDOS states:

“The government provided transgender persons financial assistance in the form of grants of up to 45 million rials $1,240 and loans up to 55 million rials $1,500 to undergo gender reassignment surgery. Additionally, the Ministry of Cooperatives, Labor, and Social Welfare required health insurers to cover the cost of such surgery.” (USDOS, 20 April 2018, section 6)

The OutRight Action International report elaborates on the subject of state subsidies for transition-related medical care. It mentions that there is a “lack of clarity and transparency” regarding the exact amount of government subsidies. The report goes on to note that “there are questions regarding the willingness or capacity of the SWO [State Welfare Organization] to provide support to the transgender community” and explains that several people interviewed by OutRight claimed that “in certain parts of the country, financial aid for transition-related healthcare had been completely suspended since 2012”. (OutRight Action International, 2016b, pp. 46-49)

The USDOS states that “[i]ndividuals who undergo gender reassignment surgery may petition a court for new identity documents with corrected gender data, which the government reportedly provided efficiently and transparently”. The USDOS, however, also notes that NGOs reported that authorities pressured LGBTI persons to undergo gender reassignment surgery. (USDOS, 20 April 2018, section 6)

An October 2017 article by the Iranian LGBT network 6Rang states that many transgender people in Iran who undergo “forced sterilization”, suffer “humiliating physical examinations afterwards, only to find out they are denied the right to identity”. (6Rang, 21 October 2017)

The OutRight Action International report discusses the situation of transgender persons who do not undergo sex reassignment procedures:

“[T]rans individuals in Iran who do not wish to pursue medical transition processes, who cannot afford such processes, or who wish to pursue some forms of medical gender transition but not others, are wholly deprived of legal identity recognition and face severe barriers to maintaining and pursuing education, to accessing housing and employment, and to moving freely and safely through society. The law does not recognize such trans
individuals, nor does it provide space or legal recognition for individuals who identify across or outside of the gender binary.” (OutRight Action International, 2016b, p. 9)

The same report goes on to elaborate on the general situation of transgender people in Iran:

“People perceived as trans by the broader society are likely to experience violence and abuse by both state and non-state actors. Trans men are often arrested for not wearing the mandatory hijab, and trans women for ‘cross-dressing in public,’ wearing heavy makeup, or generally dressing in a manner perceived to be inconsistent with the strict government-enforced dress code. This harassment and targeting by the police can occur even when trans individuals have secured an official letter from the LMO [Legal Medicine Organisation] certifying a GID [gender identity disorder] diagnosis.” (OutRight Action International, 2016b, p. 31)

Press Law and Computer Crimes Law

According to the report “State Sponsored Homophobia 2017” published by the international NGO International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) “[t]here are a number of articles within the Press Law that directly impede freedom of expression to do with sexual orientation, gender identity and sex characteristics” (ILGA, May 2017, p. 127). The USDOS states that the “government censored all materials related to LGBTI issues. Authorities particularly blocked websites or content within sites that discussed LGBTI issues, including the censorship of Wikipedia pages defining LGBTI and other related topics” (USDOS, 20 April 2018, section 6).

The Small Media Foundation report points out the importance of “digital spaces” for the experiences of LGBT persons. The report, however, states that “the 2009 Computer Crimes Law (CCL) poses particular challenges for Iran’s LGBT community” (Small Media Foundation, 17 May 2018, p. 18). Concerning this matter the report specifically mentions the following three articles:

“Article 14 criminalises ‘producing, sending, publishing, distributing, saving or financially engaging in obscene contact by using computer or telecommunication systems, or portable data storage devices.’

Article 15 criminalises ‘the use of computers, telecommunication systems or portable data storage devices for inciting or aiding and abetting in the commission of crimes.’

Article 18 criminalises ‘the use of a computer or telecommunications to disseminate lies with the intention of damaging the public, disturbing the public state of mind or disturbing the official authorities’ state of mind.’” (Small Media Foundation, 17 May 2018, p. 18)

The Small Media Foundation report also states that the “community’s continued exposure to threats of surveillance, harassment and entrapment online constitutes an urgent threat” (Small Media Foundation, 17 May 2018, pp. 6-9). The report elaborates on the subject of online entrapment and states that this issue is “one that creates a great deal of paranoia and uncertainty among the community throughout its online engagements” (Small Media
According to a survey of 727 LGBTQ persons conducted by the Small Media Foundation, “20.8% of respondents said they had experienced entrapment—10.2% from malicious individuals, 2.1% from authorities, and 8.4% from unknown sources” (Small Media Foundation, 17 May 2018, p. 94).

**Access to health care**

On the subject of the LGBT community’s access to health care, the Small Media Foundation report states:

“Despite advances in social attitudes, key challenges remain for LGBTQ people seeking to access health services—particularly services relating to sexual health and mental health. [...] This report shows that a majority of LGBTQ people surveyed did not have access to sexual health resources, and did not know where they could access appropriate services and resources in the event that they needed them. These findings also hold true for mental health support services, with many psychotherapists hostile to notions of minority sexual and gender identities.” (Small Media Foundation, 17 May 2018, p. 7)

On the same issue the OutRight Action International report on the situation of lesbians in Iran states:

“In our research, OutRight discovered that some health care professionals, many of whom did not fully understand the complexity of issues related to homosexuality, unnecessarily put the lives of their patients at risk. Our research reveals that these doctors’ lack of knowledge led them to offer unsound medical advice, which amplified the feelings of guilt and depression in their lesbian patients. Some lesbians told us that their doctors tried to treat them with hypnotic drugs (sleeping pills), such as Diazepam (Valium), 71 or suggested SRS [sex reassignment surgery] as a solution to their problems.” (OutRight Action International, 2016a, p. 20)

**6.6.2 Treatment by members of society**

The Freedom in the World 2018 report by the US-based NGO Freedom House states that members of the LGBT community “face harassment and discrimination, though the problem is underreported due to the criminalized and hidden nature of these groups in Iran” (Freedom House, January 2018, section F).

According to the USDOS “[t]he law does not prohibit discrimination based on sexual orientation and gender identity” and “[h]ate crime laws or other criminal justice mechanisms did not exist to aid in the prosecution of bias-motivated crimes.” (USDOS, 20 April 2018, section 6)

The May 2015 country report of the Netherlands Ministry of Foreign Affairs (BZ) notes that the social acceptance of homosexuality in Iranian society is low. The general social attitude towards LGBT persons is “don’t ask, don’t tell”. The report goes on to note that due to social stigma, homosexual persons have a greater fear of how they are treated by their immediate surroundings than of their treatment by the authorities. If a family member reports a person as being homosexual, this could result in the person’s dismissal from work or university. For
LGBT persons, it is easier to keep a low profile in the large cities, which is why many choose to move there from elsewhere. As a confidential source noted, the authorities are not inclined to offer protection to LGBT persons who feel discriminated by members of society. (BZ, 7 May 2015, p. 18)

With regards to the social attitudes towards the LGBT community, the May 2018 Small Media Foundation report observes the following trend:

“Although no progress has been made over the past decade with regard to the legal recognition of LGBTQ citizens’ rights, our research suggests that social attitudes are slowly shifting in a positive direction, thanks to increased coverage of LGBTQ issues in satellite and online media.” (Small Media Foundation, 17 May 2018, p. 7)

The report continues:

“Given the existence of such stringent and unforgiving anti-LGB laws in Iran, and the widespread entrenchment of intolerance against all members of the LGBTQ community, the pressure on people to suppress their desires and conceal their identities is immense. And yet, based on our survey of 806 LGBTQ Iranians, carried out between 14 March and 8 April 2018, it seems as though increasingly the community is feeling comfortable enough to start edging out of the closet, and to act more assertively in proclaiming its identity.” (Small Media Foundation, 17 May 2018, p. 36)

The report summarizes the results of the above-mentioned survey as follows:

“[A] majority of our survey respondents (55%) agreed that public opinion has become more accepting of LGBTQ people since the end of the Ahmadinejad presidency in 2013. Only a small minority (12.7%) disagree with this statement, with just under a quarter of respondents (22.5%) perceiving little change. In light of this general sense of optimism about the gradual evolution of public opinion, it’s striking how poorly the LGBTQ community perceives the Rouhani administration. Only 12% of survey respondents agree that his government has brought about positive changes for LGBTQ people. We can infer that governmental policies have not been perceived as a driver of changes in social attitudes towards LGBTQ people.” (Small Media Foundation, 17 May 2018, pp. 39-40)

On the subject of familial honour, the advocacy group OutRight Action International states:

“Safeguarding or restoring familial honor and washing away the shame are seen as both social obligations and the right of the offended group. In fact, honor of the family, and fearing the ‘loss of honor,’ are common reasons why lesbians and gays often fail to come out to their families and build healthy relationships. Their silence sometimes contributes to an increase in tension, which may, in turn, increase incidents of domestic violence. […]

Given the myriad challenges faced by lesbians and other members of the LGBTQ community, the family is often their first line of defense against outside pressures. In their pursuit of support and protection, many lesbians turn to their family members. Yet many lesbians we interviewed told OutRight that their families prioritize familial honor, rather than the physical and mental health of their children. Such a mindset subjects the lesbians
to additional control by their family and loss of their independence. The cycle of violence often continues, in part, because many women feel they cannot report their domestic abuse to the police, either because of deeply ingrained traditional beliefs or fear.” (OutRight Action International, 2016a, p. 28)

The undated note on the IHRDC homepage provides a short overview on the situation of LGBT persons facing abuse at home:

“LGBT persons who face abuse at home have limited legal recourse because Iranian law grants parents significant discretion in disciplining their children. In addition, filing a complaint against abusive family members could put LGBT persons at the risk of criminal prosecution.” (IHRDC, undated (b))

### 6.7 Treatment of persons perceived as Westernized

In an April 2017 article, Radio Free Europe/Radio Liberty (RFE/RL) states that “principalists” or “hardliners”, the political group congregating around the Supreme Leader, believe that “Western social influence […] must be resisted at all cost”. According to the article they “fear the West’s soft power - and its possible influence on the population - at least as much as its hard power, if not more” (RFE/RL, 18 April 2017). The Congressional Research Service (CRS), a public policy research arm of the US Congress, mentions in a November 2017 report that “[s]tudent dissident groups composed of well-educated, Westernized urban youth have been the backbone of the Iranian opposition” (CRS, 21 May 2018, p. 31). The report also notes that the Basij is widely accused of “raiding Western-style parties in which alcohol, which is illegal in Iran, might be served” (CRS, 21 May 2018, p. 6). Freedom House similarly reports that the “[p]olice conduct raids on private gatherings that breach rules against drinking alcohol and mixing with unrelated members of the opposite sex” and remarks that “[t]hose attending can be detained and fined or sentenced to corporal punishment in the form of lashes” (Freedom House, January 2018, section G).

In a December 2017 report, the British charitable organization Freedom from Torture analyses 69 cases of torture in Iran by using “medico-legal reports prepared between 2012 and 2017”. Concerning the reasons for the detainment of these persons the report states:

“Six [of the 69] people reported being detained for various transgressions of expected social or moral behaviour in Iran (9%). These included drinking alcohol in public, being partially dressed in public, or other violations of Islamic dress-code, listening to Western music and hosting a private party with music and alcohol.” (Freedom from Torture, December 2017, p. 25)

In a June 2017 article The New York Times states that, since the 1979 revolution, Iran’s clerics have “codified into law hundreds of lifestyle regulations”, meant to “keep their flock on the right path”. According to the article an edict issued in summer 2017 “by the head of the Sports for All Federation, a government institution promoting sports and a healthy lifestyle, effectively banned Zumba [aerobics dance] classes for being contrary to Islamic precepts” (NYT, 17 June 2017).
On the subject of dancing, the Guardian writes in an August 2017 article:

“Four boys and two girls have been arrested in Iran for teaching ‘western’ dance moves including Zumba, a Colombian fitness routine, a Revolutionary Guards commander has said. [...] They were charged with dancing and failing to wear proper hijab – Islamic regulations that require women to wear headscarves and ban revealing clothing in public. [...] Dancing is banned in Iran for women in front of men outside their immediate families, but in recent years Zumba and other dances have been banned even in women-only gyms, even if the rules are widely flouted.” (Guardian, 9 August 2017)

Addressing further lifestyle topics like music and fashion, the Center for Human Rights in Iran (CHRI) states in a June 2017 report:

“[D]uring Rouhani’s first term [2013-2017] concerts were canceled around the country after being attacked by extremists for being ‘un-Islamic’ or for featuring female musicians, independent music producers sent to prison, members of Iran’s fashion industry subjected to crackdowns by security forces, books refused publication and films banned, and mixed-gender parties regularly broken up by police forces. Greater artistic, cultural and social freedom continues to be a demand of Iranian civil society.” (CHRI, June 2017, p. 4)

The Iranian Lesbian & Transgender Network 6Rang indicates that there is a connection between the fear of Western influence and resentment against LGBT persons:

“Homosexual persons are regularly depicted in official statements and state media outlets as ‘unnatural’, ‘deviant’, ‘immoral’, or ‘diseased’. They are also accused of collusion in Western-orchestrated conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.” (6Rang, December 2017, p. 7)

In a May 2018 report the London-based Small Media Foundation notes that the “transformation of LGBTQphobia into state orthodoxy is part of a drive to expel so-called ‘Western’ influences from Iranian society” (Small Media Foundation, 17 May 2018).

In a December 2016 briefing, the Center for Human Rights in Iran (CHRI) writes about repressive measures against members of Iran’s growing fashion sector. According to CHRI “a court in Shiraz sentenced 12 industry professionals in December 2016 to prison terms ranging from five months to six years” (CHRI, 8 December 2016). CHRI further states:

“An investigation by the International Campaign for Human Rights in Iran has revealed that the crackdown on the sector is ongoing, is being led by the Islamic Revolutionary Guards (IRGC) Intelligence Organization in concert with Iran’s Judiciary, and follows a decree by Supreme Leader Ali Khamenei against all forms of perceived western culture. Following raids organized by the Guards, dozens of people have been interrogated about alleged ‘modeling networks’ while businesses have been shuttered in the cities of Tehran, Qazvin, Arak, Shiraz and Zahedan. Mass Arrests and Heavy Prison Sentences in Shiraz. According to the Campaign’s investigation, the Revolutionary Guards and Judiciary’s joint crackdown on the fashion industry began in Tehran in September 2015, escalated in March 2016, and then spread to Mashhad and other cities. After questioning, many “suspects” have been referred to court for prosecution for simply engaging in their profession. In most cases,
arrests are followed by the forced closure of their digital and social media pages as well as physical places of business. [...] 

The defendants were charged with ‘promoting corruption and depravity’ by publishing ‘indecent’ and ‘immoral’ images on the internet, organizing Western-style fashion shows, modeling, and promoting the Western culture of nudity, said Taravatrouy, adding that he would appeal the sentences.” (CHRI, 8 December 2016)

In a May 2015 article, the Guardian writes about the authorities’ crackdowns on persons with certain haircuts, body modifications, tattoos, and other features perceived as “imitations of Western lifestyles” or as “un-Islamic”:

“As the desire to make fashion statements spikes each summer, authorities step up their crackdown on ‘un-Islamic’ haircuts and body modifications. ‘Homosexual’ and ‘devil worshipping’ hairstyles have been banned in Iran, alongside tattoos, sunbed treatments and plucked eyebrows for men, which are all deemed un-Islamic. The move – aimed at spiky cuts – follows a trend where, each summer, Iranian authorities get tough on men and women sporting clothing or hairdos seen as imitations of western lifestyles.” (Guardian, 5 May 2015)

An undated photo gallery by Al-Monitor showing Iranians with tattoos notes that “Western style tattoos like the ones above can be seen as a mark of rebellion in a country where tattoos are illegal.” The article goes on to state that “tattoos remain popular in the country despite carrying a social stigma and being officially banned”. (Al-Monitor, undated)

Further information on the question whether wearing tattoos is a crime in Iran is provided by a February 2017 article by Iran Front Page, an English News website which provides news and views from Iran published by the Iranian Farsi Media:

“Many Iranians consider tattooing a disagreeable act; however, the country’s laws and religious rules don’t forbid it except in particular conditions. Based on their culture and customs, the majority of Iranians regard tattooing as an anti-value act. However, Iran’s law has not devised any punishment for this traditionally indecent behaviour. According to a Farsi report by Jomhouri Eslami newspaper, the only punishable tattoos are the ones that contain obscene or nasty images on the face or the visible parts of the body such as hands and arms. Those who have these types of tattoos will be charged of hurting public chastity. Religiously, the majority of jurists believe that tattooing is forbidden if it physically harms the person, endangers his health or contains obscenities; it is allowable otherwise.” (Iran Front Page, 20 February 2017)
7 Rule of Law/Administration of Justice

7.1 General overview of the Iranian judicial system

According to Article 156 the Iranian Constitution of 1979, which was last amended in 1989, the judiciary “shall be an independent power that protects individual and social rights” and is responsible for performing the following functions:

1. To examine and pass judgments in respect of litigations, violations, complaints; to settle lawsuits, resolve hostilities and to take necessary decision and action in respect of that part of matters of personal status to be laid down by law.

2. To restore public rights and to promote justice and lawful freedoms.

3. To supervise the proper implementation of laws.

4. To uncover crimes, to prosecute and punish the criminals and implement Hodoud [penance by the lash] and the Islamic codified penal provisions.

5. To take suitable measures for preventing the commission of crime and to reform the offenders.” (Constitution of the Islamic Republic of Iran, 1989, Article 156)

In its 2016 report on the Iranian judiciary, the Iran Human Rights Documentation Center (IHRDC) describes the transition the judicial system underwent in the aftermath of the 1979 Revolution. Following IHRDC, the “successive revolutionary governments undertook the process of implementing Islamic law through the country’s political, judicial and bureaucratic institutions” (IHRDC, 30 November 2015, p. 4). In an article, published in February 2018, Radio Free Europe/ Radio Liberty (RFE/RL) states that “Iran’s secretive Revolutionary Court system was established after the 1979 Islamic Revolution to try suspected ideological opponents of the country’s Islamic rulers” (RFE/RL, 4 February 2018).

In the course of the restructuring of the judicial system in 1979, the “Supreme Judicial Council was dissolved and replaced by a single individual [the head of the Judiciary] appointed by the Supreme Leader” (IHRDC, 30 November 2015, p. 5). In the constitution’s Article 157 the head of the judiciary is ascribed the “responsibilities of the judiciary in all judicial, administrative and executive matters” and to be the “highest authority of the judiciary”. Following Article 157, the head of judiciary further needs to be a specialist of religious law and is appointed by the Supreme Leader for a period of five years. (Constitution of the Islamic Republic of Iran, 1989, Article 157).

Article 158 of the Iranian Constitution determines the functions of the head of judiciary, among which the employment, the dismissal as well as the promotion of “just and competent judges” is cited. Article 160 of the Constitution states that the minister of justice “shall be appointed from among those proposed to the President by the Head of the judiciary” and that he “shall be responsible for all matters concerning the relations of the judiciary with the Executive and the Legislature Branches”. (Constitution of the Islamic Republic of Iran, 1989, Article 158 and Article 160)
In terms of the concentrations of judicial power in single unelected individuals, IHRDC notes in its 2016 report:

“The Iranian Judiciary concentrates all the powers of the Judiciary in the hands of a single individual – the head of the Judiciary – appointed by the Supreme Leader, who is himself unelected and unaccountable to any institution in practice. Thus, the unelected element of the IRI [Islamic Republic of Iran] effectively controls the Judiciary, which has been used as a tool to achieve the domestic political objectives of the leadership to the detriment of its original purpose: to guard the interests of its citizens against the abuses of the political branches and administrative authorities.” (IHRDC, 30 November 2015, p. 7)

7.1.1 Court structure and judicial independence

The Human Rights in Iran Unit of the School of Law at the University of Essex, which focuses on Iran’s compliance with international human rights law, refers to Article 172 of the Iranian Constitution when describing the Iranian legal system as “comprised of multiple, distinct courts based on subject matter” (University of Essex – Human Rights in Iran Unit, March 2014, p. 13). IHRDC similarly reports on the different “functional areas of specialization” of the courts and adds that the “severity of the crime sometimes determines the jurisdiction of the courts”. The same source explains further that in contrast to public courts which have “general jurisdiction over all disputes”, the jurisdiction of specialised courts is confined to specific “offenses and disputes” (IHRDC, 30 November 2015, p. 7).

Public courts (civil and criminal)

Public courts are divided into civil courts and criminal courts (IHRDC, 30 November 2015, p. 8).

IHRDC states in its November 2015 report that civil courts are responsible for “civil, commercial and family matters”. In general, “the court of the domicile or residence of the defendant has jurisdiction to adjudicate a civil dispute”. (IHRDC, 30 November 2015, p. 8)

Regarding family matters, IHRDC reports that after the amendments of the Family Protection Law in August 2013, “specific sections of Public Courts are [...] dedicated” to cases of family law including divorce, temporary marriages, dowry and custody of the children, alimony and parenting. Referring to Article 2 of the Family Protection Law, IHRDC adds in terms of the composition of the family courts and regarding additional family counselling centres:

“Family Courts are composed of one presiding judge or substitute and one female advisor. The presiding judge must be married and have at least four years of legal experience. The advisor to the Court must provide her advice in writing prior to the issuance of the judgment and the presiding judge is duty-bound to mention it in his judgment. [...]

The Family Protection Law further establishes family counseling centers alongside every family court to ‘strengthen family values and prevent family disputes – divorce in particular – and strive towards peace and reconciliation.’ These centers are composed of experts in the fields of psychology, social sciences, law and Shari’á. The law further requires that half of the experts in every center be women. The court can use the capacity of the counseling
center in an effort to mediate the dispute. If the center is successful in finding an agreement between the spouses, it will issue an order of reconciliation. Otherwise, it will refer the matter back to Family Courts after having issued a written opinion.” (IHRDC, 30 November 2015, p. 9)

As reported by IHRDC, public criminal courts consist of criminal courts I and criminal courts II; the former is responsible in cases of “more important felony charges as well as all crimes committed by high-level government officials and civil servants” and the latter have jurisdiction over “cases involving lighter punitive sentences”. In its November 2015 report, IHRDC further adds that “[t]here is at least one Criminal Court II-level court in each judicial provincial district” and “also at least one Criminal Court I-level court in the capital of each of Iran’s 31 provinces.” (IHRDC, 30 November 2015, pp. 10-11)

In terms of crimes committed by children or adolescents under the age of 18, “specific branches of Criminal Courts I” the so-called “juvenile courts” are responsible (IHRDC, 30 November 2015, p. 11). GlobaLex, an electronic legal publication provided by the Hauser Global Law School Program at New York University School of Law, published an overview of the Iranian legal system updated in August 2015 which was authored by Maliheh Zare, Ph.D. in Private and Islamic Law at the University of Tehran. IHRDC refers to Articles 298 and 410 of the Iranian Code of Criminal Procedure according to which the juvenile courts are administered “by one judge and one counselor experienced in psychology, criminology, social work or education” (IHRDC, 30 November 2015, p. 12).

Specialised courts

When describing the functions of the specialised courts, in its March 2014 report the Human Rights in Iran Unit of the University of Essex mention “the Revolutionary Courts for, among others, national security crimes, military courts for handling crimes related to special military or police duties” and “clerical courts for resolving issues related to the clerics” (University of Essex – Human Rights in Iran Unit, March 2014, p. 13).

The November 2015 report of IHRDC further discusses the constitutional status of the specialised courts:

“Revolutionary Courts and the Special Courts for the Clergy, which are specialized courts, exist in contravention of Articles 61 and 171 of the Iranian Constitution. Indeed, according to those provisions, Military Courts are the only specialized courts provided for by the Constitution. Nonetheless, the Revolutionary Courts that were established by the Revolutionary Council in 1979 — still exist. They were initially meant to be temporary, as the Revolutionary Council itself was.” (IHRDC, 30 November 2015, p. 13)

GlobaLex gives insights into the jurisdiction of the revolutionary courts:

“Revolutionary court has jurisdiction to hear 1) all crimes against national and international security, muhāribih or baqi and ifsād-i fi-l-arz [national armed terrorism] [respectively defined and criminalized in Articles 279 to 285 and Articles 286 to 288 of the 2013 Islamic
Criminal Code), 2) insulting Imam Khumeini and the Supreme Leader, 3) all smuggling and drugs crime, and 4) other cases under laws designating the revolutionary court as the court with jurisdiction (Article 303). The examples of such cases are crimes under Article 49 of the Constitution and some financial crimes.” (GlobaLex, August 2015)

Regarding the broad wording and its consequences, IHRDC points out that there are “frequent overlaps between the jurisdiction of Revolutionary Courts and the jurisdiction of Public Courts that adjudicate political crimes” and that “any political crimes can be categorized as a crime against internal and external security or corruption on earth, therefore falling under the jurisdiction of Revolutionary Courts.” (IHRDC, 30 November 2015, p. 15)

According to IHRDC, the special clerical court was set up directly after the Revolution of 1979 to “safeguard the interests of the clerical community, and has been used to police dissenting voices within the clergy in the years since” (IHRDC, 30 November 2015, p. 13). As the US Department of State (USDOS) notes in its report on human rights practices (reporting period 2017) “[t]he Special Clerical Court is headed by a Shia Islamic legal scholar” and “overseen by the supreme leader” (USDOS, 20 April 2018, section 1e). When reporting on the case of Ahmad Montazeri, who was sentenced to 21 years in jail by the special clerical court for “endangering state security” and “anti-government propaganda”, Reporters Sans Frontières (RSF) mentioned that the trial “was held behind closed doors and without a defence lawyer” (RSF, 1 December 2016).

GlobaLex reports that the military courts “hear cases against military and police forces if the crime is related to their duties and/or happened during the hours they have been on duty” (GlobaLex, August 2015). More information on military courts can be found in section 7.6 of this compilation.

The Court of Administrative Justice deals with “complaints and grievances against administrative regulations and orders issued by governmental bodies” (IHRDC, 30 November 2015, pp. 13-14, pp. 23-26; Constitution of the Islamic Republic of Iran, 1989, Article 173).

**Supreme Court**

The Supreme Court is the “highest court of appeal of both civil and criminal cases” (GlobaLex, August 2015). It supervises “the proper implementation of the law by the courts of law” thus “creating uniform and binding judicial precedent” (Constitution of the Islamic Republic of Iran, 1989, Article 161). The president of the Supreme Court is appointed by the Head of Judiciary for a five-year term (Constitution of the Islamic Republic of Iran, 1989, Article 162).

In terms of the responsibility of the Supreme Court for resolving conflicts between courts, IHRDC notes:

“The Supreme Court has the authority to resolve jurisdictional disputes between Public and Revolutionary courts. In practice, the history of such disputes suggests that Revolutionary Courts are allowed to assert jurisdiction over offenses that are not, in the opinion of the
Judicial independence

With regard to the independence of the judicial system, the US Department of State (USDOS) notes in its April 2018 country report on human rights practices:

“The supreme leader appoints the head of the judiciary. The head of the judiciary, members of the Supreme Court, and the prosecutor general were clerics. International observers continued to criticize the lack of independence of the country’s judicial system and judges and maintained that trials disregarded international standards of fairness.” (USDOS, 20 April 2018, section 1e)

In its March 2014 report, the Human Rights in Iran Unit of the University of Essex provides the following analysis of the entanglement between the Iranian judiciary and the executive power:

“The Iranian Constitution provides that the judiciary shall be an independent institution that protects individual and social rights, upholding the separation of powers principle de jure. However, the Head of the Judiciary is appointed and supervised by the Supreme Leader who, under the Constitution, is the Head of State. This is a clear interference by the executive in judicial affairs.” (University of Essex – Human Rights in Iran Unit, March 2014, p. 1)

Regarding the lack of independence of the judiciary and the Iranian judges, IHRDC explains in its 2016 report:

“[…] there is no oversight of the constitutionality of laws that are promulgated and thus no control over the legislative power. The Guardian Council, vested with the power to control the conformity of the laws with the constitution, does not interfere with judicial affairs because the Judiciary, like the Guardian Council is directly under the control of the Supreme Leader. Finally, the judges of the IRI, when appointed, do not enjoy security of tenure and their employment and promotion is at the discretion of the head of the Judiciary. In such conditions, they lack independence and are unable to fulfil their crucial role of upholding human rights, and instead the lower courts typically follow directives issued by the head of the Judiciary.” (IHRDC, 30 November 2015, p. 7)

Accordingly, the UK Home Office summarises in a country policy and information note on Iran from December 2017 on “numerous reports that the court system is subject to political interference, bribery and corruption” (UK Home Office, December 2017, p. 6) and IHRDC further writes that “[d]ecades of history attest that the IRI [Islamic Republic of Iran] uses its judiciary as a tool to achieve political ends, rather than to safeguard the rights and freedoms of its citizens” (IHRDC, 30 November 2015, p. 4).

In its February 2018 joint report on judicial issues in Iran, the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) discuss the topic of bribery in the Iranian judiciary. In
reference to information obtained from Western embassies, the Middle East Consultancy Services, an anonymous analyst and an anonymous legal source, DIS/DRC state the following:

“Bribery in the justice system occurs. When it comes to bribery in political cases, two sources explained that it is difficult to use bribe in such cases; political cases are handled by the Revolutionary Court.

Bribery can influence the ruling of a judge. According to a Western embassy influence is more important than money. The source pointed out that bribery is more common in first instance cases; 46 percent of court cases end at the first instance.

An anonymous analyst explained that it is difficult to obtain a legal document by bribe as courts are under surveillance, and there are cameras in the courtroom; the courts have their own security system called Hirasat, which reports to the Hefazat Ettelaat or counter-intelligence of the judiciary. In contrast, a Western embassy said that obtaining a legal document with false information is probably possible.

Judges are brought to trial for corruption. An anonymous analyst mentioned that every year, the spokesman for the judiciary maps the dismissed, sanctioned, etc. judges due to bribery. According to statistics, more than 100 judges were laid off in 2016. Middle East Consultancy Services added that The High Tribunal for Judicial Discipline oversees offences enacted by judges. The source added that in 2015 several public declarations were issued related to the removal of 50 judges, due to corruption.” (DIS/DRC, 23 February 2018d, p. 7)

Further information on judicial issues can be obtained from the February 2018 report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC):

- DIS/DRC – Danish Immigration Service/Danish Refugee Council: Iran: Judicial issues - Joint report from the Danish Immigration Service and the Danish Refugee Council based on interviews in Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 September to 16 September 2017 and 2 October to 3 October 2017, 23 February 2018d

7.1.2 Procedural law and practice

The Iranian Constitution contains provisions relating to public trials (Article 165), reasoned verdicts (Article 166), rule of law (Article 167), political and press offences (Article 168), the principle of “Nulla poena sine lege” (“No penalty without law”) (Article 169), control of government decrees and regulations (Article 170) and the liability of judges (Article 171):

“Article 165 – Trials shall be conducted openly and the presence of people therein shall be allowed unless the court decides that it would be contrary to public morals or public order, or in private lawsuits where the parties to it request that the trial be held in camera.

Article 166 – Judgments of courts must be substantiated and supported by articles of law and the principles on the basis of which such judgments are rendered.

Article 167 – A Judge shall be required to try to find out the verdict of every lawsuit in codified laws; if he fails to find out, he shall render a verdict on the matter under
consideration based on authentic Islamic sources or authoritative Fatwas. He may not refrain from dealing with the case and rendering a judgment on the pretext of silence, inadequacy or brevity of or contradiction in codified laws.

Article 168 – Investigation of political crimes and press offences shall be open and shall be carried out by a court of law in the presence of a jury. The manner of appointment, qualifications and authorities of the jury, and the definition of a political crime shall be laid down by law on the basis of Islamic precepts.

Article 169 – No act or omission of an act may be regarded as a crime retroactively by virtue of a law enacted thereafter.

Article 170 – Judges of courts shall be required to refrain from implementing Government decrees and regulation which are contrary to law or the rules of Islam or beyond the limits of authorities of the Executive. Anyone may apply to the Administrative High Court for the annulment of such regulations.

Article 171 – Should someone suffer moral or material loss as a result of interpretation, or mistake of fact or of law by a judge, or application, by him, of a rule on a particular case, in the event of default, the defaulting judge shall stand as a guarantor according to the principles of Islam, otherwise the losses shall be indemnified by the State. In any event, the accused person shall be rehabilitated.” (Constitution of the Islamic Republic of Iran, 1989, Articles 165-171)

As reported in articles by the Iranian Human Rights Documentation Center (IHRDC) and Human Rights Watch (HRW), the new Code of Criminal Procedure, which was approved in 2014, went into effect in June 2015 (IHRDC, 2015; HRW, 24 March 2016). In 2015 Mansoor Rahmdel, a professor of criminal law at the University of Tehran, published an article on the new developments in the Iranian Code of Criminal Procedure of 2014. Regarding the specific improvement the new Code of Criminal Procedure brings forth for the accused and for the standards of a fair trial, Rahmdel notes:

“Concerning the rights of the accused, reference can be made to the following points: repealing all cases of mandatory detention order and subjecting all detention orders to appeal, expanding the authority of the prosecutor and the court to decide on the suspension of the prosecution, filing the case, expanding the scope of different types of orders favorable to the situation of the accused, making the presence of a defense attorney mandatory during the preliminary investigation in the case of crimes punishable by death or life imprisonment, allowing the study of the case file by the defense attorney of the accused during the preliminary investigation, obliging the investigators and the law enforcement officials to inform the accused of his/her right to have a defense attorney, obliging the law enforcement officials to observe the rights of the accused in terms of the duration of the interrogation, registering the time of the beginning and the conclusion of any interrogation and allowing the relatives of the accused to be informed of his/her situation.” (Rahmdel, 2015, pp. 820-821)
In its 2015 article, IHRDC reports on the differences between the proposed amendments and the actual changes of the code:

“While the original draft of this code, which was passed in February 2014, was considered a relatively positive development, last-minute amendments before the law was about to be implemented have raised serious concerns of further deterioration of the state of the rights of defendants in Iranian courts.

The most significant change in the last-minute amendments to the Code of Criminal Procedure was to a note to Article 48, which stated that in cases involving serious charges, such as those carrying the death penalty or imprisonment for more than five years, during the pre-trial investigative phase a defendant may only choose attorneys that have been previously approved by the head of the judiciary.” (IHRDC, 2015)

On this note, HRW criticized the new code of criminal procedure and demands “an independent legal defense” for people accused of national security and political crimes, in an article published in March 2016 (HRW, 24 March 2016). In a 2018 article, HRW raises criticism again in pointing out:

“Iran’s judiciary reportedly created a very short list of lawyers approved to represent people accused of national security crimes – commonly used to prosecute activists – in Tehran’s courts during the investigative stage of the case. Of the 20,000-plus members of Tehran’s Bar association, only 20 lawyers made the list, which, unsurprisingly, excluded women and human rights lawyers.” (HRW, 5 June 2018)

7.2 Detention rules and procedures

Following the English translation of Iran’s Criminal Code of Procedure for Public and Revolutionary Courts of the Iran Human Rights Documentation Center (IHRDC), Article 119 and Article 124 determine that a warrant is needed to arrest accused individuals and that there need to be “valid reasons for summon or arrest”:

“Article 119 – Arresting the accused is done by warrant. The warrant, which is similar to the content of a summon letter, should be issued to the accused. [...]”

Article 124 – The judge should not summon or arrest a person, unless there are valid reasons for summon or arrest.” (IHRDC, 23 February 2014)

According to IHRDC’s translation, in a note to Article 123 the Criminal Code of Procedure specifies that the permission of a judicial authority is needed to keep arrested individuals for more than 24 hours detained:

“Note – The judicial officers are bound to take the arrested person to the judicial authority immediately and they can only detain him or her if there is a fear of collusion, absconding, or the destruction of evidence of the crime. In any case, they are not allowed to keep the arrestee for more than 24 hours without the permission of a judicial authority.” (IHRDC, 23 February 2014)
However, in its March 2018 report to the UN Human Rights Council, the UN Special Rapporteur on the situation of human rights in Iran describes a “worrying picture, of violations of due process and the right to a fair trial” and mentions “arbitrary arrests and detentions; continuing executions, including of juvenile offenders; […] torture and other ill-treatment in detention, in particular to coerce confessions […]” among others. (HRC, 5 March 2018, p. 4)

Regarding the discrepancy between law and practice in cases of arrested converts, in a March 2018 Country Policy and Information Note the UK Home Office refers to the descriptions of “religious freedom watchdog Article 18”, interviewed in July 2017:

“Article 18 […] stated that legally a person must be summoned first and then arrested (if a person has not responded to the summons). But this usually doesn’t happen. Often when a person is arrested, no one shows an arrest warrant, which legally should have their name, basic details and the reason for arrest. The person should then know his/her charges immediately and before interrogations. The person could then refuse to answer questions not connected to his/her under law. But this rarely happens. The arrest, detention and charge are therefore illegal all the way through. It’s also highly likely that by the time a person gets to court, the charges which are raised are not the ones mentioned (if at all) earlier in proceedings. People who are arrested are threatened with apostasy. But this doesn’t appear on the charge sheet or court verdicts.” (UK Home Office, March 2018, p. 23)

Similarly, in their February 2018 report on judicial issues in Iran, the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) referred to an anonymous legal sources, when stating that

“[…] in some cases, such as sensitive political and national security cases, the accused can be put under arrest without summoning. The source added that the Revolutionary Court does not necessarily follow and comply with the legal summoning procedures.” (DIS/DRC, 23 February 2018d, p. 6)

The US Department of State reports in its April 2018 country report on human rights practices (reporting period 2017) states:

“Although the constitution prohibits all forms of torture ‘for the purpose of extracting confession or acquiring information,’ use of physical and mental torture to coerce confessions remains prevalent, especially during pretrial detention. There were credible reports that security forces and prison personnel tortured and abused detainees and prisoners throughout the year.” (USDOS, 20 April 2018, section 1c)

According to Human Rights Watch’s World Report 2018, “Iranian courts, and particularly the revolutionary courts, regularly fell short of providing fair trials and used confessions obtained under torture as evidence in court”. HRW further adds that the access to legal counsel is often restricted. (HRW, 18 January 2018) In this regard, Amnesty International (AI) described trials, especially those before the revolutionary court, as “closed and extremely brief, sometimes lasting just a few minutes”. The same source describes even those trials resulting in death sentences as “systematically unfair” and criticises the lack of “independent mechanisms for ensuring accountability within the judiciary” (AI, 22 February 2018).
In terms of allegedly coerced confessions, Radio Free Europe/Radio Liberty (RFE/RL) reported in June 2018 on the “rushed” execution of Mohammad Salas, a Sufi man convicted of the killing of three police officers during clashes between Sufis and the police in February 2018 (RFE/RL, 19 June 2018). Amnesty International (AI) described Mohammad Salas’ trial as “groosly unfair”:

“[Mohammad Salas] said he was forced under torture to make a ‘confession’ against himself. This ‘confession’, taken from his hospital bed, was broadcast on state television weeks before his trial and used as the only piece of evidence to convict him. He was not allowed access to his chosen lawyer at any point before or during his trial, and his independent lawyer’s repeated demands to the authorities to allow critical evidence indicating his innocence were dismissed outright.” (AI, 18 June 2018)

The Center for Human Rights Iran (CHRI) reported in July 2017 on a case, in which “the trial completely lacked due process”:

“On July 6, Ahmadzadeh sentenced four Protestant Christian converts to 10 years in prison each in a trial completely lacking due process, according to Mansour Borji, the advocacy director of Article 18, a London-based organization that defends Christians in Iran.” (CHRI, 20 July 2017)

**7.3 Unfair trials of political dissidents**

In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran notes:

“A recent opinion rendered by the Working Group on Arbitrary Detention makes reference to the reports in which the Iranian authorities use vaguely worded and overly broad national security-related charges to criminalize peaceful or legitimate activities in defence of human rights, and as such contravened the principle of legality and allow for arbitrary application. The Special Rapporteur fully supports the apprehensions expressed by the Working Group on Arbitrary Detention, and reiterates her concern for the situation of a number of human rights defenders and prisoners of conscience currently imprisoned.” (HRC, 5 March 2018, p. 11)

In an article published in May 2015, the Washington Post quotes Hadi Ghaemi, the executive director of the New York-based International Campaign for Human Rights in Iran, on the functions of revolutionary courts regarding politically motivated cases:

“‘Revolutionary courts, although originally expected to be temporary, remain in place because they have proven extremely useful as an instrument [for] prosecuting politically motivated cases,’ said Hadi Ghaemi, [...]”. (Washington Post, 29 May 2015)

In line with that, Amnesty International (AI) discusses the lack of independence of the judges of the revolutionary courts and writes about remaining concerns following which “judges, particularly those presiding over Revolutionary Courts, were appointed on the basis of their political opinions and affiliation with intelligence bodies, and lacked legal qualifications.” (AI, 22 February 2018)
In its Freedom in the World Report 2018, Freedom House states regarding the absence of due process for activists:

“Activists are routinely arrested without warrants, held indefinitely without formal charges, and denied access to legal counsel or any contact with the outside world. Many are later convicted on vague security charges in trials that sometimes last only a few minutes.” (Freedom House, January 2018, section F)

In terms of the denial of legal counselling for political prisoners, Amnesty International notes:

“Fair trial provisions of the 2015 Code of Criminal Procedure, including those guaranteeing access to a lawyer from the time of arrest and during investigations, were routinely flouted. The authorities continued to invoke Article 48 of the Code of Criminal Procedure to prevent those detained for political reasons from accessing lawyers of their own choosing. Lawyers were told they were not on the list approved by the Head of the Judiciary, even though no official list had been made public.” (AI, 22 February 2018)

In its January 2018 report, Freedom House mentions that “[d]ual nationals and those with connections abroad have also faced arbitrary detention, trumped-up charges, and denial of due process rights in recent years” (Freedom House, January 2018, section F). In this regard, the UN Secretary General expresses its concerns in its February 2018 report, as the Working Group on Arbitrary Detention identified a pattern in the treatment of “those affiliated with different ‘pro-democracy institutions of the West’ – especially those with dual nationality”. By referring to reports received, the UN Secretary General further specifies that “procedures against these dual or foreign nationals have been marred by due process and fair trial violations, including incommunicado detention, and denial of access to a lawyer” (HRC, 26 February 2018).

### 7.4 Conditions in prisons and detention centres

In its February 2018 report, the UN Secretary General expresses his concerns in term of the “inhuman and degrading conditions” in Iranian prisons. In this regard, “cramped cells, inadequate provision of food and water; unhygienic conditions, and restricted access to toilet facilities” were mentioned (HRC, 26 February 2018, p. 5). Amnesty International similarly states in its State of the World’s Human Rights Report published in February 2018 that the problems Iranian prisoners have to face include “overcrowding, limited hot water, inadequate food, insufficient beds, poor ventilation and insect infestations” (AI, 22 February 2018).

In June 2016 Radio Free Europe/Radio Liberty (RFE/RL) reports on the closure of the newspaper Ghanoon after critical reporting, including an article on the “detention conditions at a penitentiary facility in Tehran” (RFE/RL, 20 June 2016). The independent German online magazine Iran Journal disclosed that the author of the aforementioned article was detained in a prison near Tehran, but was released on bail after 24 hours. The author depicted the time he had to spend in the prison as a mere “nightmare” and mentioned among other points of improper treatment and inadequacies that running water is only available two hours a day, which also causes serious shortcomings in terms of the sanitary rooms. (Iran Journal, 3 July 2016)
In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran refers to the comments of the Iranian governments to the critique on the detention conditions:

“In comments provided to this and previous reports of the Secretary-General, the Government noted that prisons are under the control of the prosecutors and their deputies, and that the Department of Justice has been conducting periodical and impromptu inspections, and has taken action against bailiffs suspected of misbehaviour.” (HRC, 5 March 2018, p. 5)

Regarding one of these inspections, in January 2018 Human Rights Watch (HRW) reports on the planned visit of Iranian parliamentarians in Evin prison in Tehran and on the critique on such visits raised by activists:

“During recent protests, more than 3,700 people were arrested across Iran, and dozens of these people are held in Evin prison. Parliament requested the visit after the arrests, and after hearing reports of at least three deaths in detention, as well as allegations of mistreatment and torture in detention centers across the country.

Iranian activists doubt such visits are effective. Mahdieh Golrou, imprisoned in Evin for more than two years for her student activism after the disputed 2009 presidential election, tweeted that, ‘Anytime anyone wanted to come for a visit [to prison], they would send the vocal people to the yard. After they were gone we would realize that they had visited our ward. What exactly do they want to look into? ... ’

Iranian authorities have a history of impunity and ignoring allegations of torture in detention. Prisoners, particularly those facing vaguely defined national security charges, are regularly denied access to a lawyer, and when they report torture they are often ignored.” (HRW, 26 January 2018)

In July 2017 Forbes Magazine reported on the questionability of such “orchestrated tours”, which are “launched by the mullahs for dozens of foreign ambassadors to visit the notorious Evin Prison”:

“What needs clarification to the outside world is the fact that Evin, along with many other prisons, has a dark history of widespread executions, tortures, and inhumane and unbearable conditions, to say the least. The regime in Iran, with a track record of 63 UN condemnations of human rights violations, is hardly in any position to claim of providing inmates with adequate conditions.” (Forbes, 20 July 2017)

The same source points out that right groups are not allowed to access these prisons:

“Following this orchestrated tour, Human Rights Watch made a call to Tehran seeking access for rights groups to these prisons. HRW is among many similar entities seeking access to Evin as the facility has been closed to human rights investigators representing independent international and national organizations.” (Forbes, 20 July 2017)

In an article published in January 2018 Al Arabiya English describes Evin Prison as follows:
“With Evin Prison being one of the most notorious prisons in the world, just the mention of its name conjures up emotions of fear and foreboding in the hearts of ordinary Iranian citizens, as it has become synonymous with political repression, mass hangings and torture. […] 

Teachers, writers, journalists, students, lawyers and academics, in fact anyone who speaks out against the regime, can find themselves thrown into Evin Prison. After trials without legal representation, the accused are found guilty of vague crimes on erroneous evidence, and are either condemned to serve long prison sentences.

Although the Iranian regime has continuously denied it, Evin Prison is known to be a virtual torture factory, where countless numbers of inmates have met their fate. […]

With Evin being a prison that is extremely overcrowded, hygiene is poor and in Iran’s sweltering hot summers, the heat can reach up to 45 degrees Celsius. There is no form of air conditioning, and the air within cells becomes rank with sweat and human waste. Water quality is bad and food comes in meagre portions and is barely edible. Medical facilities are virtually non-existent.

This whole process is designed to break the resolve of political prisoners, where the pressure for a confession is kept up until the captive breaks his silence. Then designed to add to this anguish, all contact with the outside world is cut off, family visits and telephone calls are forbidden, and even the guards are ordered to be silent.

Countless numbers have been driven insane by this treatment, many smashing their heads against the wall of their cell in anguish, while others have attempted suicide, but such is the security at Evin, no prisoner has been known to have escaped.” (Al Arabiya English, 2 January 2018)

In his February 2018 report, the UN Secretary-General expresses his concerns with regard to “ongoing reports of political prisoners being denied adequate medical care” (HRC, 26 February 2018, p. 6). In its February 2018 report, Amnesty International (AI) writes that “[t]he authorities continued to deprive prisoners detained for political reasons of adequate medical care”. AI further points out, that the denial of medical care is often used as “deliberate punishment” or in order to make them ‘confess’ and that this “amounted to torture” (AI, 22 February 2018).

The UN Secretary General indicates that “[t]he deprivation of medical attention endangers the lives of prisoners” and gives the example of Mohammad Nazari, “a critically ill prisoner of conscience who has been detained for over 20 years on account of alleged support of the Democratic Party of Iranian Kurdistan”:

“Reportedly, [Mohammad Nazari] was convicted on the basis of forced confession following torture, without access to a lawyer. He initiated a hunger strike in July 2017 to draw attention to his call for a judicial review of his sentence in accordance with the 2013 amendments to the Islamic Penal Code. His health deteriorated significantly, and it is understood that he is in need of specialized medical care. In October, he was transferred
to a hospital on an emergency basis but then returned to prison. He is currently in the Orumieh prison near his family.” (HRC, 26 February 2018, p. 6)

In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran gives another example by referring to the concerns expressed by Special Procedures mandate holders in August 2017 regarding the situation of 53 prisoners on hunger strikes. The prisoners were on a “prolonged hunger strike to protest against their transfer to a high-security section of Rajai-Shahr prison in Karaj”:

“The prisoners had reportedly not been allowed to take their personal belongings, including medicines, and were deprived of medical care. The Government responded by noting that the transfer of the prisoners had been undertaken in line with the law and filmed. It also noted that the prisoners’ medicines and necessities had been delivered to them, and that medical care had been provided.” (HRC, 5 March 2018, p. 7)

In terms of recent cases of abuses and mistreatment in Iranian prisons, in May 2018 Amnesty International (AI) reports on the situation of female prisoners of conscience from Iran’s Gonabadi Dervish religious community, who had to face “verbal abuse, including sexual slurs, and denied proper medical treatment by doctors” at Shahr-e Rey prison (AI, 25 May 2018). In June 2018 AI called for urgent action in the case of Zeynab Jalalian, an Iranian Kurdish woman whom the authorities denied access to “specialized medical care, despite her deteriorating health in Khoy prison.” (AI, 15 June 2018). The Center for Human Rights in Iran (CHRI) reported in June 2018 on three environmentalists who have been detained without charge for the past five months in Tehran’s Evin Prison and were subjected to torture during interrogations:

“‘Sam Rajabi’s nose has been injured and Taher Bagherian’s front teeth have been broken and Niloufar Bayani was brought blindfolded to a meeting with her family by an agent who told her mother that Niloufar should cooperate [with her interrogators],’ a source close to the detainees’ families told the Center for Human Rights in Iran (CHRI) on June 26, 2018.” (CHRI, 28 June 2018)

7.5 Legal capacity (mental disability); age of criminal responsibility

In a report published in June 2018, Human Rights Watch (HRW) and the Center for Human Rights in Iran (CHRI) noted that the acceptance of the Comprehensive Law to Protect Disabled Persons lead to a series of improvements for persons with disabilities in Iran. However, HRW and CHRI mention that “legislation contains no disability-based discrimination clause, and does not refer to basic rights such as legal capacity or freedom from violence and abuse” (HRW/CHRI, 26 June 2018, p. 63). The UN Secretary General states in his report from February 2018 that “[a] number of laws currently in force” in Iran are not compatible with “Iran’s obligations under the Convention on the Rights of Persons with Disabilities”, as they “deny the legal capacity of persons with disabilities” and limit their “access to justice and political rights”. The UN Secretary General further refers to the degrading language used in the civil and penal codes when referring to persons with disabilities (HRC, 26 February 2018, p. 13).
Regarding the higher risk of being sentenced to death because of mental disabilities, the UN Committee on the Rights of Persons with Disabilities (CRPD) expresses its concerns in its concluding observations published in May 2017:

“The Committee is concerned that persons with disabilities, particularly persons with psychosocial and/or intellectual disabilities, may face a greater risk of incurring the death penalty because of a lack of procedural accommodations in criminal proceedings.” (CRPD, 10 May 2017, p. 5)

Rahmdel states in his 2015 paper on the new developments in the Iranian Code of Criminal Procedure of 2014 that the amendments of the code led to an “important step toward the protection of victims with an illness or a disability or incompetent victims”, as prosecutors or NGOs are enabled to issue criminal complaints:

“In cases where the victim of a crime is unable to initiate criminal proceedings, this policy aims at protecting weak victims and shall minimize the possibility of the absconding of the accused and is, thus, an appropriate measure to ensure that justice is done.” (Rahmdel, 2015, p. 821)

Regarding the minimum age of legal responsibility, the new Islamic Penal Code of 2013 states that the “age of maturity” lies at nine lunar years for girls and at fifteen lunar years for boys. (Islamic Penal Code, 2013, Article 147; as translated in IHRDC, 8 April 2014)

In its June 2014 report on the legal status of the child, the Human Rights in Iran Unit of the University of Essex explains the term “age of majority” as follows:

“The age of majority under Iranian law varies greatly from the international standard set by the Convention on the Rights of the Child. According to Civil Code Article 1210, the age of majority is 9 for girls and 15 for boys. These religious-related provisions rely on a lunar calendar in which 9 lunar years constitute 8 years and 9 months, while 15 years amount to 14 years and 7 months.” (University of Essex – Human Rights in Iran Unit, June 2014, p. 23)

Insight Iran, an independent, non-governmental, non-profit organization dedicated to the promotion of human rights in Iran, discusses the amendments of the new penal code regarding the minimum age of criminal responsibility:

“The only difference between the old and new Code is that, the old Code was silent on how old is ‘the age of maturity under Islamic Shari’a’, and, in practice, it arguably referred back to the Civil Code (article 1210) which sets 9 lunar years (8 years and 9 months) for girls and 15 lunar years (14 years and 7 months) for boys as the age of maturity. The new Penal Code has addressed this flaw and given this matter a separate article. Article 147 of the new IPC fixes the age of 9 lunar years for girls and 15 lunar years for boys as the age of maturity.” (Insight Iran, February 2015, p. 3)

The above-cited report of the Human Rights in Iran Unit further notes that regarding the minimum age of criminal responsibility the discrimination of girls is two-fold, as compared to international legal standards it is set too low and it is moreover lower than the minimum age of their male counterparts. (University of Essex – Human Rights in Iran Unit, June 2014, p. 2)
According to the same source, the “unreasonably low minimum age of criminal responsibility within Iran” results in children “be[ing] subjected to the death penalty” (University of Essex – Human Rights in Iran Unit, June 2014, p. 2). On this matter, Human Rights Watch (HRW) states in its world report 2018 that “[u]nder Iran’s penal code that went into force in 2013, judges can use their discretion not to sentence children to death”, but adds that a number of individuals convicted of crimes committed under the age of 18 “have been sentenced to death anyway” (HRW, 18 January 2018). According to the report of the UN Secretary General from February 2018, “[a]s of January 2018, 80 individuals were on death row for crimes committed when they were minors” and “[i]n 2017, five juvenile offenders were executed […]” (HRC, 26 February 2018, p. 5). In terms of a recent case, Amnesty International (AI) reports that the “Iranian teenager Abolfazl Chezani Sharahi, who was sentenced to death for a murder committed when he was aged 14” was executed on 27 June 2018 “based on an official medical opinion that he was ‘mature’ at the time of the crime” (AI, 29 June 2018).

7.6 Military criminal law and practice

The establishment of military courts is laid down in Article 172 of the Iranian Constitution:

“Article 172 - For the purpose of investigating the crimes related to the special military or police duties of the members of the Army, Police and the Islamic Revolutionary Guard Corps, military courts shall be established in accordance with the law. However, their ordinary crimes or those committed in their capacity as law enforcement officers shall be investigated by the public courts. Military Prosecutor’s Office and military courts are a part of the Judiciary and shall be subject to the provisions related to the Judiciary.” (Constitution of the Islamic Republic of Iran, 1989, Article 172)

In its November 2015 report on the Iranian judiciary, the Iran Human Rights Documentation Center (IHRDC) refers to Section 8 of the Code of Criminal Procedure (Article 571 to Article 648) and the “Law on Crimes and Punishments of the Armed Forces of December 2003” which further specify “the composition, jurisdiction and procedural rules applicable” before the military courts. IHRDC further states, “Military Courts and the military office of the prosecutor are under the purview of the judicial organization of the armed forces, which is the organization responsible for trying military personnel.” (IHRDC, 30 November 2015, p. 16)

Regarding the different sections of the military courts and their jurisdiction, the same source reports:

“Article 582 of the CCP provides for four different Military Courts within the IRI’s judicial system, which are: (a) military courts II; (b) military courts I; (c) military appeal chambers; (d) wartime military court II; (e) wartime military court I; and (e) wartime military appeal chambers.

Military Courts have jurisdiction over crimes committed by the members of the armed forces including the army, the police, the Islamic Revolutionary Guards Corps, members of the Ministry of intelligence and the Basij in the discharge of their military duties. Common crimes committed by military personnel – unrelated to rank and professional duties – will conversely be adjudicated in Public Courts. Military Courts will assert jurisdiction as long as
the crime or felony was committed while the suspect was a member of the armed forces, irrespective of whether he retired from service at the time of preliminary investigations and trial.

Military Courts I have specific jurisdiction over crimes committed by high-ranking military officials as well as crimes committed by military abroad, while Military Courts II adjudicate other crimes committed by lower ranking personnel.” (IHRDC, 30 November 2015, p. 17)

In its November 2015 report, IHRDC further mentions the competences of the military courts in terms of “crimes committed by members of the armed forces while at war”:

“In accordance with Article 591 of the Code of Criminal Procedure, wartime tribunals are to adjudicate crimes: (i) which are within the jurisdiction of military tribunals; (ii) committed against the internal or external security of the country; and (iii) committed while at war during the execution of military duties regardless of whether they are within the jurisdiction of those tribunals will be adjudicated by wartime tribunals.” (IHRDC, 30 November 2015, pp. 17-18)

Regarding the composition and the geographical distribution, IHRDC refers to Article 578 of the Code of Criminal Procedure, when stating that “a military court together with a military prosecutor will be present in the capital of each province”. According to Article 572, “Military Courts judges must have at least fifteen years of legal experience”. (IHRDC, 30 November 2015, p. 18)

Following an unofficial translation provided by the Iranian Human Rights Documentation Center (IHRDC), Article 504 of book five of the Islamic Penal Code of the Islamic Republic of Iran states:

“Anyone who effectively encourages combatants or those in military forces to rebel, escape, surrender, or disobey military orders, with the intention to overthrow the government or to defeat national forces against the enemy, shall be considered as mohareb; otherwise [if he does not possess the intention] if his acts are effective he shall be sentenced to two to ten years, and if not, to six months to three years’ imprisonment.” (Islamic Penal Code, 2013, Article 504, as translated in IHRDC, 18 July 2013)

In reference to Human rights groups, the US Department of State (USDOS) states in its country report on human rights practices in 2017 that “[i]mmpunity remained a problem within all security forces” and that “regular and paramilitary security forces, such as the Basij” were frequently accused “of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations.” (USDOS, 20 April 2018, section 1d)

Following the CIA World Factbook (last updated in June 2018), an 18-month military service is compulsory in Iran (CIA, 7 June 2018). However, in its Country Information Report on Iran published in June 2018, the Australian Department of Foreign Affairs and Trade (DFAT) mentions a number of reasons for exemption:
“Authorities can grant an individual exemption from military service on several grounds. These include (but are not limited to) medical reasons, being the only son in the family, having elderly parents, and having a brother currently serving in the military. Homosexuality or a designation as a transsexual are regarded as medical and psychological conditions that warrant an exemption.” (DFAT, 7 June 2018, p. 37)

Regarding the consequences draft evaders have to face, the Australian Department of Foreign Affairs and Trade further adds:

“Draft evaders are liable for prosecution. A person who deserts from the military must complete his service on return if he is under the age of 40. Evading military service for up to a year during peace time or two months during war can result in the addition of between three and six months to the total length of required service. More than one year’s draft evasion during peacetime or two or more months during war may result in criminal prosecution. Draft evaders may lose social benefits and civic rights, including access to government jobs or higher education, or the right to set up a business. The government may also refuse to grant draft evaders drivers licences, revoke their passports, or prohibit them from leaving the country without special permission. Iranian authorities periodically crack down on draft evaders. In June 2016, the chief conscription officer for the armed forces announced that authorities would intensify the process of identifying and arresting those who had attempted to avoid their military service.” (DFAT, 7 June 2018, p. 38)
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TAB 14
Dena, mother of a 10-year-old boy, is a lesbian refugee, waiting in Turkey for 4 years for her resettlement to the United States. Back home, as soon as she received her Master’s degree in computer engineering, her family arranged a marriage for her against her will.
Unfortunately, forced marriage is a common practice inflicted upon hundreds of young bisexual and lesbian women in Iran and Dena was not an exception! She gave in to the pressures from her family and married a man, against her wish and most importantly, against her sexual orientation.

As a lesbian woman, staying in a heterosexual marriage without love and affection soon became a violent and abusive situation for Dena. Very soon after the marriage, she tried to convince her husband to divorce; yet, her husband refused. Things became more complicated for Dena, when she found out that she was with child. Her husband started to threaten to take the full custody of their son if she would file for divorce.

As trying legal channels to divorce eventually became an impossibility, Dena moved to her parents’ house with expectations of living a peaceful life with her son. Yet, she found herself in another abusive situation. Her family blamed Dena for bringing shame upon the family; since divorce is still considered a taboo in the eyes of many traditional families. Dena had to live under the controlling eyes of her parents, brother, and even her extended family members, who did not let her work, and prohibited her from seeing other people since they were suspicious of her sexual orientation.

Dena could finally flee Iran and move to Turkey with her son, after 3 years of a miserable life at her parents. As a single mother, with no support from her ex-husband or her family, she has worked in several jobs, such as restaurants, cafes, beauty salons, and textile ateliers in order to create a healthy, safe and happy environment for her child.

Despite her hard work, however, raising a child as a single mother with refugee status, has proved to be an extraordinarily difficult job. The high cost of living in Turkey and lack of necessary economic and community resources to raise a child have put Dena and her son in a very critical situation.

Right now, Dena’s son is a fifth grade student. He has quickly learnt the language and perfectly adapted to the Turkish schooling system. With your help, we want to continue supporting him, and other refugee children with single lesbian parents, in the course of their educational journey; while waiting the refugee application process in Turkey.

Today, many lesbian and bisexual young women are caught up in loveless forced marriages in Iran. Like Dena, some make a very difficult decision to live in refugee status not only to be able to finally unfold their sexual orientation, but also to provide their children with a safe and healthy environment during the transition period.
Now, we need your help to stand with us in supporting these encourages women to show them that they are not alone in their difficult journey to a better life.

Through our newly established campaign “I Stand With You”, We are committed to help these children grow up in a happy and healthy environment. Together we can help refugee children with single lesbian or bisexual mothers to enjoy standard education and to obtain the right to improve and succeed in their lives as equal as any other children in the world.

**OUR CAUSES**

Join us to help LGBT refugees trapped by the Ban (https://irqr.net/?dn_campaign=join-us-to-help-lgbt-refugees-trapped-by-the-ban)
GET A COPY OF ARSHAM’S MEMOIR
Finalist for the 2016 Lambda Literary Award for Gay Memoir/Biography. All orders of Exiled for Love are 30% off. Use discount code exiled30 during checkout. Exiled for Love follows Parsi's incredible journey from his first understanding of his sexual orientation to his eventual exile. It explores the reality for LGBT people in Iran through the deeply personal and inspiring story of his life, escape and continuing work.
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FAQ (https://irqr.net/?page_id=147)

Contact Us (https://irqr.net/?page_id=13)

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TAB 15
TO: Member states of the United Nations Human Rights Council

Your Excellency,

We, the undersigned Iranian and international human rights organizations, urge your government to support the renewal of the mandate of the Special Rapporteur on human rights in the Islamic Republic of Iran, during the 37th session of the UN Human Rights Council.

The Iranian authorities have consistently failed to take action on vital reforms that would put its laws, policies and practices into conformity with international human rights law and standards. This includes women’s rights, the rights of the child, minority rights, the rights of lesbians, gays, bisexual, transgender and intersex persons, the rights to freedom of association, expression and peaceful assembly, freedom of religion or belief, protection from torture and other ill-treatment, the right to life, due process and fair trial guarantees, as well as economic, social and cultural rights. This is despite the numerous and repeated calls from UN human rights mechanisms, and despite continued popular demand for such reforms in Iran, expressed most recently during the presidential election campaigns of 2017 and the December 2017 and January 2018 protests, when thousands nationwide took to the streets to voice their grievances around poverty, corruption and political repression.

The government’s response to the protests involved excessive and unnecessary use of force, including firearms, against unarmed protesters; and at least 25 deaths reported from during the protests, as well as other violations of the rights to freedom of expression and peaceful assembly, including throttling of Internet traffic and blocking of apps. Several thousand individuals were arrested in the wake of the protests, many of them arbitrarily. Dozens of people arrested during the protests remain in prison according to Iranian officials, and many more are at risk of unfair prosecutions relying on coerced “confessions”. There have also been at least four deaths in custody since December 2017. To date, the authorities have not conducted thorough, independent and impartial investigations into either the deaths in custody or the reports of excessive and lethal use of force during the protests.

Since December 2017, more than 35 women have been arbitrarily arrested in Tehran alone for taking part in ongoing peaceful protests against the discriminatory and abusive practice of compulsory dress code. Enforcement of compulsory dress codes, including mandatory veiling, has violated
women’s rights in Iran for decades, including their rights to non-discrimination, freedom of belief and religion, freedom of expression, and protection from arbitrary arrests and detention, torture and other cruel, inhuman or degrading treatment or punishment. The authorities have threatened that these women could face up to a decade in prison.

These recent developments illustrate the lack of space for civil society to express peaceful dissent, despite recent government commitments, including the adoption of the Charter of Citizens’ Rights in 2016. The Iranian authorities continue to unjustly imprison hundreds of journalists, political dissidents, online media workers, artists, members of religious and ethnic minorities, and human rights defenders, including environmental rights defenders, trade unionists, minority rights activists and aid workers, solely for peacefully exercising their rights to freedom of expression, association and assembly, and religion or belief.

Iran remains amongst the top executioners in the world, executing around 500 persons in 2017. It also continues to use the death penalty against individuals who were under the age of 18 at the time of the crime of which they were convicted, and at a pace that appears to be accelerating. This practice is strictly prohibited under international human rights law and against Iran’s obligations under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. At least five such individuals were executed in 2017, and three more were put to death in January 2018 alone. Scores of juvenile offenders remain on death row in Iran.

In a welcome development, a long-awaited amendment to the country’s drug laws came into force in November 2017. While the newly amended law retains the death penalty for a wide range of drug-related offences, which should not attract the death penalty under international human rights law, it increases the quantity of drugs that must be in possession of the accused in order for the court to impose a mandatory death sentence. If implemented properly, this amended legislation could contribute to a considerable drop in the number of executions. The authorities have imposed a temporary moratorium on drug-related executions and indicated that about 15,000 individuals on death row will have their death sentences reviewed under the new legislation. According to human rights monitors, almost no executions for drug-related offences have been registered since mid-November 2017.

In the past year, Iran has failed to seize opportunities to cooperate meaningfully with UN human rights mechanisms in order to address these human rights challenges. The country continues to deny independent monitoring from key human rights experts. Notwithstanding Iran’s 2002 standing invitation to the UN Special Procedures, and despite their numerous and repeated requests to visit the country, none of the 10 thematic mandate-holders who have sent a visit request have been allowed to access Iran for the past 12 years. Iran has also denied access to the two successive country rapporteurs appointed by the UN Human Rights Council. This lack of engagement is aggravated by the fact that human rights defenders who have communicated with international and regional human rights mechanisms, including different UN bodies, have faced reprisals from the Iranian authorities.

The mandate of the Special Rapporteur on human rights in Iran has played an important role in shedding light on human rights violations that are routinely committed in the country with complete impunity. It is encouraging to see that the work of the Special Rapporteur is yielding results on issues the mandate has prioritized, such as ending the use of the death penalty for non-violent drug-related offences and halting executions of individuals who were below 18 at the time of the crime that became the subject of urgent interventions. The work of the mandate has contributed to attracting the attention of the international community to the dire situation of human rights in Iran and also to stimulating domestic debate in a country where open discussion on human rights is heavily repressed.
The work carried out by the late Asma Jahangir and her predecessor has shown that the mandate of the Special Rapporteur is critical to amplifying the voices of victims of human rights abuses within the UN system. This work also supports a stifled domestic civil society, stimulates discussions about human rights within Iran, identifies systemic challenges, calls for human rights reforms, and takes action on a large number of individual cases through urgent appeals and other communications, thereby saving or otherwise impacting the lives of many in Iran.

By voting in favour of this resolution, your government will send a strong signal to the Iranian authorities that the international community requires genuine and tangible improvements in the country on core human rights issues, in line with Iran’s treaty obligations and repeated commitments. Your vote will also allow the continuation of a mandate that has proved vital for the advancement of human rights in Iran and yielded important gains.

Abdorrahman Boroumand Center

The Advocates for Human Rights

All Human Rights for All in Iran

Amnesty International

Arseh Sevom

Article 18

ARTICLE 19

ASL19

Association for the Human Rights of the Azerbaijani people in Iran (AHRAZ)

Association for Human Rights in Kurdistan of Iran-Geneva (KMMK-G)

Balochistan Human Rights Group

Cairo Institute for Human Rights Studies

Center for Human Rights in Iran

Center for Supporters of Human Rights

Child Rights International Network (CRIN)

CIVICUS – World Alliance for Citizen Participation

Committee to Protect Journalists (CPJ)

Conectas Direitos Humanos

Ensemble Contre la Peine de Mort (ECPM)
European Ahwazi Human Rights Organisation (EAHRO)
Freedom from Torture
Freedom House
Freedom Now
Gulf Center for Human Rights
Human Rights Activists in Iran (HRAI)
Human Rights Watch
Impact Iran
International Commission of Jurists (ICJ)
International Lesbian and Gay Association (ILGA)
International Movement Against All Forms of Discrimination and Racism (IMADR)
International Service for Human Rights (ISHR)
Iran Human Rights
Iran Human Rights Documentation Center
Iranian Queer Organization (IRQO)
Justice for Iran
Kurdistan Human Rights Network
Minority Rights Group International
OutRight Action International
Reprieve
Siamak Pourzand Foundation
Small Media
United for Iran
West African Human Rights Defenders' Network
World Coalition Against the Death Penalty
World Organization Against Torture (OMCT)
6Rang – Iranian Lesbian & Transgender Network
TAB 16
Breaking the Silence

DIGITAL MEDIA AND THE STRUGGLE FOR LGBTQ RIGHTS IN IRAN
ABOUT SMALL MEDIA
Small Media is an organisation working to support internet freedom and human rights advocacy in the Middle East and Africa. We do this by providing research, design, training, and technology support to partners, and by working with organisations to develop effective and innovative digital advocacy strategies and campaigns. We also provide digital security support to a range of partners to ensure that they can work safely and securely.

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A Small Media report

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In this report, we highlight the incredible resilience, bravery and ingenuity of Iran’s LGBTQ citizens in the face of sustained state persecution and continued societal hostility. We map out the urgent media development needs of the LGBTQ community, share examples of existing community initiatives, and signpost areas where local activists and international partners might be able to work together to deliver meaningful benefits to the community.

This Executive Summary provides a brief overview of the key topic areas covered in this report, and summarises our key research findings in brief. A more in-depth exploration of our research findings, along with a comprehensive set of policy recommendations is available in the concluding chapter of this report.

Here are our key findings:

▲ No progress has been made towards the recognition of LGBTQ people’s rights under Iranian law, and there is no evidence that positive legal developments are on the horizon.

In our analysis we show that the risks facing LGBTQ people span both online and offline worlds. Alongside the Iranian Penal Code, which explicitly criminalises same-sex conduct, the Computer Crimes Law outlaws the sharing of any content deemed by the state to be ‘obscene’, or that ‘disseminates lies’. These laws continue to be deployed against LGBTQ people by the state: for example, a number of LGBTQ Telegram channel administrators have been detained on the basis of these laws.

Given the range of human rights violations endured by the LGBTQ community, we stress the need to support the human rights violation documentation capacities of activists on the ground. Only with comprehensive and high-quality evidence can the institutions and individuals responsible for anti-LGBTQ violence and rhetoric be held to account by defenders in the international community.

We commend the excellent work of international LGBTQ rights organisations on this front, and urge them to continue undertaking documentation work—with a particularly urgent focus on the documentation of online harassment and intimidation—and using it to advocate aggressively for the rights of Iranian LGBTQ people at the international level.
Although no progress has been made over the past decade with regard to the legal recognition of LGBTQ citizens’ rights, our research suggests that social attitudes are slowly shifting in a positive direction, thanks to increased coverage of LGBTQ issues in satellite and online media.

The high-profile support offered to LGBTQ people by high-profile Iranian superstars such as the pop diva extraordinaire Googoosh and the TV and film actress Behnoush Bakhtiari have gradually helped to push discussions around LGBTQ rights into the mainstream.

At the same time, similar processes have been taking place on social media platforms such as Instagram, where high-profile ‘influencers’ have sparked lively discussions about LGBTQ rights among their followers. Altogether, the social climate is shifting to the extent that more and more LGBTQ Iranians feel comfortable coming out to their friends and loved ones, and there is a general sense that social progress—while slow—is being made.

Despite advances in social attitudes, key challenges remain for LGBTQ people seeking to access health services—particularly services relating to sexual health and mental health.

Besides ongoing questions around broader public acceptance and support, LGBTQ people face a number of very specific challenges around access to core health services; particularly sexual health services and mental health services.

This report shows that a majority of LGBTQ people surveyed did not have access to sexual health resources, and did not know where they could access appropriate services and resources in the event that they needed them. These findings also hold true for mental health support services, with many psychotherapists hostile to notions of minority sexual and gender identities.

We show how the community and its allies in the international community have attempted to step up to meet some of the service delivery needs of LGBTQ people by establishing online support mechanisms. Feedback around these services has been overwhelmingly positive, but these services are starting to show signs of strain and a lack of resources, and will require greater investment in order to scale up their operations.

As well as practical services such as online counselling and sexual health consultations, the community remains active in producing
online resources relating to sexual and mental health. Much of the content we identified was appropriate and well-designed, but some interviewees expressed concern around sub-par translations of foreign-language resources. Access also remains an issue, with a majority of survey respondents remaining unaware of where they could even find such resources.

Although LGBTQ populations generally demonstrate an awareness of digital security and online safety risks, substantial gaps exist with regard to the implementation of safe online practices. Priority areas for development should include dating apps and social media apps including Instagram and Telegram.

The community’s continued exposure to threats of surveillance, harassment and entrapment online constitutes an urgent threat which should be addressed by digital rights groups and technology companies whose platforms are used by LGBTQ populations.

The rapid uptake of dating apps, and the proliferation of LGBTQ community spaces on social media platforms (primarily Instagram and Telegram) forces users to be mindful of a diverse array of threats that are specific to each platform.

We call upon digital security experts and digital rights organisations to work with the LGBTQ community to develop security resources targeting the full range of community spaces in which LGBTQ people congregate, with a focus on under-examined spaces such as Instagram.

It is also crucial that technology companies take an active role in working with community organisations and digital rights groups to ensure that their platforms are safe environments for the LGBTQ community, and that users can remain informed and aware of the risks they may encounter in these online community spaces.

The issues and challenges outlined here are all explored in far greater depth over the course of this report, in which we make a series of practical, realistic recommendations to international LGBTQ organisations, community activists and advocates, and media development organisations. These recommendations are interspersed throughout the report, and are brought together again in the report’s conclusion.

It is our hope that this report provides a useful overview of the situation facing LGBTQ people in Iran today, that it outlines some of the opportunities for digital media development to bring about positive change in relation to public perceptions of, and service
delivery to the LGBTQ community. This report provides a roadmap for LGBTQ organisations in Iran and around the world to support the development of resources and key services to the community, and describes where efforts should be targeted in order to bring about the most meaningful change.

The Small Media team is immensely thankful to our colleagues and friends at 6Rang, Association Spectrum, and Radio Ranginkaman for their support over the course of this research. We are also grateful to Hornet for supporting us in the distribution of our surveys to its users.

We stand ready to work with partners to use this research to help drive positive changes in the lives of Iran’s LGBTQ citizens, and to assist in the development of digital resources and online services that support the community’s health, security, and freedoms. We hope you find the report interesting and useful.
In May 2012, Small Media published ‘LGBT Republic of Iran: An Online Reality?’. The culmination of a year and a half of work documenting the online habits of LGBTQ Iranians, this report arrived at a time when Iran’s LGBTQ population were under siege by a populist, conservative political establishment, and hemmed in by widespread public hostility.

Despite this, the report offered several stories of hope. It showed how technologies were being leveraged by vulnerable communities to carve out safe spaces, facilitate connections and develop community-specific resources in a society where such activities were otherwise highly dangerous. It showed that LGBTQ Iranians were demonstrating admirable ingenuity, resourcefulness and bravery in assembling new online communities in the face of numerous threats, and argued that technology could prove to be a liberating force for sexual minorities.

But these digital spaces also presented all-new risks; our report offered stark warnings about the Iranian government’s increasing capacities for monitoring and cracking down on dissent and perceived ‘deviants’. Ahmadinejad’s notorious 2007 denial of the existence of gays and lesbians in Iran strikes us now as near-comical, but its ridiculousness should not mask the horrific reality of his administration’s record of persecuting, arresting and even executing citizens based on their sexual conduct.

The Ahmadinejad administration’s witch hunt made use of all the tools of the digital era. Our 2012 report showed how — at the same time as it pursued sexual minorities offline — it harassed Iranian LGBTQ people in the emerging online spaces that they had carved out on blogging platforms, social media platforms and dating websites.

That was six years ago. Since then, Iran’s digital media landscape has transformed beyond all recognition, and President Hassan Rouhani now offers a more conciliatory and socially liberal face to the world. Iran’s blogosphere is dead, and both Twitter and Facebook are looking increasingly marginal to Iran’s online ecology. Telegram and Instagram are the social media behemoths of the day, while a plethora of dating apps have muscled many old dating websites and chatrooms off the scene. LGBTQ Iranians have more ways of connecting and expressing themselves than ever before.
and, among the younger generation, awareness of LGBTQ issues appears to be on the increase.

But with this increased visibility come a number of dangers. Same-sex sexual relations are still outlawed, public sentiment remains largely hostile to LGBTQ people, and community members continue to face risks of forced outing, blackmail, and rejection by their families and friends. Technology offers new opportunities for connection, but it also hands unprecedented power to the state to surveil, censor and intimidate.

Despite these looming threats, this report offers some hope for the future. By working closely with our inspiring Iranian LGBTQ friends and colleagues, we have been able to obtain testimonies from the community inside Iran and from recent émigrés.

This report shows that, despite a complete lack of political will to recognise the rights of LGBTQ citizens, gradual progress is being made in the quest for broader public acceptance. Positive representations of LGBTQ people are being beamed to Iran via satellite, social media ‘influencers’ are becoming key community allies and LGBTQ spaces continue to develop online to provide safe havens for sexual and gender minorities.

But despite growing community confidence, a number of challenges remain: too many LGBTQ people still struggle to access key services such as sexual and mental health support, and threats to their online security remain dire. This report highlights some of these gaps in service provision and proposes areas for future action and investment by supporters in Iran and the international community.

We’ve previously shown that technology can provide LGBTQ communities with the space to breathe and to exist in the most difficult environments. Now the challenge is to understand how—against a backdrop of continued state repression—these communities can be further emboldened and empowered to tackle the key challenges they face, whether these take the form of a protracted mental health crisis, the ongoing threat of HIV/AIDS, or the everyday realities of family rejection, harassment, and violence that are endured by LGBTQ people across Iran.
Methodology

This research report is based on a combination of interviews, focus groups, desk research, online surveys and social media monitoring. Between November 2017 and March 2018, we worked with a number of Iranian LGBTQ rights organisations to design and carry out research into the challenges faced by LGBTQ Iranians. Over this period, we carried out four online focus groups and twelve interviews with a total of 26 participants. In addition to a focus group containing participants from all segments of the community, individual focus groups were established for gay men, lesbians, bisexuals, and trans participants.

The Iranian government does not permit human rights organisations such as Small Media or our LGBTQ partners to operate inside the country, and so we were only able to engage with Iran-based participants remotely. These focus groups were undertaken using secure, encrypted tools. We opted to include Iran-based participants in online focus groups with Turkey-based participants in order to stimulate a dialogue between recent migrants and community members still resident in Iran.

Focus groups typically lasted between 90 and 120 minutes whereas one-on-one interviews typically lasted between 45 and 90 minutes. All interviews and focus groups were conducted in Persian by native-speaker interviewers drawn from the LGBTQ community. Three surveys were designed and distributed on an array of community platforms serving LGBTQ Iranians between December 2017 and March 2018. The surveys were also shared on the popular gay dating/hookup app Hornet.

Alongside this, Small Media used the network analysis tool Netlytic to gather data on 121,000 Instagram posts, uploaded between 14 November and 14 December 2017 and featuring at least one of a set of LGBTQ-related hashtags. Further snapshots were taken from 21-28 February and from 17-21 March 2018.

For security reasons, not all of the data gathered on social media engagement patterns collected over the course of this research is included in the report. A thorough content analysis of core LGBTQ community websites has also been undertaken, although again a number of details have been anonymised for security purposes.
1
A Long Shadow

LGBTQ RIGHTS IN IRAN
Despite Rouhani’s promises to deliver social and cultural freedoms to Iranian citizens after the long winter of the Ahmadinejad era, his government has offered no substantive concessions to the country’s beleaguered LGBTQ community.

The story of his administration so far has been one of stasis, deadlock and the continued marginalisation of Iran’s LGBTQ community. Although it could be argued that the broadly laissez faire character of Rouhani’s social policies create the space for Iranian society to gradually liberalise on social issues, it remains the case that LGBTQ people live under constant threat of harassment, arrest, and even execution.

This chapter provides a brief overview of the legal challenges faced by Iranian LGBTQ people, in violation of the rights and protections afforded to them under international law. It also profiles selected examples of documented violations shared by our partners and interviewees as well as documenting high-profile demonstrations of state-directed anti-LGBTQ rhetoric.

Similar work has also been undertaken by our friends at Outright International and 6Rang, and so our treatment of the legal landscape facing LGBTQ citizens will be brief. If you’d like to see their comprehensive reports on the legal challenges facing sexual and gender minorities, and their documentation of state-directed anti-LGBTQ rhetoric, their reports are available below.¹

1.1
Domestic Law and LGBTQ Rights

There have been no changes to the status of LGBTQ people within Iranian domestic law under the Rouhani administration. Iran’s Penal Code continues to explicitly forbid sexual relations between same-sex partners, whether such relations are consensual or coerced.

In this section we map out the ways that LGBTQ people are explicitly discriminated against within Iranian law and highlight

some of the limited options which Iranian citizens can use to protect themselves from prosecution.

1.1.1 IRANIAN PENAL CODE (2013)

The Iranian Penal Code (IPC), originally adopted in 1991 and amended in 2013, is the primary body of law related to the administration of justice in Iran. Contained within its five books are the collection of articles forbidding same-sex sexual relations and mandating severe punishments for citizens who violate the law.

The IPC distinguishes between a number of different types of sexual acts, which are each prescribed different punishments. Punishments for passive partners are more severe than for active partners, although active partners can also face the death penalty if they are a non-Muslim caught having sex with a Muslim.

The offences and punishments for males engaged in sexual relations (as well as other same-sex conduct such as passionate kissing) are described in detail in Articles 233-237 of the IPC:

**Article 233** – *Lavat* is defined as penetration of a man’s sex organ (penis), up to the point of circumcision, into another male person’s anus.

**Article 234** – The *hadd* punishment for *lavat* shall be the death penalty for the insertive/active party if he has committed *lavat* by using force, coercion, or in cases where he meets the conditions for *ihsan*; otherwise, he shall be sentenced to one hundred lashes. The *hadd* punishment for the receptive/passive party, in any case (whether or not he meets the conditions for *ihsan*) shall be the death penalty.

**Note 1** – If the insertive/active party is a non-Muslim and the receptive/passive party is a Muslim, the *hadd* punishment for the insertive/active party shall be the death penalty.

**Note 2** – *Ihsan* is defined as a status that a man is married to a permanent and pubescent wife and whilst he has been sane and pubescent has had a vaginal intercourse with the same wife while she was pubescent, and he can have an intercourse with her in the same way [vaginal] whenever he so wishes.

**Article 235** – *Tafkhiz* is defined as putting a man’s sex organ (penis) between the thighs or buttocks of another male person. Note – A penetration [of a penis into another male person’s anus]
that does not reach the point of circumcision shall be regarded as *ta'khiz*.

**Article 236** – In the case of *ta'khiz*, the *hadd* punishment for the active and passive party shall be one hundred lashes and it shall make no difference whether or not the offender meets the conditions of *ihsan* [mentioned in Note 2 of Article 234], or whether or not [the offender] has resorted to coercion.

**Note** – If the active party is a non-Muslim and the passive party is a Muslim, the *hadd* punishment for the active party shall be the death penalty.

**Article 237** – Homosexual acts of a male person in cases other than *lavat* and *ta'khiz*, such as kissing or touching as a result of lust, shall be punishable by thirty-one to seventy-four lashes of *ta'zir* punishment of the sixth grade.

**Note 1** – This article shall be equally applicable in the case of a female person.

**Note 2** – This article shall not be applicable in the cases punishable by a *hadd* punishment under Shari’a rules.

The IPC also establishes punishments for female same-sex relations (as well as lower-level same-sex conduct, as specified in Note 1 of Article 237):

**Article 238** – *Musaheqeh* is defined as where a female person puts her sex organ on the sex organ of another person of the same sex.

**Article 239** – The *hadd* punishment for *musaheqeh* shall be one hundred lashes.

**Article 240** – Regarding the *hadd* punishment for *musaheqeh*, there is no difference between the active or passive parties or between Muslims and non-Muslims, or between a person that meets the conditions for *ihsan* and a person who does not, and also whether or not [the offender] has resorted to coercion.

The articles specified in the IPC clearly violate the rights of Iran’s LGBTQ citizens to enjoy liberty, security and privacy. These articles should be repealed from the IPC as a matter of priority in order to bring Iran into line with its international obligations to protect the rights of its LGBTQ citizens.
1.1.2 COMPUTER CRIMES LAW (2009)

The 2009 Computer Crimes Law (CCL), passed in the middle of the Ahmadinejad era, radically expanded state powers for surveillance and online content censorship and has had a chilling effect upon freedom of expression online.

As digital spaces are central to their experiences, this law poses particular challenges for Iran’s LGBTQ community. Three articles of the CCL are particularly problematic for LGBTQ people (although the vague wording of several other articles also pose threats to LGBTQ expression online):

Article 14 criminalises “producing, sending, publishing, distributing, saving or financially engaging in obscene contact by using computer or telecommunication systems, or portable data storage devices.”

Article 15 criminalises “the use of computers, telecommunication systems or portable data storage devices for inciting or aiding and abetting in the commission of crimes.”

Article 18 criminalises “the use of a computer or telecommunications to disseminate lies with the intention of damaging the public, disturbing the public state of mind or disturbing the official authorities’ state of mind."²

These ambiguous articles fail to properly define numerous key terminologies. For instance, Note 1 defines ‘obscenity’ as “materials containing pornographic or immoral scenes or images that are obscene” – defining vague, subjective terminology with yet more vague, subjective terminology.³ The freedom of expression organisation Article 19 notes in its analysis of the CCL that “Article 14 appears to provide a legal framework for the imposition of a singular concept of morality rather than a mechanism for protecting the public from harm.”⁴

As such, Article 14 of the CCL can effectively be used to criminalise the production and distribution of all LGBTQ-related online content, and is far-ranging enough to encompass anything from sexual health resources, to literature, to pornography. Indeed,

³ Ibid pp. 29 – 33.
⁴ Ibid.
Raha Bahreini of Amnesty International reports that LGBTQ online content producers have been arrested on the basis of this law:

“There have been some Telegram groups that have been closed because of the content that they were posting on sexual orientation and gender identity related issues. There is also the wider perception in the community that there is online surveillance of their activities, and if they run Telegram channels or social media pages that raise these issues they could be identified and summoned for interrogation.

And there have been reported cases of individuals that have been summoned for interrogations based on their perceived activities in the area of promoting sexual orientation and gender identity rights issues.”

Raha Bahreini, Amnesty International

Subparagraph (b) of Article 15 mandates prison sentences or steep fines for anyone who encourages “the public access to immoral content or facilitates access to this content,” or who “provokes or invites the public to participate in crimes against chastity... or acts of sexual perversion.”

Although Article 15 never explicitly mentions restrictions on LGBTQ content, the human rights lawyer Mani Mostofi notes in his analysis that the imprecision of language around “immorality and chastity” provides the ambiguity necessary for the laws to be deployed against the LGBTQ community, adding that the Iranian judiciary would certainly use the bill for this purpose.

In a similar vein, Article 18 is so broad in its prohibition of the “dissemination of lies” as to encompass the discussion of all ideas contrary to state ideology — ranging from musings on morality, to political thought, to cultural expression. Such prohibitions could certainly be deployed against individuals who publish material online in support of LGBTQ rights, as well as politically neutral content such as sexual health resources.

There have been numerous reports of arrests of LGBTQ people based on the content they have shared online. The Iranian news agency ISNA reported in 2014 that an individual had been

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5 Ibid.

arrested by the Iranian Cyber Police (FATA) for soliciting for sex on Facebook. This was followed in 2017 with the arrest of six Telegram channel administrators for ‘promoting homosexuality’. The CCL is a poorly articulated piece of legislation that poses a variety of threats to the privacy and security of LGBTQ people online, major community content producers and everyday users alike. The law should be immediately repealed to protect LGBTQ people’s right to free expression, and replaced with a digital rights bill containing rigorous privacy protections for all citizens.

1.1.3 ▲ VEILING REGULATIONS AND LGBTQ CITIZENS

Besides the criminalisation of same-sex conduct, and the CCL’s restriction of LGBTQ expression online, a number of other legal provisions directly impact on the rights of LGBTQ people. Rules and regulations around compulsory veiling are one such example. Article 638 of the IPC requires that women wear the hijab in public places, under threat of fines or imprisonment. It also forbids the violation of ‘religious taboos’:

**Article 638** – Anyone who explicitly violates any religious taboo in public beside being punished for the act should also be imprisoned from ten days to two months, or should be flogged (74 lashes).

**Note** – Women, who appear in public places and roads without wearing an Islamic hijab shall be sentenced to ten days to two months’ imprisonment or a fine of fifty thousand to five hundred Rials.

Lesbian and bisexual women, transgender individuals, and crossdressing males are particularly affected by this article, which makes it incredibly challenging for individuals to fully express their gender identity through their attire. In the event that individuals adopt modes of dress or appearance that challenge stereotypical notions of femininity and masculinity, then they place themselves at a grave risk of arbitrary arrest, detention, and ill-treatment. This law contravenes LGBTQ people’s rights to free expression, and should be repealed.

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1.1.4 ▲ THE NECESSITY OF RADICAL REFORM

Taken together, these laws and regulations are responsible for creating and perpetuating an oppressive atmosphere of fear within Iran's LGBTQ community. Iran's LGBTQ citizens face the threat of harassment, detention, an array of corporal punishments and even capital punishment for expressing their identity and engaging in consensual sexual activities.

If detained and charged under the laws described above, Iranian LGBTQ people do have some recourse, although the situation can be very risky. Despite the enmity of state authorities and vast swathes of the public towards LGBTQ people, there are ways that defendants can minimise the risks of successful prosecutions. For example, Article 19 has produced a useful set of guidelines for LGBTQ Iranians to use if they are detained by the police or other security forces on the basis of anti-LGBTQ regulations. It is crucial that resources like these are distributed widely within the community to protect members from prosecution.

In this vein, it is essential for Iranian LGBTQ people to be made aware of their legal rights when charged with one of these crimes, as protections — albeit limited — do exist. For instance, the Iranian human rights lawyer Hossein Raeesi suggested that 2012/13 reforms to the Iranian Code of Criminal Procedures added protections that could make it easier to defend LGBTQ clients in court, including explicit privacy protections, the right to an attorney in the initial phase of investigations, and the right to remain silent, among others. Indeed, unless LGBTQ defendants confess to the charges levelled against them, capital convictions can be very difficult to secure.

Judicial mechanisms for arbitrary sentencing do, nevertheless, exist. The “knowledge of the judge” provision grants judiciary officials the power to use their own “knowledge” to bridge inconsistencies in law, and to rule on matters of evidence and fact. Article 210 of the IPC states that “knowledge of the judge comprises certainty derived from presentable evidence in connection with an issue before the judge.” Human Rights Watch said in its 2012 review of the revised IPC that this provision “also makes it easy for a judge's


individual prejudices toward a defendant’s appearance or demeanor to sway his or her rulings,” and that it “in effect makes the judge a key witness against the defendant, but the defendant is not able to examine and test the judge’s evidence”.  

Ultimately, although there are ways that LGBTQ people (and their lawyers) can resist the worst excesses of the Iranian judicial system, the system’s significant unpredictability and subjectivity is difficult to mitigate. Until the laws identified in this chapter are repealed or substantially amended, LGBTQ people in Iran will continue to live in fear of harassment, persecution and punishments.

1.2

International Law and LGBTQ Rights

Although no legal protections exist for Iran’s LGBTQ citizens at the national level, over the past decade international law has gradually evolved towards increased recognition of the rights of LGBTQ people to live lives free from discrimination, harassment and persecution.

At the simplest level, the rights to equality and non-discrimination are fundamental human rights principles that are clearly enunciated in the Universal Declaration of Human Rights (UDHR), the United Nations Charter, and an array of other human rights treaties. As stated clearly in the opening of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights.” This statement applies to the world’s LGBTQ citizens as much as anyone else, and states such as Iran have a duty to uphold these protections for their own sexual and gender minorities.

The most clear and widely recognised articulation of the implication of international human rights law for LGBTQ people exists in the Yogyakarta Principles +10—a set of guiding principles adopted in 2006 by a group of international human rights experts, and supplemented with ten additional principles in 2017.

The Yogyakarta Principles +10 articulate how existing international human rights law could be applied to preserve the dignity and human rights of LGBTQ people worldwide. Although the Principles


have not been adopted formally by UN institutions, and have been met with hostility by several member states, they nonetheless establish strong international standards by which states’ treatment of LGBTQ citizens can be assessed.

We spoke with Raha Bahreini of Amnesty International about the role of international human rights bodies in standing up for Iran's vulnerable LGBTQ community. She noted that global institutions are, for the most part, becoming increasingly sensitive to the need to protect vulnerable members of the global LGBTQ community, and observed that new mechanisms are being introduced to guarantee LGBTQ rights:

“International human rights bodies are way more sensitive to the persecution of LGBT communities compared to a decade ago... There is now a UN Special Rapporteur on the situation of people who face persecution on the basis of their sexual orientation and gender identity.”

Raha Bahreini, Iran Research, Amnesty International

The passing of Resolution 32/2 at the Human Rights Council in 2016 resulted in the creation of an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. This is the first time that a mandate has been created specifically to assess states’ implementation of human rights instruments with particular reference to LGBTQ rights. The current mandate holder is Mr. Victor Madrigal-Borloz, who was appointed in December 2017.

Bahreini stressed the need for the conversation about LGBTQ rights in Iran to move beyond just the death penalty, to encompass the daily pressures and routine physical and psychological violence that is inflicted upon the community:

“There is really room for the LGBT community in Iran to receive more attention from these international bodies, and to raise awareness about the gravity of the situation in Iran. Although many people know [about the death penalty], I think the range of violations that members of the community face on a day-to-day basis in the country are not well known enough internationally.”

Raha Bahreini, Iran Research, Amnesty International

International human rights organisations must continue to work with Iranian LGBTQ activists and groups to document human rights violations, and to advocate at the international level for the recognition of LGBTQ rights. In the absence of opportunities for policy advocacy and lobbying at the national level, international
law remains one of the most powerful mechanisms for holding the Iranian government to account for its treatment of sexual and gender minorities.

1.3
Documenting Human Rights Violations

It remains extremely challenging to accurately document the extent to which LGBTQ people are being prosecuted and sentenced on the basis of the laws described in Chapter 1.1. In this section we explain where these challenges arise, and discuss some of the ways that these difficulties might be addressed by the community in Iran and its supporters in the international community.

We first highlight some of the ways that poor documentation and reporting standards have either proven unhelpful or actively counterproductive to defending the rights of Iranian LGBTQ people over the past decade, thereby demonstrating the importance of measured, evidence-based human rights advocacy. We then assess some of the challenges that exist in effectively and comprehensively documenting anti-LGBTQ human rights abuses, and suggest some avenues towards solutions.

1.3.1 ★ CAPITAL PUNISHMENT AND LGBTQ RIGHTS

Over the past decade, international LGBTQ rights activists have excoriated Iran for a number of documented executions of men who were charged with sodomy (lavat). Among the most high-profile cases was the 2006 case of Mahmoud Asgari and Ayaz Marhoni, a 16- and 18 year-old who were executed for the charge of lavat be onf (or forced sodomy) against a 13 year-old boy. The case was taken up by international LGBTQ activists, who claimed that the teenagers’ sentence was for an act of consensual sex. But the facts were murky, and Amnesty International and Human Rights Watch both stressed that insufficient evidence existed to claim that the pair were executed simply for being gay.

Similar challenges arose in the case of Makwan Mouloudzadeh, whose 2007 case also highlighted the sometimes unhelpful nature of the relationship between international LGBTQ advocates and at-risk defendants in Iran. Mouloudzadeh was charged with three counts of male rape which were said to have taken place when the defendant was 13 years old.
Despite numerous flaws in the case, including the withdrawal of witness statements and the reliance of the prosecution upon Iranian “knowledge of the judge” provisions, Mouloudzadeh was executed in December 2007. Scott Long, the founder of Human Rights Watch’s LGBTQ Rights Programme, suggested that the international furore stoked by international LGBTQ organisations ‘claiming’ Mouloudzadeh as a member of the gay community ultimately politicised and made unwinnable a case that may otherwise have been thrown out of court.

Similarly ambiguous cases have emerged during Rouhani’s time in office. In 2016 Hassan Afshar, a 19 year-old from Markazi Province, was executed for the alleged rape of another teenage boy. Again, Amnesty International and Human Rights Watch found it difficult to

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14 Human Rights Watch’s Scott Long noted that international attention brought to the case of Makwan Mouloudzadeh may have prolonged the case, and even prevented it from being dropped by the Iranian judiciary, Scott Long, The Guardian 31/03/2008, ‘The Issue is torture’, available at: http://bit.ly/2rcBwQ2
establish the facts of the case, and argued Afshar’s defence on the basis of broader objections to juvenile executions.

Ambiguities arise from the fact that in cases of consensual sex, it is the ‘passive’ partner who faces the death penalty, whereas in rape cases it is the ‘active’ partner who is at risk of execution. This creates a strong incentive for passive partners to press rape charges against their partners if there is a risk of them facing lavat charges, as in this way they are likely to escape the death penalty in the event that their case is successful.

It therefore remains challenging to verify the facts around high-profile ‘gay execution’ cases, and it is almost always impossible for international observers to distinguish genuine rape cases from those that have been lodged in an act of self-preservation by the passive partner. Although we would stress the need for Iran to prohibit capital punishment in all cases, the current state of the IPC clearly creates perverse incentives for consensual sexual partners to testify against one another, and is in no way conducive to justice.

1.3.2 VERIFICATION CHALLENGES

As noted, verifying human rights reports remains an enormous challenge for international human rights monitoring organisations. This does not only extend to executions; the state’s harassment of LGBTQ citizens through lower level ‘public decency’ laws is also difficult to catalogue and advocate for at the international level, in large part owing to LGBTQ community members’ fears of drawing unnecessary attention to themselves and their sexual orientation or gender identity.

Community members’ understandable fear about the prospect of coming forward and speaking out about anti-LGBTQ human rights abuses poses a challenge for international organisations such as Amnesty International and Human Rights Watch, who rely on such testimonies for their documentation work. Raha Bahreini, Amnesty International’s Iran Researcher, spoke about these challenges:

“One major challenge is that there is so much fear on the part of individuals who are targeted—especially when they are arrested in the context of parties, or if they are reported to the authorities—that they do not contact human rights groups outside the country. It’s therefore really hard for us to know to what extent members of this community are actually being prosecuted, and for what kinds of activities and behaviours they are being targeted.”
“We have come across cases where... individuals are arrested at a party that the authorities saw as a gay party. And then they’re sentenced to flogging for indecent behaviour alongside the consumption of alcohol, and other activities. But they are so afraid that they do not want their cases to be published at all – even though there’s a great chance of success in terms of raising international awareness, and maybe even compelling the authorities not to carry out the flogging sentence.”

Raha Bahreini, Iran Researcher, Amnesty International

The need for more comprehensive primary documentation of Iran’s persecution of LGBTQ citizens is clear, and international organisations working in this space should therefore redouble efforts to develop secure channels and mechanisms through which such reports can be submitted.

Another challenge in documentation relates to accurately identifying the parties responsible for violating LGBTQ people’s rights. A number of individuals have produced evidence of harassment and persecution by individuals whose relationship with the state remains ambiguous. For example, on focus group participant living in Turkey reported that he had been forced to leave Iran in 2016 after receiving a threatening SMS message ordering him not to leave his home province, as he was under investigation on sodomy charges. The SMS purported to be from the ‘Notification Office of IRGC Intelligence’. Although no organisation with this precise name appears to exist (at least publicly), it would not be out of the realm of possibility that the message originated from a member of the Iranian Revolutionary Guard Corps (IRGC)’s shadowy parallel intelligence services. Yet equally it could have been an act of harassment by a malicious individual unaffiliated with state actors:

“I received a text message on my mobile phone from the Revolutionary Guard intelligence protection office which asked me not to leave my city, as there was a court case being lodged against me for the act of sodomy. It was so scary, and that’s why I fled from Iran.

Then when I left the country, my father received another message on his phone regarding my sexual orientation.”

“Hossein”, gay man, Turkey
The SMS in full read:

Greetings. Be aware that you are forbidden by law from leaving the province of [Redacted] until such a time as a verdict has been reached on your charge of sodomy. Notification Office of IRGC Intelligence.

Although the enormously damaging impact of such threats is plain to see, it is harder to conclusively attribute responsibility for threats such as this (and similar documented cases) to the state, or any specific state-aligned organisation. The lack of clarity and consistency about the organisations claiming responsibility for such acts of harassment is problematic for rights advocates. A lack of consistency across documented cases suggests that harassment of LGBTQ people is either being undertaken by a disunited array of state-aligned institutions, or else by anti-LGBTQ vigilantes with ambiguous levels of institutional backing.

For these reasons, further research to comprehensively investigate and document the origins of digital attacks against LGBTQ people would be highly valuable both to inform digital security strategies and to hold state and state-aligned institutions to account.

1.4

LGBTQphobia in Public Discourse

The Iranian state’s hostility to LGBTQ people is not only enshrined in law, but also permeates the length and breadth of the country’s politics in the form of anti-LGBTQ fearmongering and widespread demonisation of the country’s LGBTQ community.

The transformation of LGBTQphobia into state orthodoxy is part of a drive to expel so-called ‘Western’ influences from Iranian society. In casting LGBTQ Iranians as the ‘other’, and Western states as the community’s champions, the state is attempting to cast emerging LGBTQ identities as the result of an insidious foreign invasion, and roll back the trend of social liberalisation that has been ongoing since the presidency of Mohammad Khatami.15

State homophobia in Iran has been documented comprehensively by the lesbian and trans rights organisation 6Rang in their

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December 2017 report It’s a great honour to violate homosexuals’ rights: Official hate speech against LGBT people in Iran. The report notes that:

“Homosexual persons are regularly depicted in official statements and state media outlets as “unnatural”, “deviant”, “immoral”, or “diseased”. They are also accused of collusion in Western-orchestrated conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.”

Although the report tracks state homophobia back to 2011, there are a number of notable events documented in the report that took place during the Rouhani period. The first describes an incident from the 2017 presidential elections, in which a row emerged over the implementation of the UN’s ‘Education 2030’ initiative into the government’s education agenda. Adopted by UNESCO in 2015, the Education 2030 agenda sets out a number of key targets relating to gender, human rights and the recognition of diversity.

The plan was blasted by Supreme Leader Ali Khamenei as a vehicle of Western influence in Iran, and the conservative establishment quickly rallied to decry its commitment to “recognition of diversity” as a trojan horse for the introduction of LGBTQ rights. The Guardian Council member Mohsen Heidari stated:

“This document [Education 2030] provides that those from vulnerable groups shall be protected but … by vulnerable groups it actually means homosexuals. [...] This document will ensure that... 13 years from now, the children of Iran and other Muslim countries will be driven away from [the] Quran and spirituality, and [will] become wholly occupied with perversion and sexual teachings.”

Similarly, Assembly of Experts member Ahmad Alamolhoda insisted that the Education 2030 agenda would result in the ‘promotion’ of homosexuality:

“By forbidding [the authorities] from using violence to confront students who engage in perversion ... and masturbation, Education 2030 facilitates the promotion of perversion.”

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17 Pol-e Sefid, 02/06/2017, ‘Ayatollah Heidari: In the Ahwazi elections, the law is the law’, available at: http://bit.ly/2HGF4gf
Regrettably, Rouhani administration officials did little to deescalate the homophobic language of the row, with Oil Minister Bijan Namdar Zanganeh declaring at a campaign event in Kashan that:

“Associating the government with the teaching of perversion in schools is a great lie and no teacher would ever agree to this.”

Eventually, Foreign Ministry spokesman Bahram Qassemi announced that Iran had notified UNESCO that any part of Education 2030 that goes against the country’s cultural, religious, social and moral beliefs would be unenforceable.

But this has not been the only incidence of homophobic rhetoric during the Rouhani period. Elsewhere, Kazem Gharib Abadi, the Deputy Secretary General of Iran’s High Council for Human Rights and International Affairs, said in a media interview in December 2016:

“The rights of perverts and the Western lifestyle are among those practices that Westerners try to impose on the world in the name of universality.”

The failure of the Iranian political class to address the question of LGBTQ rights in a measured manner, and its insistence upon stoking fears of LGBTQ people as both agents and victims of Western cultural imperialism, are demonstrative of the limited opportunities that exist for advancing LGBTQ political rights at this juncture.

1.5

Recommendations: Supporting LGBTQ Rights in Iran

As this chapter has demonstrated, Iran’s LGBTQ citizens are subject to innumerable violations of the rights guaranteed to them under international law. The Iranian state is responsible for creating a hostile environment for the community, with national law continuing to offer no space for citizens to express themselves, to organise, or even to exist publicly—whether online or offline.

At the same time as legislation like the IPC and CCL enable state-directed persecution, a host of state-affiliated institutions and malign individuals continue to pursue LGBTQ people on apps and

social media platforms, emboldened by the incessant stream of anti-LGBTQ rhetoric being propagated by officials and public figures in the national media.

It is our view that a series of radical reforms of existing legislation are required in order to guarantee the human rights of LGBTQ citizens. To the Rouhani government, state-affiliated organisations, and members of parliament we suggest the following measures:

▲ The *hadd* punishments prescribing punishments for same-sex sexual conduct violate LGBTQ people’s rights, as guaranteed in international law. Articles 233-40 should be struck from the IPC, and the IPC reformed.

▲ Articles 14, 15 and 18 of the CCL constitute a violation of the LGBTQ community’s rights to free expression online, and to citizens’ privacy. The CCL should be repealed and replaced with a new digital rights bill guaranteeing citizens’ online freedoms.

▲ Iranian state officials and public figures must cease using language that demonises the LGBTQ community, and that incites hatred and violence.

We realise that the potential for policy change at the national level is limited. Although we recognise that these reforms are largely unattainable at this moment in time, we would stress the importance of maintaining these ambitious aspirations for the long haul, as public opinion slowly shifts in the direction of recognising LGBTQ people’s human rights.

International organisations and LGBTQ rights advocacy groups are already actively engaged in work to document human rights violations against Iran’s LGBTQ community, and to advocate for their rights at the international level. We recognise and commend their efforts, and suggest some potentially fruitful avenues for further work specifically relating to rights documentation and advocacy:

▲ Human rights documentation organisations should continue to develop and support tools and mechanisms that allow LGBTQ Iranians to securely report and document homophobic threats, violence, harassment and persecution—whether at the hands of the state, or individuals.
Anti-LGBTQ rhetoric from state officials should be actively challenged through the development of visible online campaigns and online resources debunking their claims.

Further research should be supported to comprehensively document the origins of threats and harassment waged against LGBTQ people online, in order to provide rigorous resources to international human rights advocates.
Growing Pains

IDENTITY AND COMMUNITY
The previous chapter highlighted the myriad ways that Iranian LGBTQ people continue to be subjected to intense pressure from the state, in the form of harsh legal restrictions and protracted campaigns of anti-LGBTQ hate speech.

Nevertheless, there are signs that the Iranian LGBTQ community is growing more confident and assertive than at any point since the Revolution, buoyed by a constant stream of LGBTQ-friendly international media and the gradual evolution of social attitudes about sexual and gender minorities.

In this chapter, we trace some of the ways in which Iranian LGBTQ people are handling questions of identity and community at a time when more and more LGBTQ-friendly resources are being made available to young Iranians, and when public opinion is starting to shift.

To begin, we draw upon our survey of 806 LGBTQ respondents who answered questions about their process of self-identification, their ‘outness’, and their relationship with their sexual orientation and/or gender identity. We explore who they’ve identified as community champions, and also who they believe has caused the most harm to LGBTQ people in Iran in the last decade.

We then look at how digital media is reshaping public discourse around issues of sexuality and gender, by examining the influence not only of pro-LGBTQ celebrities and public advocates in Iran and the diaspora, but also of the new social media ‘influencers’ who are harnessing the power of Instagram and Telegram to put LGBTQ equality on the map.

Finally, we profile some of the online spaces that have emerged to provide support and information to the LGBTQ community, and identify gaps in content and service provision that still need to be filled.
2.1
I Am What I Am: Asserting LGBTQ Identity in Iran

Given the existence of such stringent and unforgiving anti-LGB laws in Iran, and the widespread entrenchment of intolerance against all members of the LGBTQ community, the pressure on people to suppress their desires and conceal their identities is immense. And yet, based on our survey of 806 LGBTQ Iranians, carried out between 14 March and 8 April 201820, it seems as though increasingly the community is feeling comfortable enough to start edging out of the closet, and to act more assertively in proclaiming its identity.

In this section we dig into some of our survey results to explore the process of coming out in contemporary Iran, and to understand how LGBTQ Iranians feel about the social and political changes that are slowly reshaping the country’s cultural landscape.

2.1.1 CREAKING OPEN THE CLOSET DOOR: LGBTQ ‘OUTNESS’ AND GROWING CONFIDENCE

Out of our full survey sample, 60% of respondents are ‘out’ to at least one person. This is interesting enough, given the risks that exist around publicly claiming LGBTQ identities, whether they be risks of state violence, family rejection, or ongoing harassment.

But things start getting really interesting when we dig into the demographic breakdowns of our sample21.

First, examining the age demographics, we can see that at ever-increasing frequency, younger LGBTQ people are coming out and discussing their sexual orientation and gender identity with their peers. Out of all the age cohorts under 30, more than 60% of respondents were out to at least one person, rising to 68.6% of under-18s.

Looking at ‘outness’ through the lens of sexual orientation reveals interesting stories about various communities’ visibility and

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20 Survey participants were obtained by advertising our surveys on two community platforms (one for the wider LGBTQ community, and the other primarily for bisexual and queer people) and the gay dating app Hornet. As a consequence of the extensive reach of Hornet, the majority of the participants in this survey are gay men. For a full demographic breakdown of our sample, see Annex 1.

21 For details about the demographic composition of our surveys, see Annex 1.
Have you revealed your sexuality or gender identity to anyone?

No
40%

Yes
60%

‘Outness’
of LGBTQ
Iranians,
by age

Percentage
Out

Figure 2.1.1a
Figure 2.1.1b

At the high end are those who identify as ‘queer’ (though it should be noted that these respondents constituted only a small segment of our sample).

Following the queer respondents are homosexuals and bisexuals. The lower incidence of ‘outness’ among bisexuals is somewhat illustrative of the phenomenon of bisexual erasure and marginalisation in society and the LGBTQ community itself. The comparative invisibility of pansexual and asexual people in society and the community is also very notable here (though again, we note the caveat of these respondents constituting a tiny proportion of our sample).

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We note that the small number of queer, pansexual and asexual respondents should preclude us from making cast-iron assumptions about the dynamics of these populations.
The breakdown by gender identity also offers some interesting insights. Firstly, it should be noted that the small sample size of trans women and gender non-conforming respondents prevents us from making broad assumptions about their community dynamics. Yet the higher rates of ‘outness’ amongst trans women and men than cisgender LGBQ people does suggest that the state’s acknowledgement and recognition of transgender citizens, and the resultant existence and activity of trans-focused NGOs has resulted in higher levels of confidence among these groups in comparison to LGBQ sexual minorities.

2.1.2 Finding space to breathe: Perceptions of social and political change

The increasing tendency for young LGBTQ people to come out has not taken place in a vacuum. We were interested to understand whether the growing confidence of certain segments of the LGBTQ
community could be linked to a general sense of liberalisation in public opinion around LGBTQ issues, and in the state’s policies toward the community.

Indeed, a majority of our survey respondents (55%) agreed that public opinion has become more accepting of LGBTQ people since the end of the Ahmadinejad presidency in 2013. Only a small minority (12.7%) disagree with this statement, with just under a quarter of respondents (22.5%) perceiving little change.

In light of this general sense of optimism about the gradual evolution of public opinion, it’s striking how poorly the LGBTQ community perceives the Rouhani administration. Only 12% of survey respondents agree that his government has brought about positive changes for LGBTQ people. Only 12% of survey respondents agree that his government has brought about

“Rouhani’s government has brought about positive changes for LGBTQ people.” How do you feel about this statement?

Figure 2.1.2a

Figure 2.1.2b
positive changes for LGBTQ people. We can infer that governmental policies have not been perceived as a driver of changes in social attitudes towards LGBTQ people.

Similarly, less than a quarter of respondents (22.6%) expected Rouhani’s government to institute reforms that would advance the legal rights of LGBTQ people in the coming years.

It appears that the community anticipates that stringent anti-LGBTQ laws are here to stay, but that nonetheless the gradual evolution of public opinion on LGBTQ rights issues may allow the community some additional breathing space to exist, and to develop.

Taking our survey results in full, it appears that the community has little faith in the Rouhani administration to champion the rights of Iran’s sexual and gender minorities, or to expend political capital on shifting public opinion on LGBTQ issues. As a consequence, it falls to the community and its supporters in the international community to drive social change. But how realistic a prospect is this?

2.1.3 ▲ UNITED, WE STAND: THE EMERGENCE OF CROSS-COMMUNITY SOLIDARITY

One challenge that we identified in our 2013 report was the relative fragmentation of the LGBTQ community in Iran. The lack of public community spaces in Iran, the ongoing suppression of LGBTQ identities, and the restriction of individuals to sub-community-specific online spaces (such as gay male dating apps, transgender...
forums, etc.) has made it difficult for the community to come
together around shared goals.

Some of these challenges emerged during our interviews and
focus groups. For instance, in one focus group containing gay men,
lesbians and trans participants, a gay man named “Amir” expressed
his perception that lesbian women viewed gay men negatively,
despite what he viewed as actions of solidarity and support from
the gay community:

“In our community gay men usually don’t hold anything against
lesbian women, but lesbians do not like gay men. I usually hold
regular weekly sessions for lesbians, and once one of them asked
me to leave! Even though I am the organiser!”

“Amir”, gay man, Turkey

Despite his frustrations at perceived rejection from Iranian lesbians,
“Amir” also expressed concern about being visibly associated with
transgender people, expressing fears about their visibility leading
him to experience harassment and discrimination:

“I didn’t hang out with trans people, because it’s very easy to spot
them... If they came to my flat, my landlord would understand that
they were trans.”

“Amir”, gay man, Turkey

This example speaks to the fears of retribution of some community
members if they are seen with others who publicly present as
LGBTQ, and reflects some of the difficulties that exist in mobilising
action across the spectrum of the LGBTQ community, especially in
offline spaces.

Challenges do not just arise in offline contexts. Even in online
spaces, internal community divisions can be discerned. “Zeynab”,
an Iranian lesbian based in Turkey, spoke of how a bisexual woman
was forced out of a Telegram group for lesbians:

“In our Telegram group there was one bisexual woman. One of the
lesbian members send her a message and asked her to leave. She
told her ‘This place is only for lesbians. You are not a lesbian!’”

“Zeynab”, lesbian, Turkey

Bisexual erasure and biphobia are not unique to the Iranian context;
worldwide, bi people are subject to scorn from both straight and
LGTQ people for being ‘unsure’, or for being ‘too afraid’ to commit
to their perceived homosexuality. The exclusion of bisexual
people from LGBTQ spaces heightens their sense of isolation and undermines community solidarity, and should be challenged everywhere it is found.

Although evidently challenges exist in bringing sub-communities together, participants generally expressed the view that LGBTQ solidarity remained an important value to uphold, and that further work should be undertaken to unite the community around shared goals. “Azar”, an Iran-based trans woman, articulated the importance of cross-community unity:

“All [LGBTQ people] should be under one flag, since they’re all being hurt in the same way, and are under pressure from the same source.

“There’s that proverb ‘divide and conquer’; they’re trying to create distance between people by saying “You’re trans, you’re different from those gays and lesbians”, and when they’ve divided the community and smashed its unity, then they will come to the trans community and again they will say that there are ‘real’ trans people and ‘fake’ trans people. And again, among the ‘real’ trans people they mean only transsexuals, and will not accept others as trans.

And even those transsexuals who are recognised in bureaucracy and by the administration—they will give them a hard time until they break. It’s as if they want to break down a boulder—they’ll break it down piece by piece, so that it gets smaller and smaller. The regime in fact wants to create these divisions amongst this minority.”

“Azar”, transgender woman, Iran

Similar sentiments were expressed by four transgender participants, who expressed the need for unity in purpose and action to advance the cause of LGBTQ rights:

“I believe all LGBTQ people are one family, and their concerns should be progressed together, one hundred percent. This community has common social problems, despite our differences.”

“Roya”, transgender woman, Iran

“If the LGBTQ community’s problems and issues may be different, but in general society looks at them all the same way, and if one of these communities grows, then the whole community grows. It’s not something where we can say that lesbians have progressed, or trans people have progressed.”

“Sepideh”, transgender woman, Iran
“I believe all LGBTQ people are one family, and our feelings and our same-sex love fare the basis of our shared feelings, though we have differences in many areas.”

“Bijan”, transgender man, Iran

“I think this community is real and exists. [Otherwise] where should we put trans homosexuals? Our issues are all connected, and we can’t separate them. [But] this doesn’t mean we shouldn’t have our own spaces [as well].”

“Shokoufeh”, lesbian transgender woman, Iran

There is an opportunity for initiatives to rally the LGBTQ community around shared objectives, and to start pushing questions around sexual and gender minority rights into mainstream public discourse. Indeed, this is already happening to an extent, with Instagram ‘influencers’, celebrities, and diaspora-based media outlets increasingly discussing LGBTQ themes. Let’s now turn to see how an increasingly assertive LGBTQ community and its allies are using digital media to start shaping society’s understanding of these issues.

2.2
Speaking Out: Digital Media and the Mainstreaming of LGBTQ Issues

It is notable that more than half of LGBTQ people surveyed perceived an overall improvement in public perceptions of the community over the past decade, at the same time as a mere 12% attributed positive changes to the Rouhani government. Such results suggest that public perceptions have been transformed by sociocultural forces, rather than any progressive action on the part of the state.

In this section we listen to some of the community’s perceptions of how digital media has transformed life for LGBTQ people in the last decade, and delve a little deeper into how specific social media platforms, dating apps and messaging services have facilitated new forms of connection and community-building.

2.2.1 ♦ OPINION SHAPERS:
THE ROLE OF INFLUENCERS AND ONLINE ALLIES

A number of our interviewees and focus group participants spoke to us about the origins of the perceptible shifts in public opinion we’ve just discussed. “Keyvan”, an Iranian bisexual based in Canada,
spoke about what he perceived to be the gradual normalisation of LGBTQ topics among certain segments of society, and especially online:

“There are more people familiar with LGBTQ issues – for instance on Twitter I see people are talking more openly, and using terms easily. I think there’s a higher level of awareness at least among a specific social group. They know and accept the existence of LGBTQ [people] but at the same time we need to connect more people to the Internet, or I do not know, maybe we should find ways to change the culture in society itself [offline].”

“Keyvan”, bisexual man, Canada

In a similar vein, “Jaleh”, a lesbian based in Iran, spoke about the cultural impact of discussions about LGBTQ issues in the media, whether from imported international films or diaspora-produced TV shows:

“[The situation] has improved. You can hear the discussions [about LGBTQ issues] everywhere, and in my family too. These days in art and movies one sees homosexuals often, and this is very effective at making them visible. All of the media—including the BBC and others—have played a role. It seems like the taboo [and stigma] around the issue is broken, and has now been trivialised to a large extent.”

“Jaleh”, lesbian, Iran

“Farhad”, a transgender man living in Iran, also spoke about the power of the media to reshape public opinion of LGBTQ people, adding that even in the Iranian national media, progressive discussions around transgender rights were starting to break into the mainstream thanks in large part to public advocacy efforts by high-profile celebrities such as the actress Behnoush Bakhtiari:

“These days, 14 year-old teenagers come out and say they are homosexual... in general, debates on the topic of [sexual orientation and gender identity] have become more frequent. Trans issues are also discussed in the official [Iranian] media. For instance, [the actress] Behnoush Bakhtiari talked about trans people, which was very effective at raising awareness.”

“Farhad”, transgender man, Iran

“Elina”, another lesbian interviewee living in Iran, emphasised that it is not just the traditional media that’s responsible for changing public perceptions, but that social media platforms and key ‘influencers’ are proving influential in bringing LGBTQ rights into public discourse:
“[A couple of Instagram celebrities] are famous for travelling around Iran and solving people’s problems, and they’ve even received some prizes... some nights ago, during the Grammy awards ceremony, [one of them] posted a comment about Elton John being gay, praising him. Then she used the hashtag #HeIsGay and I think this did a lot of good. This was a first.”

“Elina”, lesbian, Iran

Indeed, in our analysis of online LGBTQ content we also observed several examples of different high-influence social media accounts, or ‘influencers’, addressing LGBTQ-related content and bringing issues to the attention of their largely heterosexual, cisgender audiences. Let’s now turn to examine the significance of social media for LGBTQ Iranians a little more thoroughly, by delving into some of the discussions that are taking place on one of the largest digital media behemoths operating in Iran: Instagram.

SNAPSHOT
COMMUNITY CHAMPIONS AND ANTI-LGBTQ VILLAINS

We asked our sample of 806 LGBTQ survey respondents who they saw as having done the most to advance LGBTQ equality in Iran, and who they viewed as having caused the most damage to the community.

The results support our assertion that apolitical public figures and celebrities are acting as some of the most powerful allies and advocates for sexual and gender minorities, while the political world remains staunchly opposed to LGBTQ rights.

Here are the COMMUNITY CHAMPIONS named by our survey respondents:

BEHNOUSH BAKHTIARI – 33 nominations – An Iranian film and TV actress who has been a vocal public advocate for the transgender community in Iran. She has used a number of interviews to educate the public about gender identity, and to advocate for transgender people to be treated with dignity.

GOOGOOSH – 28 nominations – An unparalleled megastar of Iranian pop music, Googoosh was the most influential artist of the 1970s. Although inactive from 1979-2000, Googoosh’s career has seen a full resurgence in the past two decades. In 2014 she released the music video for her song “Behesht”, which represented a lesbian love story, and was dedicated to the LGBTQ community.

ARSHAM PARSI – 22 nominations – A Canada-based LGBTQ activist and human rights advocate. Parsi is the founder and Executive Director of the Iranian Queer Railroad Organisation, which provides support to Iranian LGBTQ refugees globally.

Other community champions named by respondents included the LGBTQ rights activist Shadi Amin, the bisexual poet and writer Fereydoun Farrokhzad, and the gay choreographer and dancer Mohammad Khordadian.
The **COMMUNITY VILLAINS** named by our survey respondents included:

- **MAHMOUD AHMADINEJAD** – 72 nominations – The former President of Iran ignited global outrage and ridicule when in 2007 he denied the existence of homosexuals in Iran. His government oversaw a sustained campaign of hate speech and persecution of the LGBTQ community.

- **ALI KHAMENEI** – 37 nominations – Iran’s Supreme Leader has maintained a hard line against the recognition of LGBTQ rights. He has maintained that homosexuality is a Western import, and stated at a meeting of government and state officials in 2016 that “there is no worse form of moral degeneracy than homosexuality”.

- **THE ISLAMIC REPUBLIC** – 8 nominations – After Ahmadinejad and Khamenei, the most frequently cited obstacle to LGBTQ rights was named as the Islamic Republic itself, owing to the inherent challenges in advocating for LGBTQ rights given the state’s theological underpinnings.

Other politicians also bore the brunt of respondents’ criticisms, including reformists and moderates such as Hassan Rouhani and Mohammad Khatami.

### 2.2.2 ▲ THE BIG PICTURE: LGBTQ CONTENT ON INSTAGRAM

Instagram is the most widely-used social media platform used in Iran today, dominating the online media landscape in the absence of Facebook (which is filtered universally) and Twitter (which is filtered by a number of ISPs\(^{23}\)). The social network is estimated to have an Iranian user base in excess of 24 million people.\(^{24}\) As such, the platform offers immense opportunities for the community to carve out safe spaces, and for allies and advocates to share messages in support of LGBTQ equality.

Using the social media analysis tool Netlytic, we collected 736 posts containing the hashtag ‘#همجنسگرا’ (‘#homosexual’), along with 7498 user comments on these posts, between 21 and 28 February 2018. This offers us a useful snapshot of how the issue of homosexuality is discussed online, the types of users who engage with it, and the types of reactions that these posts get from Instagram users.
This network of posts and comments provides us with some clues about how networks of Instagram users engage with LGBTQ content, and in particular how non-LGBTQ content producers are attracting engagement on these issues among their largely heterosexual, cisgender audiences.

The group of clusters in the centre-left of the network constitute the network’s ‘core’, containing a number of well-established LGBTQ-related Instagram pages that offer news, resources, translated videos, and images of a near-limitless assortment of topless men. Outside of this ‘core’ exists an array of accounts that have mentioned homosexuality in passing – both positively and negatively. Let’s turn to profile some of the interesting content producers in this network.

**Iranian poet based in Canada**

**26,800+ followers**

In response to homophobic comments on a previous post, this Canada-based poet pledged to share pictures of gay men kissing every day for a week. Accompanying her post she wrote:
“Get used to seeing love and kisses, although you are accustomed to seeing bleeding, death, killing, executions, and the cutting off of hands, which you have no problems with.”

Many comments in response appeared to originate from Iranians who were seemingly not familiar or otherwise engaged with LGBTQ issues. One commenter chimed in to bemoan homophobic attitudes within certain segments of Iranian society:

“Unfortunately, we still do not recognise the truths of creation, and then we cry out for ‘death to the dictatorship’, while each of us is a dictatorship on the scale of Hitler. I myself am not drawn to the same sex in any way sexually, and perhaps nor is the admin of this page, but that’s no reason for us to chant threats and to shout. That’s the behaviour of ISIS. It’s precisely for this reason that I’m disappointed in my country.”

As can be seen in the network map, the large number of blue dots detached from all other nodes in the network suggests that apart from this post, these commenting users were not engaged in any discussions around homosexuality or other LGBTQ-focused content. This indicates that the discussion started by this user helped to stimulate conversations about LGBTQ rights that would otherwise simply not have taken place among their followers.

2 Manoto reporter
80,000+ followers

This Manoto journalist recounted a story about a post-revolutionary salon that catered for much of Iran’s liberal intelligentsia in the early 1980s. She describes some of the famous artists and writers who congregated there, and described how it was a progressive space that was open to gay members.

3 A popular page for Iranian atheists and agnostics 8,000+ followers

In this post, a user responds to an anti-atheist meme that was being shared by religious activists online. The meme attacked a number of thinkers such as Friedrich Nietzsche, Sadegh Hedayat, Bertrand Russell, and Michel Foucault. Foucault was singled out for criticism in the original image as “a faggot who died from AIDS”.

Addressing these comments, the atheist and agnostics page stated:
“The term is ‘homosexual’, not ‘faggot’... HIV is sexually transmitted, and even if he was to have contracted it from a woman, Foucault would have died. It’s no different [because he’s gay], and it’s ridiculous.”

In response, users generally wrote comments decrying the poor treatment of LGBTQ people in Iran, and expressing solidarity with the community. One user wrote:

“Homosexuality is a natural sensation, and the term should be clarified such that it is not a genetic phenomenon, but is a God-given tendency to affection and love. In response to the homophobia, it is ignorant if you do not distinguish between one who seeks sodomy and one who seeks love... If you think gays are just looking for sodomy, then I ask you why do they fall in love, cry out for love, want to marry and have children?”

Although groups such as these do not have the followership of the figures noted above, this post and the feedback to it hints at the growing recognition within certain secular-leaning segments of society that LGBTQ rights are fundamental human rights.

A gay dancer living in Turkey

12,400+ followers

This user is based in Turkey and posts frequent ‘confessional’-style videos to his followers, along with clips of his dance performances. He posts regular videos with his friends and his partner, along with frequent user-submitted videos from members of the LGBTQ community.

The videos of the dancer attract a mixture of praise and homophobic scorn from commenters. One particularly aggressive commenter states:

“Faggots are trash and parasites on society, and in their filth they harbour Western language and culture... I hope that as soon as possible, the land will be cleared of the existence of these unclean and dirty ones.”

Comments such as this are not rare on the pages of high-profile Iranian LGBTQ people on Instagram, and harassment remains a serious problem for community members in online spaces.
A mixture of LGBTQ resource pages and pages to help LGBTQ people (and mostly gay men) to connect with one another

The collection of Instagram pages in this section of the network constitute its ‘core’; the users commenting on posts in this segment frequently comment on posts by more than one account in this segment.

Different accounts in this segment of the network provide LGBTQ-related news updates in Persian, with some providing visual resources on online safety, and a large proportion of others dedicated to sharing topless images of models and actors, or sexually suggestive imagery taken from gay pornography. Many of the comments on these posts are from anonymous accounts, with users soliciting for sexual encounters or image exchanges, and inviting direct messages.

Later on we’ll dig into some of the security dimensions of users’ activities on Instagram, but the key consideration with regard to influence and engagement is that this cluster is populated entirely by LGBTQ content of some variety, and that users in this space are actively seeking out and engaging with this content.

Although the content in these core clusters offer crucial services to LGBTQ people, it is important to recognise that the content produced by the outlier clusters is well-positioned to help shape and inform public discourse about LGBTQ equality, and that high-influence allies of the community can play a powerful role in advancing its objectives.

Small Media also carried out network analysis of other terms relating to the LGBTQ community, but these networks revealed much different dynamics to the network assembled around the hashtag #همجنسگرا.

For instance, the hashtag #لزبین (#lesbian) is attached to an astonishingly large number of posts and comments – the network shown below contains 99,392 nodes. However, the vast majority of these posts contain pornographic content targeting a male, heterosexual audience. Genuinely lesbian-focused resources are near non-existent in this network, or are are poorly-connected within the network.
Primary clusters of pornographic content
This segment of the network is populated almost entirely by pages sharing soft pornography, generally featuring female same-sex pairings. The content is clearly published with a male audience in mind, and commenters are largely heterosexual men.

Secondary clusters of pornographic content
As above, this cluster largely features softcore lesbian pornography geared towards a male target audience. Men and women used a number of popular pages in this cluster to solicit for sex, though a number of the major pages used for this purpose appear to have been removed since this data was gathered, suggesting that they were ‘burner’ accounts designed to be used and discarded.

Lesbian and trans community page and its followers
This tiny cluster contains the page of one of the LGBTQ community’s most influential lesbian and trans community hubs. In comparison to the larger array of pornography-centric accounts, this page is rather marginal within the wider network of ‘lesbian’ content.
2.3

Community Spirit:
Existing Online LGBTQ Hubs

Although there are numerous barriers to the open development of LGBTQ community-focused resources in Iran, an online ecosystem of materials does exist to serve the community. The websites and community spaces we highlight in the following section have been developed both inside Iran and across the diaspora community, often through close collaborations between recent LGBTQ refugees and community members still living in the country.

To protect the security of the community pages in question, we will not be referring to them by name, or sharing links to these resources. This section of the report aims instead to map out the gaps in content offered by the existing digital media landscape, and to highlight priority areas for future content development.

2.3.1 COMMUNITY-WIDE RESOURCES

ONLINE RADIO STATION
An LGBTQ-focused radio station has been operating to support the community since 2013, broadcasting via shortwave and online. The radio station provides content appropriate for all segments of the LGBTQ community, and programmes take a variety of formats, including panel discussions, Q&As with experts, and walkthroughs of key online safety and digital security concepts.

Shows aired by the radio station have included:
Legal Questions: An Iranian lawyer based in Turkey replies to LGBTQ legal questions, covering numerous aspects of Iranian law as it relates to the community in Iran. Advice was also offered to listeners who had been detained by authorities.

Doctor Radio: A series on sexual health was created for gay, lesbian and bisexual listeners, covering a range of STIs including detailed information about HIV.

Bisexuality: A discussion series for bisexuals, discussing some of the challenges and experiences unique to this often-neglected community.

Mental Health Q&A: Exploring issues ranging from the personal through to relationship complications. Listeners ask the questions they’re unable to ask openly in Iran.
**Sexologist Q&A:** A US-based Iranian sexologist produced sex education programmes mainly aimed at bisexual women and lesbians.

**Our Gay Campus:** A radio drama tells the story of a group of young students who are exploring underground LGBTQ life in Iran. Through the narrative, listeners are provided with information about sexual orientation, sexual health and relationships.

The show broadcasts for seven hours each week, and all content is made available on an accompanying Telegram channel, which has more than 4,000 subscribers. The shortwave broadcasts allow the radio station to share its content with users who would otherwise not go looking for it; whereas a lot of online LGBTQ resources need to be actively sought out, radio broadcasts can more easily be stumbled upon by curious listeners. One listener, a transgender woman named “Raha” described the importance of the radio station for her own self-understanding and development:

> “By listening to [the radio station] I learnt not to be embarrassed of who I am but [to] turn those feelings into something more positive by sharing my experiences with other members of the community. A lack of knowledge is the only reason for what happened to me. In the past, no one spoke about his or her experiences, and even if they wanted to there was nowhere they could speak.

> “[The radio station] is like a gift to us. Everytime I listen to it, I feel I have many brothers and sisters. I feel I am not alone, and that gives me power to fight the miserable situation I am locked in.”

**Mental Health Support Service**

A mental health support service exists to help support the community’s mental health needs. The service allows LGBTQ people in Iran to gain access to remote counselling services with mental health professionals based in the Iranian diaspora. Support is free, and interested clients may request an appointment using the service’s Telegram channel.

In addition to providing counselling, the support service publishes useful mental health resources on its Instagram and Facebook pages, including articles with titles such as ‘How can I learn from my past mistakes?’, ‘How to talk to others about shyness’, and ‘Why is self-esteem important?’. 
The support service offers this description on its Facebook page:

*Individuals with different sexual orientations and gender identities in Iran are considered "offenders" under the Islamic Republic’s laws, or at best "sick" and "deviant". Unfortunately, homosexuals, transgender people, bisexuals and other sexual and gender minorities are subjected to violence and physical/psychological harassment by families, as well as by formal organizations such as educational, medical and judicial authorities.*

*There are no secure and specialised counselling centers in Iran with the aim of providing counselling and psychological support services on the basis of gender identity and sexual orientation. Psychologists and psychiatrists available in Iran are heavily influenced by the predominantly homophobic culture, and clients have often had negative experiences with these counsellors. In the absence of supportive institutions, many cases of violence and abuse have been reported at the hands of counsellors and therapists.*

[...]

*The Support Service* offers confidential counselling to help you understand your identity and orientation, deal with legal problems, understand gender and individual rights, navigate problems relating to family, the workplace, education, and personal relationships. We’re ready to render professional services at no cost.

In the absence of easily accessible mental health support services offline (see Chapter 3.2 for more details), such online support services offer a vital lifeline to LGBTQ people who feel they have nowhere to turn to access emergency mental health support. The service has received very positive feedback from the community, with its services being highlighted by a number of interviewees, including the transgender man “Farhad”, and “Elina”, a lesbian:

*“Mental health services are very limited, other than the [Support Service] who were very good and professional. They are trustworthy, they are not based inside the country, and are from the community.”*  

*“Farhad”, transgender man, Iran*
“Our psychotherapists are sick... the therapists on Instagram are also full of stereotypes [about LGBTQ people]. That is why [the Support Service] is important.”

“Elina”, lesbian, Iran

Initiatives such as this should be supported by international LGBTQ organisations to develop their capacities to process enquiries from, and provide support to LGBTQ people, as the service is working incredibly hard to keep up with demand. They should also investigate the possibility of connecting LGBTQ clients in Iran with community-approved psychotherapists, who can be difficult to otherwise identify.

2.3.2 ▲ RESOURCES FOR GAY MEN

GAY ONLINE MAGAZINE
The magazine is primarily targeted at gay men, but also contains content that would be relevant to BTQ men.

The magazine offers this description of its objectives and mission:

▲ We are everywhere, we are free and equal.
▲ We’ll bring the rainbow flag everywhere to change the culture about same-sex attraction, diverse sexual orientations and transgender people, and to normalise our presence.
▲ Using personal testimonies, we will advocate for an Iran that offers freedom and equality for LGBTQ people.
▲ By telling our stories of violence and expressing our aspirations, we will contribute to the creation of a true image of Iranian LGBTQ lives inside and outside Iran.
▲ By helping to create a dialogue within Iran, we will help to raise awareness about sexual identities and healthy sexual behaviour.
▲ By promoting a culture of honesty, support and integrity, we will contribute to the creation of a movement for a free and equal Iran.

The main website provides links to the various issues of the monthly magazine, which are available in .pdf format and are hosted on Google Drive. In terms of magazine content, there is a wide variety of content. This includes coverage of politics and gay culture, sexual health information, graphic novels and commentaries. A lot of the imagery in the magazine is sexually explicit.

A large amount of content is translated from other resources, though the original sources are not referenced consistently.
INTERVIEW
“AFSHIN”
PUBLISHER AND REFUGEE

We spoke with “Afshin”, the founder of the online gay magazine, who explained to us his mission, his achievements, and some of the challenges that he continues to face as a refugee in Turkey:

Please introduce us to your magazine – when was it established? What are your objectives for it?
I started the magazine a year ago, and we've published eight magazines up until now. It's a mixture of informative, educational and fun content. I would like to make my fellow gay and transgender friends see how the world is, and how their lives could be.

What kind of content do you feature in your magazine?
My English language skills are not bad so I sometimes translate content from English magazines, as well as publishing content from Persian LGBTQ media.
I lived in Iran so I try to use my own experiences and taste to justify the content. I have a lot of free time here in Turkey, so I try to be positive.

How do you distribute and share your magazine? What role does social media play in this?
We have a website as well as a Telegram channel and an Instagram account. I also produce a lighter version of the magazine so that people with low speed internet can access it. The magazine went viral since we started our Telegram channel, so Telegram plays a very important role in this.

What risks do you face running and sharing this magazine? How do you manage these risks?
I am a refugee here in Turkey. So obviously it is not easy to publish an underground magazine under the current situation here. Publishing a magazine without permission from the state is illegal. Even though my target audience is not based in Turkey, I always live with the fear of [the Turkish government] as well as the government inside Iran. I am always afraid of my identity being revealed by the regime.

Have you received threats from authorities? Online or offline? Are you worried about being identified?
No. We get some spam emails or abusive comments on our Instagram page, but I don’t take them seriously.

What kind of feedback have you received about the magazine from readers? What do you want to do with it in the future?
Because the magazine is very colourful and fun as well as informative I receive loads of good feedback from people who are fed up with hardcore informative contents. I do all of this on my own with no money. So of course if I had an income, I could focus on the magazine rather than labouring in a factory.
The magazine also shares content from other Iranian LGBTQ community spaces such as 6Rang, and international organisations such as Outright International.

The magazine is very well-integrated with social media, and runs an Instagram campaign named #I_Am_LGBTQ based on user submissions. It also operates a Telegram bot that allows users access to specific magazines and online resources.

**BOYFRIENDS’ INSTAGRAM BLOGGERS**

Two particularly popular Instagram accounts claim to be managed by two gay men in a long-term relationship. They share illustrated images of gay couples and memes relating to LGBTQ rights, and accompany their posts with lengthy narrative descriptions recounting their daily routines, the state of their relationship, and the challenges they have faced around family rejection and homophobia.

The posts attract a great deal of commentary and discussion from LGBTQ followers (typically more than 150 comments per post), and particularly from gay men who have endured similar experiences. Although it is unclear whether or not the two men actually exist (both produce content in high volumes—often multiple long-form written posts per day—and their posts share a very consistent aesthetic), the comments beneath their posts demonstrate that their narrative posts provide a valuable outlet for LGBTQ people to share their own experiences of love, rejection, and uncertainty in line with the narratives being produced by these two Instagram bloggers.

Although Iran’s traditional ‘blogosphere’ is now long-dead, pages such as these are natural successors in terms of style, language, and purpose. LGBTQ authors are continuing to write about their loves, losses, and fears for the future, and continue to attract substantial followings—the venue has merely changed.

2.3.3 ▲ RESOURCES FOR LESBIANS

**LESBIAN AND TRANSGENDER COMMUNITY PORTAL**

This is a community website established by a leading LGBTQ and feminist activist, with a focus on providing resources to lesbian and transgender Iranians. The organisation’s ‘About Us’ page reads:

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We have seen many so-called scientific articles, nonsense reports and Iranian media analysis calling homosexuals sick people, humiliating them, and marginalising them.

We have been witness to the criminalisation of love between same-sex people in our society, and the result has been nothing other than the ruin of many homosexuals’ lives. Those who are forced to get married, commit suicide, or seek a ‘legal’ identity undergoing gender reassignment surgeries and subjecting their souls and bodies to the surgical knife.

Today, many of us are aware that our sexual orientation is natural, and with faith in our natural right to love a person of our own sex, we are trying together to open a window to a future without prejudice, “morality” and “immorality”; a window to a world where our sisters and daughters have no fear of showing their sexual orientation.

For the first time in the history of our country, we want to open a new chapter in the fight of Iranian homosexuals—and specifically lesbian women—against homophobia. We want to sit together, get to know each other in person, and exchange our experiences in support of one another.

The organisation has published a series of extensive research reports on the experiences of the lesbian and transgender communities in Iran, and performs international rights advocacy work alongside its provision of services and online resources to its target communities.

Site content is updated semi-regularly, and covers topics including international news, community news, literature and poetry, personal testimonies, and legal documentation and analysis. The site reports on transgender and lesbian news from Iran, including a play staged in Tehran based around an individual’s transition. Coverage of international LGBTQ news has included the rise of anti-LGBTQ violence and rhetoric in Indonesia, and developments in the recognition of intersex people in Syria.

The website contains articles and resources for lesbian and transgender readers, though there is a focus on news articles and documentation rather than practical resource provision. Resources do exist on mental health, sexual health, and digital security, but there exists potential for them to be updated and made more accessible to community members.
The page operates active social media pages, including Facebook, Telegram, and Instagram, where links to news articles and opinion pieces from the site’s authors are shared alongside stories and resources from the Persian and English-language news media. The site also runs a number of campaigns in support of LGBTQ rights. One, named ‘Yes to Change!’ collects video messages from Iranian public figures, celebrities and political activists in support of LGBTQ rights in Iran. Past advocates have included the lesbian Manoto journalist Aram Bolandpaz, the pop singer Sheri M, and the poet Fateme Ekhtesari.

**CLOSED LESBIAN FACEBOOK GROUPS**

Apart from the community hub described above, public online spaces for lesbians are few and far between. Rather than congregating on apps or on public social media platforms such as Telegram, lesbian (and bisexual) women tend to make use of closed platforms such as private, invitation-only Facebook and Telegram groups. This pattern of cautious social media usage appears to have grown out of a perceived vulnerability to entrapment, exploitation and abuse online. Examples of entrapment were documented in Outright International’s report *Being Lesbian in Iran*, where one

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**Figure 2.3.3a**

A video of support from an Iranian pop singer, Sheri M.
woman was blackmailed into performing cybersex after revealing her sexual orientation to a man posing as a lesbian online.\(^26\)

One lesbian and bisexual interview participants described some of the measures they took to protect themselves from such threats:

“I try to not to find new friends or to be in contact on Internet and if there is someone I do not know, the person should have already been a friend of my friend in the real world. Like, my friend should know the person in real life. I do not accept any new person’s friend requests on Facebook, I do not answer unknown people on Telegram, and do not use dating channels or groups on Telegram. I used to, but no more.”

“Azadeh”, bisexual woman, Iran

The closed nature of many online communities of lesbian and bisexual women makes the development and dissemination of resources among these groups particularly challenging.

Engagements with the community in Iran by international support organisations must take place through direct collaborations with community members and leaders.

2.3.4 ▲ RESOURCES FOR BISEXUALS AND PANSEXUALS

BISEXUAL AND PANSEXUAL COMMUNITY PORTAL

A community portal for Iranian bisexuals and pansexuals offers access to a range of resources for these underserved groups. The site’s ‘About Us’ page states the following:

[REDACTED] is the first information website on bisexuality and pansexuality in Persian. Our objective is to fill the existing gaps online, and to provide users with updated information about this sexual orientation, and transform the common prejudices and biphobia in order to give bisexuality and pansexuality its proper place in the spectrum of sexuality in the Persian LGBTQI world.

[REDACTED] will attain its objectives with your help and collaboration by:

▲ Introducing websites, networks and active groups relating to bisexuality and pansexuality.

▲ Translation of academic articles and content.

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The LGBTQ webcomic hosted on the bisexual community portal

- Production of podcasts and short videos.
- Webinars and online talks featuring experts.

The page hosts a number of articles about bisexuality and pansexuality, and criticises bisexual erasure and biphobia within the wider LGTQ community. As well as hosting articles and acting as an information resource, the portal hosts a fortnightly webcomic telling the story of a lesbian in Iran and her group of transgender and bisexual friends.

The original webcomic tackles an array of different issues, including suicide, domestic violence, forced marriage and asylum, and delivers some practical digital security tips within its narrative. The webcomic is also regularly shared on Instagram, where it has more than 340 followers.

The page has also produced video content explaining key LGBTQ vocabulary for viewers in an accessible and digestible format, including profiles of sexual orientations, gender identities, and the
concept of the gender binary. These videos have been shared more widely than many other items of content on the page’s Facebook page and Telegram channel.

2.3.5 RESOURCES FOR TRANSGENDER PEOPLE

TRANSITION INFORMATION CENTRE

The Transition Information Centre is an independent website focusing on education, cultural change, and the provision of information on transgender and transsexual individuals, as well as sex change surgery in Iran. The site states that:

“The objective and aim of this website is to increase knowledge on gender identity disorder, sensibilisation / cultural change, the translation of scientific articles, and interviews and life stories from Iranian trans individuals.”
Users can engage with the website through email and social media, and the site administrator is generally very responsive.

Most of the website’s content consists of information on gender reassignment surgery and hormone therapy. This often includes descriptions of outcomes, and interviews with individuals that have undertaken either of these.

Social media posts tend to consist of tutorials and advice for trans individuals. These include an Instagram post providing illustrated medical advice for transgender men, and post-surgery care advice from doctors, including one post on post-mastectomy care, and another on post-vaginoplasty care. All of these resources are well-translated, practical and informative.

**ONLINE TRANSGENDER SUPPORT CENTRE**

An Online Transgender Support Centre, operated by transgender advocates living inside Iran offers a massive array of content to transgender users, including news, educational resources, blogs and user-provided content, podcasts, a forum, and health information. An online forum functions as a community space allowing transgender people to exchange experiences, and ask questions free from judgement. The forum contains sub-forums on topics ranging from medical information, to international transgender rights news, to religious questions and concerns.

As well as sharing national and international news about transgender rights, posts from an officially registered Iranian
The website has a simple and interactive design, with a well-organised menu and clear, informative language.

The Support Centre has a strong social media presence, frequently sharing information about campaigns and links to transgender rights-related content. Examples of content include a link to a trans-focused short documentary video called ‘Headspace’, which shines a light on some of the common challenges faced by trans people that non-trans individuals might not be aware of. There are also links to pictures of people’s ongoing transitions over a period of months, and one post calling for trans people to submit their coming-out experiences via a Telegram bot.

Although the Support Centre offers a huge range of resources for the trans community, and was referenced by two of our transgender interviewees, one interviewee also criticised it for its narrow focus on gender reassignment surgery as the end point for trans people.

“Sepideh”, a transwoman said:

“The Support Centre is in line with the Islamic Republic of Iran, and encourages everyone to operate. At the psychological level, it gives trans people the right to exist, and tells them there is nothing wrong with them, and even doesn’t use the term “sickness”. It’s good in that respect, but when you go deeper, if they want to give you a solution it’s surgery.”

“Sepideh”, transgender woman, Iran

2.4 Observations: Identity and Community Development

On the basis of our surveys and conversations with LGBTQ people, our overview of community activities on Instagram and Telegram, and our appraisal of existing community resources, we can say that the LGBTQ community has developed in confidence, organisation and optimism since our last report in 2013. Although enormous challenges still exist in the form of state violence, harassment and homophobia, we have observed a number of positive signs that the tide is beginning to turn against state-directed homophobia and community repression:
More and more Iranian young people appear to be coming out to their peers than ever before, with some young LGBTQ people making themselves visible on social media platforms. Iranian LGBTQ organisations should produce resources to support them to do so as safely as possible.

Our survey results and observations from our interviewees and focus group participants suggest that Iranian teens are coming out in greater numbers than ever before. It is encouraging that young Iranians are starting to feel confident enough to talk openly about their sexual orientations and gender identities, and that some of them are finding support from their friends and families.

At the same time, some teens are taking huge risks by speaking so honestly at a time when same-sex activity is still criminalised, and where anti-LGBTQ sentiments are still so widespread. Although the bravery of young LGBTQ people should be commended, LGBTQ content producers should create resources for younger people who are considering coming out, offering them context-sensitive advice around online and personal safety.

The LGBTQ community is attracting more public advocates to its cause, who are helping to reshape public opinion. LGBTQ rights advocates should work with other ‘influencers’ to help bring discussions about LGBTQ rights into the mainstream, whether they be movie stars, pop stars, TV personalities, or Instagram power users.

Over the past few years, more and more high-profile Iranians have pushed for recognition of LGBTQ rights, including the megastar pop diva Googoosh, and the TV and film actress Behnoush Bakhtiar. Other personalities in the Persian diaspora media have even come out publicly, including the Manoto journalist Aram Bolandpaz. At the same time, high-influence users of social media platforms such as Instagram have also been adept at introducing LGBTQ issues into the timelines of users who would otherwise not be interested or engaged in questions of LGBTQ rights.

International and Iranian LGBTQ rights advocates should work with and lobby influential public figures to start talking about LGBTQ rights, and to offer support to the community in its struggle for societal acceptance.

International LGBTQ organisations should invest resources in further developing existing community hubs, and helping them to create engaging and original multimedia content.
that addresses the community's challenges, while remaining grounded in the Iranian context.

Existing community spaces do incredible work providing information to LGBTQ people that is not available in any offline spaces in Iran. The resources they provide are invaluable for LGBTQ people navigating the challenges of coming out, dating, managing relationships, or in some cases going through lengthy and complex gender reassignment procedures. These spaces should be supported to continue their work, and to transmit valuable knowledge to the community.

At the same time, they should be supported to innovate, and to produce content that is engaging, attention-grabbing, and grounded in the context of Iran. Too often, owing to a lack of resources, community sites are dependant upon translations of content from English-language sources, which are blind to the cultural, social, and legal specificites of Iran.

Also, innovative models of service provision—such as the use of Telegram bots—should be supported to assist in the delivery of in-demand services such as sexual health advice, mental health support, and digital security support.
Movement Building

URGENT PRIORITIES FOR DIGITAL MEDIA DEVELOPMENT
The legal restrictions imposed on the Iranian LGBTQ community outlined in Chapter 1 of this report are ultimately responsible for creating an atmosphere of fear, paranoia and secrecy on the part of LGBTQ citizens by exposing them to the threats of arrest, prosecution, and punitive punishment.

Yet on a daily basis, it is not these legal restrictions that necessarily weigh heaviest on community members’ minds — not for the teenage lesbian who is consumed by fear about her parents learning about her sexuality, or for the struggling trans woman who lacks access to appropriate mental health resources. The same could be said for the gay twenty-something who does not know how to access sexual health testing services, and who finds it easier to remain in the dark about his HIV status.

Our analysis in Chapter 2 demonstrated that the LGBTQ community is growing in confidence, is starting to amass influential allies, and is developing rich and sophisticated community hubs and institutions. Yet despite these advances, activists and advocates still lack the resources and the capacities to tackle all of these challenges head-on.

In this chapter, we’ll discuss some of the everyday challenges faced by the LGBTQ community as a result of societal prejudices, public service deficiencies, and a lack of appropriate knowledge, even among medical professionals. Our analysis is primarily based on focus groups and interviews with respondents based in Iran and Turkey, and is supplemented by online surveys and desk research.

After identifying these problems we’ll offer some recommendations for how international LGBTQ organisations, Iranian community groups, and technology companies might be able to work together with the community to better address the challenges it faces.

3.1 Sexual Health

In this section, we discuss the state of sexual health services in Iran, specifically with reference to the country’s sexual minority populations. We identify several gaps in resource provision that need to be addressed urgently to support LGBTQ citizens to understand sexual health risks, to prevent and mitigate them where possible, and to access safe forms of treatment where necessary.
We approach these questions by first assessing the sexual health services currently on offer in Iran, and highlight how institutional barriers have prevented them being accessed by marginalised communities, including LGBTQ people.

3.1.1 THE STATE OF SEXUAL HEALTH SERVICES

Before turning to LGBTQ-specific services, it’s worth noting that sexual health provision in Iran is limited even for the country’s heterosexual, cisgender majority. Before moving on to examine the challenges specific to the LGBTQ community, let’s take a moment to map out the broader deficiencies in sexual health provision in Iran.

Crucially, social conservatism and taboos around premarital sexual activity (and some forms of marital sexual activity) are a huge barrier to access of sexual health services, particularly for women. For example, a 2014 article from a group of Iranian reproductive health professionals described how cultural conservatism and a lack of trust in health professionals to maintain clients’ privacy has led some sexually active adolescent girls to avoid sexual health services altogether, for fear of being reported to their parents.\(^\text{27}\)

Similarly, a comprehensive 2013 analysis of sexual health provision noted that a combination of structural health service deficiencies and social and cultural barriers were creating a generation of young people with only the very faintest comprehension of sexual health. Commenting on the paralysing nature of social conservatism on the debate, one professor noted:

> “Many of the adults don’t even know how to name their sex organs. Kids are instructed to name their eyes, ears, hands, feet, but they do not know how to name their “?”… maybe we should start with the parents.”\(^\text{28}\)

Echoing this point, the report authors noted that the influence of conservative religious values were holding back the provision of essential services to underserved populations (for example in rural areas):

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“Conservative trends present challenges to advancing sexual and reproductive health and reproductive rights... Religious interpretations are used to justify restrictions on sexual and reproductive health education and services, especially sexuality education and services for adolescents, and safe abortion.”

The paper notes specifically that:

“People who are most vulnerable to sexual and reproductive ill-health are those who have been most extensively deprived from sexual and reproductive health services”.

Though this statement is broadly in reference to marginalised adolescent girls (and particularly rural populations), it certainly applies at least as equally to Iran’s LGBTQ citizens. It adds that in order to improve the quality of care to Iranian citizens, a patient-centred approach needs to be introduced into the Iranian health service:

“Providers need to be aware of their patients’ cultural values, social concerns and individual needs. Patients usually determine quality of care based on: acceptable waiting times, convenient opening hours, confidential relationships, availability of gender-sensitive services, continuity of services, choice of contraceptive method, and being treated with dignity and respect.”

These determinants of quality of care are not much different for LGBTQ patients. They seek the provision of confidential services, by well-trained professionals who possess knowledge about the specific needs of sexual minorities, and who act respectfully, refraining from moral judgement.

We spoke about the current state of Iranian sexual health service provision with Dr. Arash Alaei, a leading specialist in HIV/AIDS research and treatment who was imprisoned in Iran between 2008-11 for his work running HIV/AIDS clinics. He was charged with ‘communications with an enemy government’. In conversation with Small Media, Dr. Alaei noted that despite its overall strengths, Iran’s health service contains huge service gaps in relation to sexual health:

“You know, the issue in the healthcare system in Iran is that it’s one of the most unique services in MENA and Central Asia. It’s got very strong, high-quality general healthcare [services], But there are a number of gaps, one of which is that there is zero sex education, or safe sex education, or sexual services overall.
Iran has one of the strongest family planning programmes, but again the gap in family planning is that it’s only for population control, not for safe sex education about sexual relations.”

Dr. Arash Alaei, Former Director, Global Institute for Health and Human Rights

The incorporation of the Iranian health service’s limited sexual health information provision into Iran’s family planning services naturally discourages engagement from LGBTQ people who are not in a position to use these services.

In this sense, the cultural conservatism that denies the existence or acceptability of sexual activity outside the boundaries of heterosexual marriage acts as an obstacle to access among marginalised, high-risk populations, while also conditioning the health service itself to exclude core sexual health services from its remit. It is in this context that LGBTQ people must often seek sexual health education and support outside official health services.

3.1.2 ▲ SILENCE = DEATH: LGBTQ ACCESS TO SEXUAL HEALTH SERVICES AND RESOURCES

Through a series of conversations and surveys we conducted with Iranian LGBTQ participants and sexual health experts, we documented a number of obstacles to access to sexual health services and resources. Without access to appropriate information about STIs or practical safe sex advice, or to targeted and appropriate treatment, Iranian LGBTQ people are at exceptionally high risk of exposure to sexually transmitted infections.

Despite the non-existence of official sexual health services in Iran, some pioneering initiatives have previously sought to provide appropriate care to the LGBTQ community. Dr. Arash Alaei, his brother Dr. Kamiar Alaei and a number of their colleagues were pioneers of HIV/AIDS prevention and treatment in the late 1990s. In 1997 they set up a pilot clinic in Kermanshah to help deal with that city’s emerging HIV crisis. The ‘triangular clinic’ system that they established would go on to serve as the most effective and
influential model of HIV intervention practiced in Iran. The service was fully integrated within a health centre, allowing patients to use it without fear of stigma, and offered a host of community-based services for populations at risk of exposure to HIV. In our interview with Dr. Alaei, he explained how the system worked:

“When we established the first model of community-based services in HIV, we created that model. When I say ‘we’ I mean my brother, myself and two other people. We named it ‘triangular’ because of its three angles: the first for people living with HIV/AIDS, the second for injecting drug users, and the third for sexually transmitted infections.

When we put ‘sexually transmitted’, we had the idea that we wanted to offer services to LGBT people without any stigma, or discrimination, or challenges from the constitution and government. So we didn’t identify them – if you look at that service’s forms, we didn’t identify sexual behaviours or sexual relations. We just put that if you have any questions, or wanted to receive a service because of sexual relations, you can approach this third angle. This was the HIV service.”

Dr. Arash Alaei, Former Director, Global Institute for Health and Human Rights

Although this service was providing consistent support to MSM (men who have sex with men) and other members of the LGBTQ community, it was forced to carry out this work surreptitiously, never advertising its services or intent publicly. Instead, the clinic ran on a community-based model, harnessing a network of outreach workers who were embedded in the LGBTQ community. Although Dr. Arash Alaei has been living outside of Iran since 2011, he notes that similar dynamics mask the service provision of under-the-radar sexual health clinics operating in Iran today:

“We had a number of outreach workers who were from the MSM community, the sex worker community, and they had strong networks. But we didn’t have any opportunities to announce our services or publicise them – not only at that time, but even today if you search there is no publicity about sexual health services, and this is an issue.

29 Detailed assessments of the ‘triangular clinic’ model trialled in Kermanshah have been published by Harvard Medical School and the World Health Organisation, and are available here:
Services are sometimes available – sometimes high-quality services are available – but the issue is the accessibility of [these] services, and because of legal barriers and the constitution they cannot introduce these services to society.”

Dr. Arash Alaei, Former Director, Global Institute for Health and Human Rights

Dr. Alaei described the staggering human cost of this silence, stating that an estimated 70% of all HIV infections are going undetected in Iran as a result of inadequate public engagement on testing – in particular for MSM and other LGBTQ populations. Talking about whether lessons from the ‘triangular clinic’ model have been adapted into the Iranian health service, he said:

“It depends which key population you wanted to talk about. If you wanted to talk about people that inject drugs, I think that [Iran has] one of the best and most unique models that you can see in the region. If you wanted to talk about continued care for people living with HIV/AIDS, then again – fantastic.

The issue they have is engagement for testing overall, because they have a 70% diagnosis gap. So there are 30,000 registered cases, but 100,000 estimated cases – they have this gap because they cannot publicise [testing]; there are no advertisements or information for the general population. For LGBT people there’s a very huge gap, because again they cannot say “We are here to offer a service to MSM”.”

Dr. Arash Alaei, Former Director, Global Institute for Health and Human Rights

Above all, the primary barrier to improving LGBTQ people’s access to sexual health services is silence – from society, from health professionals, and from LGBTQ people themselves. The extremely discreet nature of existing sexual health services in Iran makes it difficult for Iranian LGBTQ people to know where to go for testing, or which practitioners they can trust. To test some of the hypotheses made by Dr. Alaei, we surveyed 314 Iranian LGBTQ people about their engagements with sexual health services. We now turn to their experiences of engaging with the Iranian system.
We surveyed 314 LGBTQ Iranians to enquire about their access to sexual health resources and their experiences engaging with sexual health support services. Of this sample, 65.9% did not know where they could go to access Persian-language sexual health resources online, and 65.9% do not even know where they could access sexual health services if they were needed [see Figure 3.1.3a].

For the full results of this survey, along with more details about our methodology, see Annex 1.
A key issue preventing LGBTQ people from accessing sexual health services in Iran appears to be a lack of trust in sexual health practitioners. Only 8.9% of respondents had disclosed their sexual orientation or gender identity to a sexual health practitioner. Of those who had not, 28.6% stated that they refrained from discussing their sexuality or gender identity for fear of negative consequences. Only 4.5% of respondents thought sexual health providers were generally well-informed about the needs of LGBTQ people.

It wasn’t just the health service that came in for criticism, however. Several focus group participants also criticised the current lack of availability of online sexual health resources, and stated that it was particularly challenging to access sexual health resources online in Persian. One participant noted that even when Persian-language content exists, it can be riddled with inaccuracies:

“I think many people search [for information] among English-language content. I have personally researched and read very little in Persian, because what I have read was either incorrect or inaccessible.”

“Shirin”, bisexual woman, Canada

Another respondent based in Iran noted that certain websites and resources had emerged to fill the sexual health niche, though the landscape remains thinly populated. They noted that Islamic information portals developed inside Iran such as Tebyan31 do host some relevant content, but that it is so conservatively framed as to make it useless for LGBTQ users:

“[An online radio station] was the first resource whose content was fairly informative, then [the radio show] Avishan began. Other than these two resources, I have never got any answers from other websites. Tebyan is one of the resources inside Iran, but their content is very much conservative, and its content is censored.”

“Azadeh”, bisexual woman, Iran

Other respondents contested these claims, suggesting that if one were to look actively for sexual health resources, they are not so difficult to find. In our focus group of gay men, one respondent noted that a greater problem than a lack of resources was that gay

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31 Tebyan is the website of Iran’s Tebyan Cultural Institute, a prominent cultural organisation in Iran. The Tebyan site operates as an Islamic lifestyle portal, offering resources on health, parenting, finances, and even online dating. Tebyan is affiliated with the Islamic Propagation Organisation.
men still too often do not give enough thought to the risks of HIV and other STIs, or the necessity of practising safe sex:

**Hamid:** Because I’m always worried about HIV, I think there’s enough content for people like me who always have questions about the virus. Whatever question I search for [online], there’s an answer for it.

**Hossein:** But it’s not about the number of articles or accessibility... the reality is that Iranian gays don’t care about it. I know lots of people—close friends—they don’t use condoms at all.

**Hamid & Hossein, gay male focus group, Turkey**

It is also worth mentioning that sexual health resources for gay men do appear to me more comprehensive than for other sub-communities: a number of the online community spaces for gay men profiled in Chapter 2.3 do feature comprehensive sexual health materials.

Another respondent echoed concerns that social conservatism had a terrible chilling effect on discussions around sexual health, suggesting that any meaningful change must start within the family and the state education system. They also noted that online resources for the community remained sparse:

“The first source of information on sexual health should be at home within the family, and then in school so that we can actually learn things. We don’t have these [sources] in Iran.”

“With regard to the media, there’s some information about sexual diseases and some other FAQs on various Persian-language websites, with shorter or longer answers. But I only know of Avish an as a website specifically addressing all of these different sexual health issues for LGBT people. There might be another [site] out there, but I don’t know of it—and this is an issue on its own: that if there is something out there, why don’t I know about it?”

**‘Leila’, bisexual woman, Denmark**

The testimonies from our focus groups, interviews and our survey respondents largely confirm Dr. Alaei’s analysis: around two-thirds of survey respondents did not know where to access sexual health resources or support either online or offline, and those who did know where to find online Persian-language resources were frequently unimpressed by their deficiencies in rigour and comprehensiveness.

What, then, might be done to address some of these challenges?
3.1.4 ▲ RECOMMENDATIONS: SEXUAL HEALTH

The challenges outlined by LGBTQ community members and sexual health experts will not be easily overcome. Social conservatism is a deep-rooted barrier to honest and healthy discussions around sexual health, but it is not insurmountable. Similarly, although sexual health services are largely operating under the radar in Iran, this does not mean that LGBTQ people could not be equipped with information that would allow them to access these services more easily.

With this in mind, here are some suggestions for future tech-driven initiatives that could support the sexual health of LGBTQ citizens in Iran:

▲ International LGBTQ organisations and local community groups should work together to connect LGBTQ people with community-friendly clinics and support networks.

Sexual health services do exist in Iran, even if they are officially unavailable to unmarried individuals in the view of the Iranian health service. But as Dr. Alaei points out, community-driven, peer-based support has been provided by sexual health practitioners, and the opportunity now exists for tech solutions such as Telegram groups to help accelerate and augment such LGBTQ outreach processes.

“We need to figure out how we can come from the outside and highlight services and connect [LGBTQ people] with local services. For example, I know at least 20 doctors who are ready to help LGBTQ patients, but maybe [the community] doesn’t know about them. And those doctors can’t publicly announce or advertise their services. So that should be our job – to understand how we can support those guys to connect.”

Dr. Arash Alaei, Former Director, Global Institute for Health and Human Rights

▲ International LGBTQ organisations should support the development of comprehensive and accessible online sexual health resources.

As became evident from our community survey, around two thirds of LGBTQ respondents did not know where they could go to find sexual health resources online. Other interviewees and focus group participants commented that they were only aware of a handful of high-quality resources available in Persian, and that other
Persian-language resources were either inaccurate or inappropriate for LGBTQ readers.

As such, it is imperative that sexual health experts and campaigners are supported to produce accessible, engaging, and comprehensive resources targeted towards the LGBTQ community.

▲ LGBTQ advocacy organisations down taboos by engaging meaningfully with influencers – whether public figures or liberal religious leaders.

Intervention programmes in other socially conservative contexts have achieved some successes by engaging liberal-minded religious leaders to influence their communities in favour of sexual health testing and even tolerance for LGBTQ people. Dr. Alaei argued that only religious leaders have the political clout and cultural influence to bring about changes in the treatment of LGBTQ citizens:

“In conservative social settings such as Iran, we definitely need religious leaders to be involved. There is no way to have doctors involved because doctors can’t solve this issue – they don’t have a proper voice in Iran’s case. So we should involve religious leaders – those religious leaders who are more liberal – and talk to them, and involve them.

In a project in Beirut we had a religious leader who officially accepted MSM. We know this is a huge statement, but he accepted it and he said that we need to help them, and that they are members of our community that we cannot ignore.”

Dr. Arash Alaei, Former Director, Global Institute for Health and Human Rights

Similarly, it is important to engage key cultural influencers in the diaspora to carry useful messages about sexual health to Iranian viewers – including LGBTQ viewers. In this regard, broadcasters such as BBC Persian and Manoto can and should play a hugely influential role.
3.2 Mental Health

LGBTQ people worldwide suffer from far higher levels of mental illness than cisgender and heterosexual people, as demonstrated by numerous studies from the Global North. The lack of substantive scientific studies on LGBTQ mental health from Iran should come as little surprise given the social and cultural taboos that exist around LGBTQ issues, and the suppression of sexual minority identities by state authorities and the medical and academic establishments.

In this section we describe the state of mental health services for the LGBTQ community in Iran, and the mental health resources available to community members. This analysis is based upon surveys conducted of LGBTQ people in Iran, as well as focus groups, interviews and desk research.

As in the case of sexual health, we provide some general context about mental health services in Iran before turning to challenges specific to the LGBTQ community. We then describe the specific gaps in LGBTQ service provision that must be addressed to resolve the community’s mental health crisis.

3.2.1 The State of Mental Health Services

Even among the general population, studies have demonstrated that a considerable proportion of Iranian citizens endure some degree of mental illness. One 2017 study suggested that 23.4% of the population was living with mental illness, with rates in some provinces, including Tehran, Isfahan and Lorestan, exceeding 30%. In addition, mental illness is still something of a taboo topic; one 2011 study suggested that 40% of mentally ill respondents in Tehran experienced high levels of stigma because of their illness.

It is therefore important to remember that barriers already exist
for Iranian citizens seeking mental health support, even barring the sense of embarrassment, shame and fear that so often colours the LGBTQ experience of using such services. Such feelings are only intensified when minority sexual and gender identities are classed by health professionals as psychiatric disorders.

One of our focus group respondents spoke about this lack of public awareness and understanding of mental health in Iran, stating that major efforts were needed to shift perceptions:

“When it comes to Iranian society, when we talk about mental health there’s a huge gap. People don’t even understand what we are talking about. "Health is health" they say, and I believe even a person who is suffering from some sort of mental difficulties doesn’t accept it themselves. It’s not easy to face up to [these challenges].”

“Shirin”, bisexual woman, Canada

Against this backdrop of a wider mental health crisis, overstretched services and societal stigma around mental illness, the prospect of addressing the specific mental health needs of Iran’s LGBTQ community is a daunting one. Before thinking about possible solutions, let’s take a moment to map out some of the unique problems faced by the LGBTQ community, relating both to mental illness and to access to crucial support services.

3.2 LGBTQ ACCESS TO MENTAL HEALTH SERVICES AND RESOURCES

At the same time as Iran criminalises sexual minorities, it medicalises them. As a consequence, LGBTQ people in Iran are at once ‘confused’ and immoral, victims and criminals, worthy of both pity and scorn. According to authorities, minority sexual orientations and gender identities are considered ‘deviations’ from healthy heterosexual and cisgender norms – deviations that can be corrected through medical or psychological treatments. This makes it very challenging for LGBTQ people to access appropriate mental health support services or Persian-language resources.

“Elina”, a lesbian living in Iran, clearly encapsulated these fears, stating that she only knew of a tiny handful of mental health professionals who react in a helpful manner to LGBTQ clients:

“There are no support services for homosexuals. I’ve heard of two or three [mental health professionals] who react well [to LGBTQ clients]. This is very worrying, and there’s always a fear of being
exposed, or of them wanting to cure you. Our psychotherapists
are sick... the ones on Instagram are also full of stereotypes [about
LGBTQ people]. That’s why an online mental health support
initiative is so important.”

“Elina”, lesbian, Iran

As well as expressing fears about poor treatment in the event that
they engaged with support services, many respondents highlighted
problems around a lack of mental health awareness in Iran’s LGBTQ
community.

One respondent described how the lack of a standardised
vocabulary around mental health in Iran made it particularly difficult
to search for materials:

“There are absolutely no resources. There are concepts that
aren’t even translated into Persian, and this makes it even harder
for people to search. I really think we need a Persian-speaking
psychotherapist with a good understanding of these concepts who
is available online to address people’s issues – to hold a sort of
Q&A.”

“Amin”, bisexual man, USA

The respondent went on to describe how, all too often, LGBTQ
people suffering from mental illness do not even recognise that they
need support, often due to social isolation and hesitance to use
existing health services:

How would you describe your mental health?

<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>I’m happy! I don’t have any mental health problems</td>
<td>11.1%</td>
</tr>
<tr>
<td>I’m mostly content, but occasionally have some challenges</td>
<td>37.6%</td>
</tr>
<tr>
<td>I’m just about coping, and often have problems with my mental health</td>
<td>30.9%</td>
</tr>
<tr>
<td>I’m in a bad place, and suffer with mental health challenges all the time</td>
<td>16.9%</td>
</tr>
<tr>
<td>prefer not to say</td>
<td>3.5%</td>
</tr>
</tbody>
</table>

Figure 3.2.2a

Surveys showed widespread experiences with poor mental
health in the community
Many depressive individuals do not even know themselves that they are depressive, and so it’s important to make these resources available to everyone. Especially for people like us, who live alone and do not have family around, and we might not go to see the physician or talk to therapists... I think it’s very important.”

“Amin”, bisexual man, USA

These concerns were echoed in our focus group of gay men in Turkey. One respondent even suggested that the lack of access to Persian-language mental health support services for refugees makes it more difficult to obtain help than in Iran:

When people did disclose information, only around two-fifths of respondents received appropriate support
Hossein: There are very, very few [online] resources on mental health.

Hamid: But Iranian gays don’t think they need to seek help when it comes to mental health! I think here in Turkey at least 80 percent of Iranian gay men need urgent mental health [support] but they don’t know it... in Iran the situation was better. I used to visit a psychotherapist who knew I was gay and she helped me a lot.

Hamid & Hossein, gay male focus group, Turkey

Members of the trans community also expressed concerns that an overemphasis on resources about gender reassignment had left a void in discussions around the mental health crisis:

“I think that [as trans people] our mental health is not taken seriously at all. Unfortunately there is not enough information on this issue, and everyone [only] knows about gender reassignment surgeries... they do not take gender identity seriously.”

“Roya”, transgender woman, Iran

The lack of mental health resources available to Iranian LGBTQ people, the underdevelopment of mental health discourse in Iran and nervousness around accessing existing support services are all significant challenges for the community in Iran. Overcoming these challenges will require significant investment and support from the international community and a great deal of grassroots community action on the ground, especially in the light of continued government inaction.
Small Media interviewed “Reza”—an Iran-based psychotherapist—to better understand some of the issues around mental health support provision and access to resources in Iran. Reza collaborates with a Persian-language LGBTQ-focused radio station to produce mental health resources for the community in Iran. He is a practicing psychotherapist, and has provided support to LGBTQ clients in his work.

Hi Reza. Could you talk a little bit about the work you undertake to support LGBTQ mental health?

I have a weekly psychological consultation program on [the LGBTQ radio station] where I try to talk about different psychological subjects in simple language, as well as answering common listeners’ questions which could be useful for other people.

Many LGBTQ people—and even some non-LGBTQ individuals—get in touch with us using our Telegram account. Sometimes when I feel the person behind the chat is in an emergency situation—if I feel there's a risk they’ll commit suicide, or hurt themselves—then I’ll offer them a voice call.

We can’t offer full treatment by chat, and so when I feel the person needs some serious psychological support, I give them some advice and encourage them to begin treatment with local professionals.

Many listeners’ questions are about their sexuality, issues around rejection from family and society, relationship difficulties, and cheating... all of which can typically be answered online.

What kinds of challenges do your LGBTQ clients talk about most frequently?

It’s not easy to sort through the questions we receive. Some messages are from young people who face varieties of depression and disappointment in their lives – they complain about facing problems with their parents, or rejection for being LGBTQ. They are not happy to hide or deny their real identities on account of the pressures from society and the government’s stance on LGBTQ people.

We have also received many questions from LGBTQ people who need help to understand and accept themselves as they are – lots of questions are about sexual identity and sexual orientation and some of them are looking for treatments to become— as they say—‘normal’!

Then we get loads of messages from homosexual and bisexual people who have been forced to get married by their families. Living independently before marriage is not at all easy in Iran – beside the financial difficulties, parents always trying to control their children's lives, even if they’re over the age of 50! Marriage is the only way for some guys to get independence. Girls have even more problems living alone because of cultural and religious attitudes, and for both genders these problems are even bigger in small towns and villages.
We’ve also been receiving questions about relationship problems and difficulties with partners.

**Are you aware of any effective online Persian-language mental health resources? Who are these targeted at?**

Actually we have good online resources in Persian, but many of them are restricted inside the country because of the government’s internet filtering policies. The other problem is that we have a lot of non-scientific (mostly religious) junk websites that publish false and homophobic content promoted by the government. It’s not easy for ordinary internet users to find correct and trustworthy information.

**What is your assessment of the level of understanding of LGBTQ issues amongst mental health professionals in Iran? Are they generally capable of working with LGBTQ clients in a constructive and supportive manner?**

It’s not easy to say, because I’m part of this group and I know some professionals who are very well qualified in their job.

But let me share my own experiences with a university professor in psychology who was teaching Family and Group Therapy. He told me that he can’t accept homosexuality in any way, and that if he had a gay patient he would ‘throw the dirty pig out of his clinic’.

Me and other students asked him about his opinion of the APA (American Psychiatric Association) references about homosexuality, and he said that he believed DSM (the APA’s Diagnostic and Statistical Manual of Mental Disorders) and APA are being controlled and guided by Zionism and Israel, and that the scientific references and research about homosexuality just got accepted by the APA because of diplomatic and political forces.

In their messages, our audience has also reported that some mental health professionals have demonstrated judgmental and impolite unprofessional behavior, and have suggested medication, hormone therapy and psychotherapy to change LGBT people’s sexual identity and/or orientation. Do professionals have access to specific materials about treating LGBTQ patients? How about ethics codes to regulate their treatment of LGBTQ clients?

Curious professionals can search for and read new research (they just need to pass the internet filtering)! But I haven’t seen any publications such as books or journals that directly refer to LGBT topics.

The translated study books and references that get published are censored – I saw myself that in the original general psychology and developmental psychology books that students use in our universities, the chapters on sexuality and homosexuality had vanished!

Everything can be political in my country, and politics is connected to religion here. So, as Islam is not accepting of homosexuality, and the law suggests punishment for homosexual behavior (and the death penalty for gay men), it could be considered a ‘red line’ for teachers to speak freely about this subject, and they might be scared of the consequences of teaching against the government’s beliefs.
What's your assessment of online mental health support services? Can they provide an effective alternative to face-to-face therapy and support?

The answer is NO! Online therapy is not effective as a treatment, but it can support and motivate patients to follow [other] treatment.

It depends on the patient’s problems, but I don’t think that online chat can be used to provide alternative treatment, because when we're in the same room with a patient face-to-face we can determine their body language, identify avoidance, anxiety, obsession, anger... and that helps us to diagnose their problems correctly, and more easily.

Online services can be very helpful, and are life savers in some situations. My fellow Iranians are so conservative and shy about seeking professional help when it comes to sex-related issues, and gay people are afraid of getting known or arrested if they go to a clinic – especially if they’re living in small towns. That’s why they prefer to ask sexuality-related health and mental health questions virtually to avoid the risk of being judged, or running into other issues.

But there are differences between treatment and consulting – I can help my online patients to learn more about their sexuality, for instance, but I can’t start them on treatment for OCD!

What kind of support do Iranian mental health professionals need to provide a better quality of care to their LGBTQ clients, and what practical actions could be taken to improve care?

Publishing up-to-date articles in Persian about LGBT topics in scientific journals or non-LGBT websites could be helpful, as people may have prejudices against LGBT-focused sources. Today we are faced with new LGBT problems such as having children, marriage, divorce and more—but we are still fighting to make people understand that being LGBT is normal!

The international academic and scientific centres which have academic relations with Iran might force the Psychology and Counseling Organisation of the Islamic Republic of Iran and other Iranian academies to publish their genuine professional points of view about homosexuality, bisexuality, and other topics.

I put emphasis on homosexual and bisexual issues because transgender people obtained a fatwa to be able to change their sex. It doesn’t mean they don’t face problems here, but they have supporting NGOs and are not faced with legal threats from the regime.

Psychoanalysts and psychologists are not efficient enough in Iran, but they are part of society, and we can change their points of view and motivate them to search for more information about the subject through movies, news and other types of Persian-language media. I think it could be a way to update them, as well as other people.
Many of these observations from focus groups and interviews were repeated in our survey of 314 LGBTQ community members, examining their access to health resources on- and offline.

Our survey showed that despite 47.8% of participants experiencing frequent bouts of mental illness, only 35.3% had spoken about their sexual orientation or gender identity with a mental health professional.

Of those people who disclosed this information, one fifth (21.6%) were subsequently offered therapy or medical treatments to change their orientation or gender identity. A further two-fifths of respondents (39.6%) were not offered treatment, but described their therapists as being otherwise unsupportive.

Exacerbating the fact that a minority of interactions with mental health professionals were positive, there are few other avenues through which Iranian LGBTQ people can access support services. Our survey showed that over two-thirds (67.5%) of the community members surveyed did not know how to access online mental health resources. As such, there is an urgent need for international LGBTQ organisations, community groups and health providers to work together to develop and disseminate mental health resources, and to engage in far-reaching awareness-raising campaigns around mental health.

To discuss some of these thorny issues further we spoke to “Reza”, an Iran-based psychotherapist who has undertaken a range of work with LGBTQ clients and support organisations.

3.2.3 ETHICAL DILEMMAS: SECURING OFFICIAL RECOGNITION FOR SEXUAL MINORITIES

At the root of many of the existing challenges relating to LGBTQ mental health provision is the Ethics Code of Iran’s mental health professional body, the Psychology and Counseling Organisation of the Islamic Republic of Iran (PCOIRI). This body is responsible for setting guidelines and regulating the practices of mental health professionals across Iran.

The current version of the PCOIRI’s Ethics Code fails to mention the existence of sexual minorities, or define codes and principles for respecting LGBTQ people’s rights and protecting them from harm while they engage with mental health support services. A paper from 2014 highlights these challenges, and notes that:
“As the general codes and principles for respecting people’s rights and protecting them from harm are not adequately defined in the Ethics Code of the PCOIRI, there is clearly potential for confusion and professional malpractice, especially toward sexual minorities.”

This paper also refers to comparable ethical guidelines drawn up in the Muslim-majority states of Turkey and Malaysia as models, in that they both specify the need for mental health professionals not to discriminate against clients on the basis of sexual orientation or gender identity. The authors recommend that in the case of Iran:

“When handling LGBT clients, Iranian psychologists and counselors would benefit from clear and specific guidelines that act not only as a point of reference but also as guiding information to ensure their ethical non-discriminatory practice with regard to assessments, interventions, identity, relationships, diversity, education, training, and research.”

This guidance is coherent with the suggestions made by Reza above, who highlighted the need for Iranian psychiatric bodies to be offered clear evidence that sexual minorities should not be classified as mentally ill:

“Publishing up-to-date articles in Persian about LGBT topics in scientific journals or non-LGBT websites could be helpful, as people may have prejudices against LGBT-focused sources.”

“Reza”, Iran-based psychotherapist

In addition to providing Iranian mental health professionals with appropriate resources, “Reza” noted that international psychiatric organisations and networks should play a role in pressuring Iranian organisations such as the PCOIRI to justify their existing positions on recognising homosexuality and bisexuality, and encourage them to change:

“The international academic and scientific centers which have academic relations with Iran might force the Psychology and Counseling Organization of the Islamic Republic of Iran and other


36 Ibid p. 324
Iranian academies to publish their genuine professional points of view about homosexuality, bisexuality, and other topics.”

“Reza”, Iran-based psychotherapist

Although seeking state recognition for LGBTQ people might be an unattainable ambition at the present time, if activists and international allies were to lobby aggressively for the recognition of sexual minorities by the PCOIRI then it could result in practical and meaningful benefits for LGBTQ people. Such benefits might include putting an end to conversion therapies, combatting the conflation of sexual and gender identities, and the development of better practices and resources to support LGBTQ mental health.

3.2.4 ▲ RECOMMENDATIONS: MENTAL HEALTH

Tackling the mental health crisis afflicting Iran’s LGBTQ community should be considered an urgent priority for local and diaspora-based LGBTQ activists, and international organisations working to support the community. 88.8% of community members polled stated that they suffered with some degree of mental illness, while support services remain essentially non-existent, barring a small number of online initiatives.

Just under two thirds of respondents have never been able to speak with a mental health professional about their sexual orientation or gender identity, and another two thirds have no idea where to go to access mental health resources online. It is clear that Iranian LGBTQ people require more mental health resources, and they need access to community-tailored mental health support and guidance.

We have identified some suggestions for potential avenues of support to be provided to the community through digital media development initiatives, in addition to some general recommendations about how to support LGBTQ mental health:

▲ LGBTQ content producers should prioritise the development of mental health resources and its dissemination in existing community spaces.

The fact that such a large segment of the LGBTQ people polled do not know where they can find appropriate mental health resources online signifies that there is an urgent need to develop resources, and to make them truly accessible to the community. A number of useful resources were highlighted by some interviewees and focus group participants, but our survey data suggests that these are not on the radar of large segments of the community.
In order to make new mental health resources accessible and useful for LGBTQ people, they should be deployed in spaces where the community already congregates. Our data suggests that for gay and bisexual men, for instance, apps such as Hornet and Grindr might play a major role in distributing mental health information. For trans people, official trans NGOs and support networks should also play a significant role in the provision of mental health resources.

Lesbian and bisexual women remain the hardest group to reach, with comparatively limited app usage and fewer dedicated online spaces than other communities. For these groups, existing online content hubs should play a leading role in running awareness-raising campaigns and resource provision.

▲ International LGBTQ organisations and local organisations should work together to develop resources and training materials to support Iranian mental health professionals to better treat their LGBTQ clients.

As a result of the lack of official recognition of non-heterosexual sexual orientations by the PCOIRI and the higher education system, many Iranian mental health professionals lack the training to support LGBTQ clients effectively, and in some cases may not have any sound understanding of concepts such as homosexuality or bisexuality.

It is crucial that LGBTQ organisations work with experts to develop and translate substantive documentation into Persian to support Iranian psychotherapists and other mental health professionals to remain informed about LGBTQ mental health.

▲ International donors and LGBTQ organisations should work with local LGBTQ groups to develop online services that can connect Iranian LGBTQ people to properly trained and sympathetic mental health professionals in Iran and the diaspora.

A small number of services have appeared in the past couple of years to connect LGBTQ people to mental health professionals via online platforms such as Telegram. Although these services offer no substitute for in-person consultations with trained psychotherapists, they can prove invaluable in providing emergency support to LGBTQ people in crisis situations.

International organisations should continue to invest in and support such initiatives seeking to provide remote mental health support.
services to LGBTQ people in Iran, and other projects working to connect community members to effective and appropriate mental health professionals based inside Iran.

Internationally-recognised academic and psychiatric institutions and LGBTQ advocacy organisations should lobby Iranian mental health professionals and professional bodies to grant recognition to sexual minorities, in line with international standards.

Engagement with groups such as the PCOIRI offers a potentially rewarding opportunity to change the perception and classification of homosexuality and bisexuality within the medical profession. Campaigns targeting organisations such as the PCOIRI, and outreach programmes from international psychiatric organisations, might prove fruitful in helping to align Iran’s classification of sexual minorities with globally-recognised standards, and thereby bring about material improvements in treatment for LGBTQ clients.

3.3 Digital Security

We’ve identified some of the biggest challenges that exist with regard to safeguarding LGBTQ people’s sexual and mental health, and have explored in depth the opportunities for connection and community development that technology affords. But so far we have not addressed perhaps the most immediate threat facing Iranian sexual and gender minorities: the maintenance of individuals’ security in the face of surveillance, online harassment, and entrapment.

In this section we describe the threats perceived by the community, the efforts they are undertaking to protect themselves, and the blind spots in digital security awareness that need to be addressed by LGBTQ content providers in Iran and international allies. Our analysis is based on a digital security survey distributed to 727 LGBTQ participants between 6 February and 1 March 2018, as well as focus groups, interviews, and our network analysis of LGBTQ activities on Instagram.

Although the Rouhani government itself is less aggressive in its pursuit of LGBTQ citizens than Ahmadinejad’s administration, an array of other actors—whether from the IRGC, Cyber Police, Intelligence Ministry or independent groups—continue to harass and threaten LGBTQ people online. The community must remain vigilant against such threats, and be supported by content
producers in Iran and the international community to develop their understanding and implementation of digital security and online safety strategies.

### 3.3.1 THE VOYEUR STATE: LGBTQ PERCEPTIONS OF RISK ONLINE

According to our survey, the risk mostly widely perceived by the LGBTQ community is of surveillance—both by the state and malicious individuals. A total of 80.8% of respondents expressed concerns around being surveilled by the state while accessing LGBTQ-themed content, with a total of 37.6% of respondents expressing fears about being monitored by malicious individuals not affiliated with the state.

Another threat that was much-discussed in our 2013 report is that of online entrapment. The issue is one that creates a great deal of paranoia and uncertainty among the community throughout its online engagements.

"Elina", a lesbian based in Iran, spoke of how she becomes riddled with anxiety whenever she is set to meet someone she has chatted with online in the real world, and digitally ‘vets’ her potential partners intensely:

"Do I feel safe on the Internet? Not at all. If [someone] asks me on a date I’ll say no and deny everything [about my sexuality], especially if they’re from my city. I’m afraid they might be someone from the government who presents themselves as LGBT to identify us."
“I usually speak very generally while I get to know them. I observe my followers and check their comments as much as I can, and look to see what they’re like, and that they don’t follow any religious people at all, nor other people from my city. I haven’t come out on my own page, and my content is sort of ambiguous.”

“Elina”, lesbian, Iran

Although a number of interviewees in our previous report had heard anecdotal reports of entrapment, none had experienced the threat themselves. However, among our survey of 727 LGBTQ people, 20.8% of respondents said they had experienced entrapment—10.2% from malicious individuals, 2.1% from authorities, and 8.4% from unknown sources.
As noted in Chapter 1.3.2, one of our gay male focus group participants “Hossein” also shared evidence of entrapment from 2016, being sent an SMS message from the ‘Notification Office of IRGC Intelligence’ soon after speaking with an individual claiming to work for the Iranian Cyber Police:

“I remember once I have received a message from a user who claimed to be working for the Cyber Police. I greeted him very normally and thanked him for all of his efforts ‘laughs’. [Later] I received a text message on my mobile phone from the Revolutionary Guard intelligence protection office which asked me not to leave my city, as there was a court case being lodged against me for the act of sodomy. It was so scary, and that’s why I fled from Iran.”

”Hossein”, gay man, Turkey

The message to “Hossein” read:

Greetings. Be aware that you are forbidden by law from leaving the province of [redacted] until such a time as a verdict has been reached on your charge of sodomy. Notification Office of IRGC Intelligence.

The mixed messages here are interesting; although “Hossein” notes an interaction with a person claiming to be from the Iranian Cyber Police, the threatening message he receives claims to originate from IRGC Intelligence. Although this could suggest information-sharing about LGBTQ people across state-aligned bodies, it could just as easily be a marker of a shoddy and thoughtless attempt at

![Figure 3.3.2a](image)

Table: Do LGBTQ users feel safe displaying personal information on dating apps?

<table>
<thead>
<tr>
<th>Gender</th>
<th>Did not respond</th>
<th>I don’t use dating apps</th>
<th>No, I use anonymous apps</th>
<th>Yes, but I worry about the risks</th>
<th>Yes, I feel comfortable doing this</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trans man</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Genderqueer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prefer not to say</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trans woman</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender non-conforming</td>
<td></td>
<td></td>
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</tr>
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Figure 3.3.2a

Although few users feel comfortable sharing personal information on dating apps, many choose to take the risk anyway
anti-LGBTQ harassment by an independent actor. Further research
to fully document, and identify the sources of entrapment and
harassment of LGBTQ people online would be incredibly valuable to
inform digital security practices, and to hold authorities to account.

Online harassment and anti-LGBTQ hate speech is also widespread
online, with 49.7% of respondents having encountered harassment
by either state-aligned actors or other malicious individuals. As
noted in Chapter 2.2.2, LGBTQ content producers on public social
media platforms such as Instagram are frequently subject to
harassment and abuse.

Such abuse is regrettably difficult to avoid—especially for highly
influential accounts posting regularly about LGBTQ topics.
Nonetheless, social media platforms must remain alert to the
threat posed by troll accounts, and should responsibly monitor and
respond to harassment reports submitted by Iranian users. With
this comes the requirement to substantially develop their capacities
to process and respond to Persian-language abuse reports.

3.3.2 ▲ BARING ALL: SOCIAL MEDIA PLATFORMS,
DATING APPS, AND ONLINE SAFETY

Many of the leading risks faced by LGBTQ people online do not
necessarily stem from sophisticated state surveillance operations,
or crack teams of hackers and extortionists. Frequently, LGBTQ
people looking to make connections engage in risky activities that
can very easily expose them to entrapment and blackmail.

Among our sample of 727 LGBTQ respondents to our digital
security survey, we found a conflicted relationship between apps
and their users. Except for cisgender women and users who did
not disclose their gender identity, more than half of all users in other
demographic groups stated that they shared personal information
on dating apps, with more than half of these users recognising that
they knew this behaviour carried risk.

The high proportion of LBQ women who do not use dating apps is
very striking; the recognition of risks around entrapment and online
harassment, as well as the perceived lack of availability of dating
apps for women are likely influential factors here.

The risks around online entrapment on dating apps such as Hornet
and Grindr have been documented comprehensively by Article 19,
whose 2018 report documented some of the ways that malicious
state- and non-state-affiliated actors have used apps to entrap,
humiliate and abuse LGBTQ people, as well as to collect evidence against individuals when cases are brought to prosecution. This research outlined an array of recommendations to apps relation to geolocation services, user authentication practices, and emergency reporting systems, which we endorse fully.

We would note that it is also important to recognise the important role that is being played by social media platforms such as Instagram as spaces for LGBTQ connection. Owing to the filtering and perceived surveillance of traditional dating platforms, some users perceive alternative spaces such as Instagram and Telegram as safe spaces to meet other LGBTQ people.

---

As we noted in Chapter 2.2, many Instagram accounts are seemingly established for the sole purpose of facilitating meetups between gay and bisexual men, with many catering to specific cities or provinces. The ‘cruising’ posts published by these accounts typically contain softcore pornography, and their comments sections are a hive of activity with users exchanging their age, location, and a host of personal details.

Many of the accounts commenting on these pages employ basic but effective strategies for minimising risks of surveillance and entrapment: they set their accounts as ‘private’, they do not share personal photos as profile images, and in some cases these accounts are deleted at a later date in order to remove all traces of a user’s activities. 38

38 Although it is possible that some of these accounts were automated bots, the content of the comments posted by the deleted accounts we identified did not generally differ from that of other users. These accounts shared information about their age, sexual preferences, and city of origin.
We analysed the profiles of 150 users who commented on one of these Instagram posts between 21-28 February 2018, taking note of the security precautions they took; specifically whether their account was private or publicly viewable, whether they had personally identifiable images in their profile image or public account, and whether they had ‘burned’ or closed their account by April 14 2018.

- 20.7% of users operated burner accounts which have since been deleted.
- 44% of users enabled privacy settings on their accounts.
- 18% of users display accessible personally identifiable images

It is encouraging that a majority of users either restrict public access to their accounts, or operate disposable burner accounts when using these ‘cruising’ spaces on Instagram. Similarly, we are encouraged that less than one fifth of these users shared personally identifiable images on their public profiles, although we recommend that more awareness-raising work be undertaken to ensure that these users are fully aware of the risks this may entail.

This can be achieved by incorporating Instagram-focused digital security and online safety guidance into all security materials targeting the LGBTQ community in Iran; with more than one in five LGBTQ people using the platform to connect with other LGBTQ people either ‘very often’ or ‘often’, it constitutes a crucially important community space

The dynamics of user activities on Telegram are also very important to consider when developing new digital security resources. Our interviewees and focus group participants spoke about some of the security measures they currently take to protect themselves on the messaging platform. “Roya”, a transgender woman described some of the security measures employed in her groups, which again are ‘burned’ after a period of time:

“I'm a member of a closed group on Telegram, where we have more than 200 people and four admins who check for security issues. Even so, we change the channel from time to time.”

“Roya”, transgender woman, Iran

The deletion of Telegram channels can be an effective method for mitigating risks of surveillance. For example, if one member of a 200 member group is arrested, and authorities access the user’s Telegram app, then all of the group’s messages could be saved, and feasibly used against members. Deleting groups wipes all messages, thereby eliminating this risk.
Other considerations with regard to communications include the choice of specific messaging apps, particularly for group chats. Apps that are based on phone numbers pose huge security risks, given that this personally identifiable information can easily be used against individuals—WhatsApp and Signal are both imperfect for group conversations in this sense. Email-based apps like Wire and Confide are safer alternatives, although our research shows that usage remains low within the community—only 1.1% of users and 0.4% use these apps, respectively.

With Telegram’s dominance in the Iranian messaging app market, it is likely that users will continue to make use of its group chat features over its rivals. Given this reality, digital security resources should prioritise practical tips and guidance to minimise the risks of using popular platforms such as Telegram.

### 3.3.3 ▲ ALWAYS USE PROTECTION: DIGITAL SECURITY AND THREAT MITIGATION

As well as ensuring community caution about the sharing of personal information online, it is crucial for community allies to take an active role in promoting rigorous digital security practices among vulnerable LGBTQ users. We asked our survey of 727 LGBTQ individuals about the kinds of digital security measures they take to protect themselves from online harm.

Disappointingly, apart from the use of basic password protection on users’ personal devices, less than half of our respondents reported that they practiced the other digital security measures specified. In particular, the lack of two-factor authentication on apps, low levels of VPN usage, and high rates of connection to public WiFi
constitute very real threats to LGBTQ users, exposing them to surveillance and hacking by malicious actors.

Our interviewees came equipped with very different levels of digital security awareness. At the high end of the scale is “Shokoufeh”, a transgender lesbian living in Iran, who described her comprehensive security protocols to us:

“I use VPNs and two other pieces of software which clean up any remaining traces, and C-Cleaner to delete documents and files, and Advanced SystemCare to delete passwords.”

“Shokoufeh”, transgender lesbian, Iran

Based on our survey sample however, we can assume that Ana is not representative of the wider community. “Farhad”, a transgender man, is perhaps more typical of the community at large and its relatively basic digital security skills, describing how a lack of information has plunged him into a mindset of perpetual self-censorship:

“We don’t publish any pictures [online]. We do not write anything. We have very little information about Internet security [so] we have nothing on the laptop. As we cannot stop other people from acting dangerously on the Internet, we decided to censor ourselves instead.”

“Farhad”, transgender man, Iran

International allies developing digital security resources must remain conscious of the limited digital security capacities of large sections of the LGBTQ community, and should continue to develop resources that contextualise digital security risks within a user’s everyday experiences.

3.3.4 RECOMMENDATIONS: DIGITAL SECURITY

This chapter has demonstrated that LGBTQ people in Iran continue to perceive a wide array of digital security threats from both the state, and malicious actors seeking to harass and exploit the community. It’s also shown that, despite an awareness of these risks, many individuals are either reluctant to mitigate them, or else do not know how to do so.

With these challenges in mind, we have developed a series of recommendations for organisations seeking to support rigorous digital security practices among at-risk LGBTQ populations inside Iran:
Digital rights organisations, technology companies and existing community hubs should take a leading role in better supporting LGBTQ populations to use effective and proven privacy tools to counter the threat of online surveillance.

LGBTQ people perceive no greater threat than online surveillance. That only 14.3% of our survey respondents stated they were unafraid of online surveillance is striking, and highlights an urgent need for community members to be supported to use effective and proven privacy tools to protect themselves.

International privacy and digital rights organisations should seek partnerships and collaborations with popular dating apps to advertise reliable privacy tools, and push them to integrate privacy tools into the apps themselves.

Similarly, existing community hubs and key Telegram and Instagram channels should be supported to produce and publish guidance on the use of privacy tools, contextualising their importance for LGBTQ people.

Digital rights organisations, technology companies and community groups should develop localised and comprehensive resources to inform LGBTQ people about information sharing and online safety, with a focus on dating apps, Instagram and Telegram.

Online safety is not simply brought about by security tools, but is maintained by responsible and well-informed management of one’s online persona. Resources related to online safety and privacy should be produced, outlining appropriate precautions to take on dating apps, as well as Telegram and Instagram. These resources should be distributed by the dating apps themselves, and in existing community spaces online. Content providers should design content based on the cultural specificities of both Iran and its LGBTQ community, and should not merely translate content from other languages into Persian.

Although we recognise that LGBTQ people do, and have always been forced to, engage in risky behaviours to find connection with other community members, it remains incumbent upon service providers, community organisations, and international rights groups to provide LGBTQ people with sufficient resources to allow them to make fully informed decisions about how to present themselves online.
Small Media endorses the recommendations made by Article 19 to dating apps requesting that they consider the security environments in which their users live, and that they develop or adapt features based on their users’ specific needs.

Our research shows that many LGBTQ populations feel anxiety about online surveillance and entrapment on dating apps. These findings are in line with Article 19’s observations that users in contexts such as Iran have serious concerns around app features such as social media authentication, geolocation, and the limited availability of emergency mechanisms to report incidences of entrapment or harassment.

We stress the need for international LGBTQ organisations, digital rights organisations, and tech companies to work together to develop long-term strategies for supporting the online safety of LGBTQ people, and to adapt technologies where necessary to mitigate threats of surveillance and entrapment.
Conclusions and Recommendations
Over the course of this report, we have shown how Iran’s LGBTQ community has failed to be cowed by continued harassment and persecution on the part of the Iranian state. Although the darkest days of the Ahmadinejad have passed, the Rouhani administration clearly lacks both the inclination and the political will to recognise the rights of its LGBTQ citizens, and to guarantee their security and dignity.

LGBTQ citizens continue to have their rights to free expression violated, both online and offline. As well as facing the criminalisation of same-sex sexual activities under the Iranian Penal Code, LGBTQ people find themselves at threat of arrest and imprisonment even for sharing innocuous LGBTQ-related content on their social media channels owing to Iran’s Computer Crimes Law.

In order to guarantee the human rights of its LGBTQ citizens, we call upon the government of the Islamic Republic of Iran to implement the following measures as a matter of urgency:

▲ Repeal the Iranian Penal Code, and replace it with a new legal framework that upholds the rights of LGBTQ people as guaranteed under international law.
▲ The Computer Crimes Law should be repealed and replaced with a new digital rights bill guaranteeing citizens’ rights to freedom of expression and privacy online.
▲ Iranian state officials and public figures must immediately desist from using language that demonises LGBTQ people, and which incites hatred and violence against them.

Although we offer these recommendations to the Iranian government, we realise that the likelihood of their implementation remains incredibly low. No politicians have so far demonstrated any desire to stand up for the rights of LGBTQ citizens, and we do not see any hope of this changing in the near future.

Given this reality, we recognise the immense value of international human rights organisations and LGBTQ rights advocates lobbying on behalf of Iranian LGBTQ citizens’ rights at the international level. Above all we would emphasise the importance of thorough documentation work to track the continued violations of LGBTQ people’s rights, and to hold accountable the institutions and individuals responsible. We commend organisations’ excellent work on this front, and urge them to continue undertaking
documentation and advocacy work. To them, we offer the following suggestions:

▲ Continue to develop and support tools and mechanisms that allow LGBTQ Iranians to securely report and document homophobic threats, violence, harassment and persecution—whether at the hands of the state, or individuals.
▲ Work with Iranian LGBTQ activists to develop campaigns actively challenging and debunking anti-LGBTQ rhetoric from state officials and organisations.
▲ Conduct further research to comprehensively document the origins of threats and harassment waged against LGBTQ people online, in order to provide rigorous resources to international human rights advocates.

Although no progress has been made over the past decade with regard to the legal recognition of LGBTQ citizens' rights, our research suggests that social attitudes are slowly shifting in a positive direction. The high-profile support offered to LGBTQ people by megastars such as Googoosh and Behnoush Bakhtiari, and the gradual mainstreaming of community issues on social media platforms such as Instagram have created an atmosphere in which more and more Iranians feel comfortable coming out to their friends and loved ones.

This process of social change is slow, but Iranian public figures, media personalities, and diaspora satellite television networks can accelerate it by being outspoken public advocates for LGBTQ equality. Media outlets should continue to spark discussions about LGBTQ rights, and to give voice to the experiences of the community in Iran.

At the same time, international rights organisations should provide resources and support to LGBTQ media outlets and community spaces to help them develop content and online services addressing the needs of the community in Iran. To support the further growth of LGBTQ media in Iran we offer the following recommendations:

▲ International organisations and community organisations should work with ‘influencers’ to help bring discussions about LGBTQ rights into the mainstream, whether they be movie stars, pop stars, TV personalities, or Instagram power users.
▲ Iranian LGBTQ organisations should produce culturally appropriate resources to support Iranian young people to make informed decisions about when and how to come out to friends and family, and to help them to do so as safely as possible.
▲ International LGBTQ organisations should invest resources
in further developing existing community platforms, and helping them to create culturally-grounded and engaging multimedia content that addresses the community’s challenges.

Besides ongoing questions around broader public acceptance and support, LGBTQ people face a number of very specific challenges around access to services that are not experienced by many heterosexual and cisgender citizens. Two of the greatest challenges relate to sexual health and mental health services.

As this report has show, the LGBTQ community and its allies in the international community have attempted to step up to meet some of the service delivery needs of LGBTQ people via online services. Although feedback around these services has been overwhelmingly positive, these services are strained and under-resourced, and require greater investment in order to scale up.

As well as practical services such as online counselling and sexual health consultations, the community remains active in producing online resources relating to sexual and mental health. Although much of this work is of high-quality, some interviewees expressed concern around sub-par translations of foreign-language resources, and a majority of survey respondents remained unaware of where to find such resources in the first place. More work is required to produce culturally grounded resources, and to disseminate them in places where the LGBTQ community already congregates online. In relation to the ongoing crisis in sexual health, we therefore offer the following recommendations:

▲ International LGBTQ organisations and local community groups should work together to connect LGBTQ people with existing community-friendly sexual health services and support networks.
▲ International LGBTQ organisations should support the development of comprehensive and accessible online sexual health resources which are grounded in local cultural and social contexts.
▲ LGBTQ and sexual health advocacy organisations should develop a strategy to raise awareness around LGBTQ sexual health, with the participation of key influencers (whether these be media figures, celebrities, or liberal religious leaders).
▲ International and Iranian LGBTQ organisations should work with sexual health experts to develop online services to respond to community members’ health enquiries, and direct them to appropriate health services where necessary.
And with regard to the crisis in LGBTQ mental health, we propose the following:

▲ LGBTQ content producers should prioritise the development of mental health resources, and their dissemination in existing community spaces.
▲ International LGBTQ organisations and local organisations should work together to develop resources and training materials to support Iranian mental health professionals to better treat their LGBTQ clients.
▲ International donors and LGBTQ organisations should work with local LGBTQ groups to develop online services that can connect Iranian LGBTQ people to properly trained and sympathetic mental health professionals in Iran and the diaspora.
▲ Internationally-recognised academic and psychiatric institutions and LGBTQ advocacy organisations should lobby Iranian mental health professionals and professional bodies to grant recognition to sexual minorities, in line with international standards.

Although efforts to support the mental and sexual health of Iranian citizens must be considered an urgent priority, another crisis exists in the community’s continued exposure to threats of surveillance, harassment and entrapment online.

The growing use of dating apps, and the proliferation of LGBTQ community spaces on social media platforms ranging from Instagram to Telegram to Facebook has resulted in a diverse array of threats that are specific to each platform. Previous research has demonstrated some of the risks that exist around certain functionalities of dating apps, but up until now limited attention has been paid to the challenges of limited digital security and online safety knowledge among Instagram users, for instance.

We call upon the community of digital security defenders and digital rights organisations to develop security resources targeting the full range of community spaces in which LGBTQ people congregate. Technology companies must of course also take a leading role in working with community organisations and digital rights groups to ensure that their platforms are safe environments for LGBTQ people, and that their users remain informed and aware of the risks of these online community hubs.
To support the digital security of the LGBTQ community in Iran, we offer the following suggestions:

- Digital rights organisations, technology companies and existing community hubs should take a leading role in supporting LGBTQ populations to use effective and proven privacy tools to counter the threat of online surveillance, including the exploration of integrating such tools into dating apps.
- Digital rights organisations, technology companies and community groups should develop localised and comprehensive resources to inform LGBTQ people about information sharing and online safety, with a focus on dating apps, Instagram and Telegram.
- Small Media endorses the recommendations made in Article 19’s February 2018 report, requesting that technology companies consider the security environments in which their users live, and that they develop and adapt app features based on their users’ security needs.

We recognise that the recommendations we have offered here are not exhaustive, and that the challenges identified in this report will require the investment of significant resources, time, and willpower to overcome. Nonetheless, we believe that these recommendations offer some important pathways towards supporting the development of Iran’s LGBTQ community, nurturing its digital media ecology, and incubating some innovative forms of online service provision in the absence of straightforward community access to services in-country.

The challenges continuing to face Iran’s LGBTQ population should not be understated. The judiciary and a host of state-affiliated bodies continue to harass and persecute sexual and gender minorities, and there is no political will on the part of the Rouhani administration to step in to guarantee the human rights of its LGBTQ citizens. Barriers to accessing key health services remain in place, leaving online community-based service provision massively overstretched. Social attitudes—although improving—are doing so at a snail’s pace, and threats of family abandonment and exclusion remain high.

Despite all these considerable challenges, it is our belief that Iran’s LGBTQ community has the imagination, the creative energy, and the willpower to build up powerful digitally rooted institutions and media outlets to advance the cause of LGBTQ equality.
The history of the LGBTQ movement globally has been one of solidarity, resilience and ingenuity in the face of overwhelming state power and societal pressures. Iran’s LGBTQ activists and rights advocates have demonstrated these qualities in ample measure, and—in partnership with their allies in the international community—possess the ability to break the silence that has obscured and suffocated the lives of so many LGBTQ Iranians for decades.
Glossary

asexual
A sexual orientation used to describe individuals who lack, or have very low levels of sexual attraction for others.

bisexual
An individual who is sexually attracted to both men and women. It can also be used by some activists as an umbrella term encompassing attraction to more than one gender, in the same sense as pansexual.

CCL
The Iranian Computer Crimes Law, which regulates and restricts a range of online expression.

gay
A term that can be used to describe all homosexual people, but which typically (and within this report) most often refers to homosexual men (cisgender or transgender)

gender
Socially and culturally constructed categories that reflect societal gender roles and a person's internal gender identity.

gender identity
The gender that an individual internally identifies as. This could be the same as their birth gender (in which case they are considered cisgender), or could differ from it (in which case they are considered transgender, or genderqueer).

genderqueer
An umbrella term for gender identities which reject the male/female gender binary, and encompass non-normative gender identities outside of these.

gender reassignment
Procedures that change the physical and sexual characteristics of an individual to reflect those socially associated with their gender identity. Procedures can include surgery and hormone therapy. The term ‘gender confirmation’ is also used by some segments of the community.

homophobia
A hostility to homosexuality and homosexual people.
Homophobia can be manifested in verbal, psychological, and physical violence against lesbians and gays, as well as systemic forms of discrimination and abuse.

**homosexual**
An individual who is sexually attracted to their own gender.

**IPC**
The Iranian Penal Code, which criminalises same-sex sexual activity, and prescribes a range of corporal and capital punishments.

**lavat**
A Persian term for sodomy. Lavat is technically defined as ‘the penetration of a male’s penis, up to the point of circumcision, into another male’s anus’.

**lesbian**
A woman (either cisgender or transgender) who identifies as homosexual.

**LGBTQ**
An acronym used to describe the lesbian, gay, bisexual, transgender and queer community/communities. Different configurations of these initials may refer to different subsections of the wider community (e.g. LGBQ people, LBTQ women)

**LGBTQphobia**
A hostility to sexual and gender minorities in general. LGBTQphobia can be manifested in verbal, psychological and physical violence against LGBTQ people.

**musaheqeh**
A Persian term for lesbian sexual activity, technically defined as ‘where a female puts her sex organ on the sex organ of another person of the same sex’.

**pansexual**
A sexual orientation used to describe individuals who reject binary conceptions of sexual orientation, and who are attracted to other individuals irrespective of their sex or gender identity.

**queer**
A term that carries a number of meanings. It is used by some as an umbrella term to describe all sexual and gender minorities, but can also be used in a more narrow sense to describe individuals who reject normative, binary understandings of gender and sexuality. In Western contexts, queer originated as a homophobic slur, but has since been reclaimed by the community.

**sex**
Biological categories into which people are assigned on the basis of their reproductive functions. This may differ from a person’s gender identity.

**sexual orientation**
A person’s sexual identity with reference to the gender(s) to which they are sexually...
attracted. An individual could for instance be attracted to the opposite gender (heterosexual), the same gender (homosexual), both men and women (bisexual), all gender identities (pansexual), or none (asexual).

**tafkhiz**
A Persian term for non-penetrative sexual activity, roughly equivalent to grinding or frottage. Tafkhiz is technically defined as ‘putting a male’s penis between the thighs or buttocks of another male’.

**transgender/trans**
An individual whose gender identity is different from the sex they were assigned at birth. Although some transgender/trans people choose to undergo gender reassignment procedures to transition from one gender to another, not all transgender people choose to do this. The term can also be used by some people identifying as genderqueer.

**transsexual**
An individual whose gender identity is different from the sex they were assigned at birth. Although largely interchangeable with ‘transgender’ or ‘trans’, this term is typically used to describe trans people who choose to undergo gender reassignment procedures.

**Yogyakarta Principles**
A document published at a meeting of human rights groups in Yogyakarta, Indonesia in 2006 describing how international human rights law can be applied to LGBTQ people. The document, while not yet recognised by any United Nations affiliated bodies, has been recognised as an international standard on LGBTQ rights by institutions such as the Council of Europe and a number of national legislatures.
# Annex 1

## Survey Demographic Data

### HEALTH SURVEY

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### Digital Security Survey

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### Community Experiences Survey

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http://bit.ly/2w2qBpD


Pol-e Sefid, 02/06/2017, ‘Ayatollah Heidari: In the Ahwazi elections, the law is the law’, available at: http://bit.ly/2HGF4gf


TAB 17
“It's a great honor to violate homosexuals’ rights”
Official hate speech against LGBT people in Iran

Iranian lesbian & Transgender network (6Rang)

December 2017
“It's a great honor to violate homosexuals’ rights”:

Official hate speech against LGBT people in Iran

6Rang (Iranian Lesbian & Transgender Network)

December 2017
“It's a great honor to violate homosexuals’ rights”:
Official hate speech against LGBT people in Iran

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Instagram: instagram.com/6rangiran

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1. Introduction

In the days leading up to Iran’s presidential election on 19 May 2017, a global education agenda known as Education 2030 suddenly became the subject of an intense political controversy that brought the issue of homosexuality to the forefront of public discussion. The controversy and the reactions it sparked from rival political parties revealed, yet again, the deep-seated homophobia that exists within the country and that entices the authorities to regularly engage in hateful, violent speech towards gay and lesbian people.

Education 2030 provides guidance for the implementation of the Sustainable Development Goal on education, which commits states to “ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all”. The 2030 guidance, which was adopted by 184 Member States during a high-level meeting at the United Nations Education, Social and Cultural Organization (UNESCO) in 2015, sets out a series of targets that emphasize, among other things, gender equality, human rights, promotion of a culture of peace and non-violence and appreciation of diversity.¹

Hassan Rouhani’s government had decided in 2016 to adopt Education 2030 and integrate its guidelines into the country’s education system. At the time, the decision had not attracted much attention. However, less than two weeks before the Election Day, on May 7, Iran’s Supreme Leader Ali Khamenei denounced President Rouhani’s government for quietly adopting Education 2030 and said:

“It is the Islamic Republic here! Here Islam is the benchmark! The Quran is the benchmark! It is not a place where the deficient, destructive and corrupt Western lifestyle can infiltrate! … The UNESCO 2030 education agenda and the like are not agendas that the Islamic Republic of Iran should ever surrender and submit to.”²

The Supreme Leader’s harsh reproach was quickly followed by a chorus of conservative voices, which attacked Rouhani’s government for adopting a UN document that they claimed corrupted society and promoted homosexuality.

Assembly of Experts member Mohsen Heidary said: “This document [Education 2030] provides that those from vulnerable groups shall be protected but … by vulnerable groups it actually means homosexuals.” As such, he warned, “this document will ensure that in 13 years from now, the children of Iran and other

Official Hate Speech against LGBT People in Iran

Muslim countries will be driven away from Quran and spirituality, and become wholly occupied with *hamjensbazi* [faggotry] and sexual teachings.\(^3\)

Another Assembly of Experts member Ahmad Alamolhoda objected to the emphasis of Education 2030 on the term inclusiveness. He said, “this document provides that the education systems of states parties must be inclusive ... particularly for minorities ... However, the term minorities encompasses not only religious, political and intellectual minorities but also sexual minorities.”\(^4\)

The prominent Shia cleric also took issue with the expressed goal to provide safe, non-violent and inclusive environments for all students. He claimed, “by forbidding [the authorities] from using violence to confront students [who engage] in *hamjensbazi* [faggotry] ... and masturbation, Education 2030 facilitates the promotion of *hamjensbazi* [faggotry].”\(^5\)

In their condemnatory commentaries during this period, conservative officials largely focused on homosexuality in an apparent effort to capitalize on homophobic sentiments in society and, therefore, score some political points off their rival, President Rouhani.

In response, Rouhani and his team ramped up their own appeals to homophobia to maintain their base. In a campaigning event in Kashan, Esfahan Province, Iran’s Oil Minister Bijan Namdar Zanganeh said, “associating [the government] with the teaching of *hamjensbazi* [faggotry] in schools is a big lie and no teacher would ever agree to teaching this.”\(^6\)

Rouhani described the claims that Education 2030 would trample upon morality in schools as “poisonous” libel and insult, and called on his critics to “stop insulting our teachers and students.”\(^7\)

On 18 May 2017, Foreign Ministry spokesman Bahram Qassemi stated that Iran has officially notified UNESCO that any part of Education 2030 that goes against the country’s cultural, religious, social and moral beliefs will not be enforceable. He stressed that this is Iran’s “unchangeable stance” on the subject.\(^8\)

The barrage of homophobic remarks from Iranian officials in the days leading up to Iran’s 2017 presidential election was nothing new. Nor was the level of enthusiasm and endorsement with which such remarks were covered and

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5 See above.

6 The video of the statement is available online at the following link (accessed 3 December 2017) https://www.aparat.com/v/6bhoQ/صحبتهای_جنجالی_روحانی_در_تجلیل_فعالان_ستاد_انتخاباتی (accessed 3 December 2017).

7 The video of the statement is available online at the following link: https://goo.gl/u2Dhqt.

distributed on state-sanctioned media outlets. The Iranian authorities regularly engage in forms of hate speech that degrade and dehumanize gay and lesbian people and incite hostility, discrimination and violence against them.

Homosexual persons are regularly depicted in official statements and state media outlets as “unnatural”, “deviant”, “immoral”, or “diseased”. They are also accused of collusion in Western-orchestrated conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.

As was the case with the controversy around 2030 Education, such hateful attitudes towards homosexual people are often advocated and promoted by high-level state officials, including the Supreme Leader. They are also propagated by individuals who must, in theory, promote and protect human rights, and ensure that the country’s public education, health care and social welfare systems are inclusive and equitable. Among these, for example, are the head of Iran’s High Council for Human Rights Mohammad Javad Larijani, his Deputy Secretary General on International Affairs Kazem Gharib Abadi, the UNAIDS Country Director Fardad Daroudi and the head of the Association for Supporting Patients with Gender Identity Disorder Mehdi Saberi.

This briefing gives a general overview of the different types of hostile or hateful remarks that Iranian state officials have made between 2011 and 2017 to perpetuate the toxic notion that homosexual people are less human than others. Their remarks generally vilify homosexual people as:

- “Immoral” and “corrupt”;
- “Animalistic” and “subhuman”;
- “Sick” and “diseased”;
- “Western” and “Imperialistic”;
- “Counter-Revolutionary” and “Zionist”.

These homophobic expressions constitute incitement to hostility, discrimination and violence, and violate Iran’s human rights obligations under international law. They strip away the humanity of an entire group of people based on their sexual orientation and gender identity, and fan the flames of homophobic violence against them. This risk is particularly heightened in a context like Iran where gay, lesbian, bisexual and transgender (LGBT) people face widespread discrimination and violence in law and practice; consensual same-sex sexual relations are criminalized with harsh punishments ranging from flogging to the death penalty; and affirmative and accurate materials on sexual diversity and the human rights of people with diverse sexual orientations, gender identities and gender expressions are banned.

The Iranian Lesbian & Transgender Network (6Rang) calls on the Iranian authorities to refrain from any advocacy of hatred that constitutes incitement to discrimination, hostility, or violence on grounds of sexual orientation, gender identity and gender expression. Instead, the authorities should decriminalize consensual same-sex sexual relations and end discrimination and violence on the basis of sexual orientation, gender identity and gender expression.
This requires, among other things, that members of the public are granted access to comprehensive, affirmative and accurate materials on sexual diversity and the human rights of people with diverse sexual orientations, gender identities, and gender expressions, and public officials receive sensitivity training on issues relating to sexual orientation, gender identity and gender expression.

Rang urges the UN human rights mechanisms, including the Special Rapporteur on the situation of human rights in Iran and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, as well as the European Union and other influential states, to raise the concerns and recommendations discussed in this briefing with the Iranian authorities, and call on them to respect and promote the human rights of LGBT persons, in accordance with Iran’s human rights obligations under international law.

Independent Persian-language media outlets, educational institutions, medical professionals and civil society groups in Iran and elsewhere are similarly urged to take up the concerns raised in this report, and mobilize their resources to address stigma, discrimination and stereotypes based on sexual orientation and gender identity and combat attitudes and statements by Iranian public officials that perpetuate violence, discrimination and hostility toward LGBT people.

Rang believes that these entities can play an essential role in promoting human rights and eliminating prejudices on grounds of sexual orientation, gender identity and gender expression, including by developing and supporting education and public information programmes that address the root causes of discrimination, and organizing public events and activities which commemorate the suffering of victims of violations on the basis of sexual orientation, gender identity and gender expression.
Official Hate Speech against LGBT People in Iran

2. Methodology

This briefing gives a general overview of the Iranian authorities’ hate speech on homosexuality between 2011 and 2017 and the shocking extremes to which they have been prepared to go to incite hostility, discrimination and violence against people based on their sexual orientation and gender identity.

The media outlets which were regularly monitored for this briefing included: Fars News Agency, Mehr News Agency, the Islamic Republic News Agency (IRNA), the Iranian Students’ News Agency (ISNA), Raja News, Tabnak News Agency, Tasnim News Agency, Aftab News, the Empire of Lies, Mashregh News, Jahan News, Serat News, Alef news website, and Yalsarat Al-Hussein newspaper. 6Rang also reviewed the official statements and other relevant materials available on government websites.

The official statements included in the briefing as examples are just the tip of the iceberg; state-controlled media outlets are replete with homophobic articles and commentaries which incite hostility and discrimination towards homosexual people.

The briefing begins with briefly outlining international human rights law and standards concerning the advocacy of hatred that constitutes incitement to hostility, discrimination or violence and their application to LGBT people. It then provides a brief summary of Iran’s legal framework in relation to sexual orientation, gender identity and gender expression. The remainder of the briefing discusses some of the different ways in which the Iranian authorities have demeaned and dehumanized homosexual people in their statements. The briefing ends with a list of recommendations to the Iranian authorities and international and regional bodies.
3. International human rights law and standards

Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, imposes an obligation on states to prohibit by law “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”

Article 20(2) of the ICCPR only lists three characteristics which states are required to protect from incitement – nationality, race, and religion. However, international human rights experts consider the list to be inclusive of sexual orientation or gender identity. This is owing to the developments in international human rights law since the adoption of the ICCPR in 1977 and the states’ prevailing understanding of the non-discrimination provisions in articles 2(1) and 26 of the ICCPR.

In 1994, the UN Human Rights Committee, which monitors the implementation of the ICCPR held in the case of Toonen v. Australia that States Parties are obligated to protect individuals from discrimination on the basis of sexual orientation. This decision was confirmed in the later views and concluding observations of the UN Human Rights Committee, which have urged States Parties to “guarantee equal rights to all individuals, as established in the Covenant, regardless of sexual orientation” and adopt legislation that prohibits discrimination on grounds of sexual orientation and gender identity.

The decisions of the UN Human Rights Committee have found support in the general comments, concluding observations and views of other UN human rights treaty bodies.

In its general comment on discrimination, the UN Committee on Economic, Social and Cultural Rights, which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights, has recognized sexual orientation and gender identity as among the prohibited grounds of discrimination. In addition, the Committee has affirmed the principle of non-discrimination on grounds of sexual orientation and gender identity in its general

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11 See, for example, Young v. Australia, communication No. 941/2000 (CCPR/C/78/D/941/2000), para.10.4; X v. Colombia, communication no. 1361/2005 (CCPR/C/B9/D/1361/2005), para. 9; and concluding observations on Mexico (CCPR/C/MEX/CO/5), para. 21, and Uzbekistan (CCPR/C/UZB/CO/3), para. 22.
12 See the Committee’s concluding observations on Chile (CCPR/C/CHL/CO/5), para. 16. See also its concluding observations on San Marino (CCPR/C/SMR/CO/2), para. 7, and Austria (CCPR/C/AUT/CO/4), para. 8.
13 See for example the concluding observations of the Human Rights Committee on El Salvador (CCPR/C/SLV/CO/6), para. 3 (c); Greece (CCPR/C/GR/CO/83/GRC), para. 5; Finland (CCPR/C/FIN/CO/82/FIN), para. 3 (a); Slovakia (CCPR/C/SVK/CO/78/SVK), para. 4.
14 See Committee on Economic, Social and Cultural Rights, General Comment No. 20 (E/C.12/GC/20), para. 32; Committee on the Rights of the Child, General Comment No. 13 (CRC/C/GC/13), paras. 60 and 72(g); Committee against Torture, General Comment No. 2 (CAT/C/GC/2), para. 21; and Committee on the Elimination of Discrimination against Women, General Recommendation No. 28 (CEDAW/C/GC/28), para. 18.
15 Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2) (E/C.12/GC/20), para. 32.
comments on the rights to work, education, social security and the highest attainable standard of health.\textsuperscript{16}

In their general comments and concluding observations, the UN Committee on the Rights of the Child and the UN Committee against Torture, which monitor, respectively, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, have also included recommendations on countering discrimination based on sexual orientation and gender identity.\textsuperscript{17}

The Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender Identity, adopted in 2006 and updated in 2017, highlight the obligation of states to take appropriate and effective measures to eradicate all forms of violence, discrimination and other harm, including any advocacy of hatred that constitutes incitement to discrimination, hostility, or violence on grounds of sexual orientation, gender identity, gender expression or sex characteristics, whether by public or private actors (Principle 30).\textsuperscript{18}

\textsuperscript{16} See General Comment No. 18 (E/C.12/GC/18) (right to work), para. 12 (b) (i); No. 15 (E/C.12/2002/11) (right to water), para. 13; No. 19 (E/C.12/GC/19) (right to social security), para. 29; and No. 14 (E/C.12/2000/4) (right to the highest attainable standard of health), para. 18.

\textsuperscript{17} See, for example, Committee on the Rights of the Child, General Comment No. 13 (CRC/C/GC/13), paras. 60 and 72(g); and Committee against Torture, General Comment No. 2 (CAT/C/GC/2), para. 21.

4. Legal framework and context in Iran

“It is a great honor for the Islamic Republic to violate homosexuals’ rights.”
Mehrdad Bazrpash, former Member of Parliament and former Deputy President, 19 March 2017

4.1 Same-sex Sexual orientation

Iran’s Islamic Penal Code criminalizes same-sex sexual conducts with penalties ranging from flogging to the death penalty (Articles 233-240). These penalties also apply to children under the age of 18 as the age of criminal responsibility in Iran is nine lunar years for girls and 15 lunar years for boys (Article 147).

Under the 2013 Islamic Penal Code, male individuals who engage in same-sex anal intercourse (lavat) face different punishments depending on whether they are the “active” or “passive” partners and whether their conduct is characterized as consensual or non-consensual (Article 234).

If the conduct is deemed consensual, the “passive” partner of same-sex anal conduct shall be sentenced to the death penalty. The “active” partner, however, is sentenced to death only if he is married, or if he is not a Muslim and the “passive” partner is a Muslim. If the intercourse is deemed non-consensual (lavat be onf), the “active” partner receives the death penalty but the “passive” partner is exempted from punishment and treated as a victim. This legal framework risks creating a situation where willing “recipients” of anal intercourse may feel compelled, when targeted by the authorities, to characterize their consensual sexual activity as rape in order to avoid the death penalty. 19

Conviction for the fourth time for “same-sex sexual conduct between men without penetration” (tafkhiz – Articles 236 and 136)20 and conviction for the fourth time for “same-sex sexual conduct between women” (mosaheqeh - Articles 238 and 136)21 are also punishable by the death penalty. The punishment is 100 lashes for the first three convictions.

The Iranian authorities have consistently rejected the recommendations of international human rights organizations and the UN calling on them to abolish the use of the death penalty for consensual same-sex sexual relations and to end human rights abuses against LGBT people. Ali Larijani, the Speaker of the Parliament, has justified the use of the death penalty for consensual same-sex

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20 According to Article 235 of the 2013 Islamic Penal Code, tafkhiz is committed when “a man places his sexual organ between the thighs or buttocks of another man”.
21 According to Article 238 of the 2013 Islamic Penal Code, mosaheqeh is committed when “a woman places her sexual organ on another woman’s sexual organ”.


sexual conducts, and stated that this punishment “is effective in keeping society safe from perversion.”

Mehrdad Bazrpash, a former Member of Parliament and a former deputy to President Mahmoud Ahmadinejad, said in March 2012, “it is a great honour for the Islamic Republic to violate the rights of homosexuals.”

In addition to criminalizing homosexuality, the Iranian authorities also take various measures to prevent access to materials that provide affirmative and accurate materials on homosexuality. Article 14 of Iran’s Computer Crimes Law states, “Whoever uses computer systems, telecommunications systems or data carriers to publish or distribute immoral content, or produces or store them with the intention of corrupting the society, will be sentenced to imprisonment for between 91 days to 2 years or will be fined … or both.”

In August 2016, the Head of the Judiciary’s Center for Statistics and Information Technology, Hamid Shahriari, warned about “the use of online social media platforms by bad and malignant people and even hamjensbazan [faggots] to engage in destructive behavior and spread negative messages.” He emphasized that “this threat must be taken seriously” as social media platforms are “the principal battleground for the cold war of the future.”

**4.2 Diverse gender identities and gender expressions**

People of diverse sexual orientations and gender identities in Iran also face widespread discrimination and violence based on their gender identity and gender expressions including their dress, hairstyles, accessories, cosmetics and mannerisms.

This stems predominantly from laws and regulations that enforce strict Islamic dress codes for both men and women and compulsory veiling (hijab) particularly for women. These laws allow police, paramilitary basij forces and other public officials to routinely intimidate, harass, assault and arbitrarily detain individuals whose gender expressions including physical appearance are deemed “religiously offensive or inappropriate”.

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Article 638 of the Islamic Penal Code punishes teenage girls and women who fail to cover their head and wear loose fitting outfits in public spaces, with a cash fine or imprisonment.

While discriminatory toward all girls and women, this provision has a particularly severe impact on lesbian women and other female-bodied individuals who do not conform to stereotypical models of femininity, and wish to present their gender through physical appearance - including dress, hairstyles, accessories, cosmetics - and mannerisms stereotypically associated with men. Such individuals may be sentenced to cash fines and imprisonment. They may also be accused of “cross-dressing” and sentenced to flogging under provisions in the Islamic Penal Code that prohibit conducts deemed “religiously forbidden” (haram) or otherwise “offensive to public morals” (Article 638).

Male-bodied individuals who display gender expressions stereotypically regarded as “feminine” are similarly at risk of being targeted for arbitrary arrest and detention, torture and other ill-treatment, including sexual violence and rape.

The Iranian authorities do not allow individuals to freely define and express their gender identity. Individuals must obtain a diagnosis of “Gender Identity Disorder” and undergo invasive and irreversible medical procedures including hormone therapy and sterilization before they may present their gender through dress, hairstyles and mannerisms that are stereotypically associated with their opposite sex.26

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5. Hateful representations of homosexual people

5.1 Immoral and corrupt

Since the establishment the Islamic Republic in 1979, state officials in Iran have consistently portrayed homosexuality as a “deviant” sexual proclivity that has a corrupting effect on society. This troubling pattern has persisted over the years, with authorities using numerous derogatory adjectives to degrade and dehumanize homosexual persons.

In a speech in November 2012, Iran’s Supreme Leader Seyed Ali Khamenei lumped homosexuality and incest into the same category and warned:

“If we were to presume that human desires legitimize hamjensbazi [faggotry] then someone could also have the desire to commit incest and they should face no impediment. In principle, all impediments would then have to be removed.”

Khamenei said this danger shows “how extremely bad, bitter, ugly and often loathful the realities of the Western society have become.”

In another speech in March 2014, Khamenei said, “the promotion of same-sex marriage is a blatant example of the failure of the Western civilization in the area of ethics.”

The head of Iran’s High Council for Human Rights Mohammad Javad Larijani has similarly denounced homosexuality as a “lethal corruption”.

Seyed Ebrahim Raissie, the former deputy of the head of the judiciary and 2017 presidential candidate, and former president Mahmoud Ahmadinejad, are among other state officials who have said that homosexuality is “nothing but savagery” and a “grossly heinous” act.

In 2013, Iran’s Minister of Justice Mostafa Pourmohammadi welcomed the passage of the Anti-Homosexuality Act in Uganda, which increased the punishment of homosexuality in that country to life-sentences and widened the
remit of arrest to cover “promotion” of homosexuality. During a meeting with the Ugandan officials in May 2014, Mostafa Pourmohammadi said:

“We are thrilled with the position that the Ugandan government and its Ministry of Justice have taken to counter immorality... including through banning hamjensbazi [faggotry]. We support their position because it shows that the Ugandan government is protective of morality and human values; this climate helps with the growth of moral virtues.”

In April 2014, the European Parliament issued a resolution about the situation of human rights in Iran, which raised concern, among other things, about the persistence of “repression and discrimination on the basis of... gender or sexual orientation”. The resolution’s reference to sexual orientation sparked angry reactions from the Iranian authorities, including the Secretary of the Guardian Council Ahmad Janati. He called members of the European Parliament “a bunch of morons” who “trample all over human values” and “grant legitimacy to the illegitimate relationships of hamjensbazan [faggots].”

Hassan Firouzabadi, the former Chief of Staff of the Iranian Armed Forces, similarly stated:

“Adopting interventionist measures, making decisions for the great nation of Iran, colluding with the leaders of fetneh [sedition], and expressing support for hamjensbazan [faggots] are among the features of Europe’s dark face. The heinous act of hamjensbazan [faggots] is against humans’ natural rights and violates the teachings of grand prophets and the holy religion of Islam.”

During the course of this research, 6Rang found articles in state media outlets, which also associated homosexuality with infections wrecking moral havoc and even natural disasters. For example, in an editorial on 5 November 2012, Mohammad Kazem Anbarlouyi, editor-in-chief of the conservative daily Resalat and a leading member of the Islamic Coalition Party (known in Persian as Ḩezb-e moʾtalefa-yeye eslami), wrote:

The West particularly the United States are afflicted with some shocking diseases in the area of culture. The recognition of hamjensbazi [faggotry] through legislation, the dismantling of the foundation of family, and the insistence to recognize [sexual orientation] rights in the system of international law has emitted a stench so filthy that it is even bothering...
their own people ... Sometimes, I think giant windstorms like hurricane Katrina and hurricane Sandy occur in the United States just to wash away such infections ... These [natural disasters] are divine warnings to unsanitary societies wherein human relationships have not formed based on divine principles.36

5.2 Animalistic and subhuman

As part of their hateful discourse toward homosexual people, the Iranian authorities also frequently exclaim with outrage that same-sex relations drag humans down to a subhuman level, making them behave like animals.

In April 2014, Iranian parliamentarian Ali Motahari said, “we must criticize them [the European]... asking why the West is moving toward animalism, and promoting affairs such as homosexuality that go against the human nature?”37

Similarly, Assembly of Experts member Ayatollah Hassan Mamdouhi said, “the support that Westerners repeatedly express for hamjensbazan [faggots] reveals their filthiness, and how they speak like animals.”38

The Iranian authorities made similar statements equating homosexuality with animalism after the UN Special Rapporteur on the Situation of Human Rights in Iran raised concerns about the human rights abuses suffered by LGBT people in his March 2015 report to the UN Human Rights Council.

Seyed Bagher Hosseini, a member of parliament’s National Security and Foreign Policy Commission, said:

“‘The action taken by Ahmad Shaheed is not aimed at advancing human rights. Rather, it is for animals’ rights ... Instead of addressing the right to hamjensbazi [faggotry], they better address the situation of humans who are losing their lives due to poverty and hunger or because of the crimes committed by the United States and Zionism. These are the real human rights not hamjensbazi [faggotry].’”39

The Speaker of Parliament Ali Larijani similarly denounced the report, saying homosexuality amounts to “adopting an animalistic approach and exiting humanity.” He then asked rhetorically, “Do you really expect us to legalize the savagery of today’s modern Western societies – that is jamjensbazi [faggotry]?”40

Occasionally, the Iranian authorities have argued, somewhat contradictorily, that even the lowest animals do not engage in homosexuality. For example, Abdollah Javadi-Amoli, the representative of the Supreme Leader and a Friday prayer leader in the city of Qom, claimed in a sermon in March 2012 that homosexuality does not even exist in the animal kingdom:

"Neither birds nor beasts do it. No dog or pig exhibits this behaviour. Based on the rulings of the holy Quran, those who sanction this act in their parliaments are even viler than animals."41

In April 2014, Mohammad-Reza Naghdi, the commander of Iran’s Basij militia, said that by granting freedom to homosexuals, the Europeans have sunk lower than animals: "They impose on us the condition to permit hamjensbazi [faggotry] when even animals won’t do it if they were let free."42

Similarly, Ayatollah Abdolali Namazi, the representative of the Supreme Leader and the Friday prayer leader of Kashan Province, stated in his speech during Friday prayers, “Europeans are infected with immorality and homosexuality; this corruption and sexual perversion does not even exist amongst the animals.”43

5.3 Sick and diseased

In addition to characterizing homosexuality as a major moral failing, in recent years, some Iranian officials have also described it as a “disease” or “disorder” in need of “cure”. High-ranking public officials who manage the country’s health care and social welfare systems have often been at the forefront of promoting this view.

For example, at a public speaking event in December 2014, the UNAIDS Country Director Fardad Daroudi lumped in homosexuality with “pedophilia and necrophilia” as “sexual tendencies that were perverse” and said, “individuals having such problems should be treated with psychotherapy.”44

Another public health official Mehdi Saberi, the head of the Association for Supporting Patients with Gender Identity Disorder, referred to homosexuality as a “sexual perversion” that homosexuals adopt “consciously”; he then distinguished this from transsexuality which he said was “a mental and psychological problem ... leading transsexuals to feel dissatisfied with their sex.”45

The pathologization of homosexuality has also appeared in the statements of the

44 “UNAIDS Country Director: 42 percent of AIDS patients were infected through sexual relationships”, IRNA, 3 December 2016, online: http://www.irnair.ir/News/?id=82330207/ (accessed 9 May 2017).
head of Iran’s High Council for Human Rights Mohammad Javad Larijani. In a March 2013 interview with Channel 2 of the Islamic Republic of Iran Broadcasting, he said:

“Homosexuality is an illness, a very bad illness... [Homosexuals] are sick people who should receive treatment. They have to be put under psychiatric care and sometime even biological and physical care. We need to adopt a clinical and medical approach toward this issue. However, the West intends to introduce it [homosexuality] as a normal social behavior and we are completely against this notion.”\(^\text{46}\)

The Iranian authorities continue to use terms such as “disorder” and “illness” to refer to homosexuality even though this sexual orientation was removed from the Diagnostic and Statistical Manual of Mental Disorders (DSM-II) more than four decades ago in 1973.

Distressingly, the authorities do not allow this information or other affirmative material on sexual, biological, physical and psychological diversity to be included in medical curricula and continuing professional development programmes.

On the contrary, they have facilitated the proliferation of pseudo-medical research projects and textbooks, which advocate various pseudo-medical and potentially harmful interventions for “curing” homosexuality.\(^\text{47}\) As a result, many health professionals in Iran remain unaware that reputable scientific bodies have consistently stated that homosexuality is a normal and positive variation of human sexuality and is not a disorder.\(^\text{48}\)

State-affiliated professionals leading on pseudo-medical projects aimed at “curing homosexuality” often diagnose individuals with mental disorder simply based on same-sex attractions and non-conformity to gender stereotypes; give a false or deceptive impression about the clinical or scientific basis of psychiatric treatments intended to change people’s sexual orientation or gender identity; and misrepresent the efficacy and the potential for harm of such treatments.

6rang has documented the cases of many lesbian, gay and transgender individuals, including teenagers, in Iran who have been subjected to pseudo-medical interventions including psychiatric treatments, hormone therapy, unnecessary

\(^{46}\) The interview is available online at the following link: https://www.youtube.com/watch?v=8Wh0snjDCX0 (accessed 9 May 2017).

\(^{47}\) See Justice for Iran and the Iranian Lesbian & Transgender Network, Diagnosing-Identities, Wounding Bodies: Human Rights Violations against Lesbian, Gay and Transgender People in Iran, 24 June 2014, online: http://justice4iran.org/ir4iran-activities/pathologizing-identities-paralyzing-bodies/

medication and electroshock therapies, in order to suppress their sexual arousal patterns or modify gender expressions.49

The individuals 6Rang has talked to have consistently said that such interventions caused them mental impairment, physical pain, depression, loss of interest or pleasure, feelings of guilt or low self-worth, disturbed sleep or appetite, low energy and poor concentration. They overwhelmingly said that doctors failed to disclose the risks and harms associated with such interventions or offer alternative, affirmative treatments aiding self-awareness and self-acceptance. 6Rang, has, therefore, expressed concern that medical procedures aimed at “curing homosexuality” in Iran are often carried out without informed consent.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has raised concern about reports from around the world that LGBT persons are “subjected to forced treatment on grounds of their sexual orientation or gender identity, including electroshock therapy and other “aversion therapies”, reportedly causing psychological and physical harm.”50

In 2013, the Special Rapporteur reiterated his concerns about “homophobic ill-treatment on the part of health-care professionals”51 and called on states to repeal any law allowing intrusive and irreversible treatments, including forced genital-normalizing surgery, involuntary sterilization, “reparative therapies” or “conversion therapies”, when enforced or administered without the free and informed consent of the person concerned.

5.4 Western and imperialistic

In their speeches, the Iranian authorities also consistently characterize homosexuality as “a vile Western phenomenon” that the Europeans and Americans seek to impose on the rest of the world.

According to the Supreme Leader Seyed Ali Khamenei, homosexuality is one of “the morally heinous policies of imperialism... a feature of the Western civilisation and a blatant example of its moral failure.”52 The head of the judiciary Sadeq Amoli Larijani has stated:

“The West wants to impose its understanding of [what it means to be] human on non-Western societies including Islamic countries and it interprets human dignity in a manner that gives rise to a license to engage

51 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/22/53, 11 February 2013, para. 76.
52 “How come there is no respect for freedom of expression when it comes to the Holocaust and hamjensbazi but insulting Islamic sanctities is allowed?” Raja News, 17 September 2012, online: http://rajanews.com/detail.asp?id=137945 (accessed 9 May 2017).
in homosexuality. However, there is no congruity between this Western understanding and the Islamic view of the human being.”

Invoking the same notion that homosexuality is an imported Western perversion, the Deputy Secretary General of Iran’s High Council for Human Rights on International Affairs, Kazem Gharib Abadi, said in a media interview in December 2016, “the rights of hamjensbazan [faggots] and the Western life-style are among those practices that Westerns try to impose on the world in the name of universality.”

During the course of this research, 6Rang also came across official statements that construed homosexuality as a Western-orchestrated project that seeks to dominate other nations and destroy Islam.

For example, Mohammad-Reza Naghdi, the commander of Iran's Basij militia, said in a February 2013 speech, “the central goal of the governments in the US and Europe is to promote hamjensbazi with a view to making humans weak-willed, and therefore bringing them under their domination, and reducing them to the status of animals.”

In November 2016, the Assembly of Experts member Mohammad-Taghi Mesbah-Yazdi accused “American politicians of pursuing a policy of cultural infiltration toward Islamic countries especially the Islamic Republic of Iran.”

Speaking in the same conspiratorial tone, the commander of the Islamic Revolution Guards Corps Aerospace Division warned, in August 2015, that “the global arrogance [imperialist powers] are expending a lot of resources to advance their cultural objectives [which includes] promoting the anti-virtue of homosexuality.”

5.5 Counter-Revolutionary and Zionist

On a number of occasions, the Iranian authorities have also claimed that homosexual people are plotting a conspiracy against the Islamic Republic and have ascribed Zionist ideology to them. For example, in September 2012, the Supreme Leader Ali Khamenei decried “the restrictions faced by those who want to write against hamjensbazi in the United States” and claimed that this originates from “the horrendous policies of Zionism”.

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56 Ayatollah Mesbah Yazdi:No country has dignity and power as ours IRNA, 30 October 2016, online: http://www.irna.ir/fa/News/82286554 (accessed 3 December 2017).
57 “If the enemy makes any move, we will bombard their countries from the sky”, Basij, 24 July 2015, online: http://bit.ly/2lixQCa (accessed 9 May 2017).
In a similar vein, Yadollah Javani, the Supreme Leader’s representative to the Revolutionary Guards and the former head of the political bureau of the Revolutionary Guards, claimed in May 2012 that the support shown by some government for [homosexual] behaviors is due to the influence of the Israeli regime.”

Statements linking homosexuality with Zionism also appeared extensively in state media outlets in 2012 after a Pride Parade was held in the neighboring country of Azerbaijan. The Iranian authorities warned that the organization of the parade signaled the “infiltration” (nofooz) of Israel into Azerbaijan and accused Azerbaijani politicians of “cooperating with the international Zionist network.”

Mohsen Mojtabah Shabestari, the representative of the Supreme Leader and a Friday prayer leader in the city of Tabriz, East Azerbaijan province, said that by permitting this event, Azerbaijani officials had effectively become “an instrument in the hands of Zionist extorters.”

Since the political unrest that erupted following the contested 2009 presidential election, the Iranian authorities have also frequently linked peaceful political dissidents to homosexuals, in an effort to capitalize on homophobic sentiments and tarnish the dissidents’ reputation.

In a statement from December 2013, which illustrates the authorities’ overly-convoluted reasoning, Hossein Fadaei, the Secretary General of the ultra-conservative Society of Devotees of the Islamic Revolution, said: “Even hamjensbazan [faggots] supported the current of sedition and [opposition leaders] were not prepared to reject their support. Accordingly, our people realized that the Zionist regime supports seditionists.”

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62 Sedition or Fetneh in Persian is a term that the Iranian authorities use to refer to the post-2009 presidential election protests.
6. Conclusion and recommendations

Under international human rights law, everyone, regardless of sexual orientation, gender identity or gender expression, has the right to State protection from violence, discrimination and other harm, whether by government officials or by any individual or group.

In Iran, LGBT people are denied this fundamental human right. They are frequently subjected to harassment, discrimination, arbitrary arrests and detention, torture and other ill-treatment, based on their gender expressions which are deemed to violate mandatory veiling, strict Islamic dress codes and stereotypical notions of femininity and masculinity. If they are convicted of engaging in consensual same-sex sexual conducts, they may also face penalties ranging from flogging to the death penalty.

As part of their catalogue of human rights abuses based on sexual orientation and gender identity, the Iranian authorities consistently make hateful statements that demean and dehumanize people based on their sexual orientation. Homosexual people are regularly described in official statements and state media outlets as “immoral”, “corrupt”, “Animalistic”, “subhuman”, “sick” and “diseased”. They are also accused of collusion in Western-orchestrated Zionist conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.

6Rang is concerned that these official statements reinforce attitudes, beliefs and practices that perpetuate violence, discrimination and other harm on grounds of sexual orientation, gender identity, gender expression and constitute advocacy of hatred. In the context of Iran, this risk is particularly heightened considering that members of the public are not allowed to access and learn about affirmative materials on homosexuality and the human rights of persons belonging to diverse sexual orientations and gender identities.

Accordingly, 6Rang calls on the Iranian authorities to implement the following recommendations:

De-Criminalization

- Abolish the death penalty for consensual same-sex sexual conduct and repeal all laws that criminalize or impose punitive sanctions on consensual same-sex sexual conduct;

- Repeal mandatory hijab laws and other strict gendered dress codes, which criminalize and impose punitive sanctions on LGBT individuals based on their sexual orientation, gender identity and gender expression including physical appearance, dress, hairstyles, accessories, cosmetics and mannerisms;

- Repeal or amend, with a view to bringing into conformity with international law, vaguely worded provisions in the Islamic Penal Code and other laws that criminalize and impose sanctions on individuals who
produce, store or disseminate affirmative information on sexual diversity and the human rights of persons with diverse sexual orientations, gender identities and gender expressions;

- Repeal or amend, with a view to bringing into conformity with international law, vaguely worded provisions in the Islamic Penal Code and other laws that criminalize and impose punitive sanctions on individuals who form associations for the purpose of promoting the rights of all persons, including on the basis of sexual orientation, gender identity, gender expression.

**Protection from hostility, discrimination and violence**

- Refrain from making public statements that may reasonably be understood as legitimizing or inciting hatred, violence and discrimination against persons on the basis of sexual orientation, gender identity or gender expression;

- Adopt and implement, in consultation with members of the LGBT community and civil society organizations, a coherent legal framework for prohibiting any advocacy of hatred that constitutes incitement to discrimination, hostility, or violence on grounds of sexual orientation, gender identity or gender expression, whether by public or private actors;

- Exercise due diligence to prevent, investigate, prosecute, punish and provide remedies for discrimination, violence and other harm, whether committed by State or non-State actors;

- Take appropriate and effective measures to eradicate all forms of discrimination, in law and practice, against LGBT individuals, including with respect to access to employment, housing, education and health care;

- Develop, implement and support education and public information programmes, in consultation with members of the LGBT community and civil society organizations, to eradicate attitudes, beliefs, customs and practices that perpetuate violence, discrimination and other harm on grounds of sexual orientation, gender identity, gender expression and sex characteristics;

- Establish support services for victims of rape, sexual assault and harassment, and other forms of violence and harm on grounds of sexual orientation, gender identity, gender expression, and sex characteristics;

- Ensure sensitivity training of judicial and law enforcement officers and other public officials on issues relating to sexual orientation, gender identity, gender expression and sex characteristics;

- Ensure that human rights violations are impartially and comprehensively investigated and, where evidence is found, those responsible are
prosecuted and, if convicted, punished as appropriate;

- Translate into Persian and relevant minority languages and widely disseminate the 2006 Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity and the 2017 Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles;

- Establish an independent human rights institution, with proper financial support, with mandates to develop data collection mechanisms and to compile statistics and research on the extent, causes and effects of violence, discrimination and other harm on grounds of sexual orientation, gender identity and gender expression.

**Legal Recognition and bodily and mental integrity**

- Ensure that no eligibility criteria, such as surgical, medical or psychological interventions, a psycho-medical diagnosis, or any other third party opinion, shall be a prerequisite to change one's name and legal sex or to obtain identification documents matching one's self-defined gender identity;

- Ban all forms of forced, coercive or otherwise involuntary psychological, medical and surgical procedures designed to change people's sexual orientation, gender identity, gender expressions or sex characteristics without their free, prior and informed consent;

- Ensure that lesbian, gay, bisexual and transgender people receive quality health care, and access the treatments they wish on the basis of informed consent and free from discrimination;

- Ensure that health-care professionals meet appropriate standards of education, skill and ethical codes of conduct, when caring for LGBT people, and do not assign a diagnosis of mental disorder or prescribe modifications to sex characteristics based on stereotypical notions of masculinity and femininity, stigma and discrimination.

6Rang urges the UN human rights mechanisms, including the Special Rapporteur on the situation of human rights in Iran and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, as well as the European Union and other influential states, to raise the concerns and recommendations discussed in this briefing with the Iranian authorities, and call on them to respect and promote the human rights of LGBT persons, in accordance with Iran's human rights obligations under international law.
Independent Persian-language media outlets, educational institutions, medical professionals and civil society groups in Iran and elsewhere are similarly urged to take up the concerns raised in this report, and mobilize their resources to address stigma, discrimination and stereotypes based on sexual orientation and gender identity and combat attitudes and statements by government officials that promote violence, discrimination and hostility toward LGBT people.

As noted in the introduction, 6Rang believes that these entities can play an essential role in promoting human rights and eliminating prejudices on grounds of sexual orientation, gender identity and gender expression, including by developing and supporting education and public information programmes that address the root causes of discrimination, and organizing public events and activities which commemorate the suffering of victims of violations on the basis of sexual orientation, gender identity and gender expression.
Human Rights Report

Being Lesbian in Iran
About OutRight

Every day around the world, LGBTIQ people’s human rights and dignity are abused in ways that shock the conscience. The stories of their struggles and their resilience are astounding, yet remain unknown—or willfully ignored—by those with the power to make change. OutRight Action International, founded in 1990 as the International Gay and Lesbian Human Rights Commission, works alongside LGBTIQ people in the Global South, with offices in six countries, to help identify community-focused solutions to promote policy for lasting change. We vigilantly monitor and document human rights abuses to spur action when they occur. We train partners to expose abuses and advocate for themselves. Headquartered in New York City, OutRight is the only global LGBTIQ-specific organization with a permanent presence at the United Nations in New York that advocates for human rights progress for LGBTIQ people.

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Glossary

The following is a list of the most commonly used terms or institutions referred to in this report.

The definitions relating to SOGI have been drawn from the following sources: the Yogyakarta Principles; the UN Free and Equal Campaign; the University of California, Los Angeles' LGBT Campus Resource Center; the University of California, Gay & Lesbian Alliance Against Defamation (GLAAD); San Francisco LGBT Resource Center; and Amnesty International. The definitions below are not comprehensive, and are included and organized to be most useful to understanding this report.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td><strong>CEDAW:</strong></td>
<td>International Convention on the Elimination of all forms of Discrimination Against Women. Iran is not a party to this treaty.</td>
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<tr>
<td><strong>Cross-Dresser:</strong></td>
<td>While any person may wear clothes commonly associated with a gender other than the gender they typically express or identify with, the term “cross-dresser” is used to refer to individuals who occasionally wear clothes, or temporarily adopt grooming styles, makeup, and/or accessories culturally associated with another gender (e.g. men who occasionally dress as women). This activity is a form of gender expression and is not done for entertainment purposes. Cross-dressers do not wish to permanently change their sex or live full-time as another gender.</td>
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<tr>
<td><strong>Fatwa:</strong></td>
<td>Religious decree issued by top religious authorities.</td>
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<td><strong>Figh:</strong></td>
<td>Islamic jurisprudence or interpretation of Sharia law by Muslim scholars.</td>
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<tr>
<td><strong>Gay:</strong></td>
<td>A sexual orientation toward people of the same gender. More often used to describe a man whose primary sexual orientation is toward people of the same gender.</td>
</tr>
<tr>
<td><strong>Gender:</strong></td>
<td>The social construction of a person's identity into notions of manhood, womanhood, both, or neither. Masculinity often refers to a set of behaviors conventionally attached to manhood, and femininity often refers to a set of behaviors conventionally attached to womanhood; however, in reality, men can be feminine and women can be masculine, or can exhibit both masculinity and femininity or neither. Notions of gender shift over time and across place and culture.</td>
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<tr>
<td><strong>Gender Identity:</strong></td>
<td>One's internal, deeply held sense of one's gender. For transgender people, their own internal gender identity does not match the sex they were assigned at birth. For some people, their gender identity does not fit neatly into the options of “man” or “woman.” Unlike gender expression, gender identity is not necessarily visible to others.</td>
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<tr>
<td><strong>Hijab:</strong></td>
<td>The Islamic dress code for women that requires them to dress modestly, and cover their heads.</td>
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<td><strong>Homophobia:</strong></td>
<td>Homophobia is an irrational fear of, hatred for, or aversion toward lesbian, gay, or bisexual people. Because the term homophobia is widely understood, it is often used in an all-encompassing way to refer to fear of, hatred for, and aversion toward LGBTIQ people in general.</td>
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<td><strong>Human Rights Committee:</strong></td>
<td>The expert UN body that monitors implementation of the ICCPR.</td>
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<tr>
<td><strong>ICCPR:</strong></td>
<td>International Covenant on Civil and Political Rights. Iran ratified ICCPR in 1975.</td>
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<tr>
<td><strong>IPC:</strong></td>
<td>The Islamic Penal Code is the official name of the Iranian penal code, which was amended in May 2013.</td>
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<tr>
<td><strong>Lesbian:</strong></td>
<td>A woman whose primary sexual orientation is toward people of the same gender.</td>
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<td><strong>Lesbophobia:</strong></td>
<td>An irrational fear of, hatred for, or aversion toward lesbians.</td>
</tr>
<tr>
<td><strong>LGBTIQ:</strong></td>
<td>In English, this acronym has come to represent lesbian, gay, bisexual, and transgender. This acronym frequently replaces the term gay, and is constantly developing as activists are seeking to be inclusive of individual experiences by adding, for example, “Q,” which represents queer, and “I,” which represents intersex.</td>
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<tr>
<td><strong>Mosaheqeh:</strong></td>
<td>Under Iranian law, an act where a woman places her sexual organs on the sexual organs of another woman.</td>
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<td><strong>OHCHR:</strong></td>
<td>Office of the UN High Commissioner for Human Rights.</td>
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<tr>
<td><strong>Qisas:</strong></td>
<td>Proportional act of vengeance, under Iranian law.</td>
</tr>
<tr>
<td><strong>Queer:</strong></td>
<td>This term has different meanings to different people. It can be an expression of political outlook and it can also be an umbrella term for anyone who does not identify as heterosexual or who feels they do not fit into the definitions of other labels. In the past, it has been used as a derogatory term to insult people, but it has been largely re-appropriated by the affected communities.</td>
</tr>
<tr>
<td><strong>Sex:</strong></td>
<td>The classification of people as male, female, or other category based on bodily sex characteristics. At birth, infants are generally assigned a sex, usually based on the appearance of their external anatomy. (This is what is written on the birth certificate.) However, a person's sex is actually a combination of bodily characteristics, including chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics, which may or may not conform to conventional notions of maleness and femaleness.</td>
</tr>
<tr>
<td><strong>Sexual Orientation:</strong></td>
<td>An individual's enduring physical, romantic, and/or emotional attraction to a specific category of gender or to more than one gender. Gender identity and sexual orientation are not the same. For example, transgender people may be straight, lesbian, gay, or bisexual, among other identity categories. Some people identify as asexual, which may indicate that they do not experience a feeling of physical, romantic, and/or emotional attraction for other people.</td>
</tr>
<tr>
<td><strong>Sex Reassignment Surgery (SRS):</strong></td>
<td>A series of surgeries and medical procedures to alter physical sexual characteristics in order to align the individual's physical characteristics with the gender with which they identify. Not all trans persons desire or have access to such medical procedures.</td>
</tr>
<tr>
<td><strong>Sexuality:</strong></td>
<td>A person's exploration of sexual acts, sexual orientation, sexual pleasure, and desire.</td>
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<tr>
<td><strong>Sharia Law:</strong></td>
<td>The legal system for Islam that derives from the Quran, Islam's holy text, and the Sunnah, or religious traditions based on the sayings of the Prophet Muhammad. It acts as a code of conduct governing many aspects of the personal and public lives of Muslims. In Iran, Sharia law is based on the Imamiyyah school of Shia Islam, which is the official state religion and religion of the majority of Iranians.</td>
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<tr>
<td><strong>SOGI:</strong></td>
<td>Sexual Orientation and Gender Identity.</td>
</tr>
<tr>
<td><strong>Tamkeen:</strong></td>
<td>Under Iranian law, a wife’s “obedience” to submit to the will of her husband.</td>
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<tr>
<td><strong>Trans:</strong></td>
<td>Used as shorthand to mean transgender or transsexual—or sometimes to be inclusive of a wide variety of identities under the transgender umbrella.</td>
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<tr>
<td><strong>Transgender:</strong></td>
<td>An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms—including, but not limited to, transgender, transsexual, or gender non-binary. Some of those terms are defined below. For the purposes of inclusiveness, the abbreviated term “trans” is most often used throughout this report. It is always most considerate to use the descriptive term preferred by the individual. Some transgender people pursue medical transition processes such as receiving hormones from their doctors or undergoing surgery to change their bodies, but not all transgender people can or will take those steps, and a transgender identity is not dependent upon medical procedures.</td>
</tr>
<tr>
<td><strong>Transsexual:</strong></td>
<td>An older term that originated in the medical and psychological communities. Still preferred by some people who have permanently changed—or seek to change—their bodies through medical interventions (including, but not limited to, hormones and/or surgeries). Unlike transgender, transsexual is not an umbrella term. Many transgender people do not identify as transsexual and prefer the word transgender. It is best to ask which term an individual prefers. In the Persian language, “transsexual” is often used to describe both transgender and transsexual individuals. This is mainly due to the fact that the concept of gender is new to the language, and many people do not differentiate between sex and gender. Such a linguistic ambiguity should be kept in mind while reading some of the quotes in this research, where individuals used the word “transsexual” in reference to a broader trans experience.</td>
</tr>
<tr>
<td><strong>UDHR:</strong></td>
<td>Universal Declaration of Human Rights.</td>
</tr>
<tr>
<td><strong>UN:</strong></td>
<td>United Nations.</td>
</tr>
<tr>
<td><strong>UN Convention against Torture (UNCAT):</strong></td>
<td>UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Iran is not a party to this treaty.</td>
</tr>
<tr>
<td><strong>UNHCR:</strong></td>
<td>UN High Commissioner for Refugees, the UN refugee agency.</td>
</tr>
<tr>
<td><strong>Yogyakarta Principles:</strong></td>
<td>A set of international principles relating to sexual orientation and gender identity, comprising a guide to human rights which affirms binding international legal standards with which all States must comply.</td>
</tr>
</tbody>
</table>
Executive Summary

Lesbian community members in the Islamic Republic of Iran are subjected to a confluence of legal discrimination, social harassment, domestic abuse, and acts of violence, inflicted by both state officials and private citizens.

Although the Iranian legal ban on consensual same-sex relations is well documented in several high-profile reports,¹ so far no single-focused study has exclusively addressed the unique set of challenges and problems faced by Iranian lesbians. The situation of lesbian rights in Iran is particularly complex, since compared to gay men, Iranian lesbians face double discrimination—first as women and then as lesbians. Women’s rights are restricted in terms of their freedom of movement and expression, and the strictly patriarchal structure allows fathers, brothers, and husbands to assert direct control over women and girls. Traditional gender roles situate women as subordinate to men, and modesty is legally enforced through mandatory hijab. Discrimination against lesbian women is more extreme with the intersection of gender and sexuality, In addition to the restrictions on their rights as women, lesbians in Iran face further restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance. This double discrimination contributes significantly to the abuses they face.

leaving Iranian lesbians highly vulnerable to exploitation and abuse.

This report sets out the research findings of OutRight Action International (OutRight) in relation to the human rights of lesbians in Iran, in law, policy, and practice. The report begins with a consideration of the legal-political environment relevant to lesbians in Iran; it then examines the human rights violations and abuses that lesbians face in many areas of their lives. The report concludes with a series of recommendations, to the Iranian authorities and the international community, to support the cause of lesbian rights in Iran.

Discriminatory laws and practices against those perceived to be homosexual, and government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against lesbians, who are portrayed as criminals and sick because of their sexual orientation.

While Iran has ratified many of the major international human rights treaties and conventions, and human rights protections are included in the Constitution, the political-legal environment for women is dire. The Iranian legal system discriminates against women and girls, and Iran has not ratified the International Convention on the Elimination of all forms of Discrimination Against Women. Iranian law requires a more restrictive Islamic dress code for women (hijab) than for men, impedes the rights of women in personal status matters such as marriage, divorce, inheritance, and child custody, and prohibits the full enjoyment of women in employment and matters of public affair.

Social expectations for women to marry, coupled with a lack of economic and legal independence (women account for only 16 per cent of the labor force), mean that lesbians, as women, will often have decisions made for them by males in their family. Lesbians have little chance or ability to challenge or resist when the decision is made that they will marry a man. This can lead to situations where lesbians live their entire lives in marriages in which nonconsensual heterosexual sexual acts are continually and regularly forced upon them.

In breaking traditional gender roles, Iranian lesbians directly challenge the expectations for them to be wives and mothers within traditional bonds of heterosexual marriage. Most of the lesbians who agreed to discuss their lives with OutRight spoke about the guilt they felt that somehow their sexual desires were abnormal, wrong, or sinful. They told OutRight about the devastating impact of this guilt


on their lives: their internal struggles and the constant tension and conflict they experienced with others, including their intimate partners and family members. Some of those who had suffered sexual- or gender-based violence also spoke to OutRight about the psychosocial effects of this abuse on their lives. Across the board, interviewees described a life full of constant fear and angst at abuse.

In addition to the restrictions on their rights as women, lesbians in Iran face further restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance. This double discrimination contributes significantly to the abuses they face.

Lesbians face arbitrary arrest and detention, and they suffer further human rights violations at the hand of police while in detention, ranging from homophobic assaults to physical torture.

In the health care system, lesbians face a level of ignorance that can put their lives at risk. Medical professionals try to treat lesbians with hypnotic drugs to “cure” them, and they suggest sex reassignment surgery as a solution to their “illness.” As this report shows, however, some medical professionals are agents for positive change, and provide valuable support and advice to lesbians and their families, despite the very difficult political-legal environment.

Lesbians in Iran also face human rights abuses from private actors, including in the workplace, at school, in the family, and in public. Discriminatory laws and practices against those perceived to be homosexual, and government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against lesbians, who are portrayed as criminals and sick because of their sexual orientation.

Despite Iran’s legal obligations to respect and protect the rights to freedom of expression, association, and assembly, lesbians face harsh restrictions on these rights, including in the context of online discussion and activism, and in their choice of clothing as an expression of identity.

Faced with human rights violations and abuses in almost every area of their lives, some lesbians have chosen to flee Iran and seek asylum in other countries, experiencing further discrimination and abuses as they wait for their asylum applications to be processed.

Before making a series of recommendations, this report ends with a chapter titled “Resilience,” in recognition of those lesbians who have chosen to stay in Iran and find ways to build a peaceful and productive life in a dominantly heteronormative environment, relying on networks of like-minded friends, and taking small steps toward the realization of their rights in the future.
Methodology

The findings of this report are based on interviews, desk research, and media monitoring.

A team of OutRight researchers conducted a series of interviews between September 2012 and January 2015. During this period, OutRight interviewed Iranian lesbians inside and outside of Iran, online, and in person. In total, 42 people were interviewed. They represent different age groups (between 21 and 50 years of age), family backgrounds, levels of education, types of employment, and come from different parts of Iran. The interviews lasted on average between one to two hours and were conducted in Persian (Farsi). In order to conduct in-person interviews, the OutRight team travelled to Turkey twice (September 2012 and November 2014), and to Canada once (August 2013), to meet and interview lesbian refugees and asylum seekers. The English translation of the interviews and the first draft of the report, which were in Persian, and the subsequent extensive consultations with a number of country and thematic experts to ensure the accuracy of the reports, was an involved process. Though the process was time-consuming, it helped us to prepare a report that aspires to portray the growing needs and the evolving nature of the Iranian lesbian community.

The Iranian government does not allow NGOs such as OutRight to enter the country to conduct independent human rights research. The Iranian government does not allow NGOs such as OutRight to enter the country to conduct independent human rights research. Many individuals inside Iran are not comfortable discussing human rights issues via telephone or e-mail, fearing they are subject to government surveillance. Some who are outside Iran do not feel comfortable revealing their identities for fear of their safety or retribution against their families inside the country. In order to protect the privacy and safety of individuals interviewed as part of this research, we have changed the names of the interviewees and have used pseudonyms. Similarly, some of the identifying details of the testimonies were changed to protect the identities of those individuals whose testimonies were used in this publication.

Lastly, as part of our research, OutRight reached out to several Iranian state agencies, including the Ministry of Education and the Justice Ministry, and asked about their position on issues related to the treatment of lesbians in Iran. Unfortunately, except for one email acknowledging the receipt of our correspondence, none of the agencies responded.

OutRight Action International extends its thanks to those who provided information for this report.
Political-Legal Environment

The government of Iran identifies as Islamic and governs under Sharia law.

This leads directly to restrictions on the rights of women and, as such, the rights of lesbians in Iran. Indeed, since the Islamic Revolution of 1979, many legal rights benefiting women have been repealed. The history of women’s rights under recent governments is an important factor in understanding the realities for Iranian lesbians in the 21st century. While Iran has ratified many of the human rights treaties and conventions, its domestic legal framework does not satisfy these international obligations.

National Context

Pre-Revolution Iran

Iranian women achieved suffrage under the Iranian Shah’s government in 1962.4 Whilst the battle for gender equality was complex and political activities restricted, the state expressed the will to provide women’s rights, introducing laws that made access to education and work outside the home easier. In 1967, the Shah introduced the Family Protection Law, raising

The combination of homophobic laws and anti-LGBTIQ attitudes by many law enforcement agents have made it extremely difficult, if not impossible, for Iranian lesbians who have been subjected to discrimination and abuse to seek justice.

the age of marriage to 18, and putting divorce under the authority of family courts. In the 1970s, these laws were further expanded to relax the restrictions on abortion. Rising against modernity, however, religious women were mobilized to create a significant force against the Shah. The momentum of this movement attracted younger, secular women to adopt the veil and join the movement.

Islamic Government and Sharia Law

The movement against the Shah culminated in the 1979 Islamic Revolution. In establishing the Islamic Republic of Iran, the incoming government took concrete steps to implement their interpretation of Islamic Sharia law and reverse the trend of Westernization they believed had taken hold of the country under the Shah. Sharia law is the legal system for Islam that derives from the Quran, Islam’s holy text, and the Sunnah, or religious traditions based on the sayings of the Prophet Muhammad. It acts as a code of conduct governing many aspects of the personal and public lives of Muslims. In Iran, Sharia law is based on the Imamiyyah school of Shia Islam, which is the official state religion and religion of the majority of Iranians. In Iran, Sharia law is largely interpreted by the clerical establishment, which wields great influence over the legislative process, and ensures that laws and regulations do not violate Islamic law.

Under this legal system, the Family Protection Law was repealed and a decree was issued demanding that women dress “properly,” indicative of the introduction of a much more restrictive and gender-binding approach to women’s rights, making it harder to challenge such norms.

Constitution

Iran’s Constitution was adopted by referendum in 1979, replacing the Constitution of 1905. It was amended in 1989. The Constitution calls for the creation of an Islamic Republic, in which Islam is the law of the land. The country is run through democratic processes exemplified in referenda as well as local and national elections. Furthermore, the legitimacy of all democratic procedures originates from the Supreme Leader, who acts as the representative


of the Hidden Imam, or the Shiite's Messiah. Articles 19 to 42 provide for the “Rights of the People.” The Constitution abolishes all forms of “undesirable discrimination” and declares: “All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights.” The constitution calls for “equitable opportunities for all, in both the material and intellectual spheres.” Despite these guarantees, however, Iranian law, including the Labor Law, provides no protection from discrimination and abuse for those individuals.

**Status of Women**

In 2014, the Global Gender Gap Index of the World Economic Forum ranked Iran at just number 137 out of 142 countries. The Iranian legal system discriminates against women and girls. The law requires a more restrictive Islamic dress code for women (hijab) than for men, impedes the rights of women in personal status matters such as marriage, divorce, inheritance, and child custody, and prohibits the full enjoyment of women in employment and public affairs matters.

Pursuant to Article 638 of the Islamic Penal Code (IPC), which criminalizes haram acts (acts generally considered sinful or prohibited by Sharia law), authorities can arbitrarily harass, arrest, detain, and prosecute anyone perceived to have committed sinful acts in public.

Individuals convicted under this article can spend between ten days and two months in prison, or be subjected to 74 lashes. A note to the article specifically states that all women appearing in public without the proper hijab can be prosecuted and sentenced under this article regardless of their religious beliefs or opinions. The hijab generally requires women
to cover their hair and dress in loose-fitting clothes that do not show certain parts of the body, yet there is no distinction, or specificity, in the law regarding what constitutes improper hijab. Article 638 also can, and has, been used by the authorities to target individuals who are perceived to be wearing gender non-conforming clothing.21

Women are unable to file for divorce without either the cooperation of their husbands or by providing a legitimate reason to courts—a process that can take years. Men, on the other hand, can divorce their wives by simply filing for divorce without reason.

The recently amended IPC, which came into effect in 2013, also treats women and girls differently from men and boys in various matters ranging from the value of their testimony in legal proceedings—which is equal to half of a man’s testimony—to severity of punishment, the age of criminal responsibility, and the recovery of “blood money.”22 Article 20 of Iran’s Constitution states that “[a]ll citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights,” but stipulates that such equality should be implemented “in conformity with Islamic criteria.”23

In legal terms, men are viewed as the head of the household,24 and the government should not interfere with the private sphere of the family.25 Article 1117 of the Civil Code states that a husband may prevent his wife from occupations or technical work deemed incompatible with family interests or the dignity of him or his wife. This law has also been used to prevent women from pursuing artistic activities.26

26 “Situation of human rights in the Islamic Republic of
This subordination of women to men increases vulnerability to domestic violence, especially when women are economically dependent on their husbands or other male guardians.27 More specifically, Iranian law grants fathers and husbands the ultimate power to make household decisions that directly affect the lives of women and girls, including filing for divorce, authorizing the travel of their wives overseas, and exercising guardianship over children. For example, the age of maturity for girls, which also corresponds to the age of criminal liability, is pegged at nine lunar years (eight years and eight months),28 while it is 15 lunar years (14 years and seven months) for boys.29 Under the civil code, the legal age of marriage for girls is 13 solar years and for boys it is 15, but girls as young as eight years and eight months can get married with the permission of their legal guardian and a judge.30 Women are unable to file for divorce without either the cooperation of their husbands or by providing a legitimate reason to courts—a process that can take years. Men, on the other hand, can divorce their wives by simply filing for divorce without reason.31 Daughters may inherit only half that of their male siblings’ property from their deceased parents.32

Under Iranian law, rape is strictly defined as non-consensual or forced penetrative sex with someone outside the traditional bonds of marriage. In other words, “rape” is only punishable (by death) in cases of non-consensual adultery, fornication, or sodomy,33 and the crime of marital rape does not exist at all under Iran’s penal code.34 The lack of standalone

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27 Jelve Javaheriyan, in an interview with Iranian Student News Agency, ISNA, “What are the most common forms of domestic violence,” December 26, 2013, available at: http://isna.ir/fa/news/92100602922/%D8%B1%D8%A7%D8%B9%E8%8C%88%AA%D8%B1%D8%8C%98-%D8%AE%D8%B4%D9%88%D8%86%D8%AA-%D8%AE%D8%A7%D9%86%DA%AF%D9%8C-%D8%A8%B1-%D8%A7%98%8C%88%B8%DA%88%AA [accessed October 26, 2015].
30 Article 1041 of the Iranian Civil Code, which was amended in 2002, states, “Marriage of a girl before reaching the age of 13 solar years and a boy before reaching the age of 15 solar years is allowed upon the permission of their guardian, but on the condition of appropriateness, as determined by a competent court.” Please see: http://rc.majlis.ir/fa/law/show/99682 [last accessed March 17, 2016].
32 For more information please see Iran Inheritance Law, available in English at: https://www.princeton.edu/iran-dataportal/laws/labor-civilsociety/inheritance/ [accessed October 22, 2015].
33 Islamic Penal Code, article 224.
34 Additionally, under law, a wife must generally submit to the will of her husband (tamkeen), which includes her being sexually available to her husband whenever he desires. Iranian Civil Code, Art 1108 stipulates, “If a wife, without legitimate cause, refuses to perform her wifely duty, she is not entitled to alimony.” For more information in this regard, please see Dr. Abdul Rasoul Siyani’s article...
legislation identifying and criminalizing rape independent of a heteronormative marriage relationship renders all victims of sexual violence in Iran vulnerable—if they fail to prove they were raped they could run the risk of being found guilty of engaging in consensual sex outside of marriage and, therefore, subject themselves to prosecution. But the absence of such legislation arguably impacts members of the LGBTIQ community more, and especially affects lesbians, since they are particularly vulnerable to sexual abuse and gender-based violence.35

Gender Segregation

Since the 1979 Revolution in Iran, gender segregation has been strictly enforced in all primary and secondary schools, but not in universities. The aim of this segregation is to ostensibly remove the perceived moral corruption that surrounds the mixing of sexes, as well as enabling students to focus solely on their studies.36 In recent years, the hardliners in Iran have tried to expand the gender segregation in schools, announcing a new initiative to publish gender-specific textbooks for school children.37 In recent years, the Ministry of Science, which is responsible for all higher education in universities, has adopted policies to Islamicize universities and segregate certain classrooms and public spaces.38 Such policies have resulted in women being denied equal access to higher education institutions.39 Segregation is not just limited to schools.

Despite the fact that there is no legislation requiring gender segregation in all public places, various organs of the state have adopted regulations that segregate genders in sports centers and on public transport.40

International Obligations

Application of international human rights law is guided by the fundamental principles of universality, equality and non-discrimination. Everyone, irrespective of their sexual orientation and gender identity (SOGI), is entitled to enjoy the protection of international human rights law with respect to all human rights—civil, political, economic, social, and cultural.41

35 Several individuals who were interviewed for this report told us how despite being forced into a heterosexual marriage and subsequently being subjected to marital rape, the legal definition of rape in Iranian legal system as well as the criminalization of same-sex relations, prevented them from filing any complaint with the police. For example, see the story of Ana from Ahar on page 42 of the report.

36 For a full history of gender segregation in Iran, see “Women and Politics in the Islamic Republic of Iran: Action and Reaction,” Vakil, S., available at: https://books.google.com/books?id=WB3m-cBtrQ4C&pg=PAI09&dq=gender+seggregation+in+school+in+Iran&hl=en&sa=X&ved=0CCwQ6AEwAWoVChMhNT___fWyAiVzHQ-Ch-3v7qW6%7vonepage&q=gender%20segregation%20in%20school%20in%20Iran&f=false [accessed October 22, 2015].

37 “Iran To Extend Gender Segregation To School Textbooks,” http://www.rferl.org/content/iran_gender_segregation_school_textbooks/24455032.html [accessed October 22, 2015].


Non-discrimination is a core human rights principle embodied in the Charter of the United Nations (UN), the Universal Declaration of Human Rights (UDHR), and core human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Non-discrimination clauses in international instruments typically require that human rights are made available to everyone without discrimination, and States ensure that their laws, policies and programs are not discriminatory in impact.\(^\text{42}\) Iran is a State party to the ICCPR and ICESCR.

The specific grounds of discrimination referred to in the core human rights treaties are not exhaustive. In its General Comment 20 on discrimination, for example, the Committee on Economic, Social and Cultural Rights—the expert UN body that monitors implementation of the ICESCR—observed that “other status...includes sexual orientation. States Parties must ensure that sexual orientation is not a barrier to realizing Covenant rights.”\(^\text{43}\)

The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (the Yogyakarta Principles)—developed and adopted by a meeting of human rights experts in Yogyakarta, Indonesia, in November 2006—provide a universal guide to applying international human rights law to abuses experienced by LGBT people.\(^\text{44}\)

It is important to note that Iran is not a State party to the International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which is the second most ratified Convention with 189 states parties (second only to the Convention on the Rights of the Child).\(^\text{45}\) That Iran has not ratified CEDAW is indicative of the situation of women’s rights in the country. CEDAW expressly obliges all states parties to, “modify the social and cultural patterns of conduct...with a view to achieving elimination of prejudices...which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”


Discrimination and Criminalization

Institutionalized gender segregation and the subordination of women within legal frameworks are critical elements of the rights of Iranian lesbians.

The institutions of religion, family, and the state—all of which determine that women are wives and mothers, submissive to the males in their families—dictate the gender norms governing women in Iran. Marriage of girls at a young age is prevalent, reinforcing their lack of agency over their relationships, let alone their sexual orientation.46 There is very little room within these structures for challenging the gender norms, and lesbian orientation challenges them on many levels.

In addition to the restrictions on their rights as women, lesbians in Iran face further restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance. Such restrictions force many Iranian lesbians to “go underground” and lead secret lives out of fear of being targeted by the police or being subjected to prosecution. This has given rise to a common misperception that Iranian lesbians are few in number, or they are not discriminated against and do not face serious challenges and risks, including to their health and well-being. OutRight’s research shows that the lack of legal protection, and the possibility of being prosecuted and sentenced because of their sexual orientation, are fears that consume Iranian lesbians throughout their entire lives. In some cases, the fear of prosecution and punishment by the police and judiciary is realized.

The legal discrimination faced by lesbians and other members of the LGBTIQ community also contributes to the lack of acceptance of lesbians by society at large, rendering lesbians and other members of the LGBTIQ community vulnerable to harassment, abuse, and violence by both state and private actors. Many Iranian lesbians interviewed by OutRight said they feared reporting harassment, abuse, and sexual- or gender-based violence committed by private actors, including members of their families, to law enforcement officials because they feared prosecution or being “outed” to their friends and family.

By criminalizing consensual same-sex relations, the Iranian government has not only walked away from its responsibility to protect lesbians against violence, it has also created an environment that promotes and facilitates discrimination, harassment, abuse, and violence against this vulnerable community.

Criminalization of Same-sex Acts

States have an obligation to protect the rights to privacy, liberty, and security of their people. UN mechanisms have called upon States to fulfill these obligations by repealing laws used to punish individuals based on their sexual orientation and gender identity, including laws criminalizing homosexuality, and have rejected attempts to justify such laws on grounds of the protection of public health or morals.47

But the IPC criminalizes all consensual sex acts deemed to lie outside the bounds of traditional marriage, including adultery and same-sex acts.48 These acts are considered hadd (plural hudud) offenses for which punishments are specified and mandatory under Sharia law. Iran’s criminalization of same-sex acts adversely impacts all members of the LGBTIQ community, including lesbians.49

Under Article 238 of the IPC, the mandatory punishment for mosaheqeh, or the rubbing of female genitalia between two or more women, is 100 lashes.50 The IPC also provides for flogging as a punishment for other same-sex conduct that does not involve sexual organs, such as passionate kissing.51 According to Article 237, any same-sex act between two men is subject to “31 to 74 lashes.” The note to this article specifically mentions that the same punishment is applicable to women.


48 Related to the criminalization of the consensual same sex relations in the Iranian Penal Code, it should be noted that the IPC mandates the death penalty for individuals engaged in lavat (sodomy), defined as consensual (or forced) penetrative sex between two men. It requires 100 lashes, but not death, for the “active” participant of consensual same-sex relations, provided he is not married and has not engaged in rape. Under the IPC, the punishment for non-penetrative sex acts between two men (foreplay, or tafkhiz, in Persian) is 100 lashes. Here, too, the IPC discriminates against non-Muslims by requiring judges to issue a death sentence for the “active” partner accused of unlawful foreplay if he is non-Muslim and the “passive” partner is Muslim. Islamic Penal Code, art. 236, note.

49 Adultery, defined as penetrative heterosexual sex with someone other than the spouse (defined as zinayeh mohseneh under Iran’s penal code), is generally punishable by death by stoning. Islamic Penal Code, arts. 221-32. The punishment for someone who is not married but engages in penetrative heterosexual sex with another (i.e. fornication) is 100 lashes. Islamic Penal Code, art. 230.

50 Islamic Penal Code, arts. 238-40. The IPC defines mosaheqeh as an act where a “woman places her sexual organs on the sexual organs of [another woman].”

51 Islamic Penal Code, art. 237. Individuals convicted of these acts may receive between 31 and 74 lashes.
Abuses in the Justice System

States have an obligation to protect the rights to privacy, liberty, and security of their people, including the right not to be subjected to arbitrary arrest and detention.

States must refrain from arresting or detaining persons on discriminatory grounds, including sexual orientation and gender identity.52

Several Iranian lesbians who have been arrested by the authorities told OutRight about a range of human rights violations they endured while in detention. The abuses they spoke of ranged from harassment by the police to physical torture.

“...the interrogators tortured me by pouring boiling water on my skin and beating me, especially on the head. More than physical torture, I was subjected to verbal abuse. They kept telling me that I was a ‘pussy licker.’”

- Azadeh from Northern Iran

OutRight’s findings regarding the arbitrary arrest and detention of lesbians, and the ill-treatment they suffered while in detention, is consistent with other reports published in this regard. For example, according to a 2010 report by Human Rights Watch, members of Iran’s LGBTIQ community face persistent harassment, detention, and violence at the hands of state officials. Human Rights Watch found that Iran’s discriminatory laws allow members of Iran’s security forces, including the police and the basij (hardline paramilitary), to arbitrarily arrest and detain individuals because of their

perceived sexual orientation. There are no reliable statistics on the number of arrests, imprisonments and floggings of LGBTIQ people—including lesbians—in Iran, as victims often avoid reporting their experiences due to fear and social stigma.

The ICCPR prohibits any form of torture and inhuman treatment in Articles 7 and 10. Although Iran is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the prohibition of torture is deeply rooted in customary international law. Torture is also prohibited under Iranian law. The ICCPR and the Convention Against Torture detail what states must do to enforce the prohibition, including the duty to investigate, prosecute, and provide effective remedies when violations occur. The UN Human Rights Committee—the expert UN body that monitors implementation of the ICCPR—has also made clear that the duty to protect people against torture or inhuman treatment not only extends to acts committed by government officials, such as police, but also those inflicted by private individuals.

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54 Iran Constitution, article 38.


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**Arrest and Detention**

Given the legal ban on same-sex relations among women in Iran, the possibility of arrest and legal punishment, including jail sentence and flogging, by authorities remains a reality for Iranian lesbians. Maryam’s case is an example of such state persecution of individuals because on their sexual orientation.

**Maryam A.**, an Iranian lesbian from Tehran, was forced to marry her first cousin, who was 22 years her senior, when she was only 14 years of age. From the beginning, Maryam had no physical or emotional attraction to her husband. In response, her frustrated husband became increasingly verbally and physically abusive, and even forced Maryam to see a doctor and take medications to cure what he considered to be her lack of sexual stamina. Maryam told OutRight that the medications caused her to become depressed and develop psychological problems. Finally, after several years of enduring abuse, violence, and marital rape, Maryam managed to convince her husband to divorce her.

Following the divorce, Maryam moved in with her parents and subsequently began a new life, entering into a romantic relationship with her true love, Sara. Under family pressure, Maryam was initially forced to stay away from Sara and could only see her in secret. Sara, who was madly in love with Maryam, even contemplated undergoing sex reassignment surgery (SRS) so that she could openly, and legally, live with Maryam. The couple finally decided to run away and move to a small town in northern Iran. Everything seemed to be going well until one night, when their neighbors called the police to complain about loud noises coming from Maryam and Sara’s house, where
they were holding a party. The police raided the home and arrested the couple.

The police held them, separately, in detention for several days. During the interrogations, the authorities realized that Maryam and Sara had been cohabitating for a long time, something that is not all too common for single women in Iran. The police pressured them to confess about the nature of their relationship. Under duress, and without having any access to lawyers or being informed of their rights, Maryam and Sara confessed to having a romantic and sexual relationship.

Following a 30-minute trial that was based on their forced confessions, Maryam and Sara were each sentenced to 100 lashes and jail time. Maryam told us that she and her partner were both flogged on the first day of their imprisonment. Maryam lost consciousness during the flogging, and Sara became sick for two weeks after the incident. Both suffered intense physical and psychological trauma as a result of the flogging.

Maryam and Sara were unaware that under the IPC, mosheeqh was not punishable by death; they were expecting to soon be executed for same-sex relations. Maryam told us that even her lawyer, whom they hired after their trial, kept talking about the possibility of the death penalty, which Maryam later believed was a tactic to get her to pay more money for her legal services.

Maryam spent close to 10 months in jail, not knowing what fate awaited her. During this period, she was in constant fear of imminent execution, and sustained frequent homophobic physical assaults by female inmates and prison guards, who were told of Maryam’s sexual orientation. After spending 10 months in jail, Maryam was informed by the authorities that she was scheduled to appear before the court for another trial.

On the trial day, much to Maryam’s surprise, her father and grandfather appeared in the courthouse and attempted to attack and beat her in front of the police and judge. Maryam, as she was trying to shield herself from her father and her paternal grandfather, recalled hearing someone shouting, “Sir, is this your daughter? She deserves to die.”

Considering the time served in prison, the court decided to release Maryam that same day. But the newly freed Maryam, who just experienced physical assault during the court session, and had been subjected to flogging, beating, and a coerced confession, did not feel safe or protected. Still wearing the prison slippers, she took the first cab she could hail in front of the courthouse to go directly to Tehran. Shortly thereafter, she managed to escape the country for Turkey, where she finally registered herself at UNHCR as a refugee.

Azadeh, a young woman in her 20’s from Northern Iran, is another lesbian who experienced torture. She was abducted by intelligence officers and was forced to undergo torture. She was subjected to beatings, electric shocks, and other forms of cruel, inhumane, and degrading treatment. She was held in solitary confinement for weeks without access to lawyers or family. She was denied medical treatment and subjected to forced confessions. She was then transferred to another prison, where she faced further abuse and torture.

57 Under Article 7 of the International Covenant on Civil and Political Rights, and in line with the absolute prohibition of torture in customary international law, Iran has a duty to refrain from committing any act of torture, cruel, inhumane and degrading treatment, and to protect prisoners under its jurisdiction from being subjected to these acts by State actors. Similarly, Iran’s Constitution prohibits torture (Article 38) and prohibits defamation and humiliation of those convicted and imprisoned (Article 39). Also, Article 24 (C) of Regulations of Correctional Facilities in Iran requires the head of the correctional facilities to oversee and monitor the treatment of inmates by prison guards. See the regulations (in Persian) at: http://prisons.ir/ [accessed October 23, 2015].

58 Interview in Turkey on June 14, 2013, with OutRight.
a “reorientation course” after they became suspicious of her sexual orientation. Azadeh grew up in a religious family and her father is a decorated military general. Although Azadeh was an observant Muslim, she had come under a lot of pressure, and received numerous threats, because of her activism in defense of LGBTIQ rights and her efforts in educating the public about issues related to sexual orientation.

These activities eventually led to her arrest, which she described to us this way:

A girl who had some personal issues with me reported my sexual orientation to my father. He handed me over to the Intelligence Office. The authorities ran a background search on me and found some articles and several short stories that I had written. One of the materials that they used against me was a short story I had written about two homosexual soldiers who were both killed in the Iran-Iraq war. I tried to deny the charges by telling them the stories were written by my friends and not me. The authorities told my father that I had to go through a “reorientation course.” I only spent three days in those classes, and managed to eventually get out of it. Normally, once they take you to those “reorientation courses” you can’t easily get out. [I was lucky that] my father intervened and managed to get me out of there.

In her interview with OutRight, Azadeh described the abuse she sustained during this forced “course”:

During the three days that I was forced to attend the “reorientation course,” I was tortured. Before the course started, my father made me take a virginity test and filed the results of the tests with the authorities. The course took place in a remote villa outside of the town. During those three days I spent day and night with 40 other people in one room, without talking to them, except for the time that the person who was sitting next to me said, “my burns really hurt.”

The interrogation happened in a separate room...the interrogators tortured me by pouring boiling water on my skin and beating me, especially on the head. More than physical torture, I was subjected to verbal abuse. They kept telling me that I was a “pussy licker.” They also used to shout abuse about my father and mother...I never directly used the word “homosexuality” in my writings, but they wanted to use those writings to get a confession from me that I am a lesbian. I denied everything. There were two or three Shia clergymen in the interrogation room, preaching religion to us, but during the interrogations they were silent. During those three days I was so disoriented that I did not know how many days and nights had passed; it felt like four months to me. I got an infection on my arm after they threw boiling water on it. The interrogators realized the burnt skin would leave marks on my body so they brought in a doctor to examine me. Finally, my father managed to rescue me from there.59

59 Skype interview on December 13, 2014, with OutRight.
Abuses in the Healthcare System

Given the limited knowledge of Iranians about sexual orientation and issues affecting the LGBTIQ community, as well as the social stigma attached to homosexuality, many lesbians in Iran are directed by their family members to seek psychiatric and medical help to “cure their problem.”

The prevailing view among healthcare professionals in Iran is that homosexuality is a psycho-sexual illness. This view is systematically promoted by medical schools and universities, and complements the government’s official position that homosexuality is a scourge that must be addressed, and that homosexual acts violate the Sharia law and must be accordingly punished. Since 1973, the American Psychiatric Association’s (APA) renowned Diagnostic and Statistical Manual (DSM) has no longer considered homosexuality as a disease.

According to universally accepted medical ethics, healthcare providers are legally and ethically required to treat their patients as autonomous individuals and refrain from harming them. They are also required to take positive steps to help their patients by contributing to their general

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In a society such as Iran, where public knowledge about sexual orientation is severely limited and misinformation abundant, health care professionals, including psychiatrists and psychologists, can play an important role in providing lesbians with critical psychological and emotional support—support that could allow them to cope with the challenges and pressures they face, such as guilt and self-loathing, forced marriages, and the temptation to undergo SRS. Alternatively, the negative impacts of misdiagnosis or poor medical advice can have devastating and long-term effects on the lives of vulnerable lesbians.

International conventions such as the ICCPR and ICESCR, to which Iran is a State party,

“**I was forced by my arranged fiancé to see this doctor. I told the doctor that I was in love with the girl in our neighborhood. He prescribed lithium, which is a medicine to prevent or lessen the intensity of manic episodes. But I was not manic.**”

- Nahid from Tehran

guarantee the right of privacy, including for patients, in addition to the ability to consent to or refuse treatment. In its General Comment 14, the UN Committee on Economic, Social, and Cultural Rights specifically noted that the relevant article in the Covenant on Economic, Social, and Cultural Rights, which Iran has signed and ratified, should be read to bar any discrimination in access to health care and underlying determinants of health, as well as to means and entitlements for their procurement, on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), **sexual orientation** [emphasis added] and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health.

In its January 2016 concluding observations on the combined third and fourth periodic reports of Iran, the UN Committee on the Rights of the Child expressed concern “at the reports that LGBTI children are subjected to electroshocks, hormones and strong psychoactive medications for the purpose of ‘curing’...”


64 One of the common treatments of “homosexuality” in Iran is through Electroconvulsive therapy (ECT), or electroshocks, though this method is more often used to treat “gay” men. For example, see the Q and A regarding the treatment of homosexuality on Phezeshk Iran (Iran MD) in Persian, available at: http://www.pezeshkonline.ir/index.php?ToDo=ShowQuestions&CodeID=i5105105 [accessed October 23, 2015].

65 Report of the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health UN Doc A/64/272 (August 10, 2009) para 28.

them.” The Committee urged the Iranian authorities to “ensure that LGBTI children are not subjected to cruel and degrading treatment such as electroshocks, hormones and strong psychoactive medications and that those responsible for these acts be held accountable.”

Physicians and health care professionals are also instructed to maintain confidentiality under the World Medical Organization’s Declaration of Geneva, and the International Code of Medical Ethics. Members of the Iranian medical community are also required to adhere to their version of the medical pledge (commonly known as the Hippocratic Oath), which requires the respect of the privacy of the patients and commitment to their well-being. Yet OutRight’s research reveals that some Iranian health care professionals violate the aforementioned rights and guarantees of their patients. Often, the violation occurs when health care professionals betray their patient’s trust and reveal information regarding their private lives, including their sexual orientation, to their families. This betrayal can, in turn, lead to increasing pressure and isolation and, at times, domestic violence.

### Prescription of Drugs to “Treat” Homosexuality

The intervention of medical professionals in a lesbian’s life does not always result in positive outcomes. In our research, OutRight discovered that some health care professionals, many of whom did not fully understand the complexity of issues related to homosexuality, unnecessarily put the lives of their patients at risk. Our research reveals that these doctors’ lack of knowledge led them to offer unsound medical advice, which amplified the feelings of guilt and depression in their lesbian patients. Some lesbians told us that their doctors tried to treat them with hypnotic drugs (sleeping pills), such as Diazepam (Valium), or suggested SRS as a solution to their problems.

**Bahareh**, a 21-year-old lesbian from Ahar, in central Iran, told us about her experience seeing her psychiatrist:

> My parents finally took me to visit a doctor, who was a psychiatrist and used to prescribe psychiatric drugs for me. [Every time I went] he would ask me if I was still seeing that crazy girl, meaning my girlfriend, Elham, just to humiliate me.

**Nahid**, a 27-year-old lesbian from Tehran, told OutRight about her first counseling session with a psychiatrist:

> I was forced by my arranged fiancé to see this doctor. I told the doctor that I was in love with the girl in our neighborhood.

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67 Concluding observation on the combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/CO/3-4), at para 53.

68 “Concluding observation on the combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/CO/3-4), at para 54.


70 The Persian version of the pledge for Iranian medical doctors can be found at this address: http://dentistry-school.kums.ac.ir/kums_content/media/image/2013/11/35954_orig.pdf [accessed September 23, 2015].

71 Diazepam is a tablet often prescribed to control anxiety and agitation. For more information, please see: https://www.nlm.nih.gov/medlineplus/druginfo/meds/a682047.html#why [accessed October 24, 2015].

72 Interview in Turkey on November 8, 2014, with OutRight.
He prescribed lithium, which is a medicine to prevent or lessen the intensity of manic episodes. But I was not manic.\textsuperscript{73}

\textbf{Roshanak}, Nahid’s girlfriend, told OutRight that she was also prescribed lithium by her doctor, who wanted to “cure” her homosexuality:

One of the psychiatrists asked me what my major at the university was. When I answered psychology, he laughed at me and said, “Now you are playing doctor for me?” When I told him that lithium has serious side effects, he ridiculed me again: “You got a degree in psychology by taking correspondence courses. I got my degree from real universities in the United Kingdom and Germany!”\textsuperscript{74}

\textbf{Elham}, another Iranian lesbian, told us how when she was struggling to cope with her sexual orientation, she became so depressed that her family had to put her in a psychiatric ward, where she experienced constant harassment and insulting behavior. She told OutRight,

My parents took me to a psychological hospital so that I would get better. It was so hard. I slept most of the time because I had to take lots of pills. The doctors were trying to cure my homosexuality with medication. They used to bring girls and women next to my bed and ask me which one I liked better [to see if I was still a lesbian]. I was so heavily medicated that I could barely understand what was going on. I just wanted to give them a random answer so they’d just leave me alone.\textsuperscript{75}

\section*{Encouragement to Undergo Sex Reassignment Surgery}

Iranian doctors sometimes persuade, or even coerce, lesbians to undergo sex reassignment surgery (SRS) and supposedly to change their gender identity or sex characteristics.\textsuperscript{76} They do this because while Iranian law criminalizes same-sex relations for men and women, the law allows SRS for trans individuals who are officially diagnosed with “gender identity disorder” (a term used by some Iranian doctors).

\textit{“After only one exam, he decided that I was a trans man and had to immediately start hormone therapy. As soon as I walked into his office, he greeted me with, ‘Hello my dear trans client.’”}

\begin{flushright}
- Roya from Ahwaz
\end{flushright}

Gender identity and sexual orientation are fundamentally different. The former is understood as referring to each person’s deeply felt internal and individual experience of gender and may involve, if freely chosen, modification of bodily appearance or function by medical, surgical, or other means; the latter is a person’s capacity for profound emotional, affectionate, and sexual attraction to, and intimate and sexual relations with, others.

\textsuperscript{73} Lithium is prescribed to reduce suicide risks and to treat bipolar disease, as well as reducing the symptoms and frequency of mania. For more information, please see: “Lithium for Bipolar Disorder,” WebMD, available at: http://www.webmd.com/bipolar-disorder/bipolar-disorder-lithium [accessed September 23, 2015].

\textsuperscript{74} Interview in Turkey on November 6, 2014, with OutRight.

\textsuperscript{75} Interview in Turkey on November 8, 2014, with OutRight.

Forcing individuals, including lesbians, to undergo any treatment is problematic, but pushing them to undergo SRS without securing informed consent can have devastating long-term consequences and may amount to torture. In 2013, the UN Special Rapporteur on Torture, Juan Méndez, said: “medical treatments of an intrusive and irreversible nature, when lacking a therapeutic purpose, may constitute torture or ill-treatment when enforced or administered without the free and informed consent of the person concerned.”

Elnaz, a 23-year-old lesbian from the southern city of Shiraz, told OutRight that she went to see a psychologist who told her: “What you really want is to be a man and have a heterosexual relationship.” She said she reacted angrily to the advice and told the doctor she would never do something like that.

Sara, a 31-year-old lesbian also from Shiraz, had a similar experience:

I went to see a psychologist in Shiraz. He was convinced that I was a trans [sexual] with 99 percent masculine [features], and that I could be fixed through surgery. He told me that being a lesbian is a sin and I should undergo [sex reassignment] surgery [instead].

...these doctors’ lack of knowledge led them to offer unsound medical advice, which amplified the feelings of guilt and depression in their lesbian patients.

Roya, a 22-year-old lesbian from the southern city of Ahwaz, told OutRight that she received unsound medical advice from doctors about her gender identity after she was left heartbroken and vulnerable in the aftermath of a failed lesbian relationship at the age of 17. At the encouragement of her uncle, who was also a doctor, she went to visit a physician, who told Roya that it was too early to determine whether she was a transsexual, but ordered her to undergo a lymph node exam and sent her to see a specialist at the hospital. At the hospital, the urologist told her she was a transsexual and prescribed her hormone therapy. The urologist also requested she consult with the Legal Medicine Organization, an independent medical institution affiliated with the Iranian Judiciary that is the sole recognized medical authority responsible for authorizing trans individuals to undergo SRS. Roya told OutRight:

I can’t forgive this urologist, for trying to convince me that I was a man. After only one exam, he decided that I was a trans man and had to immediately start hormone therapy. As soon as I walked into his office, he greeted me by “Hello my dear trans

80 Legal Medicine Organization (Pezeshk-Ghanomi in Persian) is an independent medical institution affiliated with the Iranian Judiciary, and is the legally recognized medical authority responsible for fielding court-related medical inquiries and determining issues such as determining the cause of death; performing autopsy; confirming the occurrence of rape; sexual assault, or physical assault; performing anal probes (for men accused of sodomy); and confirming the qualification of individuals to undergo sex-reassignment surgery. For more information, please visit the official website of the Iranian Legal Medicine Organization: http://www.lmo.ir/.
client”. I was only 17 years old at the time and was too vulnerable [to handle this], especially after that unsuccessful love affair.81

Roya consulted another psychologist who did not believe Roya was a transsexual and convinced her not to undergo the surgery. She explains,

He examined me but did not think that I was a trans. But he didn’t mention anything about me being lesbian either. I did not discuss the issue, fearing that it would expose my relationship with my girlfriend. He was a good consultant who put me in very helpful group therapy sessions, where participants with all sorts of problems shared their stories.82

Medical Community as Agents of Positive Change

Some of the lesbians OutRight interviewed told us that their parents tried, but often failed, to understand their sexual orientation in an environment that criminalized same-sex acts and repressed open discussion about homosexuality. Many of these parents began with the assumption that their children were sick and needed psychiatric or medical help. In some of these situations, health care professionals provided the necessary assistance to lesbians and their families to cope with the challenges that lay ahead of them, and the counseling sessions they administered paved the way for a process of acceptance for both the patients and their families.

Nahid, a 27-year-old lesbian from Tehran, told OutRight that when she told her arranged fiancé that she was a lesbian, her fiancé became violent and ultimately forced her to see a psychologist for a mental evaluation. The psychologist made a timely intervention and told the fiancé: “This woman is a lesbian and you cannot marry her.”83 Upon hearing the doctor’s expert opinion, Nahid’s fiancé reluctantly accepted her homosexuality, though he insisted that he was in love with her and she shouldn’t date women.

“I was surprised when the doctor said he had no problem with homosexuality ...[he] talked to my family over several sessions and gradually told them everything about my homosexuality. He sounded very knowledgeable about sexual orientation and did not think homosexuality was a sickness.”

- Adler from Ahar

Sara, a 22-year-old lesbian from the northwestern city of Tabriz, was so depressed about her family’s lack of understanding of her sexual orientation that she attempted suicide and required hospitalization. Sara’s doctor, with her permission, engaged with her parents over several counseling sessions and tried to explain what was going on. Sara told OutRight that during her parents’ last counseling session, her doctor actually used the word “homosexual”

81 Skype interview in Turkey on December 22, 2014, with OutRight.
82 Skype interview in Turkey on December 2014, with OutRight.
83 Interview in Turkey on November 6, 2014, with OutRight.
to describe her sexual orientation instead of referring to her as an ill patient. Despite Sara’s initial trepidation surrounding her parents’ negative response, she said they were actually quite supportive.\footnote{Interview in Turkey on November 8, 2014, with OutRight.}

Mary, a 33-year-old lesbian from Tehran, also recalled having a good therapy experience with her psychiatrist. She told OutRight she believes the sessions had a positive impact on her self-recognition and allowed her to live a healthy and normal life:

After some research, I found the doctor’s office. I ended up paying for the therapy sessions with the money I received for the New Year as a gift. After a couple of sessions, he spotted my problem and even helped me find other lesbians to date. He was so helpful. [After a few months of seeing him, I finally made peace with myself and my sexual orientation and] decided that I wanted to sign up for college to study arts.\footnote{Interview in Turkey on November 9, 2014, with OutRight.}

Adler, a 23-year-old lesbian from Ahar, told us about another doctor in Tabriz who played a positive role in bringing peace and acceptance to her and her family:

The doctor asked me what was wrong with me. I was anxious. Our family had just moved to Tabriz. I told him I was homosexual and he can call the authorities to arrest and execute me. I was surprised when the doctor said he had no problem with homosexuality and would be happy to discuss the issue with my family, if I wanted to. I was doubtful and unsure. In the end I thought, why not. The doctor talked to my family over several sessions and gradually told them everything about my homosexuality. He sounded very knowledgeable about sexual orientation and did not think homosexuality was a sickness. Towards the end of the family counseling sessions he was actually using the word “homosexual” to discuss my situation with my parents. He had a very constructive approach to the issue. In response, my mother asked if I could help her learn more about homosexuality, but my father was less willing to whole-heartedly accept my sexual orientation.\footnote{Interview in Turkey on November 8, 2014, with OutRight.}
Abuses by Other Actors

Many lesbians we interviewed said that in addition to the challenges they faced from existing laws, government officials, and health care professionals, they endured other social pressures from private actors, ranging from exclusion in the workplace and school, to domestic violence and public harassment.

The combination of homophobic laws and anti-LGBTIQ attitudes by many law enforcement agents have made it extremely difficult, if not impossible, for Iranian lesbians who have been subjected to discrimination and abuse to seek justice. Additionally, discriminatory laws and practices against those perceived to be homosexual, and the constant government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against gays and lesbians, who are portrayed as criminals and sick because of their sexual orientation.\footnote{“Brutal Land Where Homosexuality Is Punishable by Death,” Penketh, A., The Independent, March 8, 2008, available at: http://www.independent.co.uk/news/world/middle-east/brutal-land-where-homosexuality-is-punishable-by-death-792057.html [accessed September 23, 2015].}

One of the most serious problems lesbians face in Iran, which can lead to further abuse and violence, is their forced or arranged marriage with men.

The harassment and abuse experienced by lesbians at the hands of other societal actors often starts at a young age and continues throughout their lives. Many lesbians, especially those who had limited or no contact with “the law,” said it was more devastating, and pervasive, than abuses
perpetrated by the government. In its research, however, OutRight found that the effects of discrimination and abuse by private actors often exist, or are exacerbated, due to the criminalization of same-sex conduct and the inability of the state to prevent, or provide effective redress and remedy, to victims who suffer such abuse.

Article 9 of the ICCPR, to which Iran is a signatory, affirms that, “Everyone has the right to liberty and security of person.” Article 3 of the UDHR has similar provision, stating that, “Everyone has the right to life, liberty and the security of person.” Such provisions obligates the state to take note of known threats to the lives of people within its jurisdiction, and to take reasonable and appropriate measures to protect them, including against acts of homophobic violence. The UN Human Rights Committee has declared, “The State party should ensure that all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity are thoroughly investigated.

The Role of Individual Agency in Vulnerability to Abuse

It is important to highlight that many of the families of the lesbians are aware of, and even encourage, the stories of abuse by police, authorities, medical professionals and members of society. This reflects the structures of family and society in their views of women and lesbians. Lesbians challenge gender norms to their core and the ripple effect impacts the whole family. With new discriminatory plans being considered by parliament that would order the preference for employment opportunities as men with children, men without children, and lastly women with children (the draft bill is called the “Comprehensive Population and Family Excellence Plan”), the institutional and legislative frameworks in Iran are firmly weighted toward women being recognized only as wives and mothers. Structures and frameworks that recognize only women who are married and mothers limit the ability of lesbian women (women who are single and childless) to access empowerment opportunities. Limiting the economic opportunities of women often further increases their reliance on their families, which may increase their vulnerability to forced marriage and abuse, or result in being rejected by families altogether, with little protection from the discriminatory and abusive actions of public or private actors.

88 Article 9, International Covenant on Civil and Political Rights, 1966.
89 Article 3, UDHR, 1948.
90 For a detailed discussion on positions taken by the UN human rights mechanisms regarding legal obligation of states with respect to protecting individuals against homophobic and transphobic violence, please see: “Born Free and Equal,” UN Human Rights, 2013, pp 12-20. The text of this document is available online at: http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes. pdf [accessed September 25, 2015].
91 Concluding observations of the Human Rights Committee on Poland (CCPR/C/POL/CO/6), at para. 8.
Family Pressures and Domestic Violence

A 2012 study by the University of Social Welfare and Rehabilitation in Iran shows that depending on geographic location, between 17.5 percent (in the town of Sabzevar in eastern Iran) and 93.6 percent (in Tonekabon in northern Iran) of Iranian women have been subjected to different forms of domestic violence, including verbal, sexual, and physical assaults. In 2008, the Iranian government established the Social Emergency Coordination Center, along with a 24/7 hotline to tackle “social challenges,” with a specialized unit dedicated to domestic violence. According to Majid Arajmandi, the head of the center, in 2013, 316 survivors of domestic violence contacted the center. Mr. Arajmandi admits the actual number of domestic violence incidents in the country is much higher.

Maryam recalled as she was trying to shield herself from her father and her paternal grandfather, she heard someone shouting, “Sir, is this your daughter? She deserves to die.”

Iran’s legal system facilitates, if not exacerbates, the impact of domestic violence, insofar as it restricts the ability of girls and women to exercise full agency and equal rights vis-à-vis men, and renders them vulnerable to abuse. Under Iranian law, men are viewed as the head of the household, and the government should not interfere with the private sphere of the family. Under Iran's civil code, a wife must generally submit to the will of her husband (tamkeen), which includes her being sexually available to her husband whenever he desires. These laws empower fathers, husbands, and brothers to exert undue control over the lives of girls and women. Resistance by women to these power dynamics may be met by abuse and violence, which can be perpetuated with impunity. Often, women are unable to escape these dire conditions, as many are economically dependent on their husbands or other male guardians.


95 For more information about the Center, please see the official website (in Persian) http://123.behzisti.ir/ [accessed October 26, 2015].


97 For example, see an overview of the husband’s rights versus the wife’s rights over their children in the Iranian legal system, please see “Critique of Husband’s Guardianship of Children,” available at: http://pajuhesh.irc.ir/product/book/show/id/441/indexId/92421 [accessed January 19, 2016].


Traditionally, Iranian society regards problems and violence within families as a private, internal matter. Safeguarding or restoring familial honor and washing away the shame are seen as both social obligations and the right of the offended group. In fact, honor of the family, and fearing the “loss of honor,” are common reasons why lesbians and gays often fail to come out to their families and build healthy relationships. Their silence sometimes contributes to an increase in tension, which may, in turn, increase incidents of domestic violence. The emphasis on family honor is also reflected in Iran’s laws. For example, the IPC removes the death penalty for a murderer if he is the father (or paternal grandfather) of the victim, or if a husband catches his wife committing adultery. The penal code also explicitly acknowledges that “protecting honor” may be a legitimate factor in absolving someone of criminal responsibility.

“My husband always complained about me to my family and they knew about my lack of desire to be intimate with him. My brother told him that if I refused sex, he should beat me.”

Several Iranian lesbians we spoke to told us that parental domestic violence was a frequent occurrence in their lives. The violence usually resulted when parents accidentally discovered the sexual orientation of their daughter. This act was committed in a series of defensive measures.

Given the myriad challenges faced by lesbians and other members of the LGBTIQ community, the family is often their first line of defense against outside pressures. In their pursuit of support and protection, many lesbians turn to their family members. Yet many lesbians we interviewed told OutRight that their families prioritize familial honor, rather than the physical and mental health of their children. Such a mindset subjects the lesbians to additional control by their family and loss of their independence. The cycle of violence often continues, in part, because many women feel they cannot report their domestic abuse to the police, either because of deeply ingrained traditional beliefs or fear. At least some of the lesbian women whom we spoke to about domestic violence believed their experiences were an unpleasant, but unavoidable, part of their relationship with their families.


101 Ibid.

102 Article 301 of IPC: “Qisas [proportional act of vengeance] is applicable only if the perpetrator is not the father, or a paternal grandfather, of the victim, and if the perpetrator is of sound mind, and follows the same religion as the victim.”

103 Article 302(e) of the IPC.

104 Article 156 of IPC: The person shall not face any punishment for committing an act that is legally considered to be a crime, if the person was defending his/her, or a third parties’, life, honor, moral character, belonging or physical freedom, against any verifiable or imminent threat or act of aggression, provided that [the

often led to panic, anger, and sometimes verbal and physical abuse.

**Sara**, a 22-year-old from the northwestern city of Tabriz, told OutRight,

> My father banned me from hanging out with my girlfriend. I even tried to kill myself by swallowing 80 pills. My romantic desires for women turned into a nightmare for me. I fell into depression and started wondering why this was happening to me, and why I loved a girl. I'd heard about sex change, and even thought about it, but I really didn't know anything about sexual orientation and gender identity.¹⁰⁶

**Bahareh**, a 23-year-old from Ahar, spoke with us about the violence she and her partner endured at the hands of her family:

> My family beat up my girlfriend, who was visiting us, and gave her a bloody nose. Then they called the police and filed a complaint against her. My family told my girlfriend’s neighbors that she is a faggot who had seduced their daughter. My uncle even threatened to throw acid on my girlfriend’s face. These abuses continued to the point where I took a bunch of pills to kill myself and ended up in the hospital.¹⁰⁷

Based on OutRight’s interviews, domestic violence is not limited to young lesbians and their strained relationships with their parents or siblings; it is also common in forced or arranged marriages between lesbians and their heterosexual partners.

**Anna**, a 32-year-old lesbian from Ahar, told us about her forced marriage:

> I finally married him. Fortunately, I became pregnant very early on and used the pregnancy as an excuse not to be intimate with him. He would verbally abuse me and hit me. I was constantly being abused. I used to run my own beauty salon. Every time I came home from work he used to sarcastically ask if I was on a date with my boyfriend! He thought I was cheating on him and it was driving him crazy. He wanted sex and forced me to do it. Once for a whole night from midnight to 3 am he was begging for sex. Finally, when he understood that he couldn’t force me, he made me kiss his feet to humiliate me.¹⁰⁸

Despite knowing that their daughter was in an abusive relationship, Anna’s parents still encouraged her to stay. Anna continued,

> I had just given birth to my child and used to spend time with my mother. [My husband] called me and asked me to go back home immediately. He kicked me on my back and I fell down the stairs. He told me that he wouldn’t allow me to see my parents anymore. I went to my mother’s house and then told my husband that I wanted a divorce. He said that his father had told him they could not accept such dishonor and threatened to cut my head off. I tried to run away, but he grabbed me from behind and dragged me home in front of everybody on the street. I was so distressed and disappointed to hear that even my own brother was defending...
him. He said if you have been cheating on him, admit it to him and go back home. “Your husband wants to live with you,” he said. Even my father gave me the same advice. No one cared that I couldn’t live with that man.\textsuperscript{109}

Acts of domestic abuse and violence against lesbians have devastating long-term impacts, including depriving them of living a normal life later in adulthood. Growing up in such a hostile environment provides little chance for lesbians to explore their identity and discover their sexuality.

\textbf{Maryam}, a 30-year-old lesbian from Rasht, told OutRight that she was raped by her older brother, her brother-in-law, and later by her nephew when she was a minor. She said her father and mother also subjected her to constant beating. In order to get out of that environment, she turned to “survival sex” when she was only 17 years old, and sometimes had to have sex with married men in exchange for a meal. Through her sex work, Maryam gradually discovered her desire for intimacy with women and finally identified herself as a lesbian:

I didn’t ask for money in exchange for sex with women. It was something that allowed me to get away from my house and the endless beatings of my brother. Given the constant fight in the house, I was willing to do anything to get out. In my first sexual experience with a woman I did not even feel pleasure, since all my prior relations were full of pain and abuse. I could not even fathom other forms of sexual relation.\textsuperscript{110}

\begin{flushright}
\textsuperscript{109}\textsuperscript{109} Interview in Turkey on November 9, 2014, with OutRight. \\
\textsuperscript{110}\textsuperscript{110} Skype interview on November 12, 2014, with OutRight.
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\section*{Forced Marriages and Marital Rape}

One of the most serious problems lesbians face in Iran, which can lead to further abuse and violence, is their forced or arranged marriage with men. Under Iranian law, girls, sometimes as young as nine,\textsuperscript{111} can legally marry.\textsuperscript{112} Statistics show that between the years of 2006 and 2013, the number of girls under the age of 15 being forced to marry rose.\textsuperscript{113} Around 48,580 girls between the age of 10 and 14 in 2011 were married; 2012 statistics show that at least 1,537 girls under the age of 10 were married.\textsuperscript{114} These girls generally never find a chance to discover their sexual orientation and decide their sexual and romantic preferences in life.

Not all of the lesbians interviewed by OutRight for this report were subjected to forced marriages by their families, but nearly all expressed that the combination of pressures exerted over them by their families and others often made them feel as if there was no choice.

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\textsuperscript{111} According to Article 1041 of the Civil Code, as amended on July 31, 2006, the legal age of marriage in Iran is set at 13 for girls and 15 for boys. However, under the Civil Code, girls as young as nine years old can also get married if their parents consent and a court rules that it is in the interest of the child. \\
\textsuperscript{112} According to Iran’s 2011 national census, 11,289 married girls were reported to have had at least one child before they reached 15 years of age. For more information see: “Rights of the Child in Iran: Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran,” available at: https://www.outrightinternational.org/sites/default/files/CRC71_Iran_JointSubmission_FINAL2.pdf [accessed October 26, 2015]. \\
\textsuperscript{113} Ibid. \\
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but to go down the path of heteronormative marriage. Those who went through with the marriage often found themselves alone, vulnerable, hopeless, and at the mercy of their husbands' whims. Some are survivors of rape, sexual assault and other forms of violence.

Soraya, a 42-year-old woman from the southern city of Shiraz, was subjected to systematic domestic violence because of a forced marriage. She told OutRight,

My first cousin asked for [my hand in marriage] ... [He] was nine years older than me... Everything was already decided for me. I had no choice, but to accept to marry him. My family made me feel that I was a burden to them and had to leave their house...But I didn't want him. I said no. I told my family I'd work on my own and make money to pay for my living expenses, but they didn't want to hear that. My brother beat me so much until I said 'yes.' My family prepared everything for the wedding in a week. The night we got married, he forced me to have sex with him. Ever since then he resorts to beating me to get what he wants from my body. Now I have two sons, 20 and 21 years old. My husband always complained about me to my family and they knew about my lack of desire to be intimate with him. My brother told him that if I refused sex, he should beat me.115

Maryam A., from Tehran, told us a similar story. She was forced to marry her cousin at the age of 14. He was 22 years Maryam's senior. When her husband discovered that Maryam did not want to have a sexual relationship with him, his behavior became increasingly abusive, both emotionally and physically. He forced Maryam to visit a doctor to treat her “sexual frigidity,” but the medications she was prescribed caused her mental distress. After years of an unhappy marriage and continuous bouts of emotional, physical, and sexual assault, he finally agreed to divorce her.116

Iran is a signatory to various human rights instruments, which explicitly prohibit any form of sexual, mental, or physical abuse of individuals, and especially children. The Iranian government has obligations under international law to ensure women's rights to equality and non-discrimination, including freedom from domestic violence and abuse by their family members. Article 3 of the ICCPR emphasizes “the equal right of men and women to the enjoyment of all civil and political rights,” which includes women's right to free and full consent to marriage, as well as the right to equality and responsibilities during marriage and at its dissolution.117 Article 3 of the ICESCR includes similar provisions.118 Article 19 of the Convention on the Rights of the Child, which Iran ratified in 1994, requires states to

take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

115 Interview in Turkey on November 11, 2014, with OutRight.
116 Interview in Turkey on June 14, 2013, with OutRight.
including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.\textsuperscript{119}

In its January 2016 concluding observations on the combined third and fourth periodic reports on Iran, the UN Committee on the Rights of the Child highlighted the issue and urged the Iranian government
to repeal all legal provisions that authorize, condone or lead to child sexual abuse and ensure that perpetrators of child sexual abuse are brought to justice. The State party should also increase the legal age of consent to sexual relations to 16 years. It also urges the State party to increase the legal age of marriage to 18 years and criminalize marital rape. Furthermore, the Committee recommends that the State party develop programs and policies for the prevention, recovery and social reintegration of child victims, including child brides.\textsuperscript{120}

\section*{School Bullying}

Since the 1979 Revolution in Iran, gender segregation has been strictly enforced in all primary and secondary schools, but not in universities. The aim of this segregation is to ostensibly remove the so-called “moral corruption” that surrounds the mixing of sexes, as well as enabling students to focus solely on their studies.\textsuperscript{121} In recent years, the hardliners in Iran have tried to expand the gender segregation in schools, announcing a new initiative to publish gender-specific textbooks for school children.\textsuperscript{122} The Ministry of Science, which is responsible for all higher education in universities, has also adopted policies to Islamicize universities and segregate certain classrooms and public spaces in recent years.\textsuperscript{123} Such policies have resulted in women being denied equal access to higher education institutions.\textsuperscript{124}

Despite the reportedly widespread occurrence of bullying in Iran’s schools, very few resources are available to address this phenomenon and protect potential victims. A study conducted in 2014 found that 38.5 per cent of 834 Iranian students sampled experienced different forms of bullying, ranging from mild to more severe incidents. Bullying often occurs between classmates, with bullying usually being done by one to three students. This can occur in the classroom, on the playground, or even as students are walking to and from school.\textsuperscript{125} Bullying of lesbians and other members of the LGBTIQ community in schools is exacerbated by

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\textsuperscript{120} Concluding observation on the combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/CO/3-4), at para 58.
\textsuperscript{121} For a full history of gender segregation in Iran, see “Women and Politics in the Islamic Republic of Iran: Action and Reaction,” Vakil, S., available at: https://books.google.com/books?id=W3m-cBtrQ4C&pg=PA109&dq=gender+segregation+in+iranhl=en&sa=X&ved=0CCwQ6A-EwAWoVChMbhNT----------._JWylAIvH7Q-Ch3v7gW6#v=onepage&q=gender%20segregation%20in%20school%20in%20iran&f=false [accessed October 22, 2015].
\textsuperscript{122} “Iran To Extend Gender Segregation To School Textbooks,” http://www.rferl.org/content/iran_gender_segregation_school_textbooks/24455032.html [accessed October 22, 2015].
\end{flushright}
the stigma surrounding discussions about sexual orientation, harassment and other relevant topics. The stigma, in turn, results in a lack of awareness among school staff and officials regarding how to address issues related to sexual orientation, gender-non-conformist behavior, and bullying. It is no surprise, therefore, that gay and lesbian students often do not see school as a safe environment. As part of our research, OutRight tried to reach out to the Iranian Ministry of Education to discuss the problem, but they did not respond to our request.  

The story of Azadeh, a young lesbian in her 20’s, provides a typical example of the bullying and sexual harassment experienced by lesbians at the hands of their classmates. Azadeh told OutRight that she spent much of her adolescence experiencing school fights, violence, threats and sexual harassment. In middle school, some of her classmates took her to the bathroom and sexually abused her. She told OutRight,

> There were two horrific and scary girls whose classes were on the third floor. They used to make my life miserable. They were both gigantic and whenever they found me alone, they tried to molest me. One would hold me down while the other one would touch me. The yard behind the school was empty and not many students would go there. They used to take me there and would lift up my shirt and touch my breasts. Or pull down my pants and touch my genitals. They touched my genitals twice in that bloody bathroom. I still have nightmares about it. I never even thought about reporting them to the principal because I knew that if I talked about this to anyone it would cause me more trouble.  

Roya, a 23-year-old lesbian from the southeastern city of Zahedan, experienced persistent sexual harassment during her university studies. She told OutRight,

> I used to receive messages from my classmates at the university on Facebook, calling me a “dyke,” or “intersex.” The only thing I could do was block them from my social media sites. I used to post unveiled pictures of myself on Facebook and I was afraid that the university internal intelligence and monitoring unit would find out about those pictures and zoom in on me only to discover that I was a lesbian. One evening I sat down and blocked everyone I knew [on my Facebook account]. Since then my only friends on Facebook are those that I fully trust.

In response to documented cases of school bullying and abuse targeted at LGBTIQ individuals, in January 2016, the UN Committee on the Rights of the Child recommended that the Iranian authorities “Prohibit, prevent and punish harassment, bullying and expulsion of children who belong to LGBTI groups from schools.”

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126 On February 25, 2015, OutRight sent an email inquiry in this regard to the Ministry of Education’s Office of Health and Athletics, but we never received a response.

127 Skype interview on December 13, 2014, with OutRight.

128 Harasat is a feared intelligence and monitoring unit in all universities and government agencies, responsible for monitoring the behavior of the students and staff, and ensure compliance with religious and security rules.

129 CRC/C/IRN/CO/3-4, Item 78 (d).
Blackmail and Limiting Access to Justice

Bullying and extortion of lesbians and gay youth is a widespread phenomenon, and is especially common at schools or other public places, like sports clubs, parks, and summer camps. This abuse can sometimes be accompanied by sexual harassment and sexual assault, including rape. Yet lesbians who face and experience these dangers often feel abandoned and incapable of seeking protection from the police or court system.

Laleh, a 25-year-old lesbian from the northern city of Rasht, suffered sexual violence, threats and assaults by a man for nine years. Laleh told us that the man began blackmailing her as soon as he discovered her sexual orientation when she was only 16 years of age. He knew Laleh would feel she had no choice other than to submit to his sexual demands and do what he asked of her. She told OutRight that later, when she went to university, she continued to submit to his demands because she was constantly under pressure from school officials because of her activism at the university as a student rights defender, journalist, and gay rights advocate. She said she lived in constant fear that the man would out her at any time and expose her, and her loved ones, to greater security risks.\(^{130}\)

Laleh says over the years the man repeatedly raped her and tried to coerce her into marrying him. Laleh eventually ran away and left Iran instead of marrying her torturer and rapist, but the man followed her to Turkey and un-sucessfully tried to forcibly return her to Iran. Thirty-one-year-old Sara, from the southern city of Shiraz, told OutRight she had a horrible online dating experience. The woman she thought she was dating turned out to be a man who used pictures and videos Sara sent him to coerce her into performing cybersex. The man forced Sara to go naked and pose in front of a webcam, and then used those naked pictures and videos to further blackmail Sara. She says she has never seen this person and would not be able to recognize his identity.\(^{131}\)

Despite these acts of blackmail and sexual harassment, many lesbians we talked to do not dare to report the incidents to the police, mainly out of fear that the police might find out about their sexual orientation and use it against them. Azadeh is one of the survivors of abuse, who has shared her experience with us:

I am still at risk of being raped, because of the way I dress up. I go out in masculine outfits and people see me as a “beautiful guy.” Even though I am subject to constant harassment, I don’t dare go to the police to report the cases.\(^{132}\)

\(^{130}\) Interview in Turkey on November 9, 2014, with OutRight.

\(^{131}\) Interview in Turkey on November 9, 2014, with OutRight.

\(^{132}\) Skype interview on December 13, 2014, with OutRight.
Freedom of Expression, Association, and Assembly

As a State party to the ICCPR, Iran has legal obligations to guarantee the rights to freedom of expression (including information), assembly, and association, and to ensure the enjoyment of those rights without discrimination on the basis of sex, sexual orientation, and gender identity.

The ICCPR also affirms the right to be free to lead an intimate life peacefully (Article 17, the right to privacy), and the right to freely express oneself, including one’s sexual orientation and gender identity, through clothes or comportment (Article 19). Freedom of expression also covers the right to hold opinions without interference, and to receive and impart information and ideas through any media regardless of frontiers. According to the Constitution of Iran, the right to freedom of expression, either through publications in the press, or the dissemination of thoughts on the radio or television, is restricted, as such expression must keep in line with the Islamic way of thought and the best interests of the country.

...Iranian authorities not only deprive lesbians and their families of their right to access information, but they prevent the society at large from gaining a better understanding of issues related to, and affecting, the LGBTIQ community.

133 Article 19, Universal Declaration of Human Rights, 1948.
134 Article 24, the Constitution of the Islamic Republic of Iran, as amended on July 28, 1989.
Ban on Public Discussion of Sexual Orientation

Explicit criminalization of same-sex relationships has paved the way for the authorities, including Iran’s judiciary, to prosecute or restrict the activities of individuals perceived to be promoting same-sex conduct or non-heteronormative values under the guise of prohibiting “moral corruption,” “indecency,” or other haram acts.

Under the IPC, the crime of efsad-e fel arz, or “sowing corruption on earth,” may be punishable by death. Legislators have greatly expanded the definition of this crime—which was previously largely limited to prosecuting individuals alleged to be involved in armed resistance or terrorism against the state—to include an even broader set of ill-defined activities, such as “publish[ing] lies,” “operat[ing] or manag[ing] centers of corruption or prostitution,” or “damag[ing] the economy of the country” if these actions are deemed to “seriously disturb the public order and security of the nation.” In some cases, a person convicted of such corruption will receive a prison sentence. While OutRight is not aware of any cases in which prosecutors have brought efsad-e fel arz charges against defendants accused of promoting LGBTIQ materials or values, the vaguely-worded nature of this provision could be applied in this manner.

According to Article 639 of Book 5 of the IPC, anyone encouraging others to commit acts of moral indecency and vice, or provide them with the opportunity to commit such acts, may be sentenced to between one and ten years of imprisonment. This provision, which fails to define “acts of moral indecency and vice,” provides legal justification to the authorities to ban any type of social outreach by gay and lesbian activists, including support groups or campaigns to raise awareness about the plight of lesbians and other members of the LGBTIQ community.

Authorities may also rely on other laws that criminalize or restrict the publication or dissemination of material perceived to promote LGBTIQ activities or values. Article 9 of the Iranian Press Law, for example, stipulates that a publisher may only be granted a publication license if they are deemed to be “free of moral corruption,” while Article 6(2) actually prohibits the publication of “obscene” or “indecent” material. Similarly, Article 15(B) of the Iranian Cyber Crime Law imposes 91 days to one year imprisonment and/or a fine of between $1,600 and $6,700 (USD) for those who use online and digital communications—including social media, blogs, and websites—for inviting the public to “participate in crimes against chastity […] or acts of sexual perversion.” Furthermore, the Iranian government has issued “The List of Examples of Criminal Content.” This widely-circulated document that is used by the police and the Ministry of Telecommunications explicitly specifies that “Stimulation, encouragement, persuasion, threats or invitation

135 Islamic Penal Code, art. 286.
136 Islamic Penal Code, art. 286, note.
137 Article 639- “The following individuals shall be sentenced to between one year to 10 years’ imprisonment and in respect to paragraph (A), in addition to the legal punishment provided, the relevant place shall be closed temporarily at the discretion of the court. A) Anyone who establishes or runs a place of moral indecency or vice. B) Anyone facilitates or encourages people to immorality or vice.”
138 Article 9, Qanun-e Matbu’at [Press Law] 1364 [ratified 1986, amended 2000]; art. 6(2).
139 The full text of the law can be found on the official website of the Iranian Cyber Police: http://www.cyberpolice.ir/page/2431.
to immoral acts, prostitution, crimes against chastity or sexual perversion” are considered to be criminal content (Article A(2)). Existing regulations also considers the redistribution and re-publication of any content that “violates public decency” a crime (Article A(3)).

In September 2011, the Deputy Minister of Culture and Islamic Guidance, a government agency in charge of issuing licenses to publishers, among other activities, confirmed that books that discuss the sexual orientation of famous Iranian cultural figures and icons would be banned. Similarly, law enforcement agents have waged a campaign to increase “public safety” through a crackdown on any merchandised item that represents “cultural decay,” including “homosexual symbols.” By banning the publication of materials perceived to promote immoral or indecent conduct or values, Iranian authorities not only deprive lesbians and their families of their right to access information, but they prevent the society at large from gaining a better understanding of issues relating to, and affecting, the LGBTIQ community.

It is important to note that the amendments to the IPC in 2013 introduced new provisions that, if properly implemented, could protect the privacy of individuals suspected of engaging in consensual same-sex relations, including lesbians. According to Article 241 of IPC,

In the absence of admissible legal evidence regarding the commission of offense against chastity, and if the accused denies any wrongdoing, any form of investigation and interrogation conducted with the intent to uncover secret affairs hidden from public knowledge are forbidden.

The wording of this provisions would seem to suggest that authorities are prohibited from conducting “fishing expeditions” into the private lives of lesbians and other members of the LGBTIQ community, even if they suspect they have engaged in same-sex conduct. OutRight’s research shows, however, that this provision is often ignored by the police and members of the judiciary. Several lesbians who talked to OutRight told us that the authorities had questioned and interrogated them about their personal and private relations simply because of suspicions about their perceived sexual orientation.

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140 The full text of The List of Examples of Criminal Content can be found on the official website of Iran’s Cyber Police: http://www.cyberpolice.ir/page/2551.


Restrictions on Protesting against Discriminatory Laws

The women's movement has protested against these discriminatory laws. This has included a campaign for One Million Signatures for the Repeal of Discriminatory Laws. The government has responded to this and other peaceful activism with systematic oppression, which has included imprisonment of activists and corporal punishment. Such a strong-armed response to the movement for women's rights leaves little room for campaigning for the rights of lesbians.

Lack of Comprehensive Sex Education

In Iran, sex education remains a neglected field, and students' knowledge on sexuality is often based on their own experiences and often-unreliable information sources. The Ministry of Education textbook, which is required for all school children between eight and nine years old, contains three chapters on marriage. Page 211 of the textbook explicitly states that marriage between one man and one woman is the only acceptable relationship, and is the sole means by which individuals can (a) fulfill their sexual needs, (b) achieve spiritual peace (through bonding with one's spouse), and (c) raise children. Page 221 warns children to stay away from sexual relationships outside of marriage, as any such activity will lead to “sinful pleasure, which gradually results in mental depression and spiritual decay.”

Pages 153–168 of the textbook encourage students to take action to prevent “vice” and sets out a three-point strategic plan. First, students are told to disengage with individuals who they believe are engaging in “sin.” Second, they are encouraged to confront the “sinner” and demand that the individual stop what they are doing. Finally, if the students deem fit, they are instructed to use force as long as it has been permitted by the religiously-accredited Islamic ruler.

The tone and content of this textbook are extremely troubling and significantly heighten the risk of violence for LGBTIQ youth in Iran. Students are already educated in an extremely homophobic environment where diverse sexual orientations and gender identities are singled out as examples of “sin” and “moral decay.”


148 For children aged between six and seven years, the Ministry of Education requires a different religious textbook which introduces the idea of “public monitoring,” defined as the responsibility of all members of society to prevent others from engaging in sinful acts. Previously available at: http://www.roshd.ir/ebook/Motevaseteh/Dovom-e-Dabirestan/Din-o-Zendegi%20-%20C222.pdf (link no longer active) [accessed March 30, 2012].
Outside of the classroom, national leaders and the mainstream media present homosexuality as a threat to society, and citizens are told to be committed to eradicating this threat. This pervasive culture of homophobia, particularly within the school setting, means that even without this textbook, Iranian students are vulnerable to stigmatization, discrimination, and violence. The effect of this textbook, however, is to actively encourage school children, from a young age, to use force against LGBTIQ individuals.\textsuperscript{149}

Due to the lack of comprehensive sex education in schools and society, and with virtually no access to scientific resources, many of the lesbians OutRight talked to said that it took them a long time to understand their sexual orientation.

**Clothing**

As was mentioned before, Iran's mandatory hijab (Islamic dress for women) requires all women, regardless of religious beliefs, to cover their hair and dress in loose-fitting outfits that do not reveal certain parts of the body. Such a strictly enforced dress code limits women's freedom of expression through their choice of outfit.\textsuperscript{150} Iranian law also prohibits women from dressing as men. The same is applicable for men; any man that cross-dresses will face criminal charges and can be subject to arrest and detention.\textsuperscript{151} Under the IPC, anyone found in violation of Islamic dress code can face up to two months in prison or even lashing, simply for expressing themselves through their attire.\textsuperscript{152}

There are proposals to introduce a plan on the protection of promoters of virtue and preventers of vice, which may allow individuals to target women who are dressed in a manner deemed unconventional.\textsuperscript{153} This could have a significant impact on the vulnerability of lesbians who are not adopting the hijab.

The significance placed on modest dressing for women was highlighted in the recent crackdown on the fashion industry, led by the Revolutionary

\textsuperscript{149} For more information, please see: “Submission to the Committee on Economic, Social, and Cultural Rights on the Examination of the Second Periodic Report of the Islamic Republic of Iran,” available at https://www.outrightinternational.org/sites/default/files/578-1.pdf [accessed October 20, 2015].

\textsuperscript{150} The Special Rapporteur on freedom of religion or belief has specifically addressed mandatory dress code for women in Iran, arguing that, “In the socio-cultural field, the Special Rapporteur recommends freedom of dress on the understanding that this should obviously not be exercised in a manner contrary to its purposes.” For more information, please see E/CN.4/1996/95/Add.2, para. 97 (country visit to the Islamic Republic of Iran), available at: http://www.ohchr.org/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf [accessed October 26, 2015].


Guard, and resulting in several models being charged who had been posting pictures of themselves online without the hijab.\(^{154}\)

For many lesbians, their choice of outfit is not only an expression of their sexual orientation and their identity as lesbians. In many cases it is also an important part of their coming out process; as lesbians living in a restrictive environment, they are often deprived of using other means to explore their sexuality and social identity.

**Nikita** from Tehran, who did not disclose her age to us, is one of many lesbians who has, in her own ways, resisted abiding by the mandatory dress code. Yet, as she told OutRight,

I was always teased and insulted because of my clothing on the streets. The police also subjected me to intimidation. Police officers feel entitled to publically insult, reprimand or warn you for your choice of clothing. The pressure exhausted and depressed me, and I felt hopeless. My family, too, forced me to regularly pray and join them in Quran reading sessions. [They wanted me] to change my behavior and my outfits.\(^{155}\)

**Azadeh**, from Northern Iran, told us that she was regularly harassed because of her “boyish” and masculine look:

I dress in a masculine way. This form of dress speaks to my identity and is very important to me. But people just see a “cute boy” in me and give me a hard time. When I get harassed, I can't go to the police. Sometimes [the harassment] comes from the police. [I've been] arrested because of my appearance. Once I was taken with a group of men to the police station and the police wanted to do a body search on me without a search warrant. I refused, and argued, and ended up in a fist fight with them.\(^{156}\)

**Elnaz**, a 23-year-old lesbian from Shiraz, told us about her troubles at university because of the way she dressed:

I was accepted in Shiraz University to study tourism management... [but because of pressures] I couldn't finish my studies. The university administration constantly gave me a hard time for the way I dressed. My appearance, and intimate friendships with other girls, made them suspect that I was a lesbian. They wanted to force me to change my behavior and kept questioning and threatening me because I held hands with other girls on campus.\(^{157}\)

### Internet and Activism

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated, in 2011, that Article 19 of the ICCPR was drafted to “include and to accommodate future technological developments through which individuals can exercise their right to freedom of expression.”\(^{158}\) Indeed, the Internet plays an increasingly

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155 Emailed biography received by OutRight on June 25, 2014.

156 Skype interview on December 13, 2014, with OutRight.

157 Interview in Turkey on November 11, 2014, with OutRight.

important role in allowing individuals to exercise their right to seek, impart, and receive information,\(^{159}\) and holds enormous potential for increasing awareness about issues of sexuality, sexual orientation, and gender identity in Iran. Where families and schools fail to perform their key role in education and awareness-raising on these issues, the Internet can fill a critical gap and provide members of the LGBTIQ community, and society at large, with free access to information.\(^{160}\)

However, the great surge in Internet usage in Iran has also been accompanied by government censorship. As the speed, anonymity, and worldwide reach of the Internet have increased, so have the restrictions imposed on its use by the Iranian government. The Iranian government has relied on a combination of strategies and technologies to restrict access to information on the Internet, including filtering, blocking, and other technical measures to prevent access to certain content.\(^{161}\) The Iranian government has also increasingly relied on the use of vague and overly broad provisions of the IPC, Press Law, and Cybercrimes Laws, to prosecute individuals for “corrupt,” “immoral,” and “indecent” online speech, and punish them with heavy prison sentences.\(^{162}\) Such restrictions have a “chilling effect” on the right to freedom of expression and opinion.\(^{163}\) For example, on February 4, 2014, the Iranian cyber police confirmed the arrest of a person responsible for posting gay-related material online. The news reports indicated that the suspect was identified through online surveillance, and police used different techniques and methods to identify the Internet user who was responsible.\(^{164}\) On September 23, 2014, the Iranian authorities confirmed the arrest of a suspected gay man for setting up romantic dates on Facebook. The head of East Azerbaijan Cyberspace Police, Mohammad Ghasemlou, told media that the surveillance of the gay man started after the Cyber Police forces detected the Facebook profile of a man who had posted his mobile phone number online asking other men to call him to have “immoral relations.” According to the Iranian official, the Cyber Police force worked with the Judicial authorities to identify the suspect, using special detective techniques. During this operation, the owner of the mobile phone was arrested and his communication equipment was confiscated and was sent to the police for further investigations.\(^{165}\)

\(^{159}\) This right is guaranteed under Article 19, ICCPR.


\(^{164}\) “Perpetrators of Gay Content on the Internet,” Iranian Students’ News Agency, (February 4, 2014), available at: http://isna.ir/fa/news/9211510907/%D8%AF%D8%B3%D8%AA%D8%AF%DB%8C%D8%B1%D8%8C-%D8%B9%D8%A7%D9%85%D9%84-%D8%A7%D9%86%D8%AA%D8%B4%D8%A7%D8%B1-%D9%85%D8%B7%D8%A7%D9%84%D8%A8-%D9%87%D9%85%D8%AC%D9%86%D8%B3-%DA%AF%DB%8C%D8%A7%D8%8C%DA%AF%DB%8C [accessed September 14, 2015].

Many lesbians, like Azadeh, told OutRight how the Internet has been extremely important in discovering their identity:

My familiarity with English and access to the Internet helped a lot. In second year of middle school I bought my first computer. I discovered the word “lesbian” while I was searching for something else about girls. I discovered a website and read about it. By high school I was completely aware of my issues. When I thought about marriage, it was clear to me that I wanted to marry a woman.166

Roudabeh, 35, from Tehran, described to OutRight how excited she was when, in 2006, she accidentally found a Yahoo chat room for Iranian lesbians in Persian called My Sex: Iranian Lesbian. The first message she received was, “We are the group of Iranian lesbians,” she remembers.167 Then she was invited to a voice chat so that the group administrators could ensure that she was a woman. Engaging with this online group was a critical first step for Roudabeh’s ability to meet other women like her to share her thoughts and information with them collectively, and to feel that she was connected to a larger community, and not alone.168

Ana, 32, from Ahar, started her search on the Internet without knowing exactly what she was looking for. She explains the start of her journey:

During my high school years, I had absolutely no desire for boys and I had no way of explaining why I did not have a boyfriend or any sexual attraction to boys. It was so weird for me seeing other girls talking about their boyfriends... I finally fell in love with my best friend, who was a girl. But given the oppressive environment I felt unable to express my true feelings for her. So I started to search for ways to describe my feeling on the Internet, even though I did not know what words to search for! What should I type: “Girls who like girls??”169

Thirty-year-old Sareh, from Mashad, describes her process of self-recognition and discovery this way:

I realized this was love and not a simple friendship. My life was a complete mess. So I searched on the Internet and ran into someone [online] who told me I was normal; this is how I was born and my emotional attachment to another women is not destructive or dangerous. This conversation was a turning point in my life. [After that], it took me another year to find my true self.170

Sara, a 22-year-old from Tabriz, told OutRight that she owes her self-discovery as a lesbian to a Satellite TV program broadcast from outside Iran in which a lesbian rapper, called Sayeh Sky, was introduced:

Sayeh Sky’s video clip, called Awakening,171 made me realize I am a lesbian. I was 18 and at that moment, I finally saw my true self. I understood what and who I was. I

166 Skype interview on November 13, 2014, with OutRight.
167 Interview in Turkey on November 11, 2014, with OutRight.
168 Interview in Turkey on November 11, 2014, with OutRight.
169 Interview in Turkey on November 11, 2014, with OutRight.
170 Phone interview on December 29, 2014, with OutRight.
171 This video clip is available on YouTube at: https://www.youtube.com/watch?v=c9OL90v6sqE [accessed August 15, 2015].
was not sick... there were other women like me. I searched Sayeh Sky’s song on the Internet and found her “Hamjens-e-man” (my same-sex friend) website. Later I found other lesbians on Facebook. I finally discovered myself and found my way.¹⁷²

For some, access to information about issues related to homosexuality and the LGBTIQ community leads to activism. Human rights defenders risk their safety, and their lives, to monitor and challenge abuses, yet too often the authorities seek to intimidate them into passivity, silence their voices, and criminalize their activities. This can have dire consequences for the work that these defenders do.¹⁷³

Here, too, the Internet can provide an important vehicle for social and political participation and activism, especially in light of the government’s refusal to allow civil society groups to discuss issues related to sexual orientation, promotion of LGBTIQ rights, or documentation of abuses and discrimination against LGBTIQ people. Although there are risks, the Internet provides the possibility to exchange information with like-minded individuals, both inside and outside Iran, regarding issues of concern to the LGBTIQ community.

Another form of activism popular among several lesbians we spoke to was challenging religious interpretations that condemn homosexuality as an abomination and a sin.¹⁷⁴

Azadeh, a young woman in her 20’s from Northern Iran, does not see any contradiction between her religious beliefs and her sexual orientation:

Before I turned 15, I used to struggle a lot to interpret the Quran in a way that was more compatible with my situation [as a lesbian]. Ayatollah Sistani¹⁷⁵ has approved of homosexuality in Islam privately. I think we need new fatwas¹⁷⁶ for this issue.¹⁷⁷

Azadeh even dared to publically discuss homosexuality and defend it, from a religious perspective, in a conference held by Basij, the country’s religious and paramilitary organization. She told OutRight that she firmly believes that same-sex marriage is as valid as heterosexual marriage and verbalized this view in the conference. Azadeh said she personally follows Islamic marriage rituals for every relationship she has been in,¹⁷⁸ so that her lesbian marriage was religiously valid and her partner was considered to be her wife in accordance with Islamic rules. She told OutRight that she views performing the Islamic marriage ritual with her partner as a form of public awareness that can educate the public within a religiously acceptable framework that may ultimately result in the decriminalization of same-sex relations in Iran.¹⁷⁹

October 24, 2015.

172 Interview in Turkey on November 8, 2014, with OutRight.

175 Ayatollah Sistani is an influential Shiite religious leader based in Iraq.
176 Fatwa is a religious decree issued by Shiite high-ranking clerics to address specific questions or challenges.
177 Skype interview on December 13, 2014, with OutRight.
178 Based on Shiite Jurisprudence, in order for the marriage to be valid the two parties need to perform a religious ritual in which they declare their commitment to each other. In Shiite tradition, marriage can be permanent or temporary (in which the parties should declare the duration of the marriage in their ritual). Any intimate act outside marriage is considered to be a sin.
179 Skype interview on December 13, 2014, with OutRight.
Seeking Asylum

Most Iranian lesbians whom we spoke to were among those who were forced to leave Iran to seek asylum in a safer country.

They told OutRight that their decision to leave their families and loved ones behind was mainly the result of the draconian legislation and social pressures, not to mention the constant fear of persecution and discrimination they faced. They said they hoped to build a new life in a new country.

Since Iranian citizens can travel to Turkey without a visa, and those without a passport can find a way to be smuggled by land to Turkey, the country has become a popular destination for many Iranians seeking asylum abroad. Although Turkey is a signatory to the 1951 Refugee Convention, it maintains a geographical limitation to the convention, which requires it to only resettle refugees from Europe. As a result, all other refugees and asylum seekers, including those from Iran, must register with the UN Refugee Agency (UNHCR) so that the agency can process their application and, upon verification of their status, resettle them to a third country.

[Bahareh] tried to escape Iran three times. In her first attempt, she ended up paying a smuggler to help her get out of Iran. The smuggler stole all her cash, sexually assaulted her and sent her back to her family in Iran.

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182 For more information in this regard, please see: “Unsafe Haven: The Security Challenges Facing Lesbian, Gay, Bisexual and Transgender Asylum Seekers and Refugees in Turkey,” a joint publication of Helsinki Citizens’ Assembly–Turkey and ORAM–Organization
According to the UNHCR statistics, by the end of 2014, over 82,000 Iranians had sought refugee status in other countries. 8,200 of these Iranians were registered with the UNHCR office in Turkey as asylum seekers. Research by the group, Iranian Refugee Alliance, shows the number of Iranians that have applied for asylum worldwide each year has ranged between 68,000 (in 2007 and 2010) and 137,000 (in 2002). According to this research, from 1999 to 2013, the United Kingdom and Turkey have consistently received the highest numbers of Iranian asylum seekers. Unfortunately, the UNHCR statistics do not offer specific information regarding the number of Iranians who applied for asylum based on their sexual orientation or gender identity.

Iranian lesbians who flee their country because of the fear of persecution and abuse are among the individuals designated by UNHCR to be eligible for protection. However, the resettlement process through UNHCR in Turkey can take as long as three years. During this time, these young women have very limited rights under the Turkish law (including limited access to employment and universal health care), and have no financial means or resources to provide for themselves.

Bahareh, a 23-year-old lesbian from Ahar, is one of the Iranian lesbians who decided to leave Iran and register as a refugee in Turkey. She tried to escape Iran three times. In her first attempt, she ended up paying a smuggler to help her get out of Iran. The smuggler stole all her cash, sexually assaulted her, and sent her back to her family in Iran. Her partner continued waiting for her in Turkey.

In her second attempt to flee, Bahareh ran away from home and decided to temporarily stay with the family of one of her lesbian friends. She waited there for a while and searched for a reliable smuggler who could help her cross the border into Turkey. As she was trying to arrange her escape from Iran, however, her father managed to locate her and subsequently filed a complaint against her lesbian friend and her family. He accused them of stealing his laptop, which actually belonged to Bahareh. Bahareh told OutRight,

My friend’s father was crying and I was so embarrassed. My father finally agreed to drop the case, but the police kept my friend’s father in jail even after the complaint was withdrawn. On several occasions after this incident, I tried to commit suicide, but I couldn’t since I was under constant surveillance. Finally, I ran away for the third time. It felt like

188 For more information on Iranian refugees see: http:// www.irqr.net/new2015/.
189 Interview in Turkey on November 8, 2014, with OutRight.
a miracle…. Even though I managed to escape to Turkey, we are still afraid that my family will find us.\(^{190}\)

Iranian lesbians we spoke to said that during their mandatory waiting period in Turkey to be resettled in a safe and LGBTIQ-friendly society through UNHCR, they often struggled to fully embrace their sexual orientation and process the years of abuse and fear they had experienced back home.

**Adler**, a 23-year-old lesbian from Ahar, described this stage of her life:

> All I know is that I have been totally crushed by life. Now I’m working on myself, working hard to start anew. I think of myself as an eagle. When it feels like death is close by, it flies to the top of a mountain, rubs its claws on the stone, flaps its feathers and starts a new life. \(^{191}\)

In some cases, the women we spoke to were forced to leave the country because they were coerced into a heterosexual marriage, or were subjected to physical and emotional harassment and abuse. Although seeking asylum is an extremely long and stressful process, some lesbians see fleeing the country as the only possible way for them to start a new life free from abuse.

**Elnaz**, 23, from Shiraz, left the country along with her friend and partner, Parnia, under similar circumstances.

She told OutRight,

> I knew Parnia would one day leave the country... She was forced by her family to marry her cousin. The wedding was planned to take place in a few weeks. Just a week before our escape, Parnia’s cousin tried to rape her. He had told Parnia if she makes a fuss about it, things will get worse and he would push to have the wedding earlier. Parnia’s brother had also beaten her after seeing a romantic text messages I had sent her. While boarding the plane to leave Iran, my sister was sobbing. I can’t even describe the distress that I experienced during the flight. Parnia was worried sick that her mother may have a stroke if she found out we were gone.\(^{192}\)

The path of escaping the country is both physically and emotionally difficult and dangerous. Many lesbians who cannot exit the country legally are left with no option but to trust human smugglers, who may subject them to many hardships during the journey, and even sexually harass them.

Lesbians who do manage to escape from Iran and file for refugee status with UNHCR may face challenges unique to LGBTIQ refugees while they await their refugee status determination and resettlement. Some lesbian refugees have told us that their family members who live in Iran have threatened them. Others reported facing social discrimination, living with the fear of losing their jobs, or experiencing sexual or physical violence in Turkey, because of their sexual orientation.

\(^{190}\) Interview in Turkey on November 8, 2014, with OutRight.

\(^{191}\) Interview in Turkey on November 8, 2014, with OutRight.

\(^{192}\) Interview in Turkey on November 7, 2014, with OutRight.
Resilience

Despite discriminatory laws and widespread homophobia in Iran, there are many lesbians who do not see leaving Iran and seeking asylum elsewhere as an option.

For these lesbians, the only possible way forward is to stay strong and face head-on the difficult conditions imposed on them. The lesbians OutRight interviewed have told us that they try to resist the oppressive environment by defying familial, societal, and governmental pressures despite the risks involved. Some do what they can to challenge the system through activism, hoping for change in the right direction.

For lesbians living in Iran, having supportive and informed family members can provide a significant source of strength, inspiration and hope.

Elnaz, a 23-year-old from Shiraz, explained her experience:

I talked to my sister about my feelings for a girl. I was confused about what to do, and I was wondering if I had to visit a doctor. She talked about her own experience, and

Maryam, a 30-year-old lesbian from Rasht, told OutRight that she was raped by her older brother, her brother-in-law and later by her nephew when she was a minor. She said she was also subjected to constant beating by her father and mother. In order to get out of that environment, she turned to “survival sex” when she was only 17 years old, and sometimes had to have sex with married men in exchange for a meal.
I understood she was like me!
She’d already embraced her
sexual orientation and had many
lesbian friends, whom she intro-
duced me to. I realized we are
not alone.193

**Roya**, 22, from Zahedan, is a lesbian that has benefitted from what she describes as the increased public awareness of LGBTIQ issues. She came out to her friends, classmates, some university professors, and even some of her family members, including her mother. She told OutRight that she is now concentrating on preparing her father to accept her for who she is.

Roya is also working hard to change perspectives on homosexuality at her university, both among students and professors:

> My male classmates know about me and my sexual orientation is okay with them. At first, male students used to look at me in a weird way. They would even harass me. Those were hard days. I was trying to inform them, wishing they would understand...

Now they accept me and agree that people like me exist...I have not experi-
enced any legal problem by the univer-
sity officials so far. One of my professors
knows about my orientation and abso-
lutely embraces it. At first people think we are degenerates, but when they rec-
ognize we are hardworking and serious students at a prestigious university, their understanding, and the way they look at us, begins to change.194

OutRight’s interviews with some lesbians inside the country revealed that some are fully aware of their sexual orientation, social sensibilities, and other social and legal con-
straints, and are still able to build peaceful and productive lives in a dominantly heter-
onormative environment. These individuals have been successful in making small changes to their surroundings, or creating social and support networks of like-minded friends. Despite these successes, however, this hap-
piness and satisfaction remains relative. In confidence, many still hold out some hope of emigrating to another country in the future where they can fully enjoy their rights and live as equal members of society.

193 Interview in Turkey on November 11, 2014, with OutRight.
194 Skype interview on December 22, 2014, with OutRight.
Recommendations

The intersection of a patriarchal and homophobic society creates significant challenges for lesbians in Iran.

As women, they experience low levels of agency, empowerment, and freedom (both physically and economically). They are subject to the overriding control of their families and, in particular, their brothers and fathers, and in some cases, their husbands. Strictly traditional religious and societal gender norms mean many women are forced into early marriages with no sexual liberty. The enforced hijab further limits freedom of expression. For lesbians, the restrictions based on their womanhood also become restrictions based on their sexual orientation. Iranian lesbians have limited opportunity to live open lesbian lives with their partners, without facing exploitative and/or abusive behavior from public and private actors. Stigma and discrimination also limit their freedoms in relation to employment.

In order to improve the lives of lesbian women, the lives of women more broadly need to improve. In order to improve the lives of lesbian women, the lives of women more broadly need to improve. It is understood that there is a correlation between societal acceptance of gender equality and societal acceptance of homosexuality. This correlation lies in the roots of how society constructs gender norms and how these norms influence expectations on behavior. In a country such as Iran, where gender norms are so rigidly dictated by the religious doctrine enshrined in law, real change will take time. Greater external understanding, acceptance, and support of the difficulties for women and lesbians in Iran can be improved, and support for the asylum claims of Iranian lesbians can be strengthened.
Based on the findings of our research, we have identified a number of systematic problems faced by lesbians in Iran. In order to address these problems, we recommend the following changes to be implemented to improve lesbians' lives in Iran. Implementing many of these suggestions may not be possible without the Iranian government's collaboration, or at least their approval, given the tight control the authorities hold over educational organizations, medical and psychological bodies, workplaces, and public spaces. Yet, we hope experts and organizations involved in educational, medical, and legal sectors would be able to use reports such as this one and contribute to the improvement of lesbians' life conditions, by implementing some or all of these recommendations.

Many of the forthcoming recommendations about how to improve the human rights of lesbians would also positively impact other Iranians, especially women, gay men, and transgender people.

Lesbians’ fundamental human rights are far from acknowledged in Iran today. The following proposals constitute an ambitious and broad set of legal and policy recommendations that we believe are essential to ensure lesbians’ full dignity. If their human rights were acknowledged, all of the following recommendations to the Government of Iran and to the international community would be achievable.

In a country such as Iran, where gender norms are so rigidly dictated by the religious doctrine enshrined in law, real change will take time.

Greater external understanding, acceptance and support of the difficulties for women and lesbians in Iran can be influenced, however. And support to global advocacy that recognizes the asylum claims of Iranian lesbians can also be strengthened.
Recommendations for the Iranian Parliament

• Eliminate all legal barriers to full equality before the law for women.195

• Abolish all laws criminalizing homosexuality196 and any regulations banning public discussion about sexual orientation.

• Amend laws197 that require a mandatory dress code for men and women based on the state’s interpretation of Islam.

• Repeal laws that allow domestic violence.198

• Enact and implement laws to fully protect lesbians from domestic violence, sexual assault, harassment, bullying, and physical threats or violence, in order to empower them to seek protection and justice if they face any discrimination or abuse due to their sexual orientation.

• Amend the laws to consider 18 as the minimum age for both males and females to marry.

Recommendations for the Executive Branch of the Iranian Government

• Use state-controlled mass media, including the radio and TV, to provide public education programs on issues relating to sexuality and sexual orientation, so that society and families are able to better understand and accept homosexuality.

• Assign combating domestic violence as a national priority and develop public educational and outreach programs on this issue.

• Designate the State Welfare Organization of Iran as the official agency responsible for lesbian individuals who have been subjected to violence or disowned by their family because of their sexual orientation.

• Draft, pass, and implement laws prohibiting workplace discrimination based on sexual orientation and to promote a culture of tolerance.

195 Some of the discriminatory laws against women include (but not limited to): articles 199, 209, 367, 374, 550, 551, 560 of the Islamic Penal Code, and article 117 of The Civil Code.

196 Articles 233 - 241 of the Islamic Penal Code are the primary laws used to criminalize homosexuality.

197 For example, Article 638 of the Islamic Penal Code, which was discussed in footnote 26 of this report.

198 Currently, there are no laws that ban domestic violence. In some cases, the law allows for instances of domestic violence. For example, Article 1179 of the Penal Code, allows the use of violence by parents. Also under the Iranian law, marital rape is not considered a crime.
Recommendations for Iranian Medical and Psychological Institutions

• Educate medical and psychological experts on the unbiased science of sexuality and sexual orientation.

• Establish an official authority to investigate allegations of abuse or misdiagnosis of doctors, psychologists, and psychiatrists in treating lesbian patients.

• Develop accurate and easy-to-understand educational resources on sexual orientation, and make them available to the public, especially the patients and their families who visit medical facilities.

• Create a 24/7 hotline to offer professional and confidential advice to lesbian individuals in crisis who are struggling with their sexual orientation, or those who are under their family or societal pressure because of their homosexuality.

Recommendations for Educational Institutions, including Ministry of Education and Ministry of Higher Education

• Provide all high school students with unbiased educational materials on sexuality and sexual orientation as part of the school curriculum.

• Train principals and school faculties on how to deal with bullying, discrimination, and physical violence against lesbian students.

• Create grievance units at every school to make it possible for victims of bullying and abuse to file a private and confidential complaint about discriminations and physical violence.

• Educate students and their families to increase awareness and tolerance about different sexual orientations, and of ways to deal with violence and bullying within families or schools.

Recommendations for United Nations High Commissioner for Refugees (UNHCR)

• Consider Iranian lesbians registering as refugees at UNHCR as potential survivors of domestic violence and social discrimination, and expedite the processing of their cases.

• Allocate necessary resources to provide psychological counseling and financial support to Iranian lesbian refugees who are often deprived of any support from their family members.
Acknowledgements

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Thank you!
TAB 19
Iran hangs teenage student in first child offender execution of the year

03 Aug 2016, 05:45pm

Iran has one of the highest execution rates in the world

Student Hassan Afshar is first child offender executed in country this year

Concerns that ‘rape’ offence may in reality have been consensual gay sex

Amnesty International has revealed that a teenager has been executed in Iran after being convicted of the rape of another boy, the first confirmed execution of a child offender in Iran this year.
Amnesty, which has been carrying out extensive research into the situation of child offenders on death row in Iran, found that Hassan Afshar, 19, was hanged in Arak’s Prison in Markazi Province on 18 July, after being convicted of “lavat-e be onf” (forced male-to-male anal intercourse) in early 2015. The execution went ahead even though Iran’s Office of the Head of the Judiciary had promised his family that they’d review the case on 15 September. Iran’s Supreme Court initially overturned the sentence due to incomplete investigations but ultimately upheld it in March.

Last year Iran carried out at least four executions of those who’d been convicted of offences they were accused of committing while aged below 18. For the 160 child offenders who remain on death row in Iran, news of Afshar’s execution will come as a terrifying blow, said Amnesty. Just days after Afshar’s execution, the authorities also scheduled the execution of Alireza Tajiki, another child offender. His execution had been due to take place yesterday, but was postponed following public pressure.

Hassan Afshar was arrested in December 2014 after the authorities received a complaint accusing him and two other youths of forcing a teenage boy to have sexual intercourse with them. Afshar maintained that the sexual acts were consensual and that the complainant’s son had willingly engaged in same-sex sexual activities before.

In Iran, men and boys who engage in same-sex anal intercourse face different punishments under Iranian criminal law depending on whether they’re the “active” or “passive” partners and whether their conduct is characterised as consensual or non-consensual.

If deemed consensual the “passive” partner faces a death sentence. The “active” partner, however, is sentenced to death only if he is married or if he is not a Muslim and the “passive” partner is a Muslim. If the intercourse is deemed non-consensual, the “active” partner receives the death penalty but the “passive” partner is exempted from punishment and treated as a victim.

This legal framework risks creating a situation where a willing “passive” partner of anal intercourse may feel compelled, when targeted by the authorities, to characterise their consensual sexual activity as rape in order to avoid the death penalty.

While the authorities must always investigate allegations of rape and prosecute those responsible in fair trials, rape does not fall into the category of offences for which the death penalty can be imposed under international law. Furthermore, the criminalisation of same-sex sexual activity between consenting adults violates international human rights law.

Amnesty International’s Middle East and North Africa Deputy Director at Magdalena Mughrabi said:

“Iran has proved that its sickening enthusiasm for putting juveniles to death, in contravention of international law, knows no bounds.
“Hassan Afshar was a 17-year-old high school student when he was arrested. He had no access to a lawyer and the judiciary rushed through the investigation and prosecution, convicting and sentencing him to death within two months of his arrest as though they could not execute him quickly enough.”

Background

International law, including the Convention on the Rights of the Child to which Iran is a state party, absolutely prohibits the use of death penalty for crimes committed when the defendant was below 18 years of age. It also restricts the application of the death penalty to the “most serious crimes”, which refers to intentional killing. Amnesty opposes the death penalty unconditionally, for all cases and under any circumstances.

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TAB 20
Human Rights Report

Being Transgender in Iran
About OutRight

Every day around the world, LGBTIQ people’s human rights and dignity are abused in ways that shock the conscience. The stories of their struggles and their resilience are astounding, yet remain unknown—or willfully ignored—by those with the power to make change. OutRight Action International, founded in 1990 as the International Gay and Lesbian Human Rights Commission, works alongside LGBTIQ people in the Global South, with offices in six countries, to help identify community-focused solutions to promote policy for lasting change. We vigilantly monitor and document human rights abuses to spur action when they occur. We train partners to expose abuses and advocate for themselves. Headquartered in New York City, OutRight is the only global LGBTIQ-specific organization with a permanent presence at the United Nations in New York that advocates for human rights progress for LGBTIQ people.

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Human Rights Report

Being Transgender in Iran
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The following is a list of the most commonly used terms or institutions referred to in this report.

(Many of the definitions included here were borrowed or adapted from online materials produced by the National Center for Transgender Equality, GLAAD, the National Center for Lesbian Rights, and the University of Michigan’s Spectrum Center.) The definitions below are not comprehensive, and are included and organized to be most useful to understanding this report.

**Cisgender:** A term for people whose gender identity and/or gender expression aligns with the gender typically associated with the sex assigned to them at birth. For example, a baby assigned female at birth, and is raised to be a woman, who grows up to have a sense of herself as a woman, might be described or recognized as cisgender.

**Cross-Dresser:** While any person may wear clothes commonly associated with a gender other than the gender they typically express or identify with, the term “cross-dresser” is used to refer to individuals who occasionally wear clothes, or temporarily adopt grooming styles, makeup, and/or accessories culturally associated with another gender (e.g. men who occasionally dress as women). This activity is a form of gender expression and is not done for entertainment purposes. Cross-dressers do not wish to permanently change their sex or live full-time as another gender.
**Gender:**
The social construction of a person’s identity into notions of manhood, womanhood, both, or neither. Masculinity often refers to a set of behaviors conventionally attached to manhood, and femininity often refers to a set of behaviors conventionally attached to womanhood. However, in reality, men can be feminine and women can be masculine, or can exhibit both masculinity and femininity, or neither. Notions of gender shift over time and across location and culture.

**Fatwa:**
Religious decree issued by top Muslim religious authorities.

**Figh:**
Islamic jurisprudence or interpretation of Sharia law by Muslim scholars.

**Gender Confirmation Surgery (GCS):**
Refers to doctor-supervised surgical interventions, which some trans individuals may pursue as an aspect of their gender transition. Not all trans people choose to, are given access to, or can afford to undergo medical surgeries. These processes are often referred to as Sex Reassignment Surgery (SRS), and that terminology is occasionally used throughout this report, particularly in quoted material.

**Gender Dysphoria:**
A medical term occasionally used to describe feelings associated with being transgender, particularly feelings of dissonance with regard to one’s gender identity and the gender socially ascribed to a person.

The American Psychiatric Association (APA) changed the criteria for diagnosis in 2013. Some transgender advocates believe it is important to include gender dysphoria in the Diagnostic and Statistical Manual of Mental Disorders (DSM) in order for medical treatments to be covered by health insurers. However, this remains a controversial topic, as others believe that the term perpetuates the notion of trans experience as pathological.

In recent years, some Iranian trans individuals and organizations, including the Iranian Society to Support Individuals with Gender Identity Disorder (ISIGID), prefer to use the term “gender dysphoria” over “gender identity disorder,” viewing the former as less stigmatizing than the latter.

Gender dysphoria translates as *Malale Jensiyati* in Persian.
### Gender Expression:
External manifestations of gender, expressed through one’s name, pronouns, clothing, haircut, behavior, voice, or body characteristics. Society identifies these cues as masculine and feminine, although what is considered “masculine” and “feminine” changes over time and varies by culture. Typically, transgender people seek to make their gender expression align with their gender identity, rather than with the sex they were assigned at birth.

### Gender Identity:
One’s internal, deeply held sense of one’s gender. For transgender people, their own internal gender identity does not match the sex they were assigned at birth. For some people, their gender identity does not fit neatly into the options of “man” or “woman.” Unlike gender expression, gender identity is not necessarily visible to others.

### Gender Identity Disorder (GID):
The term used by Iranian state, legal, and medical officials to refer to the experience of being trans. Iranian media and government officials generally refer to trans individuals as individuals with gender identity disorder. Gender identity disorder translates as *Ekhtelale Hoviyate Jens* in Persian. With regard to medicalization of experience, many trans individuals and advocates prefer the term “gender dysphoria.”

### Gender Transition:
Gender transition may or may not include some or all of the following personal, medical, and legal steps: telling one’s family, friends, and co-workers one is trans; using a different name and new pronouns; dressing differently; changing one’s name and/or sex on legal documents; hormone replacement therapy (HRT); and possibly (though not always) one or more types of surgery. The exact steps involved in transition vary from person to person.

### Hijab:
The Islamic dress code for women that requires them to dress modestly and cover their heads.

### Hormone Replacement Therapy (HRT):
The process of administering hormones (i.e. estrogen, testosterone) to trans individuals in order to align their sexual characteristics with their gender identity.

### Human Rights Commission
The expert UN body that monitors implementation of the ICCPR.

### ICCPR:
International Covenant on Civil and Political Rights. Iran ratified ICCPR in 1975.
<p>| <strong>Intersex/Intersexuality:</strong> | Being born with sex characteristics that do not fit the typical classification of male or female, such as reproductive organs and chromosomal patterns. Traits may become discernable at different stages such as at birth or during puberty, or may not appear at all, as is the case with some chromosomal variations. An intersex person may identify as male, female, or neither. |
| <strong>Iranian Society to Support Individuals with Gender Identity Disorder (ISIGID):</strong> | The first and only legally registered advocacy NGO for trans rights in Iran, founded in late 2007. The organization’s website is accessible at gid.org.ir. |
| <strong>Islamic Penal Code (IPC):</strong> | The Islamic Penal Code is the official name of the Iranian penal code, which was amended in May 2013. |
| <strong>Legal Medicine Organization (LMO):</strong> | An independent medical institution affiliated with the Iranian judiciary, and is the legally recognized medical authority responsible for fielding court-related medical inquiries and determining issues such as cause of death; performing autopsies; “confirming” the occurrence of rape, sexual assault, physical assault, and sodomy; and for confirming the qualification of individuals to undergo medical gender transition processes. The LMO is known as Pezeshk-Ghanoni in Persian. For more information, please visit the official website of the Iranian Legal Medicine Organization, available at <a href="http://www.lmo.ir/">http://www.lmo.ir/</a>. |
| <strong>LGBTIQ:</strong> | In English, this acronym has come to represent lesbian, gay, bisexual, and transgender. This acronym frequently replaces the term gay, and is constantly developing as activists are seeking to be inclusive of individual experiences by adding, for example, “Q,” which represents queer, and “I,” which represents intersex. |
| <strong>Military Draft Board (MDB):</strong> | The recruitment and registration of all Iranian men for compulsory military service in Iran is the responsibility of the Military Draft Board (MDB) (Nezam Vazife in Persian), which is a unit of Iran’s law enforcement agency. Their official website is accessible at <a href="http://vazifeh.police.ir">http://vazifeh.police.ir</a>. |
| <strong>National Organization for Civil Registration (NOCR):</strong> | The state agency in charge of issuing national identification cards (Karte- shenasayi- Melli) and birth certificates (known as Shenasnameh) in Iran. NOCR is part of the Iranian Ministry of Interior. For more information, please see their official website, available in Persian at <a href="https://www.sabteahval.ir/">https://www.sabteahval.ir/</a>. |</p>
<table>
<thead>
<tr>
<th><strong>OutRight:</strong></th>
<th>OutRight Action International, formerly the International Gay and Lesbian Human Rights Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Queer:</strong></td>
<td>This term has different meanings to different people. It can be an expression of political outlook, and it can also be an umbrella term for anyone who does not identify as heterosexual, or who feels they do not fit into the definitions of other labels. In the past, it has been used as a derogatory term to insult people, but it has been largely re-appropriated by communities.</td>
</tr>
<tr>
<td><strong>Sex:</strong></td>
<td>The classification of people as male, female, or other category based on bodily sex characteristics. At birth, infants are generally assigned a sex, usually based on the appearance of their external anatomy. (This is what is written on the birth certificate.) However, a person's sex is actually a combination of bodily characteristics, including: chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics, which may or may not conform to conventional notions of maleness and femaleness.</td>
</tr>
<tr>
<td><strong>Sexual Orientation:</strong></td>
<td>An individual's enduring physical, romantic, and/or emotional attraction to a specific category of gender or to more than one gender. Gender identity and sexual orientation are not the same. For example, transgender people may be straight, lesbian, gay, or bisexual, among other identity categories. Some people identify as asexual, which may indicate that they do not experience a feeling of physical, romantic, and/or emotional attraction to other people.</td>
</tr>
<tr>
<td><strong>Sex Reassignment Surgery (SRS):</strong></td>
<td>A series of surgeries and medical procedures to alter physical sexual characteristics in order to align the individual's physical characteristics with the gender with which they identify. Not all trans persons desire or have access to such medical procedures.</td>
</tr>
<tr>
<td><strong>Social Crisis Intervention Center:</strong></td>
<td>Part of the social emergency coordination center of the State Welfare Organization (SWO) in Iran, and is responsible for assisting individuals struggling with personal, family, or social crises. Established in 1999, the center runs a 24-hour hotline (known as “123 hotline”) and has branches in all provinces in Iran.</td>
</tr>
</tbody>
</table>
Sharia law: The legal system for Islam that derives from the Quran, Islam’s holy text, and the Sunnah, or religious traditions based on the sayings of the Prophet Muhammad. It acts as a code of conduct governing many aspects of the personal and public lives of Muslims. In Iran, Sharia law is based on the Imamiyyah school of Shia Islam, which is the official state religion and religion of the majority of Iranians.

SOGI: Sexual Orientation and Gender Identity


The Support Center for Transgender Iranians (Mahtaa): An online trans group inside Iran that provides helpful information and resources for trans community members. Their website is mahtaa.com.

Tooman: Iranian unit of money. Technically, Iranian currency is referred to as Riyal, but in day-to-day business dealings, Iranians use Tooman as the unit of money. Each Tooman is 10 Riyals. Over the past few decades, the Iranian Tooman has been sharply devalued against other international currencies. The following charts demonstrate the exchange rate between Tooman and US dollar based on the official rate of Iran’s Central Bank (the actual black market rate is always higher):
| **Trans:** | Used as shorthand to mean transgender or transsexual, or sometimes to be inclusive of a wide variety of identities under the transgender umbrella. |
| **Transgender:** | An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms—including, but not limited to, transgender, transsexual, or gender non-binary. Some of those terms are defined below. For the purposes of inclusiveness, the abbreviated term “trans” is most often used throughout this report. It is always most considerate to use the descriptive term preferred by the individual. Some transgender people pursue medical transition processes such as receiving hormones from their doctors or undergoing surgery to change their bodies. However, not all transgender people can or will take those steps, and a transgender identity is not dependent upon medical procedures. |
| **Transgender man or “trans man”:** | People who were assigned female (or a sex other than male) at birth but identify and live as a man may use this term to describe themselves. Some may also use FTM, an abbreviation for female-to-male. Some may prefer to simply be called men, without any modifier. It is best to ask which term an individual prefers. |
| **Transgender woman or “trans woman”:** | People who were assigned male (or a sex other than female) at birth but identify and live as a woman may use this term to describe themselves. Some may also use MTF, an abbreviation for male-to-female. Some may prefer to simply be called women, without any modifier. It is best to ask which term an individual prefers. |
**Transsexual:** An older term that originated in the medical and psychological communities. Still preferred by some people who have permanently changed—or seek to change—their bodies through medical interventions (including, but not limited to, hormones and/or surgeries). Unlike transgender, transsexual is not an umbrella term. Many transgender people do not identify as transsexual and prefer the word transgender. It is best to ask which term an individual prefers. In the Persian language, “transsexual” is often used to describe both transgender and transsexual individuals. This is mainly due to the fact that the concept of gender is new to the language, and many people do not differentiate between sex and gender. Such a linguistic ambiguity should be kept in mind while reading some of the quotes in this research, in which individuals used the word “transsexual” in reference to a broader trans experience.

**UN:** United Nations

**UNHCR:** UN High Commissioner for Refugees, the UN refugee agency
Executive Summary

The Islamic Republic of Iran conceptualizes trans people through the clinical framework of gender identity disorder (GID) and, in response, provides limited subsidized support to specific forms of transition-related healthcare—including gender confirmation surgery (GCS), hormone replacement therapy (HRT), and various forms of psychosocial counseling.

Although the medicalization of issues related to gender identity has allowed for some legal recognition for members of the trans community, it has also reinforced the stigma rooted in the notion that trans individuals suffer from psychological and sexual disorders and require treatment to become “normal.”

Iranian law allows for the legal recognition of trans individuals’ gender identity; however, such recognition is only granted to individuals officially diagnosed with GID and upon their successful completion of a long process of legal and medical gender transition. The government’s position has led some observers to conclude that Iran is progressive on trans rights. While there are positive aspects to the government’s policies, trans Iranians continue to face serious discrimination and abuse in both law and practice, and they are rarely treated as equal members of society.

Iranian law fails to recognize the gender identity of any trans individual who is not granted access, does not wish, or cannot afford to pursue GCS. This deprives many of legal recognition and renders them particularly vulnerable to harassment and discrimination. The law utterly fails

to recognize transgender individuals who do not desire medical intervention or may wish to decide for themselves which medical procedures are right for them.

Over the past decade, several Iranian government agencies and institutions have made efforts to act in a coordinated and deliberate way to raise awareness and address the urgent needs of transgender Iranians. Yet, sizeable gaps in support persist. The absence of comprehensive legal protection, the lack of access to comprehensive and culturally competent healthcare, the often-extreme violence and abuse at the hands of private and state actors, and the narrow definition of trans identities combine to severely limit the safety, wellbeing, and opportunities available to trans Iranians.

Trans individuals recognized by the state, seeking recognition by the state, and/or living without state recognition generally experience discrimination and abuse based on their gender identity. The Iranian trans community faces pressure from both state and non-state actors, ranging from hostile public attitudes to acts of extreme violence, risk of arrest, detention, and prosecution. Most trans individuals interviewed for this report highlighted their personal experiences with bullying, domestic violence, social discrimination, and legal persecution as a result of their gender identity. Their experience is heightened by Sharia-based laws—including mandatory segregation of women and men in schools and major public transportation systems, along with a strict gender-specific public dress code—that restrict behavior or expression viewed as gender non-conforming, and prohibit individuals from publicly “cross-dressing” or “appearing as members of the opposite sex.”

This report was developed through interviews with 34 trans Iranians, within and outside Iran, as well as through research into a wide range of text-based sources and through limited responses from the Iranian government. This report is intended primarily as a resource for the Iranian trans community and for trans rights advocates working in and around Iran.

2 Yet, sizeable gaps in support persist. The absence of comprehensive legal protection, the lack of access to comprehensive and culturally competent healthcare, the often-extreme violence and abuse at the hands of private and state actors, and the narrow definition of trans identities combine to severely limit the safety, wellbeing, and opportunities available to trans Iranians.

3 According to Dr. Morteza Rostami, an Iranian sociologist who teaches at Tabatabai University in Tehran, the social pressures on trans individuals are so high that Dr. Rostami speculates that “100% of trans individuals have had at least one suicidal thought, and 70% of them attempt suicide.” For additional information, see the April 17, 2014, Panel Discussion on “Living Transsexual in Iran” at http://mehrkhane.com/fa/news/10770/

Methodology

This report documents the collective experiences of trans Iranians based primarily on their own testimonials.

The goal of OutRight Action International (OutRight) has not been to present these testimonials as those of a “sample group” or to extract statistical information as part of a quantitative study, but rather to elucidate commonalities in experience that point to shared challenges and targets for continued advocacy, while remaining attentive to the nuances and layers in the narratives that were shared with us. The report is based on interviews and documents gathered by OutRight from the public domain. It is organized according to the most frequent categories of rights violations, including occasionally detailed descriptions of discrimination, harassment, physical violence, and marginalization, which many trans Iranians reported experiencing throughout their lives.

OutRight spoke with 34 Iranian trans people between September 2012 and January 2015. During this period, OutRight staff travelled twice to Turkey (in September 2012 and again in November 2014) and once to Canada (in August 2013) to meet and interview trans refugees and asylum seekers. The Iranian government does not allow NGOs such as OutRight to enter the country to conduct independent investigations into human rights abuses. However, we also interviewed other Iranian trans individuals inside and outside Iran through phone, Skype, and online messenger services. Interviewees ranged in age (from 22 to 38 years old), as well as in socio-economic class, educational achievement, area and level of professional

Many individuals inside Iran are not comfortable having extended conversations on human rights issues via telephone or e-mail, fearing they are subject to government surveillance.
Finally, OutRight used over 50 text-based sources (existing transcripts of interviews, legal documents, Iranian government communications, conference reports, and publications) related to the situation of the trans community in Iran. The English translation of the interviews and the first draft of the report, which were in Persian, and the subsequent extensive consultations with a number of country and thematic experts to ensure the accuracy of the reports, was an involved process. Though the process was time-consuming, it helped us to prepare a report that aspires to portray the growing needs and the evolving nature of the Iranian trans community.

Throughout the interviews, the names of several state agencies were frequently brought up as institutions that directly or indirectly interact with the Iranian trans population throughout various stages of their lives. These government institutions, whose policies and practices impact the lives of the Iranian trans community to varying degrees, include the police; judiciary; Ministry of Health and Medical Education (Ministry of Health); Ministry of Education; Ministry of
Many individuals inside Iran are not comfortable having extended conversations on human rights issues via telephone or e-mail, fearing they are subject to government surveillance. Some who are outside the country do not feel comfortable revealing their identities for fear of their safety or retribution against their families inside Iran. In order to protect the privacy and safety of individuals interviewed as part of this research, we have changed the names of the interviewees and used pseudonyms. Similarly, some of the identifying details of the testimonies were changed to protect the identities of trans individuals whose testimonies were used in this publication. This report was developed through the efforts of trans individuals both within and outside of the Iranian community and was shared with members of the Iranian trans community prior to publication for refinement as a record and resource.

OutRight Action International extends its thanks to those who provided information for this report.

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5 Legal Medicine (Pezeshk-Ghanoni in Persian) is an independent medical institution affiliated with the Iranian judiciary, and is the legally recognized medical authority responsible for fielding court-related medical inquiries and issues such as determining cause of death; performing autopsies; “confirming” the occurrence of rape, sexual assault, or physical assault; performing anal probes (for men accused of sodomy); and confirming the qualification of individuals to undergo gender-confirmation surgery. For more information, see the official website of the Iranian Legal Medicine Organization, available at http://www.lmo.ir/.

6 State Welfare Organization of Iran (Beh-zisti) is a state agency established in 1980 to serve the “disabled and underserved segment of the society.” In 2011, the Iranian Parliament passed legislation, bringing the organization under the supervision of the Ministry of Cooperatives, Labor and Social Welfare. For more information about the history of Beh-zisti, see the “About Us” section of the organization’s official website, available at http://www.behzisti.ir/RContent/0007Z.aspx [accessed October 30, 2015].

7 The recruitment and registration of all Iranian men for compulsory military service in Iran is the responsibility of Military Draft Board (MDB) (Nezam Vazife in Persian), which is a unit of Iran’s law enforcement agency. Their official website is available at http://vazifeh.police.ir.

8 In an email dated April 4, 2015, and signed by the head of the department, the Ministry of Education acknowledged the receipt of OutRight’s email without offering any response or clarification.
Background

Transgender Rights Recognition in Iran

Iranian trans advocates have been crucial to the advancement of trans rights recognition in Iran.

In 1986, after years of petitioning and repeated inquiries, Iranian trans woman and advocate, Ms. Maryam Khatoon Molkara, convinced the late Supreme Leader, Ayatollah Khomeini, of the importance and urgency of specific forms of transition-related healthcare—such as HRT and GCS—for Iranian trans individuals. The result was a famous religious decree, or fatwa, by Ayatollah Khomeini declaring these forms of healthcare to be religiously acceptable. In doing so, Ayatollah Khomeini argued that the religious justification for the ruling was based on the “priority of the soul over flesh.” Ayatollah Khomeini’s fatwa revolutionized the traditional understanding of

9 For more information, see the following page and “Maryam Khatoon Molkara,” available in Persian at http://www.mahtaa.com/1391/05/


11 The original fatwa of Ayatollah Khomeini in his own handwriting and with his seal is on the website of the Support Center for Iranian Trans (Mahtaa in Persian), available at http://www.mahtaa.com/1391/05/
Maryam Khatoon Molkara (1950 – March 25, 2012) is considered to be a pioneer of the trans rights movement in Iran. Assigned male at birth with the name Fereydoon, she lost her job in Iran’s state-run radio and TV after the 1979 Islamic revolution for identifying as a trans woman. Maryam Khatoon Molkara became active on issues of trans rights, and in 1974 she managed to meet with then Queen of Iran Farah Pahlavi to obtain her verbal support for the issues and concerns of trans individuals. After the Islamic Revolution, Molkara advocated with various influential religious and political leaders, including then Speaker of the Parliament Hashemi Rafsanjani (who later became Iran’s president), and persuaded Iranian revolutionary leaders to support transgender rights. In 1984, she wrote a letter to Ayatollah Khomeni’s office (which was passed to him through his representative Ayatollah Janati), but the answer she received from Khomeini’s office concerned intersex rather than trans experiences. It took Maryam another two years, and a physical fight with Aatollah Khomeini’s security guard, to finally meet the late Iranian Supreme leader and to convince him to issue the famous religious decree on the permissibility of gender confirmation surgery in Islam. Following the fatwa, then Iranian president (and the current Supreme Leader) Khamenei presided over a ceremony in which Maryam was officially acknowledged as a woman. In 2007, she established the Iranian Society to Support Individuals with Gender Identity Disorder (ISIGID) (http://gid.org.ir), as the first legally registered advocacy organization for transgender people in Iran.
sexuality and gender in Shia Islam and in Iran, and eventually opened the door for trans Iranians seeking transition-related health-care and legal identity recognition, so long as they were willing to submit to judicial and medical approval. (For more information on the rights gains resulting from advocacy by the trans community, please see page 28 of this report under the section titled “Military Service.”)

The text of the original fatwa by Ayatollah Khomeini about sex reassignment surgery for trans individuals, which reads: “In the name of the Almighty. God willing, Sex reassignment if advised by a reliable doctor is permissible, I hope you are safe and those who you have mentioned treat you well.” Photo courtesy of gid.org.ir.

Twenty-seven years later, in 2013, for the first time the issue of “sex reassignment” was codified in law by Iran’s parliament. Pursuant to Section 18 of Article 4 of The Family Law, ratified in March 2013, decisions regarding “sex reassignment” are within the purview of the family court. In an advisory opinion issued by the judiciary’s Legal Department (Opinion number 4/8/92-1444/92/7), the agency further clarified the legal process for those applying for gender confirmation surgery (referred to below as sex reassignment surgery, or SRS):

Before going through SRS and applying for a change of gender in identity cards, the applicant is first required to obtain court authorization...In considering the request, the court should refer the issue to the LMO. Based on the opinion of the LMO, as well other circumstances, and after investigating the situation of the applicant, the court will issue the appropriate decision.

The judiciary's advisory opinion makes it clear that the court opinion “is merely meant to confirm the need for the surgery [and not to force the applicant to undergo the process] and is subject to appeal.” Yet only after the completion of GCS can the applicant request the court to compel the National Organization for Civil Registration (NOCR) to issue a new identification card with a gender marker reflective of the trans individual’s gender

[accessed January 6, 2016]. Ayatollah Khomeini’s fatwa reads: “In the name of the Almighty. God willing, Sex reassignment if advised by a reliable doctor is permissible, I hope you are safe and those who you have mentioned treat you well.” Since then, Khomeini’s argument about “priority of soul over flesh” has been used as authorization for Iranian medical community to perform gender confirmation surgery. For example, see the 2014 interview of the head of SWO in Kermanshah province, available in Persian at http://www.farsnews.com/printable.php?nn=13930520000272 [accessed January 6, 2016]. Also see a more detailed examination of the Shiite Jurisprudence on SRS, “Figh’ and Sex Reassignment Surgery,” Mahboubeh Hossein Zadeh, available in Persian at http://mehrkhane.com/fa/news/8209 [accessed January 6, 2016].

13 To read the full text of this opinion (Opinion number 4/8/92-1444/92/7), see the Iranian Bar Association Union’s website, available at http://www.scoda.ir/?p=3328 [accessed January 6, 2016].
14 National Organization for Civil Registration (NOCR) is the state agency in charge of issuing national identification cards (Karte- Shenasayi- Melli) and birth certificates (known as Shenasnameh) in Iran. NOCR is part of Iranian Ministry of Interior. For more information, see the official website of the organization, available in Persian at https://www.sabteahval.ir/tab-24.aspx.
identity, rather than of the gender marker assigned to them at birth.¹⁵

As a result, trans individuals in Iran who do not wish to pursue medical transition processes, who cannot afford such processes, or who wish to pursue some forms of medical gender transition but not others, are wholly deprived of legal identity recognition and face severe barriers to maintaining and pursuing education, to accessing housing and employment, and to moving freely and safely through society. The law does not recognize such trans individuals, nor does it provide space or legal recognition for individuals who identify across or outside of the gender binary. (For more on this topic please see, “Rights of Trans Individuals Who Have Not Pursued Medical Transition Processes,” on page 27.)

Ghazal Zaferani, an Iranian lawyer who has represented dozens of trans clients in family court, further explained the legal process for obtaining a new ID card in a local paper:

First, the applicant should apply for an SRS permit from the local branch of the family court. After reviewing the application, the court refers him/her to the LMO so that they can examine the person and issue their medical opinion. If the LMO approves the individual’s need for SRS, the court will issue the permit so that she/he can start treatment and ultimately undergo surgery. Upon completion of the SRS, the applicant must

¹⁵ Based on Section 14 of Article 20 of Civil Registration Law, NOCR can reissue a new ID card with a different gender marker only for individuals “who have [already] changed their gender and [have obtained] a[n] order from the court of competent jurisdiction for their new gender to be reflected in their official identification documents.” The regulation page is available at https://www.sabteahval.ir/default.aspx?tabid=81 [accessed January 6, 2016].
submit the medical records and proof of the SRS to the court, along with a petition to the NOCR to amend the national ID to reflect his/her new name and gender. Based on these documents, the court then issues an order for the NOCR to update and reissue the trans person’s official records.16

As of January 2016, there was no other legislation besides this in Iran that defined or protected the rights of trans individuals, either before or after the judicial and medical transition processes requisite for legal gender recognition. In 2005, two trans individuals filed a complaint with Iran’s Islamic Human Rights Commission (IHRC),17 reporting systematic abuse and discrimination on the basis of gender identity. The IHRC declared that transgender rights are not adequately respected in Iran and noted the absence of any legislation protecting the community. Yet, no specific legal protections have thus far been adopted.18

Over the past few years, the State Welfare Office has reportedly been working on a draft bill to support the rights of trans individuals. Though the full text of the draft bill has never been made public, Mr. Valiollah Nasr, the Head of the Social Vulnerability Office at the SWO, maintains that, if passed, the law would officially designate trans experience as a disorder [gender identity disorder] and “require all state agencies to offer services to these individuals” in an effort to solve problems related to “health issues, military service, student dorms, etc.”19 On March 16, 2015, SWO officials were quoted by the media that the draft bill is still being reviewed by various departments within the Ministry of Cooperatives, Labor and Social Welfare, and has not yet been submitted to President Hassan Rouhani’s cabinet for review, nor to parliament for approval.20 As of May 24, 2016, the last day of the ninth post-Islamic revolution parliament, no bill on trans rights was presented or passed by the Iranian parliament.

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17 IHRC (ihrc.ir) is an Iranian NGO registered as the national human rights institution of Iran with the UN Office of the High Commissioner of Human Rights. For more information, see http://nhri.ohchr.org/EN/Contact/NHRI/Lists/National%20Institutions/DispForm.aspx?ID=89&ContentTypId=0x010600AD1066A1AC573D44BEF88786E44EA368 [accessed January 11, 2016]. No information is available on the official website of the IHRC about its mandate, its constituencies, and its source of funding. The website, though, lists all pro-government or state-funded organizations as Iranian NGOs, available at http://www.ihrc.ir/Links.aspx?Group=6&Title=%‌%دولتی%غیر%ایران%داخلی%نهادهای [accessed January 11, 2016]. The organization was established in March 1995 to serve as the National Human Rights Institute of Iran, based on the Paris Principles. For more information, see http://www.yaserziaee.blogfa.com/post-183.aspx [accessed January 11, 2016].

18 For more information, see “Gender Dissatisfaction and Patriarchal Society,” Zakeri, O., in Behroozi, the digital publication of SWO’s Yazd Branch, March 2015, page 11, available at http://www.yazdbehroozi.ir/content/newspaper/Version1/0/Page11/Block1054/newspaperb_1054.jpg [accessed January 8, 2016].


Trans Advocacy Groups Inside Iran

As of May 2016, there was only one registered NGO representing the interests of the trans community inside Iran. The Iranian Society to Support Individuals with Gender Identity Disorder (ISIGID) is the first and only legally registered trans advocacy group in the country. It was established by the late Maryam Khatoon Molkara, who is widely regarded as the “mother of trans community in Iran.” In her 2007 interview with the Iranian daily Etemad, she described the difficulties of securing government permission for this organization:

After several years, our request [to establish a legally recognized NGO for the trans community] was finally approved by then Iran’s President [Khatami] and his Intelligence Minister. We subsequently successfully completed the bureaucratic registration process. But during the new administration [of President Ahmadinejad], the head of the Social Affairs Office at the Ministry of Interior rejected our NGO application and we have not yet been able to register the group.

In the same article, the newspaper noted that Ms. Molkara was using her private residence in Karaj to “provide trans individuals with pro bono post-surgery recovery care and helping them gain access to sound legal and medical advice.” Shortly after the Etemad interview, however, Ms. Molkara’s organization was reportedly allowed to register with the State Registration’s General Office after being approved by the “NGO Supervision Office of the Ministry of Health” and by “several ministries and state agencies.” Based on government records, ISIGID’s declared mission at the time of registration was “to identify, organize, support and [help] treat individuals with gender identity disorder.” To achieve its objectives, the organization outlined six areas of activities: 1) public education and outreach; 2) compiling a national database of trans individuals; 3) follow-up on old SRS cases to evaluate their level of their success; 4) collecting public donations for the trans community; 5) connecting with international academic centers; and 6) improving the treatment of trans individuals.

Following the death of Ms. Molkara in March 2012, the society’s activities came to a temporary halt. In January 2015, the Interior Ministry renewed ISIGID’s NGO license for another two years and officially listed Mr. Mohammad Ali

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23 Karaj is a city outside the Iranian capital, Tehran.
25 The State Registration Office is affiliated with NOCR and is part of the Iranian Ministry of Interior. More information is available at http://sherkat.ssaai/.
26 For more information about the registration records of ISIGID, which was registered under the registration number 21996 and officially became public on December 16, 2007, after publishing an announcement in the Official Gazette of Iran (number 32/86c/22666), see the official website of the Ministry of Cooperatives, Labor and Social Welfare, available at http://asibha.mcls.gov.ir/fa/ghorop/ts/manabeejtemae/anjomanehemayatazts [accessed January 13, 2016].
27 Ibid.
Taherkhani as the new executive director of the organization.\textsuperscript{29} In a September 2015 interview with the Iranian state-run newspaper, Iran, Mr. Taherkhani clarified that ISIGID, which operates from a small room in the basement of the Social Service Center of a local municipal building, had very limited financial resources. He explained that the organization’s main activity was convening bi-monthly support groups for trans community members.\textsuperscript{29} As of January 2016, the organization’s website lists its activities as distribution of educational DVDs on GID,\textsuperscript{31} organizing workshops on HIV prevention and care,\textsuperscript{32} and offering self-help workshops for members.\textsuperscript{33} As of 2016, the ISIGID’s website has limited the scope of the organization’s activities to public education, organizing workshops, and supporting trans individuals.\textsuperscript{34}

ISIGID currently advocates for the use of the term “gender dysphoria” instead of “gender identity disorder,” maintaining that, “the most common treatment for gender dysphoria is medical treatment, especially...along with hormone therapy.”\textsuperscript{35}

In addition to ISIGID, an online group known as The Support Center for Transgender Iranians (Mahtaa in Persian) covers stories of interest to the trans community in Iran. The group, which does not seem to be legally registered as a trans advocacy group, has an extensive presence on Facebook\textsuperscript{36} and other social media,\textsuperscript{37} and its website provides a lot of resources to assist members of the Iranian trans community.\textsuperscript{38} In light of the limited resources available to Iranian trans advocates, many seek the support of local institutions, such as municipalities and influential religious figures. In January 2016, Empowerment and Support Committee of Tehran Municipality,\textsuperscript{39} an NGO, sponsored ISIGID’s “first Gathering of Individuals with Gender Identity Disorder.” The event brought together members of the trans community, as well as a number of religious, medical, and state representatives, and was widely publicized by the Iranian media, including in the state-run newspaper, Iran.\textsuperscript{40} Some trans individuals have also reported getting local religious and

\begin{itemize}
  \item \textsuperscript{30} To read the entire interview of Mr. Taherkhani with Iran Newspaper, see http://iran-newspaper.com/Newspaper/BlockPrint/86639 [accessed January 13, 2016].
  \item \textsuperscript{31} For more information about this DVD, which was produced with support from Tehran’s Municipality, see http://gid.org.ir/شروع-توزیع-محصولات-جمهوری [accessed January 13, 2016].
  \item \textsuperscript{33} For example, see the announcement for the workshop on developing skills for sympathy and solidarity, available at http://gid.org.ir/کارگاه-آموزش-مهندسی-جامعه-مذهبی [accessed January 13, 2016].
  \item \textsuperscript{34} See the “About Us” section of ISIGID, available at http://gid.org.ir/آموزش-و-سازماندهی [accessed January 13, 2016].
  \item \textsuperscript{35} You can see the full list of questions and answers on ISIGID’s website, available at http://gid.org.ir/سوالات-متناظری [accessed January 8, 2016].
  \item \textsuperscript{36} See the Facebook page of Mahtaa, available at https://www.facebook.com/transe.gomnam [accessed January 13, 2016].
  \item \textsuperscript{37} For example, see the series of videos posted by Mahtaa on the Iranian video sharing website, Aparat, available at http://www.aparat.com/mahtaa2/محنا-موزه-جامعه-از-تراجنسی-های-آرا [accessed January 13, 2016].
  \item \textsuperscript{38} To learn more about Mahtaa, see their website, available at http://www.mahta.com/donate-us/ [accessed January 13, 2016].
  \item \textsuperscript{39} For more information about this committee, see their official website, available at http://www.tehransaman.ir/.
  \item \textsuperscript{40} To read the report from this gathering, see the January 16, 2016 story in Iran Newspaper, available at http://iran-newspaper.com/Newspaper/BlockPrint/111967 [accessed January 21, 2016].
\end{itemize}
municipal leaders to counsel their families about their experiences and desire to pursue transition-related medical care.\textsuperscript{41}

**State Support for Trans People**

Under existing regulations, there are several key government agencies tasked with addressing various aspects of the trans community’s needs. According to the government’s guidelines on “Supporting Patients with Gender Identity Disorder,” the official diagnosis of GID is the responsibility of the Legal Medicine Office. Providing medical care to trans individuals is primarily the responsibility of the Ministry of Health. The provision of social and psychosocial support for trans patients is assigned to the State Welfare Office.\textsuperscript{42} Other state agencies involved in supporting Iranian trans community members include the Ministry of Labor, which coordinates national political and legal advocacy efforts in support of the trans community; the Law Enforcement Agency, which refers trans individuals that are reported to them to the SWO; the NOCR, which reissues national ID cards after judicial and medical approval; and the Military Draft Board, which assesses whether trans individuals should be exempted from compulsory military service.\textsuperscript{43} In addition to these agencies, Iran’s state-run Imam Khomeini Relief Foundation,\textsuperscript{44} which is in charge of providing services to low-income and vulnerable populations, provides financial assistance to qualified trans individuals, and (on a limited basis) offers disability benefits to trans individuals who are not able to work.\textsuperscript{45}

“The authorities arrested my friend Ramin [on suspicion of being gay]. They kept him in jail for two years, and even though they had nothing against him, he was lashed in public. The fear of execution, torture, humiliation and being beaten always stayed with me. I was scared all the time even though I was never caught.”

- Martha from Arakn

The SWO leads national efforts to support trans community members through initiatives such as “the admission of individuals with gender identity disorder to Crisis Intervention Centers,”\textsuperscript{46}

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\textsuperscript{41} Please see the interview of Vida Ghasemian, a trans woman, about the intervention of Friday Prayers Imam and other local officials, to convince her hostile father not to disown her and to give his blessing to get gender confirmation surgery. Originally published in Hamshuri Javan, September 3, 2007, available at http://moshavereh88ub.blogfa.com/post-14.aspx [accessed January 21, 2016].


\textsuperscript{44} The official website of the foundation is available at http://www.emdad.ir/.


\textsuperscript{46} Crisis Intervention Centers are part of Social Emergency Coordination Center of SWO and are responsible for assisting individuals struggling with personal, family, or social crises. Established in 1999, the center runs a 24-hour hotline (known as “123 hotline”) and has branches in all provinces of Iran. For
the provision of social services, “psychosocial counseling, legal aid, and medical transition-related care.” The SWO’s website lists two main objectives in connection with its trans-related outreach and provision of services: “1) improving the quality of life of individuals with gender identity disorder through social and psychological support and 2) educating and training the public, families of individuals with gender identity disorder, and the individuals who have gender identity disorder.” In its report to the 57th session of UN Committee on the Status of Women (CSW), which took place between March 3 and March 15, 2013, the Office of Iran’s Vice President in Charge of Family and Women’s Affairs, Shahindokht Mowlaverdi, highlighted these activities of the SWO with regard to Iran’s record in relation to the transgender community.

The history of government involvement in trans issues dates back to the late 1990s. The LMO was first tasked with authorizing transition-related medical care in 1999. In the same year, the Ministry of Health formed a committee to address trans issues and took the lead on managing the medical treatment of trans individuals. The provision of social and psychosocial support fell on the SWO. Unfortunately, the Ministry of Health committee never reconvened, and no follow-up took place. This resulted in significantly diminishing the role of the Ministry in helping trans individuals, reducing its primary function to providing a list of recommended, reputable doctors and medical centers that provide GCS-related services. In early 2000, the Iranian government established the National Committee to Organize Individuals with Gender Identity Disorder in order to address trans-specific issues and concerns. Shortly thereafter, this committee came under the supervision of the Office of Social Vulnerability Affairs at the SWO.

51 The interview with Valiollah Nasr, the head of the Social Vulnerability Office at the State Welfare Organization, March 16, 2015, is available at http://www.ila.n.ir/
بخش-اجتماعی-54200420-زاگرس-بیماران-ساخته-به-اختلال-جویت-جنسي-در-وزارت-رفاه-اجتماعی [accessed January 7, 2016]; also see “They want the right to vote: the hidden and the obvious about individuals with gender identity disorder,” published in Shargh newspaper on February 16, 2004, the original article is no longer available online, but a copy of the article is available at http://helps.blogspot.se/2013/04/blog-post_3600.html?zx=a79d843e65ec64f2 [accessed January 9, 2016].


53 For a list of responsibilities of this committee, in Persian, please see the official website of the Iranian State Welfare Organization, available at http://www.behzisti.ir/Modules/Show_PrintDetails.aspx?TableName=tblS-services&SelectId=54 [accessed January 6, 2016]; also see “They want the right to vote: the hidden and the obvious about individuals with gender identity disorder,” published in Shargh newspaper on February 16, 2004, the original article is no longer available online, but a copy of the article is available at: http://helps.blogspot.se/2013/04/blog-post_3600.html?zx=a79d843e65ec64f2 [accessed January 9, 2016].
In 2001, the Shaheed Navab Safavi Crisis Intervention Center launched a pilot project to “organize and support trans patients” as part of the government’s efforts to address the needs of the trans community. According to the former head of the Navab Safavi Center, Maryam Hosseini, “services provided in this center include providing information and guidance to clients to start the treatment process, helping them with the LMO application for SRS... and counseling family members of the clients.” Other services provided by the center include temporary housing, job training and placement, and providing life skills for trans individuals to “adopt a new gender role.”

### Intersex and Trans: Cultural Confusion and Social Misunderstanding

One of the challenges facing the Iranian trans community is the issue of widespread public misinformation and linguistic ambiguity around concepts related to gender and sexuality. In Persian, similar to several other Middle Eastern languages such as Arabic and Turkish, words used to describe sexual orientation (Gerayesh Jensii) and gender identity (Hoviyat Jensii) are newly coined, and many people still do not fully understand the difference between sexuality and gender. In addition, there seems to be an overall confusion in regard to individuals who are intersex (do Jensii or miyan Jensii) and trans community members (tara Jensii or teransii).

This linguistic error is partly due to the fact that the term bi-gender is translated to Persian as “do jensiyati,” which is often confused with “do Jensii.” In response to this confusion, in recent years several trans advocates, including a prominent Iranian actress and an outspoken ally of the trans community in Iran, Behnoush Bakhtiari, have reached out to traditional and

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55 Interview with Maryam Hosseini, the head of the Navab Safavi's branch of SWO, Etemad newspaper, September 3, 2007, the original webpage of Etemad newspaper is no longer available, but a repost in Persian is available at http://helppts.blogspot.se/2013/04/blog-post_1589.html [accessed January 8, 2016].
social media to educate the public about the difference between homosexuality, bisexuality, intersex status, and trans. Despite these efforts, it is still common to see mainstream media, and even trans advocates, use the word intersex (do jensi) in reference to the trans community.

Although discussing the situation of the Iranian intersex community is beyond the scope of this research, it should be noted that from the legal perspective, the Iranian Civil Code (ratified in April 1927), assigns certain rights to intersex individuals, who are referred to by the religious term “khonsa.” Article 939 of the Iranian Civil Code describes how inheritance shall be divided up among beneficiaries if one of them is intersex. The regulation follows the deeply problematic and discriminatory rule that “men inherit twice as [much as] women,” however, the fact that Iranian law assigned rights to intersex individuals shows that being intersex has, to some degree, been recognized by Iranian law. The law argues that when it comes to dividing up inheritance, the decision about the amount of inheritance to go to an intersex individual depends on the person's physical characteristics:

If the male characteristics [in the person] is dominant, the person's inheritance is equivalent to a boy in his category and if the person dominantly displays female characteristics, she will inherit [the] equivalent of a girl in her category. If the person does not display characteristics of neither of male or female, the [intersex individual] is entitled to the half of the combined inheritance of a boy and a girl in that category.

From a religious perspective, Shiite scholars, from early Shiite saints (or Imams) to contemporary Ayatollahs, have debated the rights and responsibilities of intersex (khonsa) individuals. In today’s Iran, all Shiite scholars are supportive of corrective surgeries for intersex individuals, and there is no legal ban on this medical procedure in Iran.

It should be noted that there is another rather confusing gender-non-conformity-related

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[accessed May 19, 2016].

63 For example, see this Instagram post on Behnoosh Bakhtiari’s Instagram page, available at https://www.instagram.com/p/44NDtZt2Wn/?taken-by=behnoosh_bakhtiari&hl=en [accessed May 19, 2016]. Ms. Bakhtiari's Instagram page has over 4.4 million followers.

64 Sharoom, an Iranian singer, uses an example of such word choice in one of his songs. In his fall 2015 hit, titled “Transexual,” Sharoom uses the term “do jensi,” which drew a lot of criticism from trans community members for the use of such term in describing trans issues. They argued that such a misuse of words would contribute to cultural misunderstanding of trans versus intersex. In his interview with Mahtaa, Sha-room rejected such criticisms and argued that his song was meant to promote social tolerance of all people, adding that he is neither trans nor a gender researcher, and his song was not meant to educate the public about the specifics of sexuality and gender. See the November 16, 2015, interview in Persian, available at http://www.mahtaa.com/1394/08/کفتنکار-بای-شاروم-فرام-ترنس-جا-خواندن [accessed May 19, 2016].

65 In religious texts, intersex individuals are referred to as “khonsa,” a term that in Islamic jurisprudence refers to individuals with both male and female sexual organs. Shiite scholars have for centuries debated the rights and responsibilities assigned to “khonsa” individuals, including the issue of inheritance, dress code, religious obligations, social responsibilities (including jihad), and their criminal liabilities. For more details about these opinions, see http://www.wikiqfeqh.ir/خونس [accessed May 19, 2016]. The use of the term “khonsa” to refer to intersex individuals is considered to be unacceptable.


concept in Persian, which sounds similar to the notion of “khonsa,” but refers to a different reality. Islamic scholars have long used the term “Takhanos” to discuss the situation of men who behave like women. These effeminate men are also referred to as “Mokhanas,” both in religious context and in Persian literature. Some religious scholars have even argued that “Mokhanas” individuals should be punished in a similar manner to those who engage in sodomy. In Persian literature, these derogatory terms have often been used to portray “sissy” men, homosexuals, and men suspected of sexual impotency.

Trans Community Population Estimates

Despite over a decade of community advocacy and of service provisions to trans individuals by multiple government agencies, the general size of the trans population in Iran remains unclear. Although over the years, Iranian media have published statistics in this regard, the numbers cited vary widely from one source to another. Iranian officials have long maintained the view that the total number of individuals with GID is about 4,000. This number was first cited by Hojatol-Islam Seyed Mahdi Seyed Mohammadi, the deputy director of the SWO, in charge of social affairs. Two years later, in June 2007, Dr. Kamran Bagheri Lankarani, the former Iranian Minister of Health (2005-2009), repeated the same statistics. In May 2014, Dr. Saberi, the chair of the board of directors of ISIGID, estimated the number of trans individuals to be between 1,000 to 3,000. His 2014 estimate was twice as high as his 2012 estimate, when he told an Iranian newspaper that, “between 750 to 1,500 people suffer from gender identity disorder.”

Many activists and experts believe the number of trans individuals in Iran is much higher, though OutRight is not in a position to independently assess or verify the accuracy of their claims. In April 2009, the late Ms. Molkara told an Iranian news website that “there are close to 50,000 adult individuals with gender identity disorder in Iran.” She claimed, “if we want to include all people (including minors and those who, in one form or another, can be considered transgender), the number stands at 180,000 to 200,000 people.”

Left: Dr. Kamran Bagheri Lankarani, the former Iranian Minister of Health (2005-2009). Right: Dr. Saberi, the chair of the board of directors of ISIGID.
was given by Dr. Shahriar Cohanzad, the prominent Iranian sex reassignment surgeon. In an interview in August 2015, Dr. Cohanzad said:

The truth is there are between 120,000 to 150,000 individuals with gender identity disorder in Iran...this is the truth and we can't change the statistics. There is no difference between Iran, Scandinavian countries, and South Africa [when it comes to the percentage of transgender individuals in each country.]  

In 2004, Dr. Kahani, an expert with the LMO, claimed that the “trans phenomenon [in Iran] is four times more common among biologically-born men than women.” In October 2013, Dr. Mahdi Sabari, an LMO psychologist, put the number much higher, telling an Iranian news agency that the number of trans women was three to eight times higher than trans men. These numbers have been questioned by other officials. In January 2015, Dr. Bahram Mirjalali, a pioneer of gender confirmation surgery in Iran, told the Islamic Republic News Agency, IRNA, that the ratio is 50-50.

In another interview, Dr. Mirjalali explained his theory further:

The ratio of trans men to women is almost equal...But the percentage of trans women and trans men who need to go through SRS is different. Trans women are more visible, so they are more likely to attract the negative attention of society and are more in need of the surgery, whereas trans men attract less attention.

It is important to keep in mind that most of these observations are based more on generalizations and less on scientific evidence and field studies, since not all Iranian trans women are necessarily “more visible” than trans men. Furthermore, given the extent of social stigmas against trans individuals, some transgender individuals choose not to openly disclose their identity to medical professional, family members, or government official.

Unfortunately, there are also no official numbers available regarding the number of individuals who have registered as “individuals with gender identity disorder” with various government agencies, although various online sources provide a range of information in this regard.

The following is a compilation of statistics from various online sources in this regard:

news.com/vdcc0sq02bqpo8lau2.txt [accessed January 8, 2016].

75 To read the full interview of Dr. Cohanzad with ISCANews, see http://www.khabaronline.ir/detail/444201/society/social-damage [accessed January 8, 2016].

76 The original source of this report is currently unavailable, but the interview is available at the Fighh and Law Society of Ferwodi University in Mashhad, at http://www.aef.blogfa.com/84122.aspx [accessed January 7, 2016].


78 The full text of Mr. Mirjalali’s interview with IRNA is available at http://www.irna.ir/fa/News/81448695/ [accessed January 8, 2016].

Seyed Hassan Mousavi, the social affairs expert at the Management and Planning Organization of Iran, told Iranian media that while "neither the LMO nor SWO have any statistics about the number of trans individuals, we know that so far 300 individuals with gender identity disorder have registered with the LMO for SRS." 

Hojatol-Islam Seyed Mahdi Seyed Mohammadi, the deputy director of the SWO in charge of social affairs, told Etemad Newspaper, "there are 300 candidates for SRS in Iran." 

Dr. Abdul Razak Barzegar, then vice-president of the LMO, announced, "annually around 160 individuals suffering from gender identity disorder register with the LMO." 

The semiofficial Iranian Students’ News Agency, ISNA, reported, “since 1987, 2,054 trans individuals have registered with the Legal Medicine Organization,” and that “there are believed to be an estimated 10,000 transgender individuals in Iran.” 

Several Iranian media outlets published statistics based on the LMO claims that between 2006 and 2010, 1,356 individuals applied to this agency for gender confirmation surgery. Out of this number, 56 percent were reportedly trans women and 44 percent were trans men. This puts the number of applicants at around 270 people per year (170 people in 2006, 297 people in 2007, 294 people in 2008, 286 people in 2009, and 319 people in 2010). 

Dr. Mahdi Saberi, the head of the Medical Examination Unit at the LMO of Tehran province, announced, “on average about 60 cases of gender identity disorder are being introduced to the Legal Medicine Organization every year.” He said that “out of this number, 40 people are granted authorization to undergo SRS, and a third of them are diagnosed with other disorders that do not allow them to have surgery.”
Legal Challenges for Trans Individuals

Official Classification of Trans as a Disorder

The Iranian government officially uses the term “gender identity disorder” to describe trans people.

Although the medicalization of issues related to gender identity has allowed for some legal recognition for members of the trans community, it has also reinforced the stigma rooted in the notion that trans individuals suffer from psychological and sexual disorders and require treatment to become “normal.”

Asked by a reporter if trans experiences are considered a mental disease, Dr. Mahdi Saberi, a psychologist with the LMO, said,

“...But I must clarify that I do not mean that it is a severe mental disorder that causes the person to commit bizarre acts. There are a wide variety of mental disorders, some are very subtle and hard to diagnose...Gender identity disorder is among those disorders that may not be diagnosed for a long time.”

Some medical professionals have sought to link trans experience to trauma. Dr. Bahram Mirjalali,

[accessed January 7, 2016].
one of the most prominent sex reassignment surgeons, once asserted that some incidents of trans experience observed in his patients could very well be linked to the 1980-1988 Iran-Iraq War. In a May 2006 interview, Dr. Mirjalali told an Iranian news website:

We ask the mothers of all trans clients if they suffered from immense psychological pressure or a nervous breakdown during the first trimester of their pregnancy. Most of them say yes. Horrible events, such as the loss of husband or a loved one...occurred during their pregnancy. Most of my patients are from south and southwestern Iran. It doesn't take much to figure out that their mothers were in their first or second trimester when the Iran-Iraq war broke out. This shows that a psychological trauma can cause the release of a hormone in the mother's womb that can affect the brain of the fetus.88

Other professionals, like Dr. Saberi, publically discounted this theory, but left open the possibility that a chemical imbalance in the brain of the fetus may contribute to GID:

There is a theory...about the cause of [trans experience] being the imbalance in fetus' hypothalamus during the first trimester of pregnancy, as the result of psychological trauma suffered by the mother...and some research has been conducted by our colleagues at Tehran University regarding the anatomical shift of the brain in transgender individuals. The results of these studies seem to all but confirm this hypothesis. However, the real cause of transsexuality is not clear...

Dr. Mirjalali has worked with many trans individuals and may have some data, but I am not aware of those statistics. Our observations do not confirm Dr. Mirjalali’s hypothesis [about the correlation between prevalence of being trans and the Iran-Iraq war].89

Many members of the Iranian trans community have found the expression of such views both frustrating and dismaying. On their website, ISIGID now recommends use of the term “gender dysphoria” instead of GID90 because the latter is seen by many as more stigmatizing.91 Mr. Arastoo, a well-known television and movie star in Iran and arguably the most famous Iranian trans man, described the challenge of being treated as a person with mental disability in an interview with the state-run “Young Journalist Club” website:

People like me are not sick. Like other members of the society, we have the right to employment and make a living, without being discriminated against. I am frustrated with being treated unfairly.92

88 “No one believed I was a woman in the body of a man,” http://www.pezeshkan.org/?p=2927 [accessed January 7, 2016].
90 See the full list of questions and answers on the ISIGID website, at http://gid.org.ir/سوالات-متداول [accessed January 8, 2016].
91 See the “About Us” section of the ISIGID, at http://gid.org.ir/درباره-ما [accessed January 8, 2016]. ISIGID also explains that use of the term “gender identity disorder” in the name of the organization reflects the organization’s (and community’s) prevailing view back in 2007, when the organization was first registered.
Dr. Morteza Rostami, a trans rights advocate and a sociologist who teaches at Tehran’s Alameh Tabatabai University, agrees:

These people are not mentally sick...Sociologists believe this is not a disease or a disorder. Gender is a social function...The problem is ignorance. Not just ignorance among ordinary people, but ignorance that also exists in academic centers...The problem stems from the [views of] society at large and intellectual elites."

Since the state and many members of the medical community see being trans as a disease, they regard trans experience as a condition to be “cured” through medical transition processes such as hormone replacement therapy and surgery. As Dr. Cohanzad, the author of Purgatory of the Body: Surgeon’s Memoirs of Transsexuals in Iran, puts it: “Transsexuality is not curable by psychotherapy. Those who claim otherwise are utterly un-educated. Gender identity disorder is only treatable by surgery."

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Legal Discrimination

The Iranian legal system already discriminates against cisgender women and girls. The law requires a more restrictive Islamic dress code for women (hijab) than for men; impedes the rights of women in personal status matters such as marriage, divorce, inheritance, and child custody; and prohibits the full participation of women in employment and public affairs. The recently-amended Iranian Islamic Penal Code (IPC), which came into effect in 2013, also treats women and girls differently from boys and men in matters ranging from the value of their testimony (a woman's testimony is equal to half of a man's), severity of punishment, age of criminal responsibility, and recovery of “blood money.” The discriminatory nature of the Iranian legal system with regard to gender further complicates the existing personal, social, and legal challenges trans individuals must navigate, whether or not they elect to transition medically and obtain legal identity recognition.

If a person is in a legally recognized heterosexual marriage and decides to pursue medical and legal gender transition processes, the marriage will be nullified following completion of those processes and attainment of legal gender recognition. As “parental guardianship” rights are already restricted to men, Iranian trans women who are parents also face severely reduced custody rights following legal and medical transition."

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References

93 To read the full report about Dr. Rostami’s presentation, “Lived Experience of Iranian Transsexuals,” Panel Discussion at the Social Science Faculty of Tehran University, April 17, 2014, see http://mehrkhane.com/fa/news/10770/ [accessed January 8, 2016].

94 Purgatory of the Body: Surgeon’s Memoirs of Transsexuals in Iran, Cohanzad, S., Rose Dog Books, Pittsburgh, PA, 2012, the English version of the book is available at https://books.google.com/books?id=SLDRKb4oC&pg=PP2&lpg=PP2&dq=Purgatory+of+the+Body,+Surgeon%E2%80%99s+Memoirs+of+Transsexuals+in+Iran&source=bl&ots=UHyY+mloPz&t&sig=Etig_KFmp8Q3c3vRcZqT0oi5M&hl=en&sa=X&ved=0ahUKEwj7YiHMLq1NAHwBRg4KHTnpCj8oQ6AEHj5ABBv=vone&pg=Purgatory%20of%20the%20Body%20memoirs%20of%20transsexuals%20in%20iran&f=false [accessed January 8, 2016].


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97 According to an advisory opinion of the Iranian judiciary (Opinion No. 14/2/1973–297/93), “the law is silent” when it comes to a trans woman’s “paternal guardianship” of her child. Based on Article 167 of the Constitution, however, “Islamic sources and reliable religious fatwas may be consulted...
does not recognize paternal guardianship rights for trans men who are parents."* 

A further complicating factor is the IPC’s criminalization of consensual sex acts deemed to lie outside the bounds of traditional marriage, including adultery and same-sex acts. Iran’s criminalization of same-sex acts adversely impacts all members of the lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) community, including trans individuals whose gender identity is not legally recognized by the state." The IPC mandates

in this regard.” Indeed, the opinion explains that based on late Ayatollah Khomeini’s fatwa in the fourth volume of his Tahrir Al-Waslah, “if the gender of the father changes to the opposite his paternal guardianship over his kids will be nullified.” Please see the full text of the advisory opinion on Iran’s Official Gazette’s website, at http://rooznamehrasmi.ir/Laws/ShowLaw.aspx?Code=2225 [accessed January 6, 2016]. Under Iran’s civil code, in cases of separation and divorce, women may only have legal custody of the child until the age of seven, after which the father automatically retains custody (unless a court deems it is not in the best interest of the child). Iranian Civil Code, Article 1169.

98 For more legal analysis around the impacts of gender confirmation surgery on the status of marriage and the custody of children, see “SRS and Its Legal Implications,” Ali Awsat Fallah Nejad, September 2012, available in Persian at http://www.vekalatonline.ir/print.php?ToDo>ShowArti-
cles&AID=11845 [accessed February 29, 2016].

99 Adultery, defined as penetrative heterosexual sex with someone other than the spouse (defined as zinayeh mohseneh under Iran’s penal code), is generally punishable via death by stoning. Islamic Penal Code, Articles 221-32. The punishment for someone who is not married but engages in penetrative heterosexual sex with another (i.e. fornication) is 100 lashes. Islamic Penal Code, Article 230. Ayatollah Khomeini’s fatwa on GCS, which declares the superiority of “soul over body,” might suggest that a trans man would be legally recognized as a man, whether or not he has elected to undergo GCS. In such a case, the individual would arguably be immune from prosecution under the penal code for same-sex acts. In fact, however, Iranian law requires a GCS permit from the court as a condition to recognize the preferred gender of the trans individual. In an advisory opinion on this matter (Opinion number 4/8/92-1444/92/7) the judiciary noted, “the applicant for SRS is criminally liable for violating the Islamic Penal Code [such as cross-dressing, appearing as a member of the opposite sex in public, etc.] if the act took place prior to the court’s authorization of the person to undergo SRS.” For the full text of this opinion, see the Iranian Bar Association’s website, at http:/

the death penalty for individuals engaged in lavat (sodomy), defined as consensual or forced penetrative sex between two men. It requires 100 lashes, but not death, for the “active” participant of consensual same-sex relations, provided he is not married and has not engaged in rape.100 Under the IPC, the punishment for non-penetrative sex acts between two men (foreplay, or tafkhiz in Persian) is 100 lashes.101 The punishment for same-sex acts between women (mosaheqeh) under the IPC is 100 lashes.102 The IPC also subjects other same-sex conduct between men and women not involving sexual organs, such as passionate kissing, to flogging.103

The criminalization of same-sex acts can negatively impact both the public and private lives of trans individuals who decide not to undergo medical and legal transition, whose applications are pending, or those who are denied permission to transition by government agencies overseeing SRS. These trans individuals risk being apprehended as the gender assigned to them at birth, and therefore risk the harassment, arrest, detention and prosecution


100 Islamic Penal Code, Articles 233-234. Unlike the pre-amended code, however, the amended IPC limits application of the death penalty in consensual same-sex acts between men depending on whether the individual was “active” or “passive” (the latter gets the death penalty, while the former is punished by way of flogging). The differential treatment does not apply to non-Muslims, however. Non-Muslims convicted of sodomy with a Muslim receive the death penalty regardless of whether they are deemed to be the “active” or “passive” partner.

101 Here, too, the penal code discriminates against non-Muslims by requiring judges to issue a death sentence for the “active” partner accused of unlawful foreplay if he is non-Muslim and the “passive” partner is Muslim. Islamic Penal Code, Article 236, note.

102 Islamic Penal Code, Article 238-40. The IPC defines mosaheqeh as an act where a “woman places her sexual organs on the sexual organs of [another woman].”

103 Islamic Penal Code, Article 237. Individuals convicted of these acts may receive between 31 and 74 lashes.
for which those perceived to be engaging in consensual sexual relations are liable. Some individuals report that these hazards influence their decision to pursue medical and legal gender transition, as obtaining legal gender recognition may serve to legitimate behavior otherwise deemed unlawful.

It is also important to note that, under Iranian law, the concept of rape is vastly different from international standards: the Iranian Sharia-based penal code criminalizes any form of sexual intimacy outside of heterosexual marriage, which includes zina (sex outside marriage) and lavat (sodomy). While the law requires punishment for “forced” zina and “forced” lavat, there is no reference to “rape” per se in the penal code. Despite the fact that rape, as an act of power and discrimination, is totally different from sexual desire or orientation, the crime of marital rape does not exist at all under Iran’s penal code, and, as such, rape is only punishable in cases of non-consensual adultery, fornication, or sodomy. The lack of standalone legislation identifying and criminalizing rape renders all victims of sexual violence in Iran vulnerable: if such victims fail to “adequately prove” they were raped, they run the risk of being found guilty of engaging in consensual sex outside of marriage. Placing the burden of proof on the victims of sexual violence particularly puts trans and LGB individuals at an extremely disadvantaged position, as they frequently face violence (including sexual violence) on the basis of their gender identity, gender expression, and/or sexual orientation.

Members of the trans community in Iran are also targeted by the state on the basis of alleged engagement in vaguely defined acts prohibited under the state’s interpretation of Sharia law. Pursuant to Article 638 of the IPC, which criminalizes haram (acts generally considered sinful or prohibited by Sharia law), authorities can arbitrarily harass, arrest, detain, and prosecute anyone perceived to have committed sinful acts in public. Individuals convicted under this article can spend between 10 days and 2 months in prison, or be subjected to 74 lashes.

A note to Article 638 specifically states that all women appearing in public without the proper hijab can be prosecuted and sentenced under this article regardless of their religious beliefs or opinions. The hijab generally

104 Under Iran’s civil code, a wife must generally submit to the will of her husband (tamkeen), which includes her being sexually available to her husband whenever he desires. Iranian Civil Code, Article 1108.
105 Islamic Penal Code, Article 224.
requires women to cover their hair and dress in loose-fitting clothes that do not reveal the shape of the body, yet there is no distinction or specificity in the law regarding what constitutes improper hijab. Article 638 can and has been used by the authorities to target individuals who are perceived to be cross-dressing.108

In a May 2014 interview, Dr. Saberi, the chair of board of directors of ISIGID (the Iranian Society to Support Individuals with Gender Identity Disorder) confirmed that law enforcement agents often target trans individuals for appearing in public wearing clothes “of the opposite sex”—an act considered haram. “If individuals with gender identity disorder run into police, the police immediately arrest them and keep them in custody until they can establish their disorder through legal and medical channels,” Dr. Saberi said.109 Dr. Saberi was hopeful that the problem would eventually be resolved by the LMO issuing “permits for these individuals so that they do not run into any problems while in public,”110 but it should be noted that these permits are issued only to those who apply for GCS (gender confirmation surgery) and are valid only for a limited time.

In May 2015, Mr. Habibullah Mazaheri, Deputy Director of the SWO in charge of social affairs, confirmed to the semi-official Iranian Students’ News Agency, ISNA, that LMO authorization only allows trans individuals to “cross-dress” publicly between 6 months and 2 years after they have received their LMO permit.111

The challenges faced by trans individuals wishing to freely express their gender identity in public are many; even trans advocates and government officials tasked with helping the trans community either willfully or inadvertently undermine this right. Nazanin, a 21-year old trans woman who lives in a city in Western Iran, told OutRight: “I dress like a woman in my own town. But...once I went to the LMO office dressed as a woman. The secretary called out my birth name and refused to let me in until I was forced to explain my story.”112 Mohammad Ali Sohrabimehr, a lawyer and a legal expert, was quoted in the Iranian media as saying:

Cross-dressers follow a different path. They want to declare their membership in a subculture and want to show off to others by dressing differently than others. These people suffer from personality disorder and do cross-dressing as a subconscious act. They should not be confused with trans people.113

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109 To read Mr. Saberi’s full interview in Persian, see http://zistboom.com/fa/news/24274/ [accessed January 8, 2016].
110 Ibid.
111 See the full interview at http://isna.ir/fa/print/94030502996/
113 “When Soul is not in sync with the Flesh,” Quds Newspaper, December 11, 2006, no longer available online, but a copy of the article is available at https://www.facebook.com/TreataHospital/posts/402458689881719 [accessed January 8, 2016].
While many trans people—who live their lives day-to-day in accordance with the gender with which they identify—would distinguish themselves from self-identified cross-dressers—who may cross-dress on occasion but mostly live in accordance with the gender assigned to them at birth—other cross-dressers would self-identify as trans, seeing this as a core aspect of their identity or as a means of temporarily accessing their gender identity. As such, Mr. Sohrabimehr’s comments may inadvertently serve to restrict the rights of trans people who cross-dress, or of trans people perceived to cross-dress, as well, of course, as cross-dressers who do not identify as trans. Finally, there is no law in Iran that clearly defines and protects the rights of trans individuals, exposing members of this community (both those whose gender identity is legally recognized, and those who do not pursue medical transition processes and are prevented from securing national ID cards reflecting their gender identity) to social, legal, and family-based harassment, abuse, and discrimination.

International human rights law codified in treaties such as the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a signatory without reservations, requires all state parties to respect and to ensure to all individuals within its territory...the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.114

Similarly, the ICCPR is clear about the right to privacy, honor, and reputation: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.”115 Iran is also a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which clearly recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”116

It is important to note that Iran’s Constitution also abolishes all forms of “undesirable discrimination” and declares: “All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights.”117 The constitution calls for “equitable opportunities for all, in both the material and intellectual spheres.”118 Despite these international and national rights guarantees, however, Iranian law, including labor law, provides no protection from discrimination and abuse for trans individuals.119

119 Iran is a signatory to Convention concerning Discrimination in Respect of Employment and Occupation, available at http://www.ilo.org/dyn/ normlex/en/PWP=NORMLEX-PUB:12100:0:NO::PI12100_ILO_CODE:111. For more information about this, see http://rc.majlis.ir/fa/law/show/95510 [accessed January 16, 2016]. Article 38 of the Iranian labor law requires equal pay to both men and woman for equal work and prohibits discrimination in pay based on “age, gender, race, nationality, and political or religious beliefs,” see http://www.mcls.gov.ir/fa/law/267/فصل-سوم-شرایط-کار [accessed January 16, 2016]. In her interview with the Official Iranian news agency, IRNA, on September 6, 2015, Ms. Bahareh Rahmani, Deputy Director of State Welfare Organization in Qazvin province, specifies “joblessness” as a major issue that trans individuals, especially after GCS, have to deal with. To read...
Rights of Trans People Who Have Not Pursued Medical Transition

In Iran, only LMO-approved individuals are considered to be “individuals with gender identity disorder.” Such a designation allows these individuals to apply for a GCS permit, legally appear in public as the gender with which they identify, benefit from SWO’s services, and, ultimately, receive a new national ID card after the completion of medical transition. Individuals who are not deemed to have GID (and, therefore, not allowed to pursue medical transition processes) or who do not desire to pursue medical transition, must live and act according to the gender identity assigned to them at birth, or risk abuse, arrest, detention, and prosecution. In the words of Dr. Saberi:

For those applicants who don’t get approved [for medical transition] their desire for gender transition is not due to their gender identity disorder. They may suffer from multiple personality disorder, depression, or other issues. Many of these individuals could be treated with therapy and medication and live a normal life afterwards. Not everyone who wants to change their gender suffers from gender identity disorder.

Bousseh, a trans woman from the northwestern city of Urmia, told us that she does not wish to undergo GCS:

In the old days, when there was no such thing as GCS, many women lived with male sexual organs. I am not against GCS, but doctors told me I shouldn’t do it if I don’t think I am ready. My psychiatrist told me I should not do the GCS because I will regret it later.

To summarize: trans individuals who are not deemed eligible for, cannot afford, or choose not to pursue medical transition are also not eligible for legal gender recognition and for the limited protections afforded to those who do obtain medical and judicial approval. The lack of legal recognition for these individuals means that they cannot obtain state-issued identity cards that correspond to their gender identity, hence extremely limiting their ability to secure a job, pursue higher education, or rent a place to live. Since current regulations in Iran do not allow the recognition of the gender identity of trans people who have not pursued medical transition, neither the SWO nor the judiciary are able to protect trans individuals by ordering the NOCR to issue legal identification cards with appropriate gender markers, which may otherwise help to resolve instances of discrimination and legal exclusion. Bousseh explains her experience trying to persuade a judge to help her get legal documents as a woman:

I went to see the judge...He said, “Please come in, Madam.” I said, “What did you
call me? Can you say it again? You called me miss, right? But I have a condition [as a trans person] and have not yet undergone the surgery. Do I have to go through the butchery so that you can give me a new ID card? I also told him I did not have any money to pay for the operation. The judge contacted the local branch of NOCR to see if they could do anything to help. They responded that for a new ID [that reflects my gender] they would need the hospital’s documents confirming SRS. So the judge told me it was really impossible to do anything to help.

The absence of any laws or legal mechanisms protecting trans individuals against discrimination and abuse from both state and private actors, along with the refusal of the state to legally recognize the gender of trans individuals prior to medical transition or those not choosing medical transition, has made trans individuals who are not deemed eligible for, do not wish to, or cannot afford medical transition processes extremely vulnerable. Several trans people told us they could not take legal action against their rapists because they were afraid: if the issue became public, their family and society would find out about their gender identity, and explicitly or implicitly blame them for the sexual assault.

In fact, many trans individuals are fearful of being blamed for all acts of violence they may have experienced, making them extremely reluctant to seek help from authorities or family members in such cases.

**Military Service**

In Iran, military service is compulsory for all men who reach 18 years of age. As of May 2016, the duration of military service was ordinarily 21 months. There are various grounds that can exempt young men from military service, such as being the only son of the family, the sole caretaker of a parent or ill sibling, or demonstrating “exceptional scholastic achievement.” Individuals can also be exempt if they suffer from a mental or physical illness or disability that renders them unable to carry out military service. Once an individual is deemed exempt, they are issued a military

123 Interview in Turkey on November 12, 2014.
124 As explained earlier, IPC uses the concept of “forced” sexual act instead of rape. Such a narrow legal understanding of rape as forced zina (sex outside marriage) and lavat ( sodomy), along with the criminalization of any form of sexual intimacy outside marriage, renders all victims of sexual violence vulnerable, because if they fail to prove they were raped, they could be found guilty of zina or lavat themselves. Based on IPC, a victim of forced sexual act is not automatically absolved of his/her criminal liability. Article 218 (1) of IPC states that when it comes to certain crimes, including sexual crimes, an individual’s claim that he or she was “forced” into the act is not in and of itself sufficient to establish that the person is not criminally liable. This article mandates that the court examine the issue further, without specifying the exact evidentiary standard needed. Some Iranian lawyers note that in practice this means a victim must prove that he or she was raped as part of an affirmative defense to avoid being held criminally responsible for participating in a prohibited sexual act. The lack of proper laws against rape arguably adversely impact members of the LGBT community, including trans individuals, even more since they are particularly vulnerable to sexual abuse and violence.
125 Ana Roujina, an Iranian trans woman from Iran’s Kurdistan, describes how she was sexually assaulted by one of her relatives at the age of six or seven: “I didn’t even know what that meant. Later I found out what he did to me was sexual abuse. After that, I have witnessed numerous sexual assaults and gender humiliation both at home and in school.” She never dared to discuss these transgressions with her parents, since her father used to physically and verbally abuse her for acting like a girl, and her mother blamed the collapse of the family life and her divorce on her “sissy behavior.” More of Roujina’s testimony is available in Persian at [http://www.khanehamn.org/archives/tag/تراژنسی](http://www.khanehamn.org/archives/tag/تراژنسی) [accessed January 14, 2016].
126 Depending on the task assigned to the soldiers and the condition under which they serve, the duration of compulsory military service can range from 18 to 24 months. For more information, see the Q and A session of the official website of Iran’s Military Draft Board (MDB), available in Persian at [http://vazifeh.police.ir/?pageid=516&siteid=25](http://vazifeh.police.ir/?pageid=516&siteid=25) [accessed May 18, 2016].
exemption card, which identifies the reasons for their exemption.\textsuperscript{127} The recruitment, registration, and determination of eligibility for compulsory military service in Iran is the responsibility of the Military Draft Board (MDB) (Nezam Vazifeh in Persian), which is a part of Iran’s Law Enforcement Agency.\textsuperscript{128}

Trans women seeking exemption from the military draft can do so pursuant to the "Regulations on Medical Exemption from the Draft," which were approved by the president’s cabinet on May 11, 2014.\textsuperscript{129} Under these regulations, the exemption of trans individuals from military service is mentioned under “Chapter 5: Psychiatric Diseases,” which covers mental and psychological conditions such as schizoaffective disorder, delusional disorder, or schizophrenia, and certain intellectual and developmental disabilities.\textsuperscript{130} Section 12 of Chapter 5 stipulates: “Gender Identity Disorder (TS)\textsuperscript{131} that is certified by the LMO and confirmed by the Armed Service’s medical centers [is grounds for] for permanent exemption.” The regulations also address the issue of exemption for gay men, but do so under Article 7, which states, “perversions that violate the social and military code of conduct (such as sexual perversion and homosexuality)\textsuperscript{132} [warrant] a six–month deferment.” Under Article 7, “after six-months’ deferment, and upon confirmation by the Armed Service’s medical centers, [the applicant is eligible] for a permanent exemption.”\textsuperscript{133} Based on these regulations, the MDB is allowed to issue two different types of exemptions for trans individuals:

1) a permanent medical exemption for those diagnosed with gender identity disorder; and 2) a temporary exemption [that is granted in two stages and is valid for one year], for individuals approved by the SWO, who have applied, but are waiting, for their SRS permit to be issued.\textsuperscript{134}

The official classification of trans experience as a mental disorder under Section 12 of the medical exemption regulations means that those trans individuals who succeed in securing a medical exemption run the risk of being stigmatized, harassed, or discriminated against by their future employers.

\textsuperscript{127} “Iran: Military service, including recruitment age, length of service, reasons for exemption, the possibility of performing a replacement service and the treatment of people who refuse military service by authorities; whether there are sanctions against conscientious objectors,” March 28, 2014, available at http://www.refworld.org/docid/550fd7e64.html [accessed September 30, 2015].

\textsuperscript{128} Please see the official website of the MDB, available in Persian at http://vazifeh.police.ir [accessed January 18, 2016].

\textsuperscript{129} The current regulations were jointly proposed by the Ministry of Defense and Armed Forces Logistics and the Ministry of Health and Medical Education, were endorsed by the Armed Forces General Staff, and were approved by the government based on Section (1) of Article 39 of the Amended Military Draft Act, which was passed in 2011. The full text of the law is available on MDB’s website at http://vazifeh.police.ir/?siteid=25&pageid=4265 [accessed January 18, 2016]. The full text of the regulation is also available as a PDF at http://dotic.ir/download/news/156/156.pdf [accessed January 18, 2016].

\textsuperscript{130} See the “Psychiatric Disease” section of Medical Exemption Regulation, available in Persian at http://vazifeh.police.ir/?siteid=25&pageid=4275 [accessed January 18, 2016].

\textsuperscript{131} TS is spelled out in English letters in the original Persian text, and stands for transsexuality.

\textsuperscript{132} To see more about the categorization of homosexuality as an “Innate Perversion” in the Iranian legal system, please read Dr. Hassan Ghafouri’s, the Head of Social Services Office of the Iranian Ministry of Justice, post on the official website of the Tehran Prosecutor’s Office, available at http://www.ghavani.ir/PaperDetail.asp?id=741 [accessed January 18, 2016].

\textsuperscript{133} Ibid.

or anyone who is legally allowed to review their military exemption card. As Dr. Hadi Motamedi, a private psychologist, told Iran's Jam-e Jam newspaper: “Exemption from draft because of a mental disorder results in the deprivation of the trans individual's social rights. [Because of this designation] these individuals will face tremendous challenges finding a job in the future.”

The 2014 regulations on medical exception for compulsory military service effectively continue the policies of the old regulatory scheme under which trans individuals could only apply for a permanent medical exemption if they were classified as suffering from “moral or sexual perversion, such as transsexuality.” Article 33 (8) of the old regulations directly linked trans experience to “behavioral disorder (such as psychological and mental imbalance), and perversion that are against military code of conduct.”

But Iranian trans activists were not happy with the designation and worked hard to persuade the government to get rid of the practice of identifying trans individuals as suffering from a mental disorder altogether in order to secure an exemption. In August 2007, Iranian media reported that a group of trans activists met with representatives from the SWO and the Armed Forces to discuss the problems that such a designation can cause for members of the trans community. Following the meeting, both the SWO and the representative of the Armed Forces General Staff reportedly acknowledged the problematic nature of such a designation.

On November 27, 2007, the Medical Council of the Military Recruitment and Exemption Office of the MDB issued guidelines (Memo No. 23/701/04/308) recommending that the military exemption of trans individuals be granted based on a classification suggesting that they are suffering from an endocrine, instead of psychological, disorder. After a January 2010 meeting between Iranian trans activists and representatives from the SWO and the Armed Forces, the head of the Social


137 For the 2003 Amended Bill on Medical Examination and Exemption from Draft, see “Military Exemption in Iran for those who have changed their gender identity,” available at https://www.vekalatonline.ir/laws/27752/ [accessed January 18, 2016].


139 The letter states, “[1] Transsexuality is a hormonal disease and those suffering from it are dissatisfied with their biological sex and insist on being a member of the opposite sex. Such a psychological disorder can cause many social problems for these individuals. 2) When these individuals reach the age of the draft, some of these individuals become exempt from the draft pursuant to Section 3 of Article 33 of Regulations on Examination and Exemption for Draft, (Neuro-psychiatric disorders). [However, such designations] cause a great hardship for this group in the society. 3) Currently this office is in the process of amending the technical section of the regulations on examination and exemption. In the new regulations, the exemption of the patients diagnosed with being trans will be done in accordance to Article 30 of the above-mentioned regulations, (Endocrine diseases).” To view the original text of this letter, see Rayehe Mozafarian, “Military Exemption in Iran for those who have changed their gender identity,” August 30, 2015, available at http://ir-women.com/spip.php?article11183 [accessed January 18, 2016].

140 “The Removal reference to ‘mental sickness’ from military exemption cards of the trans individuals,” BBC
Vulnerability Office at the SWO reportedly confirmed that trans individuals would, from now on, be exempted under diabetes classification or other endocrine-related disorders.\(^{141}\)

OutRight has been able to confirm that some trans individuals were, in fact, able to secure military exemption cards with no mention of their suffering from a mental disorder or disability. **Arsalan**, a 32-year-old trans man from Tehran, told OutRight that when he was drafted at the age of 18, he tried several times and finally managed to convince the MDB to issue his military exemption based on Article 46 of the pre-2014 military exemption regulations.\(^{142}\) Article 46 does not mention psychological disabilities and merely authorizes the MDB to exempt individuals suffering from disorders not identified by the current regulation but which “render patients unable to perform their combat and noncombat military activities.”\(^{143}\)

Not all trans individuals, however, were able to secure exemptions pursuant to Article 46. **Kasra**, a 26-year-old trans man from Tehran, told us that he managed to secure his draft exemption card in 2011, but the card classified his medical exemption pursuant to provisions of the Article 39 (46) of the old regulations that identified him as being intersex.\(^{144}\)

In addition to the challenges of securing exemption from military service—for those who seek it—in a manner that does not destructively impact the individual’s future employment prospects among others, applicants for exemptions also report a lack of privacy in the MDB’s offices. Kasra describes his experience this way: “When I went there to explain my case there were other applicants sitting there and I had to answer all the questions in front of them. Everyone there could hear me.”\(^{145}\)

**Abuse by the Police and Judiciary**

People perceived as trans by the broader society are likely to experience violence and abuse by both state and non-state actors. Trans men are often arrested for not wearing the mandatory hijab, and trans women for “cross-dressing in public,” wearing heavy makeup, or generally dressing in a manner perceived to be inconsistent with the strict government-enforced dress code. This harassment and targeting by the police can occur even when trans individuals have secured an official letter from the LMO certifying a GID diagnosis.

We met **Martha**, a 27-year-old trans woman from Arak, when she was in Turkey applying for refugee status. She told us

> When I was in Iran, I was constantly worried about being executed [for being gender non-conforming]. But more than


\(^{142}\) Interview in Turkey on November 6, 2014.

\(^{143}\) To view the 2003 Amended Bill on Medical Examination and Exemption from Draft, see http://www.vekalatonline.ir/laws/27752/ [accessed January 28, 2016].

\(^{144}\) Interview in Turkey on November 8, 2014. To view the 2003 Amended Bill on Medical Examination and Exemption from Draft, see http://www.vekalatonline.ir/laws/27752/ [accessed January 18, 2016].

\(^{145}\) Interview in Turkey on November 7, 2014.
that I was afraid of being tortured. The authorities arrested my friend Ramin [on suspicion of being gay]. They kept him in jail for two years, and even though they had nothing against him, he was lashed in public. The fear of execution, torture, humiliation and being beaten always stayed with me. I was scared all the time even though I was never caught.146

Yavar, a 34-year-old from Tehran who identifies as queer, told OutRight that he and three of his friends who identified as cross-dressers were arrested, prosecuted, and flogged for engaging in gender non-conforming behavior. They were arrested by law enforcement agents in the Shahrak-e Gharb district of Tehran and kept for ten days without trial in the same jail. Their case was sent to a revolutionary court, which primarily deals with national security or drug trafficking cases, rather than to a civil court. He told us,

The 72 flogging sentence was executed at the Vozara Detention Center. We were also fined 400,000 Toomans each. We had no lawyer, nor any right to appeal. My family was too embarrassed to talk to lawyers who were our family-friends, and even kept my father in the dark about the arrest. The authorities prohibited the four of us from seeing each other [after our release]. [During our detention], we were afraid of discussing our gender identity. We kept telling them we just [cross-dressed] for fun. They severely beat us up. The officers started beating us up on the street in front of others [during our arrest], and continued their beatings at the detention center. Even the driver of the police car assaulted us. At the detention center they kept bullying and humiliating us.147

For trans individuals, seeking judicial recourse, including by filing complaints with the police, can also be an unattainable dream. Honey, a 28-year-old trans woman from the northwestern town of Bukan, had a troubling experience. Honey’s brother was abusive, and after he found out about her being trans, he decided to go after Honey and her boyfriend. She told OutRight that her boyfriend’s legs were permanently damaged during a crash in her brother’s car that, she believes, was meant to kill them both. She told OutRight:

If my boyfriend had tried to file a complaint, my brother would have revealed our relationship. The court would have subsequently dropped the case against him and instead opened a new case against us. My boyfriend and I were both scared. I was under the impression that if I had filed that complaint, they would know about me being a trans [person] and would force me to reveal my relation [to my boyfriend].148

Shiva, a 45-year-old trans woman from the northwestern city of Tabriz, was arrested by the police for cross-dressing in public. She was beaten by the police prior to standing trial. After an appearance in court that did not last more than a few minutes, she was sentenced to 30 lashes for public cross-dressing, a punishment that was implemented within three days of her arrest. She had no access to a lawyer and no contact with her family while she was in detention. She was sent to court after spending

146 Interview in Turkey on November 9, 2014.
147 Interview via Viber on April 2, 2015.
148 Interview in Turkey on November 4, 2014.
two days in a men’s prison without any food. She told OutRight, “I told the judge that I had gender identity disorder and I thought I was a woman. I hoped he would support me when he found out [I was trans]. Instead he said people like me should be ‘corrected’ by being flogged.”

Hasti, a 30-year-old trans woman from Khansar, told us that because of her appearance and feminine makeup, she faced humiliation and harassment from the police. Hasti has been arrested frequently when attending private parties:

The [police] would lift up my dress, look at my ID card and ask me if I was a man or a woman. In the end they would force me to sign a pledge letter [to promise that I would no longer dress as a woman] and then release me.

Assal, a trans woman who had applied for refugee status in Turkey, described how when she travelled back to Iran from Thailand following GCS, an Iranian border police agent called his colleagues to “examine” her medical documents. She said they started passing around her GCS documents to each other and laughed at her. “I felt I was a monkey at the zoo and they were watching me,” she told OutRight.

Videos of Iranian police appearing to harass trans individuals can be found on various social media sites. In an undated video allegedly recorded in Kermanshah province, police appear to be handcuffing and verbally abusing a trans woman. The person arrested in the video introduces herself as Amir, which seems to be her birth name. A voice in the background asks her about her last name and her father’s name (though the names are digitally removed from the recording). The voice then asks her why she “did this.” Amir remains defiant and refuses to say she has done anything wrong. The sound of a crying woman can be heard in the background as she begs for forgiveness on behalf of “her sister.” A male voice in the background interrupts the woman and asks, “Is she your brother or your sister?” The video ends when a man approaches Amir and begins to slap her in the face several times.

Ghazal Sadat Asadiyan, a trans woman who was preparing for GCS, told the official publication of the SWO in March 2015 that she used to be repeatedly harassed by the morality police when she presented as a man in public: “My feminine face dressed in a male outfit made them suspect that I may be a female cross dresser. I was stopped and interrogated dozens of times.”

149 Interview in Turkey on June 4, 2014.
150 Interview in Canada, August 2013.
151 Interview in Turkey, September 2012.

152 The video is available on Facebook at https://www.facebook.com/tavaana/videos/998352473544099/ [accessed January 7, 2016].

The Right to Health

In his March 2015 report to the United Nations Human Rights Council, the UN Special Rapporteur on the situation of human rights in Iran expressed concerns regarding serious problems with health-related services available to the transgender community in Iran.

He noted, “the quality of healthcare they received was, at times, clearly substandard and not in line with professional norms or the right to adequate and attainable healthcare provided in the ICCPR and ICESCR.” In his report, Dr. Ahmed Shaheed specifically listed some of the side effects of GCS, such as “serious complications, including severe bleeding, severe infection, scarring, chronic pain, and recto-vaginal fistulas.” He noted that some “transgender Iranians also reported that their operations resulted in abnormally shaped or located sexual organs and vaginal stenosis.”

Misdiagnoses by Health Care Professionals and Misinformation by “Experts”

Many trans individuals and their families turn to health care professionals to seek help and find answers to the challenges they face. Unfortunately, not all doctors and mental health professionals

have the requisite expertise to counsel them on issues related to gender identity and transsexuality. This can sometimes lead to incorrect, problematic, and/or dangerous advice or proposed “solutions.”

We interviewed Amir, a 26-year-old trans man from the southern city of Shiraz, who started seeing doctors at a very young age. But, instead of offering psychological or medical counseling, the doctors merely intimidated Amir. He told OutRight:

It all started when I was eight or nine years old. My parents took me to see a doctor because I kept saying I was a boy. The doctors never talked to me. They just told horrible and terrifying stories to shut me up. They said things like “you will die if you undergo SRS,” or “many girls who wanted to become boys died during the surgery”... All of them treated me like I was delusional....They would tell me: “It’s not possible, you were born like this.” But I knew I had to do this operation and change my sex. I was convinced there was a way and I was just looking for some kind of confirmation, from someone, who would tell me “yes, it’s possible!” Instead, one of the doctors gave me pills, and another one injections...[Another] told me to “get out and close the door behind [me],” as if I was a dirty and untouchable person.

Arsalan, a 32-year-old trans man from Tehran, also had a negative experience with health care professionals. He saw six or seven different psychologists, hoping that one of them could help him understand his situation:

Most of them knew nothing about transsexuality. One of them started calling me a lesbian...Others thought I was going through a phase and will get over it. One of the psychologists wanted to change me through hypnosis! When this idea of hypnotism came up, I stopped going. But that was not the end of the story—my family still believed in curing me and wanted to try the hypnotism.

Martha, a 27-year-old trans woman from the central town of Arak, remembers how she decided to cut her hair short and behave more manly under pressure from her university’s administration. She started feeling very depressed. Faced with increasing pressures both at school and at home, she decided to go to a psychiatric doctor to deal with her problems:

The psychologist never mentioned anything related to gender or sexuality, even though I told the doctor that my depression started after I cut my hair. I also told him that I had feminine feelings.... My uncle was under the impression that I was addicted to drugs and took me to a rehabilitation center...I spent one week there before they confirmed I was not addicted to anything.

Minou, a 38-year-old trans woman from Tehran, recalls the many instances of unhelpful advice she received from health care professionals when she was struggling to discover her gender identity:

I was about 18 when I went to see a psychologist. I read many articles in English...
on the Internet, as well as the biography of some trans individuals, but I still felt guilty. The first counseling session was helpful, other sessions not so much. Two years later, I went to see another counselor who did not have enough information on trans issues and thought negatively of it. He called me a “faggot” and said [people like me] should be wiped from society. Two years ago I went to see a counselor in northern Tehran, and it cost me a lot. I paid all that money to hear, [again], that I was a “faggot,” that we were disgusting people, and that I had to stop acting like this. Those sessions really disturbed me and had a devastating impact on my psyche.158

Medical misinformation about trans experiences are not limited to health care professionals. Iranian media outlets occasionally invite “experts” who encourage families to show tough love when dealing with their gender non-conforming children. On February 2, 2013, Iran’s state-run Islamic Republic of Iran News Network (IRINN) TV aired an interview with Dr. Gholam Hossein Ghaedi, a psychologist, who argued that “research has shown that the reaction of a family to the gender non-normative behavior of their children can play a role in [developing or preventing] gender identity disorder.” He continued, “For example, parents who do not stand up against their daughter’s boyish behavior, or their son’s girly conduct, and instead find this behavior to be cute may reinforce and encourage such behavior in their children.”159

In a January 2015 interview with the state-run Islamic Republic News Agency (IRNA), Dr. Behnam Ouhadi, a psychologist and sexologist, noted there was a lack of adequate medical education among Iranian doctors with regard to gender identity. “Unfortunately, Iranian psychologists are not very skilled in dealing with transsexual patients, and there are very few doctors who understand transsexuality,” he said. “Over the past few years we had cases of unprofessional treatment of trans patients by doctors who used electric shock therapy, or prescribed heavy doses of antipsychotic drugs that amount to torture.”160

Not all members of the Iranian medical community are uninformed about trans issues. In our interviews, we met several trans people who managed to explore their identity and discuss their trans experiences with their loved ones, through the assistance of health care professionals. Arsalan, a 32-year-old trans man from Tehran who discovered his gender identity with the help of his psychologist and eventually came out to his family, said:

I was in my last year of high school when I finally felt comfortable to talk about this issue with my family. I asked both my parents to listen to me and explained how long I had been struggling with this issue. I talked about my problems at school, and that I was seeing a psychologist for a while. I asked them to join me for my next session. Until then I had never even seen a real trans person— I had only read about them in a magazine.161

158 Skype Interview on January 27, 2015.
160 To access the entire interview in Persian, see http://www.irna.ir/fa/News/81448693/ [accessed January 8, 2016].
161 Interview in Turkey on November 6, 2014.
Health Care Professionals as Gatekeepers to Medical Transition

Trans individuals who are diagnosed with GID are required to go through a series of steps in order to receive authorization to undergo GCS. As mentioned earlier, the Iranian legal system only allows trans individuals to obtain new identity cards after they successfully undergo pre-approved medical transition processes.

On its website, Mahtaa has a list of 11 doctors who provide medical services to the trans community in Tehran as of January 2016.162 Mahtaa also has a directory of medical, legal, and social services available to trans individuals in Iran, which includes resources in four cities: Tehran, Mashahd, Qom, and Ardabil.163

Dr. Bahram Mirjalali, the recognized pioneer of GCS in Iran, explains the process:

The patient brings a letter from the psychologist they were seeing that confirms the existence of a problem. We send the patient to the court and after, following some legal procedures, the applicant will [visit] the LMO for further examinations. The medical committee there conducts tests, medical examinations and psychological counseling, and based on the results issues their final decision. Getting the SRS permission from the LMO can take at least six months. Unfortunately, many patients are unhappy with such a long process. This dissatisfaction shows itself during the post-surgery process, when patients prefer to no longer see the doctors.164

Valiollah Nasr, the head of the Social Vulnerability Office at the SWO, says the rationale for the long pre-surgery waiting period is to "prevent any post-surgery remorse." He continues:

Individuals who have been diagnosed with having gender identity disorder have to appear publicly, with their new gender identity, for six months. After that, their psychological state will be evaluated and then their SRS will be approved. To undergo the SRS they have to jump through a lot of hoops.165

Some GCS specialists require their patients to go through additional steps. Dr. Cohanzad, for example, requires additional screening for his GCS candidates:

It is impossible for me to operate on a trans patient less than six months before meeting him or her. Many of my patients complain about this, but I need to be absolutely sure that the patient is transsexual and not homosexual. I also need to ensure that the patient has followed the proper legal procedures because this is critical to their social acceptance after their SRS.166

162 The full list is available in Persian at http://www.mahtaa.com/ [accessed January 7, 2016].
163 The directory can be accessed on Mahtaa's website at http://www.mahtaa.com/ [accessed January 9, 2016].
166 You can read the February 2013 interview in Persian at http://www.iran.pezeshk.us/archives/31420 [accessed January 7, 2016].
Given the social and cultural stigmas surrounding transsexuality and GCS, surgeons sometimes face threats of violence by relatives of trans clients. As Dr. Bahram Mirjalali told Jam-e Jam newspaper:

Sometimes I have received death threats from the patient’s relatives. A father brought his trans daughter, who wore boys’ clothing but had very feminine behavior. The father told me, “If you touch my son and operate on him, I will kill you.” I had another patient who came to my office over twenty times and even gave me a down payment for the surgery. But the parents were not open to accepting the child’s SRS. I ended up providing 18 sessions of counseling to the parents to make them understand how much their child is suffering and they finally agreed to the SRS.

Dr. Mirjalali emphasizes the importance of gaining the approval of family members before the surgery:

Legally, the consent of the parents is only required for individuals under the age of 18. For patients over the age of 18, only the consent of the patient and a permit from the Legal Medicine Organization is needed. But I am not a big fan of surgery without parental consent. Perhaps many of my colleagues feel the same way. The blessing of the family is critical in the post-SRS period. The father and the mother of the patient need to understand the situation of their trans child, since the biggest challenge in a patient’s life is the ignorance of the parents about the transsexuality of their child. Unfortunately, sometimes we see doctors and psychologists who avoid contacting the patient’s family members.167

Dr. Mirjalali warned, however, that he is adamantly against encouraging his patients to undergo GCS: “Under no circumstances should a surgeon encourage a trans person to undergo surgery. The request should come from the trans person and the doctor should not push them in this direction.”168

Many GCS specialists in Iran believe a lengthy process prior to obtaining the GCS permit is necessary to diminish the possibility of post-surgery regrets. As Dr. Kamyar Tavakoli, a GCS surgeon, told a group of trans community members, out of 400 cases he operated on, he has only had one case of post-GCS regret:

The reason for such a low rate of regret might be because, before the surgery, I try to fully explain the problems and the process to the patients. Sometimes I even exaggerate the problems to make sure the SRS candidate is determined and has a healthy set of expectations regarding the surgery.169

Dr. Bahram Mirjalali’s agrees:

In all the years that we have conducted SRS, we did not have even one case of

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167 You can access the full length of the interview at http://jamejamonline.ir/sara/1687581470866243757 [accessed January 9, 2016].
post-surgery regret. If the person is diagnosed properly as trans, they will never regret the surgery. In rare cases, some individuals who have extreme homosexual tendencies are misdiagnosed as trans and operated on. This has resulted in post-SRS regret, and at that stage nothing can be done to reverse the surgery. But this is rare, since it is very unlikely for a homosexual person to be willing to undergo SRS. In all the surgeries I have performed, one person who was authorized to go through SRS expressed regrets after the surgery. After I reviewed his complaint, I realized he actually had an advanced level of homosexuality and unfortunately the doctors misdiagnosed him.170

Nonetheless, some of the trans individuals OutRight interviewed expressed frustration with the difficulties they faced securing their GCS permit. Their challenges included refusal of family consent, arbitrary criteria from doctors to undergo CGS, and others.

Ashkan, a 26-year-old trans man from Kerman, was already the divorced parent of a child when he started his gender confirmation process. Doctors refused his request for GCS, citing concern for his child’s future. Ashkan told OutRight:

The doctor who could authorize my SRS told me that he knew I was a transsexual, but he [would not allow me to undergo surgery because] he felt sorry for my son’s future. He was worried about my son having a trans parent. I told him my son was being raised by my grandmother and not me, but he refused the explanation.171

The challenges faced by the trans community in securing the GCS permit are well documented and widely publicized in Iran. For instance, in 2009, an Iranian newspaper reported that “based on LMO’s Statistics over the past 6 years, 422 individuals with gender identity disorder have submitted requests for SRS to the organization’s Psychological Committee,” and that “only 188 individuals have followed up and only 124 people received authorization to undergo SRS.”172 In 2004, Dr. Kahani, an expert with LMO, declared “between 1987 and 2004, 470 individuals have applied to the LMO for SRS.” Adding that only “214 applicants succeeded in securing their surgery permit.”173

It should also be noted that several sources have, over the years, claimed that Iranian gay or lesbian individuals were being forced by government authorities to undergo SRS.174 Although we have been aware of such allegations, OutRight’s research could not verify any such cases.
Gender Confirmation Surgery and the Post-GCS Monitoring Period

According to Dr. Saberi, the LMO expert, “A person with gender identity disorder needs to go through an approximately 12-month process of psychological evaluation to make sure there is no other treatment but SRS.” After that, the candidate can secure a permit. The procedure itself unfolds over the course of several stages. Dr. Mirjalali told Jam-e Jam newspaper that gender confirmation surgery for trans women can be done in two sessions:

First we remove the male genitalia and then [during the second operation] we implant the female genitalia. In contrast, the SRS for trans men is difficult and time-consuming. First, we need to remove female organs, such as breasts, uterus, ovary, etc. This requires a five-hour operation. Then we have to implant the protheses of the opposite sex, which is another operation that takes at least four hours. Finally, we need to fine-tune their genitalia, which requires [a] few extra hours of surgery.175

Dr. Saberi believes that counseling and monitoring post-surgery are absolutely critical to the patient’s well-being: “The patients should be under doctor’s supervision to control the infection and side effects of the surgery,” he says. He also notes the importance of psychological counseling. “Some of them feel remorseful or dissatisfied with the surgery, and if they do not have psychosocial counseling they are at risk of committing suicide.”176

OutRight has documented cases, however, of trans individuals not being able to receive the post-surgery care they require. According to Mr. Arastoo, part of this is financial, and the other part is related to the cultural stigma that accompanies seeing a psychologist. “Many people think only crazy folks need to see a shrink,” he said.177

Failures in Provision and Inadequate Access to Healthcare

In light of the numerous examples of botched SRS, I believe the [proper] treatment of transgender individuals in Iran is not possible. Iranian doctors are unbelievably behind international standards. Urinary tract infections, gastrointestinal tract infections and bleedings are among the most common side effects of SRS in Iran.178

This 2007 statement by late Ms. Molkara describes the sentiments of many trans individuals interviewed by OutRight. Some prominent Iranian gender confirmation surgeons agree.

In Dr. Mirjalali’s words:

175 You can access the full length of the interview, on October 28, 2014, at http://jamejamonline.ir/sara/1687581470866243757 [accessed January 9, 2016].


Unfortunately, I have seen many of these cases. Given the difficult nature of this operation, some of the side effects may be unavoidable. But I also need to warn the patients. You need to do your due diligence when choosing a surgeon. Sometimes the doctors who perform the surgeries are not skilled enough and this costs the patient dearly, forcing them to undergo several operations to clean up the botched work. But the original surgeon is often not willing to accept responsibility for their poor performance. We have a number of patients who had unsuccessful surgeries and are now seeing another surgeon hoping to correct the problem. Needless to say, repeated surgeries raise the risk factor.  

Dr. Mirjalali is one of the doctors who has been accused by trans individuals of performing sub-standard surgeries. According to the Iranian newspaper *Shargh*, some of Dr. Mirjalali’s patients want to sue him because they are unhappy with the results of their surgeries and feel that Dr. Mirjalali is at fault: “The surgery has taken away their ability to have sex and they have suffered from horrible side effects, such as the closure of their urinary tract, collapse of the breast prosthesis, and stickiness of the vaginal canal (vaginismus).” Dr. Mirjalali dismisses these complaints:  

These people forget that the SRS, even with the best prosthesis, will not make the patients a real man or a real woman. This operation is a reconstruction effort to make their bodies look like the body of a man or a woman. We don’t have any trans persons who have done SRS and are [100%] happy with their situation. I warn my patients before the surgery that SRS is very intense, high risk, and full of side effects. I also tell them that the surgery is irreversible and they will become sterile as long as they live.  

Amirali, a 30-year-old trans man, is one of the unlucky patients who had a series of botched surgeries. He said that because of the inexperience of the surgeon, he had to undergo seven surgeries:  

After the surgery, the bleeding didn’t stop. They had to perform another surgery to find out where the bleeding was coming from, but that didn’t help either. I felt they were cutting my liver into pieces. My body was producing blood clots the size of baseballs. It was numb. I thought I was going to die. The surgeon finally told me the reason for the nonstop bleeding was my drug addiction. I said, “Really?! How come after two weeks of being in the hospital and numerous blood tests no one saw any traces of drugs in my blood?!?”  

As a result of the surgical failures, Amir lost his appendix and suffered abdominal adhesions and other serious side effects.  

179 You can access the full length of the interview with Jame-jam newspaper, on October 28, 2014, at http://jamejamonline.ir/sara/1687581470866243757 [accessed January 9, 2016].

180 The original article, published on May 20, 2007, is no longer available from the newspaper’s website, but a copy of the article is available at https://groups.yahoo.com/neo/groups/iran-iran/conversations/messages/3814 [accessed January 8, 2015].

**Parsa**, a 42-year-old trans man from the northwestern town of Abhar, shared the painful experiences of his GCS with us:

My only problem was my financial condition which forced me to do the surgery in a public hospital that was fully subsidized by the state. I was operated and hospitalized in the obstetrics and gynecology ward... After the surgery, I had a sharp pain in my shoulder and they kept giving me ibuprofen, which caused a stomach hemorrhage. Then they performed the genital operation. I used to push down on my stomach to bear the pain. Finally, the doctor came in and gave me some medicine, but I still had horrible pain for several months after that. And my mastectomy was really botched. I think it was the doctor’s first surgery. I am not satisfied with it and will never get over it.\textsuperscript{182}

Gholipoor, a specialist in trans issues and concerns at the SWO, believes there is a lack of supervision and quality control on a national level. “So far, there has been no supervision over these surgeries by the Ministry of Health,” he notes. “There is no trained team of surgeons who can perform these surgeries...If the Ministry of Health trains a team of experts to supervise these SRSs, many of [the] patients’ problems will be resolved.”\textsuperscript{183}

Another challenge for GCS candidates is the limited number of medical facilities and doctors inside Iran who are willing to provide transition-related care. As Mr. Mazaheri, deputy director of the SWO in charge of social affairs puts it: “the number of doctors who perform the surgery in Iran is less than a dozen because many surgeons are not interested in a procedure that entails multiple stages of surgery.”\textsuperscript{184} Ms. Aram, a trans activist, agrees:

We still don’t have a sexologist who specializes in transgender issues. There are no courses being taught on transsexuality in Iranian academic centers. Over the past two decades, all surgeries were conducted by four general surgeons who have gained experience by trial and error. Over the past few years, given the high number of trans individuals, [we have seen an increase in] plastic surgeons and some young and inexperienced surgeons in provincial capitals performing SRSs.\textsuperscript{185}

The limited availability of medical centers working on GCS forces many trans individuals, especially those from smaller towns, to abandon efforts to pursue GCS altogether. According to Ms. Bahareh Rahmani, the deputy director of the SWO in Qazvin province:

One of the major problems of trans individuals is the lack of hospitals that perform SRS in the province. Many trans individuals have to go to hospitals

\textsuperscript{182} Interview in Turkey on November 6, 2014.


\textsuperscript{184} To read the full interview, on May 26, 2015, see http://isna.ir/fa/print/94030502996/بررسی-لایحه-حذف-از-ب-د-ه-ام-مجلس[accessed January 9, 2016].

which is a tedious process, and most of them end up abandoning their cases. In the past two years, we had 12 transgender cases contact the SWO in Qazvin, but only three managed to follow-up on their treatment and get surgery.\textsuperscript{187}

**GCS Costs**

The financial situation of many trans individuals does not allow them to pay for the full costs of GCS, leaving many unable to complete the transition process and acquire new identification documents. According to Mr. Gholipoor, most trans individuals who cannot afford to pay for the entire operation only undergo the first phase of the operation.\textsuperscript{188}

The financial hardships associated with covering the full costs of GCS do not only affect low-income individuals. Mr. Arastoo described how he managed to pay for his surgery:

The cost of the first two surgeries was around 9 million Toomans. Mahtab Karamati [an Iranian actress] intervened and negotiated down the cost down to 400,000 Toomans. [She provided me with] great support and I will never forget it. For the second surgery, my biggest challenge was the cost of the operation. It was about 20 million Toomans. [In the end] 30 of my colleagues chipped in and we managed to pay for the operation.\textsuperscript{189}

Dr. Mirjalali notes that the high cost of the GCS, along with the financial situation of many GCS candidates, has a direct impact on their post-GCS follow-up and the psychological support they require:

The treatment of a transgender [person] is not just the surgery. They need simultaneous surgical, hormonal, and social treatments. Both because of recovery time and the prevalence of social stigmas against trans individuals, these people normally do not have access to employment after the surgery. They also stop seeing their psychologists.\textsuperscript{190}

In many cases, the lack of financial resources leads to incomplete GCS and the government’s refusal to recognize the preferred gender of the GCS candidate. Arash, a 30-year-old trans man, explained how despite his financial needs, his requests for financial assistance were turned down, forcing him to complete only a part of his medical transition process:

I got the court’s order and the LMO’s letter and went to the SWO to seek financial help. They said there was no money available. It’s a lie. I feel the costs of these [surgeries] should be covered by health insurance…I could only afford my first operation which was done in a public hospital. The mastectomy was expensive and cost me around 8 million Toomans.\textsuperscript{189}

\textsuperscript{186} The distance between Tehran to Qazvin is about 90 miles.

\textsuperscript{187} To read Ms. Bahareh Rahmani’s interview with IRNA, September 6, 2015, see http://www.irna.ir/fa/News/81749161/ [accessed January 7, 2016].

\textsuperscript{188} “Individuals with Gender Identity Disorder will be Covered by Health Insurance,” ISNA, May 21, 2012, available at http://isna.ir/fa/news/91030100083/

\textsuperscript{189} You can see the full interview in Persian at http://rouzegar.com/biography/saman-arasto-change [accessed January 7, 2016].

\textsuperscript{190} You can read the full text of Mr. Mirjalali’s interview with IRNA, January 3, 2015, at http://www.irna.ir/fa/News/81448695/ [accessed January 8, 2015].
But they did not change my identification card because the LMO did not give me the permit. They required me to get a testicle implant before they could give [me] the permit.\(^1\)

Due to his financial situation and inability to complete his GCS, Arash felt his life was in limbo. He had a masculine appearance, the national ID card of a woman, and no official recognition of his preferred gender identity. As a result, he was unable to get married, have a family, or even maintain relationships without the fear of being harassed or prosecuted. He felt there was no hope of employment or the possibility of going back to school. “Nowhere and no one was there to help me,” he told OutRight.\(^2\) Under the circumstances, Arash felt he had no choice but to leave the country and register as a refugee with the UNHCR in Turkey.

**Amir**, a 26-year-old trans man from Shiraz, also abandoned the final stages of his GCS process because he was unable to pay the costs:

> In 2005 getting SRS authorization was not very easy, but I got it anyway. I could not afford the surgeries, so I had the mastectomy and ovariotomy done together. I paid six million Toomans, which was a lot of money in those days. These procedures are usually done in three sessions, but I did them all at once. I needed five or six more operations to completely get rid [of] any traces of SRS scars on my breast, but I had no money left. To pay for my expenses, I used to go to the Tehran bazaar and work as a porter. No one knew about my life. I suffered from pain, bleedings and infections the whole time.\(^3\)

Some trans individuals who cannot afford to pay for their medical expenses resort to desperate and dangerous measures, including self-medication. **Sharareh**, a 28-year-old trans woman from Gilan province, told OutRight:

> I learned about hormone therapy when I was 16. I had no money to go see the doctor, so I did not do my hormone therapy under any medical supervision. My liver suffered because I monitored my hormone intake myself...But if I had not taken hormones, I would have died of mental illness at a mental hospital.

### Access to Hormones

Many trans individuals, those considering GCS as well as those not able or not seeking GCS, require access to hormone replacement therapy as part of their gender transition.\(^4\) Hormone replacement therapy can have serious physical and psychological side effects,\(^5\) and requires conscientious medical oversight. Though essential, the cost of hormone replacement therapy and regular medical visitation

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\(^1\) Interview in Turkey on November 8, 2014.

\(^2\) Ibid.

\(^3\) Skype Interview on October 16, 2014.

\(^4\) For more information, see “SRS in Iran,” available at http://fa.edu.joopea.com/tags/

[accessed May 19, 2016]. Some Iranian experts claim 50 percent of the trans population in Iran are satisfied with their body after hormonal therapy, and don’t feel the need to undergo SRS. Please see IRNA’s article: “Struggle, Isolation, and Fight for Gender Reassignment,” June 15, 2014, available at http://www.irna.ir/fa/News/81275341

[accessed May 19, 2016].

\(^5\) To learn more about hormones used for trans patients and some of their effects and side-effects, see Dr. Safari Nejad’s article at http://dr.safarinejad.net/hormone-therapy-trans-male-to-female/ [accessed May 19, 2016].
remains a serious challenge for many trans individuals in Iran. For many trans individuals, hormone replacement therapy (HRT) is a lifetime necessity. At least one estimate puts the average monthly cost of HRT at about $20 to $40 a month, an amount that is unaffordable for most low and even middle income trans community members in Iran, many of whom struggle with social rejection (including disownment by the family), homelessness, and lack of access to resources more broadly. Even for those covered by medical insurance, accessing prescribed hormones through legal channels is a tall order, since many of these prescriptions are rarely available at pharmacies, forcing patients to resort to the black market to obtain them at a much higher price. The cost of medical treatment, including hormonal therapy, is so prohibitive that some trans individuals have even publicly discussed selling their kidneys to pay for these essential expenses. Apart from the cost of the hormonal therapy itself, those undergoing the treatment sometimes have to deal with psychological side-effects of taking hormones, including, in some instances, depression, which requires them to seek support from mental health professionals—another costly medical expense that is not easily affordable for many trans people.

Given the costs associated with taking hormones under medical supervision, some Iranian trans people, including those interviewed by OutRight, have resorted to self-medication of hormones that they managed to obtain through unauthorized channels. The lack of access to medical care for receiving hormones has also prompted some to resort to online forums to discuss the issue of hormone therapy, the effects of the hormones, and how to administer hormones.

There are other issues associated with the use of hormones among trans people; some have reported that, given the widespread social stigma against trans individuals, they choose not to seek professional help for injecting legally obtained hormones and instead self-administer their medication. Some also indicate that the Iranian medical community does not have a clear understanding of their needs, and, instead of a thorough diagnosis of their situation, there is an inclination among

198 The approximate costs of SRS in Iran are available at http://mahditomina.blogfa.com/post/24 [accessed May 19, 2016]. This article was written in the fall of 2008 and the costs have been adjusted based on the currency exchange at the time.
202 Comments by Ali for Dr. Shamshiri on his online medical forum, available at http://drshamshiri.com/?page_id=1116 [accessed May 19, 2016].
204 Sharareh, Skype interview, December 5, 2014.
some doctors to persuade their clients to only use hormone therapy as their ultimate remedy. Dr. Mohammad Reza Safari Zadeh, an Iranian andrologist, admits that Iranian medical training centers, even in their specialized courses, do not offer any training on treating trans patients, and therefore many physicians are not familiar with this issue.

State Subsidies for Transition-Related Medical Care

In 2003, for the first time, the SWO received 20 million Toomans (equivalent of $25,000 at the time) of government funding to financially support individuals with GID. Since then, the amount and nature of SWO’s financial support to trans individuals has been the subject of much debate and controversy both inside Iran and on the international stage. The Iranian media at the time quoted an official with the Management and Planning Organization (a state agency tasked with planning the state budget) as saying that “two million Toomans” would be made available “to each applicant after the completion of the SRS.” Yet interviews and research suggest that only a few trans people managed to receive as much as one million Toomans in assistance.

According to SWO’s current guidelines, each trans individual—following judicial and medical approval—can receive an allowance of up to 4 million Toomans for surgery, up to 2 million Toomans for follow-up procedures, and up to 500,000 Toomans for non-surgical treatments. A panel of medical experts from the SWO determines the amount of financial assistance for each patient, and their decision is subject to approval by a committee from the Social Vulnerability Affairs unit of the same agency.

In October 2007, Mahdi Seyed Mohammad, the deputy director of the SWO in charge of social affairs, told Etemad newspaper that there had been a new budget allocation for individuals with GID and a “total of 700 million Toomans has been allocated to the SWO to help with the treatment cost [of transgender individuals].” The announcement of a 35-fold increase in subsidies for transition-related health care created much hope and anticipation within the trans community and was welcomed by the international media.

Although, in his interview, Mr. Mohammad claimed that “the SWO is required to allocate 5 million Toomans to each trans individuals for their SRS,” it appears that the average amount of aid for those seeking gender confirmation surgery would be closer to 2,500,000 Toomans in light of the number of applications he referred to.

A year later, in April 2008, Dr. Abdolreza Mesri,
Minister of Welfare and Social Security,\textsuperscript{213} again declared “the allocation of 5 to 6 million Toomans of financial assistance to pay for SRS of individuals with gender identity disorder.”\textsuperscript{214} In July 2008, Seyed Hassan Mousavi Chalk, the head of the Social Vulnerability Office at the SWO clarified that the 5 million Toomans of financial assistance for SRS was “not a grant” and would only be “deposited to the hospitals or treatment centers [bank] account upon the submission of required documents.”\textsuperscript{215}

Over the past few years, SWO officials have repeatedly referred to a 5 million Toomans subsidy for those seeking transition-related medical care, yet these figures are inconsistent with the number of individuals reported to be seeking care. For example, in November 2012, Mohammad Nafariye, the SWO’s deputy director of social affairs, told the Islamic Students’ News Agency (ISNA) that “350 million Toomans [in] financial assistance…has been distributed…to support 100 transgender individuals during this fiscal year.”\textsuperscript{216} Based on these numbers, the average financial assistance for each medical care recipient would be around 3,500,000, and not 5 million Toomans. In May 2015, SWO officials again told Iranian media that trans individuals seeking medical care can receive “around 4-5 million Toomans” from the agency for costs associated with medical transition.\textsuperscript{217}

In addition to a lack of clarity and transparency surrounding the exact amount of government subsidies for transition-related medical care, there are questions regarding the willingness or capacity of the SWO to provide support to the trans community. In his July 15, 2015, interview with the official Islamic Republic News Agency, the head of the SWO, Mr. Anushiravan Mohsen Bandpei, said, “attending to issues related to transgender individuals such as treatment, care, and support is not clearly listed in the State Welfare Organization’s job description.” He added, “solving the trans community’s problems requires spending a lot of money,” and that because the agency’s budget in 2015 was “specifically operational [it had] no resources to allocate to these issues.”\textsuperscript{218}

Several people interviewed by OutRight said that in certain parts of the country, financial aid for transition-related healthcare had been completely suspended since 2012, and that the agency reportedly blames this shortcoming on a lack of dedicated government funds. Interviewees told us that the SWO only reimbursed them for a portion of the surgery costs, as well as a small fraction of the expenses associated with hormone treatment. Amir, a 26-year-old trans man from Shiraz, told OutRight:

> There is no financial aid by the state and I received nothing. They just gave 500 thousand Toomans for hormone therapy. Not even a letter so that I can go to the hospital. Under those circumstances and right after the surgery I had to drive a cab

\textsuperscript{213} Ministry of Welfare and Social Security was consolidated with the Ministry of Labor in June 2011.

\textsuperscript{214} The full text of the speech is available in Persian at: http://alef.ir/vdci3uar.t1a552bcct.html?2wml [accessed January 8, 2016].

\textsuperscript{215} See the Hamshahri article: “Unsatisfied Individuals with Gender identity Disorder, In Search of their Lost Half,” available at http://hamshahrionline.ir/details/57157 [accessed January 9, 2016].

\textsuperscript{216} The full interview is available at http://www.hamshahrionline.ir/details/192032/Society/socialnews [accessed January 8, 2016].

\textsuperscript{217} The full interview is available at http://isna.ir/fa/print/94030502996/

\textsuperscript{218} The full interview of the head of Iran’s State Welfare Organization with IRNA is available at http://www.irna.ir/fa/News/81684269/ [accessed January 8, 2016].
with my brother's driving license to pay my surgery costs.219

Reza, a trans man who was interviewed by an Iranian news agency in August 2015, echoed Amir’s sentiments: “They say the SWO gives 5 million Toomans to trans individuals. This is not true. I had a hard time registering with them and after 18 months they only gave me 900,000 Toomans.”220

The actual costs of transition-related medical care are higher than government’s maximum allowable subsidies. Since these forms of healthcare are still widely considered to be cosmetic, they are generally not covered by health insurance companies,221 and applicants are forced to cover expenses themselves. The official publication of the SWO estimates medical transition costs for trans individuals to be between 15 and 20 million Toomans for trans men, and between 20 and 25 million Toomans for trans women.222

In August 2015, Taraneh Aram, a trans activist who elected to pursue medical transition eleven years before, told an Iranian news agency that "based on the Trans Society and Mirdamad Clinic's figures, each patient needs at least 20 million Toomans."223 Others put the estimated costs of medical transition much higher. In 2012, Gholipoor, a specialist on transgender community issues at the SWO, told ISNA that the cost of the gender confirmation surgery could be as high as 40 million Toomans, adding that the first phase of surgery alone can cost around 8 million Toomans.224 Dr. Bahram Mirjalali, a France-trained private surgeon who, on his own initiative, pioneered GCS in Iran, told an Iranian state-run newspaper that the cost of the operation is often negotiable:

[I]t all depends on the surgeon. Sometimes the doctors may give a discount to a patient who can’t afford the cost…. Most of our clients are financially disadvantaged… Many of them are disowned by their families and they are willing to take any risks to get the money for the SRS, which sometimes puts them in harm’s way. Obviously, they do anything to get a discount from us for the SRS. We collect part of the surgery costs from the patient and part of it from the State Welfare Organization. There is [also] a charitable foundation that pays for part of the costs related to the surgeries of these patients.225

It should also be noted that between October

219 Skype Interview on October 16, 2014.
2009 (when the SWO first announced the news of a 5 million Toomans subsidy) and May 2015, Iran’s currency lost about seventy percent of its value, significantly reducing the purchasing power of the government subsidies regardless of their actual amount.226

There is a continuing debate in Iran about whether the government is doing enough to provide adequate transition-related health care support, especially financial support, to members of the trans community. Some, like Dr. Soudabeh Masahi Oskooie, a GCS surgeon, believe the government, and especially the SWO, is doing its best to meet the healthcare needs of the trans community.227 But many trans community advocates believe government agencies can do a lot more. Elahe Farsad Khalili, a researcher on trans issues, explains:

Unfortunately, the state agencies don’t offer any support and are only content with Imam Khomeini’s fatwa. If we admit that society is uneducated about this issue, why don’t we try to educate the public? The parents who live in a small village, how should they know their child is trans? Do our officials understand transsexuality?”228

Saman Arastoo, a trans man and celebrated Iranian movie actor who elected to pursue medical transition in 2008 at the age of 41, agrees:

To get the whole amount [of the SWO’s subsidy] you have to spend a lot of time and energy going from one office to another and get a bunch of letters. This really wears you down... Also the SWO refers us to doctors whom we don’t know. The same people won’t allow those doctors to even operate on their cats, but trans people, with all social, family, and psychological problems they have, end up going to a doctor they know nothing about. There is no dedicated clinic, medical advisory group, nothing for the Iranian trans community.”229

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226 Based on Iran’s Central Bank’s official exchange rate, one US dollar was valued at 932 Toomans in October 2007. In May 2015, one US dollar was exchanged for 2,830 Toomans. See http://www.cbi.ir/ExRates/rates_fa.aspx [accessed January 14, 2016].

227 To read the full report from the March 2014 panel discussion on “The Lived Experience of Trans Individuals in Iran,” which was held at Tehran University, see http://mehrkhane.com/fa/news/10770/ [accessed January 8, 2016].

228 You can read the detailed report from October 13, 2015, “Interdisciplinary Perspectives on Transsexuality in Iran,” Panel Discussion at Social Science Faculty of Tehran University, available at http://mehrkhane.com/fa/news/21734/ [accessed January 9, 2016].

Social Discrimination and Other Abuses at the Hands of Private Actors

Many trans Iranians report that in addition to the legal, medical, and financial challenges they face, they endure social pressures, ranging from exclusion in the workplace and at school, to domestic violence and public harassment.

The social discrimination, domestic violence, and legal harassment experienced by trans individuals often starts at a young age and continues throughout their lives, regardless of whether they choose to pursue medical transition or legal gender recognition. Dr. Saberi, an official with the LMO, summarized his experience working with the families of trans individuals:

[Some] parents even encourage the unusual behavior of their kids because they find it cute. For example, for a family that has several sons and longs for a daughter, having a son who uses nail polish and pretends to be a girl may even be charming for his mother and father. But as the kid grows older, his behavior starts to worry the parents who realize that he does not act like other boys his age. The child will then experience humiliation and disdain. He may be called all sorts of names. The parents may gradually notice this as their child [gets older]. In many cases, the families become verbally abus[ive] with their transgender child, engage in back and forth bickering with them, and sometimes even disown them. I have not seen many families with a trans child who actually want to go to a psychologist for counseling.
They are normally very resistant to accepting the transsexuality of their child. [They] feel the angst and guilt and parents often blame each other for the transsexuality of their children.\(^\text{230}\)

As previously mentioned, part of the problem lies with traditional and religious notions, such as prohibitions on haraam acts. For example, Ghazal Sadat Asadiyan, a trans woman who was preparing for GCS, told the official publication of the SWO about how she was thrown out of a religious service during the high Shia holiday of Ashura because of her effeminate look, even though she was dressed as a man. Ghazal said, “I was heartbroken. I went back home and told my family the story. I blamed them for the incident and asked them not to pressure me to dress [as a man] anymore.”\(^\text{231}\)

Another part of the problem stems from the fact that despite GCS being legal in Iran, trans individuals who have completed surgery are not legally protected against discrimination at their workplace and within public spaces, nor are they immune from acts of social intolerance and family rejection because of their gender identity. According to Dr. Cohanzad, “The biggest challenge is the social acceptance of trans individuals after their surgery. All the technical knowledge required to perform the surgery correctly pales in comparison to the opinions [and reactions] of a father, mother, neighbors, and community members.”\(^\text{232}\)

Dr. Mahdi Saberi agrees: “Fifty percent of the families of children with GID oppose their child’s SRS. Twenty to twenty-five percent of them are only willing to accept their child’s condition with certain stipulations.”\(^\text{233}\) Dr. Bahram puts it another way:

The SRS for trans people is like opening the doors of the cage and letting them fly. But fly where? Into a society where the person is better or worse off? After the surgery, it is critical that [trans individuals] get the help of their family, friends, and society so they could live a better life.\(^\text{234}\)

Dr. Rostami believes that the hostile environment and lack of societal support many trans individuals experience pushes them to either contemplate, or attempt, suicide. “The rate of suicidal thoughts among trans individuals is one hundred percent, meaning that every one of them has thought of committing suicide at least once [in their lives],” he says. “The actual suicide attempt rate among them is seventy percent, meaning that out of ten trans people, seven of them attempt suicide.”\(^\text{235}\)
Domestic Violence

Beyond the legal discrimination that all women and girls experience from both the civil and penal code, there are no protections under Iranian law for victims of domestic violence. Ghazal Zaferani, an Iranian lawyer who has represented dozens of trans clients, summarizes the abuse and violence many trans individuals experience at home:

“Unfortunately, because of prevailing cultural misconceptions among Iranians, many consider transgender individuals to be perverts and either ostracize them or treat them with hostility...Many family members of trans individuals disown them and cause them heartbreak. In some cases, I have seen trans individuals who are killed by family members who see them as sexual perverts.”

Arash, a 30-year-old trans man from Tehran, told OutRight about the abuse he suffered at the hands of his mother and other family members:

“My mother was getting suspicious when she realized that I was starting to look more and more masculine. She kept asking why I don’t shave my legs and have my periods. One day I finally told her that I’d become a man. She said, “How can you be a man? I have changed your diapers [and I know you have female genitalia]!” Then she and my brothers began beating me savagely. My brother said if he sees me in male clothing again he would have no mercy on me...He was a big and powerful guy. He used to regularly beat me up.”

In addition to enduring domestic violence, Arash had to cope with persistent verbal abuse from his neighbors. He said that because his family treated him like an unwanted child, it was easy for others to mistreat him. “The woman living next to us used to insult me a lot...I will never forget her,” he told OutRight. “Once she called me a dirty whore. My girlfriend was with me. Other neighbors were yelling at us from their windows. They wanted me out of that neighborhood.”

Arash’s mother ultimately reported him to the police for dressing as a man:

“My mother went to Vozara Detention Facility to file a complaint against me. She complained that I was a girl who had turned her back on religion and goes out in public unveiled. The court issued a subpoena. I put on my manteaux (the long loose dress Iranian women are required to wear in public) and headscarf and went to see my psychiatrist who gave me a letter explaining that I was possibly a transsexual. I then went directly to the court, sat there and explained my situation. They were nasty and could have hurt me much more, but the judge dropped charges against me.”


237 To read the full text of her interview with Ghanoon newspaper, July 21, 2015, in Persian, see http://www.ghanoondaily.ir/News/55044/ [accessed January 6, 2016].

238 Interview in Turkey on November 8, 2014.

239 Ibid.

240 Vozara complex in Tehran is the headquarter of the Anti-Social Vice Unit of the Tehran Police, where individuals charged with “morality crimes” such as cross-dressing are being processed.

241 Interview in Turkey on November 8, 2014.
Arash recalled a conversation with his mother after he was acquitted: “I cried and said, ‘Mom, they will kill me. If they think that I am a lesbian, they will kill me.’ She did not understand how serious the charges against me were.”

Sharareh, a 26-year-old trans woman from Gilan province, described to us the abuse she endured after her parents discovered she was trans: “Once I read about intersexuality in a magazine. I got so excited about it and showed the story to my father. He slapped me in the face. This was the first time in my life [I remember] being physically punished.” Sharareh explained that the abuse soon turned into pervasive domestic violence because of her being trans:

We went to see a general physician who said I was physically healthy and prescribed an ultrasound of my internal organs. I hoped they would find something in my body. My father brought a sickle with him to the ultrasound and told me on our way there that if I was intersex he’d kill me with that sickle. [At that moment] I felt I was the loneliest person on the planet. The ultrasound showed I was not intersex. When we went to see the psychiatrist, I told him everything [about my sense of my gender]. The doctor told me there was nothing wrong with me. He encouraged me to continue my education. But my mother started to intimidate me. She said since I told the psychiatrist I had feelings for members of my biological sex, the doctor would report me to the authorities and I would be executed.

Sharareh continues:

My parents would take me to see a kind of shaman [doanevis in Persian] who would say prayers for me. They would all say prayers together and make me drink “holy water” and do lots of other things. [When none of those things worked], my family started beating me up with belts or water hoses, punching and kicking me, and physically hurting me to force me to change. One day we found out my cousin was pregnant and I said, “Poor thing!” My father started beating me and then tried to kill me by putting a pillow over my face. I could not breathe. I thought I was going to die.

Sharareh also remembers more recent, painful memories:

My father once burnt me with scolding hot water because of my feminine appearance and behavior. He kept saying people like me should die... and then he poured the boiling water on my leg! He later applied ointment on the wounds. Another time, he threw a computer tower at me. [It hit me in the mouth] and I started bleeding.

Unfortunately, Sharareh’s mother was equally abusive, though her ill-treatment was mainly emotional in nature:

My mother put a lot of psychological pressure on me,” Sharareh told us. “She used to cry and ask why “this misfortune” was plaguing her child. Both my parents would pray every night, asking God, and the saints, to heal me.”

242 Ibid.

243 Skype interview, December 5, 2014.
Pedram, a 23-year-old trans man, told us about the abusive family environment he grew up in:

Neither society nor our families understand us. They think we are brainwashed to think we are boys. I fight with my father every day. He thinks I am either delusional or a pervert. Even in college, and at work, they give us a hard time. Last month, I tried to end my life four times. If it were not for my brother I would be dead by now.244

Niusha, a 22-year-old trans woman from the town of Islamshahr, near Tehran, shared her experiences with us:

When I talked to my father [about my transsexuality], he said he'd kill me. He went insane. He used to constantly beat me and my mother up. He used to beat me because of my choice of outfit. When my mother protested and said nowadays everybody is wearing these types of clothes he responded with: “Everyone in the neighborhood is asking me if my child is intersex.”245

Despite the harsh realities experienced by many trans individuals at the hands of their families, not all of them experience hostility or rejection. Nahid, a 28-year-old trans woman from northern Iran, recently completed GCS. She was very thankful to her mother, an illiterate housewife who has been her biggest supporter during her transition: “Five years ago my mother allowed me to dress in public like a woman and stopped my brothers from bothering me. I want to become a hairdresser and have made a promise to God that I will perform the hajj with my mother.”246

Some experts believe that over the past few decades, Iranian families have generally become more aware of issues related to trans experience. According to Dr. Mirjalali:

In the past ten to fifteen years there has been better awareness about this issue in our society and, as a result, transsexual individuals have a much better situation now compared to the past. They often come to the doctor with their parents, whereas fifteen years ago these people used to show up lonely and without any support. That being said, transsexual individuals still have a very hard time being accepted in society and finding a job that can provide them with a livelihood.247

Sexual Violence

Many trans individuals who spoke to OutRight told us that they suffered sexual harassment and assault but felt that they could not report their experiences to authorities, or discuss them with their loves ones, for fear of being blamed or punished.

Honey, a 28-year-old trans woman from Bukan,
is a rape survivor. After the rape incident, her rapist continued to live freely in the same city as she did. She explained her story to us:

That evening, I took a cab to go to my aunt's home. I realized the driver was the same guy who used to stalk and harass me on the street. He used to threaten me and say that if I didn't have sex with him he would tell my family [about my being trans]. I acted as if I did not recognize him. He locked the doors and turned the car around. I asked him where he was going. He drove us to a remote area that looked like a wheat field. We got out of the car, I wanted to run away but he grabbed me from behind and threatened me with a sharp knife. I cried and begged him not to touch me. He said, “take off your clothes or I will stab your back.” I cut both my hands trying to take the knife away from him. He raped me there. No one could hear me shouting. I was only nineteen. I saw him around the city after that incident several times. But what could I do? I can't even tell my family. They would not help me. I could not tell the police either since they knew my family and would blame it on my appearance.

Mary, a trans woman from Fuladshahr, told us that she wanted to run away as a teenager because of the abuse she endured at home, and the sexual abuse she suffered at the hands of her uncle. But she felt trapped, with nowhere to go:

During high school, I ran away from home and went to Tehran. A taxi driver started following me from the moment I got to the bus terminal. He kept asking me to go home with him. I ran away from him to a park. Later I went into a company's office and asked for directions. When I went to use the bathroom a big guy approached me and asked me to go home with him. So I took refuge in Daneshjoo Park. There I ran into students who were offering themselves for sex. I was so disgusted that [I] took a bus and went home after only one day. No one realized that I was missing for 24 hours, and what happened to me.

Niusha, a 22-year-old trans woman from Islamshahr, survived a gang rape. She said she was raped by seven or eight people in an abandoned area. The rapists were never punished for what they did. Traumatized by this assault, she was too scared to discuss the event with anyone or to seek help. She told OutRight:

That day I went shopping with a younger boy in our neighborhood. All of a sudden about seven to eight people showed up in two cars. My friend ran away; he was just a child. I tried to escape to the ruins. They chased me and threatened me at knifepoint...They all raped me. I felt disgusted with myself. I still have nightmares when I think of those ruins. My friend told me to report it but I was afraid of my reputation and honor. I did not tell anyone.

Arash, a 26-year-old trans man from the southern city of Kerman, worked as a construction worker to save for the costs of medical gender
transition. He said he slowly came to trust his employer who found out about his being trans. Arash asked the employer to keep his money for him till his savings were sufficient to cover his surgery. In 2011, when it was time for his employer to hand over Arash's savings, he told Arash he wouldn't release the funds unless he had sex with him. When he refused, the employer raped him. “I could not go to court or the police because they would have found out I was dressing up as a man and working among men,” he said. “They could have arrested me for that.”

Arash became severely depressed after being raped. He quit his job and confined himself to his home for months.²⁵²

**Forced Marriage**

Families who do not accept the trans identity of their child, especially their trans sons, sometimes resort to forcing them into marriage in order to “hide the problem” or “straighten out” their loved ones. Akbar, a 23-year-old trans man from Sanandaj in Iran’s Kurdistan province, said he was subject to constant physical and mental abuse by his family. When his family tried to pressure him into getting married, Akbar fled the country. He was nineteen at the time. He says his family was constantly embarrassed because of his masculine appearance and believed he brought shame and dishonor to them. His father physically and emotionally abused him because of this. One day Akbar’s mother took him to a doctor who told them that Akbar may require GCS. When his father found out about the doctor’s visit, he beat Akbar, called the doctor’s diagnosis “nonsense,” and threatened to kill Akbar if he ever brought up the doctor’s suggestion again.

Akbar said the pressure at home became unbearable and he twice attempted suicide; once by cutting his veins and another time by taking pills. Akbar’s father refused to take him to the emergency room after his first attempt, but his mother saved his life. Later, when Akbar got accepted to university, his father banned him from continuing his studies unless he married a man. His father forced Akbar to get engaged with his first cousin, but he eventually managed to run away to Turkey without going through with the forced marriage.²⁵³

Ashkan, a 32-year-old trans man from Kerman, had a similar experience. His family forced him into a marriage that led to years of sexual violence and psychological abuse. He told OutRight that when he was only 17-years old, his parents forced him to choose between one of two men who came asking for his hand in marriage. Ashkan said one of them was a 52-year-old man, and the other a 26 year old. Under family pressure, he chose the 26 year old who was actually his girlfriend’s brother. He thought by marrying his girlfriend’s brother he could remain close to her and convince the brother to leave them alone.

But from the first day of their marriage, the husband sexually and physically assaulted Ashkan. Ashkan told OutRight that his husband used to force him to drink alcohol, after which he handcuffed and raped him. His husband forced Ashkan to grow long hair, use makeup and wear feminine outfits. No one came to his defense. When Ashkan became pregnant, his husband, who was a drug addict, forced

²⁵² Interview in Turkey on September 8, 2012.

²⁵³ Interview in Turkey on September 8, 2012.
him to sign a document forfeiting his right to dowry and child custody. Ashkan finally ran away from home without his child and went to Tehran: “I just wanted to be somewhere where no one knew me. Somewhere far away from my family and that life.”

Workplace Discrimination

Although being trans is not, in and of itself, considered a crime in Iran, social stigma often discourages many employers from hiring trans individuals. Dr. Masahi Oskooi notes:

Trans individuals have a difficult time finding a job...Many employers fire them as soon as they find out they are trans. As a result, they end up doing things that lead to drug addiction, STDs, and even HIV. How does the society react to them: by feeling pity, making fun of them, or giving them handouts? But trans individuals need to be treated as human being.

Ms. Khalili, a researcher, explains the nature of workplace harassment that trans individuals often experience:

Because of their [physical and behavioral] traits, trans individuals are quickly labeled and ostracized by members of society... They constantly feel confused, guilty, and disgusted with their bodies. They are harassed on the street and they are usually unable to find a good job. If their employers find out about their situation they either fire or sexually harass them. These people have difficulty meeting their most basic needs such as food and a place to sleep.

Mr. Arastoo, the Iranian trans actor, told Iranian media about discrimination he faced as an actor:

A few years ago I started acting for a theater performance. But the show went on stage without me. When I asked why, the director told me that the officials at the Tehran City Theatre told him: “You need to replace him before we can allow your show to go on.” I followed up on the case to figure out what was really going on. Interestingly, the Central Theater House in Tehran denied the story and said it was the director who made the decision. [I also remember when] Saman Taraki used me in the movie Bubble which aired on state-run television too. They questioned him for using me as a cast member, but he had enough integrity to defend me in public.

Elnaz, a trans woman, also shared her experiences at the workplace with OutRight:

I got a job as a car service driver. Clients used to call the agency and ask them...
not to send me out to pick them up. The company felt I was damaging their reputation. They thought I was intersex. They were very nasty to me [and finally fired me] ...[Later] I decided to take a course in tourism, offered by the Ministry of Culture, Art and Islamic Guidance. They could not accept my transsexuality and let me go...I was penniless. No one was willing to offer me a job in Tehran. They would only accept me as a sex worker. I finally ran into another trans woman who worked as a cut machine technician. Her employer felt sorry for her and did not fire her. She helped me out.258

Niusha, a 22-year-old trans woman from Islamshahr, told us,

I was working as a salesperson at an MDF [medium-density fiberboard] factory. I used to cover my face with a mask, but people still used to pick on me for my appearance. They would roll their eyes and say out loud, and in an insulting tone, [that I was intersex]. I was the subject of everyone’s curiosity...They would come to my desk and harass me when they had nothing else to do.259

Sharareh, a 26-year-old trans woman from Gilan province, told OutRight that without an ID card that reflected her gender identity, she was unable to find a job and could not continue her education at university. She was therefore unable to pay for the costs of her transition-related medical care. She was forced to financially rely on her parents, who subjected her to abuse and mistreatment for years. “My financial situation is really awful because I am completely dependent on my parents to support me,” she told OutRight. “Without them I wouldn’t be here.” Sharareh said that the cost of her GCS was about 13 million Toomans, and the SWO could only cover three to four million of it.260

Though there are many challenges, some trans individuals are able to work and make a living. Parsa, a 42-year-old trans man from Abhar, was able to return to his previous job after completing surgery. He told OutRight:

[At first] I used to go to work dressed as a woman. After some back and forth I decided to dress as a man. But before that I needed to talk to my colleagues. My female colleagues already knew about my transsexuality...Other colleagues were shocked when they found out. Some even thought I might lose my job. I finally decided to go talk [to] the manager. I told him I wanted [to] undergo SRS and I needed to take some time off...I told him that I had this issue since my childhood and now I could finally become a man. The process of getting back to work was really difficult. At first they were reluctant to take me back. It took five months to get my new ID. During this period I was jobless. [After I received my new ID I went back to work, but] entering the old work environment was not easy. My boss took me to each and every one of my colleagues and introduced me with my new name and gender one by one. It took them a year to treat me like I was a normal [human being].261

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258 Interview in Turkey on November 12, 2014.
259 Interview in Turkey on November 12, 2014.
260 Skype Interview on January 5, 2014.
261 Interview in Turkey on November 7, 2014.
Bullying and Abuse in Schools

Since the 1979 Revolution in Iran, gender segregation has been strictly enforced in all primary and secondary schools, but not in universities. The aim of this segregation is to ostensibly remove the so-called “moral corruption” that surrounds the mixing of sexes, as well as enabling students to focus solely on their studies. In recent years, the hardliners in Iran have tried to expand the gender segregation in schools, announcing a new initiative to publish gender-specific textbooks for school children.

The Ministry of Science, which is responsible for all higher education in universities, has also adopted policies to Islamicize universities and segregate certain classrooms and public spaces. Such policies have resulted in women being denied equal access to higher education.

Segregation is not just limited to schools. Despite the fact that there is no legislation requiring gender segregation in all public places, various organs of the state have adopted regulations that segregate individuals by gender in sports centers and on public transport.

Gender segregation in schools is based on the gender marker on an individual's national ID card. This means that trans girls are generally required to attend all-male primary and secondary schools. The same holds true for trans boys. Under these circumstances, it is quite common for young trans boys and girls to be bullied, or physically and sexually harassed at school.

Sonia, a 28-year-old trans woman from Tehran, shared her experiences as a trans girl. As far back as Sonia can recall, her school days were filled with bullying and harassment:

Everyone in school used to mock me, even the principal and the vice principal.

“...one of the children took a chair and hit me on my back. It hurt so bad I could not breathe. When I reported this to the principal, he kicked me!...I went to the vice principal to complain about students harassing me, he mocked me and started singing a ridiculous song... They called my father to the school and told him I was trying to seduce other children.”

- Sharareh from Gilan

262 For a full history of gender segregation in Iran, see Women and Politics in the Islamic Republic of Iran: Action and Reaction, Vakil, S., available at https://books.google.com/books?id=WB3m-cBrQ4C&pg=PA109&dq=gender+segregation+in+school+in+Iran&hl=en&sa=X&ved=0CCwQ6AEwChMIhNT___fWyAvzHQ-Ch3v7gW6#v=onepage&q=gender%20segregation%20in%20school%20in%20Iran&f=false [accessed October 22, 2015].

263 “Iran To Extend Gender Segregation To School Textbooks,” http://www.rferl.org/content/iran_gender_segregation_school_textbooks/24453032.html [accessed October 22, 2015].


They used to call me “sissy boy.” I had nowhere to turn to. They told me I was “acting like a faggot.” My father thought I was playing with his reputation and bringing shame onto him. I used to cry a lot and felt guilty. I was in my third year of middle school when my classmates started sexually harassing me, fingering me or forcing themselves on me from behind. Children would insult me, using vivid sexual language. Once, one of the classmates pulled his pants down and asked other children to call me over.  

Sonia continued:

I was in my second year of middle school. One of the children who always harassed me opened the bathroom door and came in. He wanted to pull down my pants and underwear. One of the children saw us and reported us to the Vice Principal. The school called my parents. My father beat the crap out of me.

The situation at the boys’ high school was not much better for Sonia:

When I was in my second year of high school four students pinned my arms and legs to [undress me and] see my genitalia. My father used to say he wished I were dead so that I didn’t embarrass him. I thought there has to be something wrong with me to make me suffer so much during my childhood.

She said teachers, principals, and school staff would sometimes “join in the fun” and mock her. Sharareh, a 26-year-old trans person from Gilan province, had similar experiences:

When I was at school I was constantly afraid of being raped. The [teachers used to] seat me by myself, alone, in the middle of the class, since students behind or next to me used to touch me all the time. During the break, children used to throw my stuff on the floor. Once, when I was collecting my things from the ground, one of the children took a chair and hit me on my back. It hurt so badly I could not breathe. When I reported this to the principal, he kicked me! I just could not understand why. Another time when I went to the vice principal to complain about students harassing me, he mocked me and started singing a ridiculous song...They called my father to the school and told him I was trying to seduce other children. That was enough for my father to come after me [and threaten me]. In secondary school, I had to change my school several times, but children continued to bully me. During the break, I was not allowed to go out of the class so children would not harass me. Getting to school and going back home was a big challenge.  

Martha, a 27-year-old trans woman from Arak, told us,

At school, students constantly bothered me, calling me “the cute one.” Later, in secondary school, it got worse. Everyone wanted either to harass me or have sex with me. Teachers closed their eyes.

267 Interview in Turkey on November 4, 2014.

268 Ibid.

269 Skype Interview on December 5, 2014.
to what was happening...At that age I thought I was an embarrassment and I had to suck it up and be a man. My classmates used to touch me inappropriately all the time. ...On the way to the school other children used to poke and finger me but I could not say anything to my family since I hated them too. \[270\]

**Honey**, a 28-year-old trans woman from Bukan, had a similarly negative experience. She told OutRight that she was forced to quit university after becoming the subject of persistent harassment by fellow students, both men and women. She shared her experiences with us:

When I was in third grade in high school, my school’s vice principal used to make suggestive gestures and tried to get sexually intimate with me [a few times]. I felt very uncomfortable. Later I was admitted to Urmia University to study accounting. My appearance and outfit made me stick out among the other students. Their harassment started from the moment I went to register for school. Everyone was constantly checking me out, to the point that I stopped going to university that semester. Their stares were worse than their verbal insults. Boys used to make comments and kept asking: “Is she a boy, or a girl?” In the classrooms, boys sat on one side and girls on the other. When I would sit down someone would always say I was on the wrong side. \[271\]

**Susan**, a 27-year-old trans woman from Tehran, realized she was a woman when she was in middle school. She was expelled from university after two semesters. Despite having a letter from the LMO confirming her being trans, university administrators refused to allow her to show up to school with a male ID card dressed as a woman. \[272\] The trans advocacy website, Mahtaa, reported a similar incident on their website in which a trans student was reportedly dismissed from university because she had undergone GCS. \[273\]

**Arash**, a 30-year-old trans man from Khansar, was forced to quit university because of the challenges of dealing with the mandatory dress code. He told OutRight:

When I started my transition I could no longer go to the university. I had a different gender identity. I was a girl on my ID card...There was no place to go, no one would help me, not the government or my family. [When I decided to get my passport and leave the country], they told me that I had to go back to wearing the hijab so that they could issue my passport. I went there veiled. I felt humiliated...I just put a blanket in my bag and I said to myself: “Arash, there is no way you can come back to this country. You may [end up] sleeping on the streets, but you can’t come back.” \[274\]

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270 Interview in Turkey on November 9, 2014.
271 Interview in Turkey on November 4, 2014.
273 To read the full length of this article, see http://www.forum.mahtaa.com/Thread- اختلال-در-هویت-جنسی-من-نه-من [accessed January 8, 2016].
274 Skype interview on November 19, 2014.
Recommendations

Based on the findings of our research, we have identified a number of systematic problems faced by the trans community in Iran.

While certain aspects of trans rights, including access to gender affirming surgery, are legally recognized, the Iranian government continues to promote a medicalized understanding of gender and gender identity, which severely limits the set of rights available to trans people in Iran. Furthermore, the report documents widespread discrimination, abuse, and other human rights violations against trans individuals, regardless of their legal recognition by the state.

In order to address these issues, we recommend the following changes to be implemented to improve trans lives in Iran.

Recommendations for the Executive Branch

- Recognize the rights of all trans individuals, regardless of their decision to pursue medical gender transition, and guarantee the right of all individuals to choose their own gender identity, regardless of the sex assigned to them at birth.
- Ensure that law enforcement receives culturally competent training in cases of domestic violence and child abuse.

Recommendations for the Legislative Branch

- Eliminate all legal barriers to full equality before the law for women.
- Decriminalize consensual same-sex conduct.
• Extend full legal recognition to all trans people regardless of bodily modification or sex assigned at birth.

• Enact laws that fully protect trans individuals from domestic violence, sexual harassment, discrimination, bullying, blackmail, and physical assaults.

**Recommendations for the Judiciary**

• Implement existing laws to ensure that cases of domestic violence, child abuse, and sexual exploitation are fully investigated and prosecuted regardless of gender identity.

**Recommendations for the Ministry of Cooperatives, Labor and Social Welfare**

• Abolish any medical requirement, including surgeries and psychiatric assessment, as a pre-requisite for full legal status for transgender people under the law.

• Allow individuals to legally change their legal name and gender in accordance with the individual’s sense of gender identity.

• Utilize its authority to draft and help pass legislation that explicitly bans all forms of discrimination and unfair treatment of individuals based on gender identity or expression, and protect the rights of trans individuals to education, work, and life.

• Sponsor public educational campaigns about gender identity and domestic violence in order to facilitate and encourage social acceptance of trans individuals.

**Recommendations for the State Welfare Organization**

• Provide full financial, medical, and psychological support to trans individuals who desire transition-related healthcare, including hormone replacement therapy and gender confirmation surgery.

• Protect and shelter trans individuals who are disowned by their families or have become victims of domestic violence.

• Create a dedicated hotline—modeled off the National Crisis Hotline—to offer professional and confidential advice to trans individuals in crisis.

**Recommendations for the Ministry of Health**

• Establish an official authority to set standards for the unbiased, patient-centered treatment of trans patients and to investigate allegations of abuse or misdiagnosis by doctors, psychologists, and psychiatrists treating trans clients.
Recommendations for Military Draft Board

• Make all requests for medical transcription exemption, including by trans individuals, confidential and respectful.

• Amend laws and regulations on conscription exemption so that trans individuals are no longer classified as mentally sick, sexually deviant, or any other humiliating and disrespectful categorization.

Recommendations for Medical and Psychological Institutions

• Educate medical and psychological professionals on the difference between transsexuality and being transgender based on contemporary psycho-medical standards as well as human rights standards.

• Develop accurate and easy-to-understand educational resources on gender identity and expression, and make them available to the public, especially the patients and their families who visit medical facilities.

Recommendations for Educational Institutions, Ministry of Education, and Ministry of Higher Education

• Provide all school-age students with unbiased educational materials on gender identity as part of the school curriculum.

• Train principals and school faculties on how to deal with bullying, discrimination and physical violence, especially against trans students.

• Create grievance units at every school so that students can file confidential complaints about discrimination and physical violence.
Acknowledgements

OutRight Action International would like to thank those who have worked with us over the past few years to make this publication possible. This report was developed, researched, edited, and finalized by Kevin Schumacher, OutRight’s Middle East and North Africa Program Coordinator. Mehri Jafari, a British-Iranian lawyer and a prominent human rights activist, authored a first draft. Faraz Sanei, Jessica Stern, Karen Kraan, Lea Rios, and Marianne Mollmann provided extensive feedback and editing for this report. OutRight’s interns Alisa Bajramovic, Caroline Welling, and Laura Pirkl were instrumental in editing and proofreading. Our former Iran consultants, Farid Haerinejad, Arash Sadi, and Ramttin Sharzad also contributed to this publication. Kathy Mills designed and laid out the report. But we would never have been able to produce this report without the invaluable input by trans community members, inside and outside Iran, sharing their stories of hardship and hope.

Thank you!
TAB 21
As an Iranian American journalist, I am in regular contact with an array of Iranian opposition students and young democracy activist in Iran via social media. Perhaps the single largest group of young Iranian activists that contact me hail from the country’s LGBT community with questions about Israel and LGBT rights in Israel. Recently I received a number of curious correspondences from several gay activists in Tehran who asked why the openly gay Democratic presidential candidate Pete Buttigieg has failed to acknowledge the intense persecution they face at the hands of the Iranian regime today? These gay activists in Iran have asked me why Buttigieg endorses giving the Iranian regime another “deal” or an economic lifeline to continue its reign of terror when the regime has arrested, tortured and executed thousands of gays and lesbians for the last four decades?

These were questions I could not answer for these gay activists living in fear for their lives in Iran. But perhaps it’s time for Buttigieg and other LGBT Americans today to learn what this evil Iranian regime is doing to gays and lesbians in that country. Instead of blindly seeking to appease this evil Iranian regime that has destroyed the lives of homosexuals in Iran for decades,
LGBT and other Progressives in America who claim to support human rights must wake up and finally speak out against the crimes of the Ayatollahs in Iran.

Perhaps the most disturbing aspect of the Iranian regime’s four-decade campaign against gays and lesbians in Iran comes from the regime’s official laws. The regime follows Sharia law or Islamic law that strictly prohibits any type of sexual activity outside the realm of heterosexual marriage and homosexuality is considered “a violation of the supreme will of God.” In Islamic law homosexuality is referred to as “lavat,” which is Arabic for sodomy and in Iran is punishable only by death. For example, Article 109 of the regime’s Penal Code states that “in the case of sodomy, both the person carrying out the act and the person that the act is being done onto are guilty and must be punished by death.” Article 110 of the regime’s Penal Code states that the “punishment for the crime of sodomy is killing and that the judge must decide on how those found guilty must be executed.” Article 134 of the regime’s Penal Code states that women who unrelated and are kissing or even standing naked under one roof shall be punished with 100 lashes!

On a regular basis, local police or regime-sanctioned thugs in Iran arrest, beat, torture and, in most cases, hang or even stone individuals who are suspected or found to be involved in homosexual activity. The on-going executions of gays and lesbians in Iran are a mere footnote in the 41-year horrific history of unspeakable human rights abuse and killings carried out by Iran’s current regime against LGBT people living in that country. According to a May 2008 confidential British government cable that was leaked by the “Wikileaks” website and later published by the London Telegraph newspaper, human rights activists believe that since 1979, between 4,000 and 6,000 gay men and lesbians have been executed in Iran for crimes related to their sexual orientation.

The following are just some of the recent incidents of LGBT facing human rights abuses by the Iranian regime:

A 2016 Amnesty International report stated that the Iranian regime executed by hanging Hassan Afshar, a 19-year-old gay man in Iran’s Markazi Province in early 2015 for “forced male-to-male anal intercourse”.

In August 2014, two Iranian gay men, Abdullah Ghavami Chahzanjiru and Salman Ghanbari Chahzanjiri, were hung by Iranian regime authorities southern Iran for the crime of consensual sodomy.

In 2011, three handcuffed gay men from the southwestern Iranian province of Khuzestan were led to the gallows in the middle of the city of Ahvaz before a crowd of several hundred people and summarily hung by officials of Iran’s regime. Several months earlier, the three men had been found guilty of sodomy after a sham trial.

In September 2007 when speaking to a crowd of students at New York’s Columbia University, Iran’s former President Mahmoud Ahmadinejad flatly denied the existence of homosexuality in Iran. Ironically, that same year the Iranian regime executed more than 200 people — many of whom were LGBT.

In July 2005, two teenage boys, Mahmoud Asgari and Ayaz Marhoni were accused of the crime of sodomy and hung in public by construction cranes in the Iranian city of Mashad.

Frank Nikbakht, who heads the Los Angeles-based Committee for Minority Rights in Iran recently described a chilling televised speech given by one of Iran’s radical fundamentalist clerics nearly 40 years ago regarding the joys of killing homosexuals. "In July 1982, the infamous judge of the revolutionary court, Ayatollah Gillani, in his weekly program on Iranian TV, graphically and with a smile on his face described the offenses punishable by gruesome executions — he even ordered the execution of his own gay son, specifically announcing sodomy as a crime that was punishable by death, as the law of the land,” said Nikbakht.

These very difficult circumstances for LGBT Iranians make life unbearable for the majority of them. Often times gay couples in Iran are not seen together in public and often keep their sexuality behind closed doors since they have been popularly
stereotyped as being sex-obsessed child molesters or rapists having AIDS or other sexually-transmitted diseases. The only way for gay men to be able to live in society here in Iran is to live as transsexuals. Many gay men wear make-up and cover themselves under the women’s veils in public because they are afraid of abuse from others or the police.

Sadly, today in Iran the regime pressures gay men to have gender-reassignment surgery in order for them “to be cured of the homosexuality disorder” and to “prevent social disorder that is brought about by same-sex relationships.” Many times not only are gay men forced to have the operations, but also the regime subsidizes the costs of the surgeries and legalizes new birth certificates for those who undergo the operations according to a 1987 fatwa or Islamic religious edict issued by the Iranian regime’s late founder, the Ayatollah Khomeini. Seeking to avoid legal difficulties and heavy societal pressures, countless gay men in Iran in recent years have instead voluntarily opted to have their genders changed. According to a February 2008 BBC News report, as a result today Iran has one of highest rates of these surgeries, second only to Thailand. Yet at the same time many who do undergo these surgeries still face abuse from the regime and are ostracized by their communities.

Still, many LGBT Iranians who I have been in contact with in recent years have expressed a significant sense of hopelessness with their plight. They often make remarks that the LGBT community in the U.S. and Europe has not taken any monumental steps to help them or indirectly pressure Iran’s regime of their behalf.

While I do not hail from the LGBT community, the dire situation for LGBT and others living in Iran who are only seeking personal freedoms, in my estimation, is a serious humanitarian crisis that we living in the free world can no longer ignore. Those individuals in America or Europe who claim to be Progressives who support LGBT rights, need to speak up and openly oppose this Iranian regime that has devastated the lives of millions of LGBT in Iran. With the Iranian regime’s sick and twisted ideologies against LGBT and others they deem as “undesirables,” one cannot help but wonder how that regime, if unchallenged, plans to force their beliefs on the rest of the world as they continue to pursue nuclear military capability, and defy the international community on societal and legal issues alike.

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TAB 22
Openly gay reporter presses Iran's top diplomat on death penalty for homosexuals

By Hollie McKay

Published June 12, 2019

Fox News

An otherwise standard press conference in Tehran got turned up a notch on Monday when a German reporter hit Iranian Foreign Minister Javad Zarif with a somewhat surprising question.

“Why are homosexuals executed in Iran because of their sexual orientation?” asked Paul Ronzheimer, the Berlin-based chief correspondent for the tabloid Bild.

Zarif, who conducted the press conference alongside his visiting German counterpart, Heiko Maas, responded that his “society has principles.”

Dear foreign minister Sarif, have a look on our reporting about your answers regarding the killing of homosexuals in your country and israel's right to exist.
m.bild.de/politik/auslan...

Frank talks with @HeikoMaas. Welcome German recognition that practical measures to ensure Iran’s economic dividends are essential to preserve #JCPOA.
We concurred that dialog among regional countries is crucial.
But @realDonaldTrump's "economic war" is THE cause of all tensions.
“And we live according to these principles. These are moral principles concerning the behavior of people in general,” he continued. “And that means that the law is respected and the law is obeyed.”

**LGBTQ GROUPS CONDEMN TRUMP ADMINISTRATION’S CAMPAIGN TO END CRIMINALIZATION OF HOMOSEXUALITY WORLDWIDE AS STUNT**

According to Germany’s public broadcaster ZDF, Ronzheimer’s question sparked a notable fracas among other Iranian officials and press in the room and came as a jolt to the top Tehran official. The question along with Zarif’s answer was subsequently edited out of a news release issued by the Ministry following the German official's stopover.

Iranian Foreign Minister Mohammad Javad Zarif is pictured on a visit to Pakistan last month. (Pakistan Foreign Office via AP)

*The Washington Post* reported that Ronzheimer's American boyfriend, who is based in Berlin, had helped the reporter craft the question in English ahead of the confrontation.

Zarif’s defense of his country’s execution policy for gays has attracted the ire of the U.S. ambassador to Germany, Richard Grenell, who told the German Press Agency that the “Iranian regime has violated the basic principles of the United Nations.”
Homosexuality is currently outlawed in Iran and the court system is known to use accusations of male rape and gay sex to trigger death penalty sentences, despite protests from human rights activists who claim that suspicions over one’s sexuality or even an attempt to intimidate or embarrass a heterosexual person are often the real reason they are arrested and charged.

**GRENNELL BLASTS GERMANY FOR MARKING ANNIVERSARY OF IRAN'S 1979 ISLAMIC REVOLUTION**

While there are no official statistics, many officials contend that thousands have been executed for their sexuality since the 1979 revolution.

Both men, women, and juveniles are also issued lashes or life imprisonment for convictions of homosexual offenses.

A similar confrontation to Monday's unfolded in 2007 at Columbia University in New York City when then-Iranian President Mahmoud Ahmadinejad made a controversial appearance at the Ivy League school during the United Nations General Assembly.

“In Iran, we don’t have homosexuals like in your country,” Ahmadinejad said at the time.

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Iran is just one of 73 countries where homosexuality is criminalized, and one of eight nations – alongside Afghanistan, Brunei, Mauritania, Sudan, Nigeria, Yemen, Saudi Arabia, Qatar, and Somalia – where it is classified as an offense punishable by death.

Hollie McKay has been a Fox News Digital staff reporter since 2007. She has extensively reported from war zones including Iraq, Syria, Yemen, Afghanistan, Pakistan, Burma, and Latin America investigates global conflicts, war crimes and terrorism around the world. Follow her on Twitter.

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TAB 23
Iran publicly hangs man on homosexuality charges

Iranian media reported that the 31-year-old kidnapped two 15-year-olds.

By BENJAMIN WEINTHAL  JANUARY 26, 2019 10:25
The Islamic Republic of Iran publicly hanged a 31-year-old Iranian man after he was found guilty of charges related to violations of Iran’s anti-gay laws, according to the state-controlled Iranian Students’ News Agency.

The unidentified man was hanged on January 10 in the southwestern city of Kazeroon based on criminal violations of “lavat-e be onf” – sexual intercourse between two men, as well as kidnapping charges, according to ISNA. Iran’s radical sharia law system prescribes the death penalty for gay sex.

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The ISNA reported that the 31-year-old kidnapped two 15-year-olds. The opaque inner workings of Iran’s judicial system create enormous difficulties for journalists and human rights advocates to examine judicial cases.

“The LGBT community in Iran has lived in terror for the last 40 years,” said Alireza Nader, CEO of Washington, DC-based research and advocacy organization New Iran. “Next time Foreign Minister Zarif speaks in Washington, the host and audience should ask him why his regime is one of the top executioner of gays in the world.”

According to a 2008 British WikiLeaks dispatch, Iran’s mullah regime executed “between 4,000 and 6,000 gays and lesbians” since the Islamic Revolution in 1979.

“Iran is not only the most dangerous threat to Israel’s security, it is also a champion in the state murder of actual or perceived homosexuals,” said Volker Beck, a German Party Green Party politician and a lecturer at the Center for Studies in Religious Sciences (CERES) at the Ruhr University in Bochum. “It would be desirable for the federal government to make Iran’s human rights violations more of an issue.”

Beck played a key role in bringing about marriage equality in Germany for gays and lesbians.
Germany is slated to appoint a banker, who would work in France, to administer a financial mechanism to bypass US sanctions against Iran’s regime. The EU seeks to circumvent US sanctions against Iran to preserve the 2015 nuclear deal. The United States withdrew from the deal in 2018 because of its alleged deficiencies, including the regime’s destabilizing policies in the Middle East. The US government has highlighted the widespread human rights violations in Iran.

Kazeroon is the capital of Kazeroon County, where the execution of the 31-year-old man was carried out, and is located in Fars Province, Iran. The city has population of 143,869 as of 2017. The ISNA report said “the citizens of Kazeroon expressed satisfaction and thanked the judiciary.” The statement about citizens of Kazeroon could not be independently verified.

In 2016, *The Jerusalem Post* reported Iran’s regime had executed a gay adolescent that year – the first confirmed execution of someone convicted as a juvenile in the Islamic Republic.

Hassan Afshar, 19, was hanged in Arak Prison in Iran’s Markazi Province on July 18, 2016, after he was convicted of “forced male-to-male anal intercourse” in early 2015.

In 2011, Iran’s regime executed three Iranian men after being found guilty of charges related to homosexuality.

Axel M. Hochrein, a spokesman for the Hirschfeld-Eddy-Stiftung Foundation, which fights to advance the rights of lesbian, gay, bisexual and transgender people, told the *Post*:

“Iran is one of the worst states for the persecution of LGBTI. The state publicly and regularly boasts of the execution of gay men. The ability to influence the Iranian regime regarding inhuman violations of human rights is very limited because of the isolated situation in the country. Therefore, our foundation calls for increased efforts by the international community to help LGBTI people escape and provide safe asylum.”

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TAB 24
Iran's transgender people face discrimination despite fatwa

By MEHDI FATTahi and NASSER KARIMI  May 21, 2018

TEHRAN, Iran (AP) — Nahal smokes yet another cigarette on her mother’s balcony overlooking Tehran, one of the few peaceful places the 19-year-old transgender woman has in Iran, where her identity can bring harassment and prying, judging eyes on the street.

Nahal recalled how she had hardly started high school before being forced to leave over her classmates’ insistence she dress as a man. Her manicured fingernails, painted pink, brushed away her long brown hair as she looked through old photographs of her childhood, recounting how even her own family has struggled to accept her.

Iran's transgender people face discrimination despite fatwa

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Nahal recalled how she had hardly started high school before being forced to leave over her classmates' insistence she dress as a man. Her manicured fingernails, painted pink, brushed away her long brown hair as she looked through old photographs of her childhood, recounting how even her own family has struggled to accept her.
Iran's transgender people face discrimination despite fatwa

“I no longer see my relatives,” she said. “Maybe I’m a sign that if your own children will have a similar problem later, you can accept it.”

Nahal, a 19-year-old transgender Iranian woman, finds refuge on her mother’s balcony in Tehran. (AP Photo/Vahid Salemi)

It shouldn’t be like this for Nahal in the Islamic Republic, which — perhaps to the surprise of those abroad — has perhaps the most open mindset in the Middle East toward transgender people. The Shiite theocracy’s founder, Ayatollah Ruhollah Khomeini, issued a religious decree, or fatwa, 30 years ago calling for respect of transgender people, opening the way for official support for gender transition surgery.

Nevertheless, the general public still harasses and abuses them, and families often shun them. Discrimination in the workplace has forced some into prostitution and others to kill themselves.

“People on the street call me ‘womanish;’ they ask, ‘Is she a man or a woman?’” says Nahal, who asked to be identified only by her first name as some in her family are angry with her. “Sometimes they say ‘May God...
Iran’s transgender people face discrimination despite fatwa

Of Iran’s 80 million people, estimates suggest under 50,000 are transgender, meaning their gender identity does not match the sex or gender they were identified as having at birth. Like in other parts of the world, they can face harassment.

The ruling clerics’ relative open-mindedness on transgender people hardly means tolerance of gender diversity. Homosexuality is illegal. Gay men can face the death penalty while lesbians can face flogging after three convictions and death for the fourth.

Iran’s former hard-line President Mahmoud Ahmadinejad famously told students at New York’s Columbia University in 2007: “In Iran we don’t have homosexuals like you do in your country.” A Human Rights Watch report in 2010 outlined how Iranian security forces allegedly abused those it suspected of being LGBT people, though Iranian officials have denied that.

In the ruling clerics’ view, gender reassignment surgery aims to cure a “disease” and re-fit a person into a recognized binary of straight male or straight female. Those who choose not to undergo surgery and get new documents can face arrest by police for dressing in a way that contradicts their government-recognized gender.
Iran's transgender people face discrimination despite fatwa

Iranian actors perform in "Blue Pink," a stage show shedding light on the darkest corners of transgender life in Iran at the Paliz Theater, in Tehran. (AP Photo/Vahid Salemi)

But even with those caveats, the Islamic Republic’s stance opens a startling margin of space for transgender people.

It dates back to only a few years after the 1979 Islamic Revolution. A transgender woman, Maryam Khatoonpour Molkara, managed to push her way through the guards to meet Khomeini while dressed in men’s clothes. Molkara explained to the supreme leader how she felt her true gender was different from her physical sex. After consulting with doctors, Khomeini sanctioned gender-transition surgery in a groundbreaking fatwa.

Iran’s current supreme leader, Ayatollah Ali Khamenei, later gave Molkara a black veil to officially recognize her as a woman, upholding Khomeini’s fatwa, she said. She died in 2012 at the age of 62.

“It was like paradise, that moment, that place, everything felt like I was in paradise,” she once said in describing that day.

Transgender people can go to the courts and receive official permission for gender-transition surgery after going through detailed medical examinations and an interview with a psychiatrist. Afterward, they can receive new identity documents and financial aid for the surgery.

Iran grants transgender people loans worth nearly $1,200, though that’s still well below the $7,000-$12,000 cost of the surgery. In February, the State Welfare Organization of Iran
State Welfare Organization of Iran said 3,000 people have applied for gender reassignment financial aid in the past 15 years. Habibollah Maoudi Farid, the organization’s deputy manager, told Iran’s semi-official ISNA news agency that as many as 70 people a year apply for the loan.

But even in relatively politically liberal Tehran, Iranians remain highly conservative about sex and gender issues. Few understand what it means to be transgender.

“Social encounters are not good at all — verbal and physical abuse and harassment,” said Nahal. “Once even some people attacked and beat me.”

That’s what inspired Sanaz Bayan, a young director, to make “Blue Pink,” a stage show shedding light on the darkest corners of transgender life in Iran.

The play narrates real, often bitter stories, including one of a transgender woman forced by her father to go into Iran’s compulsory military service as a man.

Despite his show, Bayan thinks Iranian society as a whole isn’t ready to accept transgender people.

“More than 30 years have passed since Imam Khomeini issued the fatwa. ... Thirty years is more than enough for a rule to be realized and implemented,” she says. “Our society lacks the ability to accept minorities.”

Perhaps the worst abuse transgender people face is in the home. Families still find it difficult to accept their loved ones. Many transgender women end up being kicked out of homes or being threatened by family members.

Behnam Ohadi, a psychiatrist and psychologist who counsels transgender people and refers them to Iran’s Health Ministry for surgery, says some families do whatever they can to stop the surgery.
Iran’s transgender people face discrimination despite fatwa

Ohadi says transgender people rejected by their families can end up working as prostitutes as it is very difficult for them to find work.

“Families try to silence the children, sometimes they even move their house and go to another city,” Ohadi says. “These issues are forcefully buried in our society.”

For Nahal, whose world now seems limited to the safety of her mother’s balcony, she dreams of opening a charity to help other transgender people like herself.

“I want to help people to be good to each other,” she says.
Iran's transgender people face discrimination despite fatwa
Iran's transgender people face discrimination despite fatwa

was mid-Januar...

today
Shots fired as Iran arrests over 30 gay men in violent raid

30 men were charged with sodomy, drinking alcohol, and using psychedelic drugs.

By BENJAMIN WEINTHAL  APRIL 20, 2017 13:56

Exiled Iranians protest against executions and stonings in Iran during a demonstration on December 10, 2013 in Berlin

(photo credit: (ERIC BRIDIERS/US MISSION GENEVA))
The Islamic Republic of Iran arrested more than 30 men suspected of being homosexuals at a private party last week in the Esfahan province, the prominent Canadian NGO Iranian Railroad for Queer Refugees reported on Thursday.

“IRQR received several reports in the last few days and we were able to confirm that police attacked guests and physically beat them. Police detained the men, ages 16 to 30, at the Basij [Revolutionary Guard Militia] Station and then transferred them to Esfahan’s Dastgerd Prison. A few people managed to escape and we received reports that there were several heterosexual individuals among those arrested,” the human rights NGO wrote on its website Thursday.

Authorities raided the party in the Bahadoran district of central Iran and fired their guns while seizing the men.

IRQR added, “After a few days, all the families were informed by Basij that their sons were arrested for sodomy. A special prosecutor has been assigned to their cases and they were charged with sodomy, drinking alcohol and using psychedelic drugs. It was reported that prisoners will be sent to Esfahan’s Medical Jurisprudence Department for anal examination in order to provide evidence of homosexual acts to the court.”

The Basij is a paramilitary force used to repress dissidents. It played a key role in dismantling the Green movement protests in 2009 against a reportedly fraudulent presidential election. Iran’s Islamic law system prescribes the death penalty for gays.

Capital punishment is the penalty dictated in the Hadiths, the religious writings in Islam second only to the Koran, which only mandates punishment for homosexuals but does not specify in what the manner.

Human rights activist and gay German Green Party MP Volker Beck told The Jerusalem Post on Thursday that, not only does the Iranian regime advocate annihilation of Israel, “but also its persecution and policy of annihilation against
homosexuals makes the Iranian regime an enemy of human rights. Such a country cannot be a partner of our community of values.”

Stefan Schaden, an LGBT rights activist and spokesman for the European “Stop The Bomb campaign,” wrote in an email to the Post, “It is outrageous that the European Union is cozying up to the Iranian regime for trade and ignores the deadly homophobia, the overall disastrous human rights situation, the latest execution and arrest waves and the regime’s promotion of antisemitism and support for terrorism. Iran’s Islamist regime with [Hassan] Rouhani as President is anything but ‘moderate.’”

Schaden said, “While the Islamic State throws gays from rooftops, the Islamic Republic hangs them. Iran’s regime forces homosexuals to flee the country and the EU turns a blind eye. The EU is, however, required in their dealings with third countries to comply with binding guidelines laid down in the Union’s ‘LGBTI [lesbian, gay, bisexual, transgender and/or intersex] Toolkit’ to combat state violence against LGBTI persons. The EU must clearly step up its efforts in this regard and consider more human rights sanctions against the Iranian regime.”

US Secretary of State Rex Tillerson slammed the Iranian regime on Wednesday for its human rights violations. The country’s clerical rulers executed a gay adolescent in July 2016.

Iran’s UN diplomatic missions in New York and Geneva did not immediately respond to Post press queries.

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5/5
TAB 26
In Iran, homosexuality is a crime, punishable with death for men and lashings for women. But Iran is also the only Muslim country in the Persian Gulf region that gives trans citizens the right to have their gender identity recognized by the law. In fact, the Islamic Republic of Iran not only allows sex reassignment, but also subsidizes it.

Before the 1979 Islamic revolution in Iran there was no official government policy on transgender people. After the revolution, under the new religious government, transsexuals
were placed in the same category as homosexuals, condemned by Islamic leaders and considered illegal.

Things changed largely due to the efforts of Maryam Khatoon Molkara. Molkara was fired from her job, forcibly injected with male hormones and put in a psychiatric institution during the 1979 revolution. But thanks to her high-level contacts among Iran’s influential clerics, she was able to get released. Afterwards, she worked with several religious leaders to advocate for trans rights and eventually managed to wrangle a meeting with Ayatollah Khomeini, the “supreme leader” of Iran at the time. Molkara and her group were able to eventually convince Khamenei to pass a fatwa in 1986 declaring gender-conformation surgery and hormone-replacement therapy religiously acceptable medical procedures.

“\textit{The Iranian government...sees trans individuals as people with psychosexual problems, and so provide them with a medical solution}”

Essentially, Molkara, the Iranian religious leaders she worked with, and the Iranian government had reframed the question of trans people. Trans people were no longer discussed as or thought of as deviants, but as having a medical illness (gender identity disorder) with a cure (sex reassignment surgery).

“The Iranian government doesn’t recognize being trans as a category per se, rather they see trans individuals as people with psychosexual problems, and so provide them with a medical solution,” says Kevin Schumacher, a Middle East and
North Africa expert with OutRight Action International, a global LGBTIQ-rights organization. The policy is based on Islamic notions that gender is binary and that social responsibilities should be split between men and women. “If you’re born a man and your body is a female then in order to protect you and the wellbeing of society,” says Schumacher says, “the government is responsible for fixing the issue.”

**An uncomfortable truth**

For Sarah, life in Iran was divided into two very distinct parts: before and after she had gender confirmation surgery.

As a young child growing up in the late 1980s in Tehran, Sarah (who, because she is not openly trans, did not want to publish her full name) was uncomfortable wearing the clothes and playing the games traditionally associated with being a boy, and felt she did not belong at the all-boy’s school to which her parents sent her. “You are alone against all the social norms that dictate what you should do, what you should wear, how you should live,” she says.
She was a good student, but in high school, when puberty hit and gender roles grew starker, Sarah began to have difficulty coping with schoolwork and dropped out. “I had to deal with sexual harassment from my classmates and from other people in society on a daily basis, from everyone that thought that [I] was a girlish boy, a sissy boy,” she says. “My life as a teenager was total hell.”

Despite the official policy about trans individuals, trans issues are not openly discussed in Iran. And because the government heavily censors material available on the internet (a 2013 analysis found that nearly half of the 500 most popular sites on the internet are blacklisted in Iran) Sarah couldn’t research what it means to be transgender or connect with others in the community.

Meanwhile, she felt guilty about her inability to fit in. “Everybody expected me to behave like a man and be like a man and I hated to be like that,” she says. “I wondered why I
couldn’t be like other people. Why I couldn’t meet the social expectations.”

At 16, she decided to make a change. “If I’m not a woman, if I’m not a man, I thought at least I should be a productive person and live a...happy life,” she says. So she enrolled in university in Tehran, and began to study languages and translation skills. Even though she continued to live as a man, she grew more confident in her gender identity thanks to the more tolerant atmosphere at the university, and from her academic successes—though she was still years away from realizing she was trans.

The official view

Officially, an Iranian can be diagnosed as having gender identity disorder only after a complex series of medical tests and legal procedures including obtaining a court order, multiple visits to a psychiatrist, and physical and psychological examinations at the state’s Legal Medicine Organization. Even if you somehow figure out how to
navigate this process—and Sarah did not—it can take over a year, according to a report compiled by OutRight Action International, a global LGBTIQ-rights organization.

When people do approach doctors in Iran about being transgender, the experience is not always pleasant or helpful. Amir, a 26-year-old trans man from Shiraz, Iran, told OutRight that when he approached a medical professional about his condition, the doctor tried to intimidate him:

It all started when I was eight or nine years old. My parents took me to see a doctor because I kept saying I was a boy. The doctors never talked to me. They just told horrible and terrifying stories to shut me up. They said things like “you will die if you undergo [sex reassignment surgery],” or “many girls who wanted to become boys died during the surgery”

All of them treated me like I was delusional…. They would tell me: “It’s not possible, you were born like this.” But I knew I had to do this operation and change my sex. I was convinced there was a way and I was just looking for some kind of confirmation, from someone, who would tell me “yes, it’s possible!” Instead, one of the doctors gave me pills, and another other one injections.... [Another] told me to “get out and close the door behind [me],” as if I was a dirty and untouchable person.

If an Iranian is officially diagnosed with gender identity disorder, the government issues the authorization for them to legally start the sex reassignment process, and at the end of that process the court issues a new identity card, with a new gender listed. In other words, while Iran does not mandate that all trans individuals have the surgery, it is not
possible to change your gender marker on official documents without undergoing the surgery.

Over the last decade, with high-profile clerics and academic centers advocating for trans rights, social awareness on the issue has grown, says Schumacher. In 2007, Molkara established the Iranian Society to Support Individuals with Gender Identity Disorder, the first legally registered trans advocacy group. In 2008, the BBC reported that Iran was second only to Thailand in the number of sex-change operations performed, and the country’s surgery industry still attracts patients from all over the Middle East and Eastern Europe. Between 2006 and 2014, nearly 1,400 people applied for permission for the process according to government figures published in Iranian media.

There are even Iranian movies about accepting trans identities: 2012’s Facing Mirrors was something of a social turning point, giving local journalists a chance to address the issue publicly. The film’s release was even covered by state-run television and radio channels.
“I was so scared of the ramifications of what I was going to do, because I thought I [would] lose everyone and everything that I had fought for.”

Nevertheless, stigmas remain, reinforced by the notion perpetuated by the government that being trans is a medical problem. Outright’s report found that trans individuals are often subjected to bullying, domestic violence, and social discrimination. In some cases, family members disown trans relatives. Openly trans people often can’t get jobs, and when employers find out an employee is trans they are often fired. Trans individuals can’t rent houses or apartments easily and find it hard to get married because families don’t welcome the idea of having a trans son- or daughter-in-law.

All of which is why when Sarah finally realized that she was trans, when she was in her early 20s and already graduated from college, she did not feel comfortable coming out in public. “Only my family members and few of my close friends knew about it,” she says. “I had to hide everything.”

Making the decision to go through with gender-confirmation surgery was fraught with uncertainty. “On one hand I really wanted to do that and be free and liberated from all the problems of my past,” says Sarah. “On the other hand I was so scared of the ramifications of what I was going to do, because I thought I [would] lose everyone and everything that I had fought for. My university degree, my job, everything. I saw myself having to stand against the entire world.”
Practically, she did not have the means to go through with the surgery and live independently. According to OutRight’s report, the cost of the gender-confirmation surgery in Iran is $13,000 and hormone-replacement therapy costs $20-$40 a month—and the average Iranian’s monthly income is about $400.

The government does offer some limited financial support for gender-confirmation surgery, hormone-replacement therapy, and psychosocial counseling. But funds are limited and government officials decide on a case-by-case basis which individuals qualify. In 2012, the government announced that health insurance companies must cover the full cost of sex-change operations, according to a BBC report. But OutRight has found that insurance companies still often decline to cover some forms of transition-related care, on the basis that they are cosmetic and not medical.

“The government pays a lot of lip service but the actual services that they provide are extremely limited,” says Schumacher. “You talk to many people and they tell you that they have been waiting for many years, hoping to receive
some government assistance for these medical bills, but they are still waiting.”

The challenges of being trans in Iran

For those who don’t get the surgery, life in Iran is exceedingly difficult.

Sharia-based laws mandate segregation of men and women in schools and public transport, and Iranian law requires men and women to wear “gender-appropriate” clothing in public spaces. Women are expected by law to wear a hijab, which means they must dress modestly and cover their head, arms, and legs. Traditionally, this is interpreted as a long jacket, called a manteau, accompanied by a headscarf. Failure to conform to this is a crime and could result in arrest or assault at the hands of vigilantes.

“If their appearance is not completely male or female, they are even stopped in the streets by the moral police in Iran,” says Saghi Ghahreman, president of the Iranian Queer
Organization based in Canada. These are the undercover agents deployed by the police to patrol public spaces looking for men and women dressed or behaving in a manner deemed un-Islamic, The Guardian reported in 2016. The moral police crack down on loose-fitting headscarves, tight overcoats, shortened trousers for women and necklaces and shorts for men. The laws are often extended to cover new fashions. For instance in 2010 Iran banned ponytails, mullets, and long, gelled hair for men; in 2015 the country cracked down on “homosexual” and “devout worshiping” hairstyles along with tattoos, sunbed treatments, and plucked eyebrows for men.

Hasti, a 30-year-old Iranian trans woman from Khansar, told OutRight that she was frequently harassed by Iranian police for her feminine appearance and makeup. “The [police] would lift up my dress, look at my ID card and ask me if I was a man or a woman,” she said. “In the end they would force me to sign a pledge letter [to promise that I would no longer dress as a woman] and then release me.”
Because women are expected to get married at a young age and produce children, trans people who have not gone through the surgery are sometimes forced into marriage.

Worse, a trans person who is not legally recognized can be accused of homosexuality and face the death penalty. In fact, in some cases gay people in Iran decide to undergo the surgery because the alternative is death. “The sex change operation is most of the time forced on trans people by the culture and by the government,” says Ghahreman.

**Making the transition**

Sarah spent six years preparing mentally and financially to go through with the surgery. She describes that period as one of the darkest phases of her life. “I was so depressed and anxious about everything,” she says. “At that time almost all the transgender people I saw in Iranian society were involved in prostitution, were isolated, were ostracized by the society and their family. I didn’t see any successful transgender
people. I was afraid if I did it myself, my life would turn into a kind of new misery.”

“The sex change operation is most of the time forced on trans people by the culture and by the government”

But she stuck with the plan: she worked in a managerial job, living and dressing like a man, while saving for the surgery. When she had enough money, she decided to travel to Thailand for the surgery; despite the high number of gender confirmation surgeries performed in Iran, the quality of the work is poor. “The operations are done by surgeons that are not professionally trained,” says Ghahreman. “Almost all of the trans people who have operations in Iran are suffering from many side effects that disable their body. Every trans person I have met in the past 10 years, they have a lot of pain because of the surgery and they cannot have normal or pleasurable intercourse.”

Women adjust their headscarves as they walk along a sidewalk in Tehran.
When she was 28, Sarah had sex reassignment surgery. “I turned into a whole new version of myself which I loved so much,” she says, likening the process to dying and being reborn. I felt more liberated than what I was in the past. Because in the past I was imprisoned within the framework of my body and my former identity. After the surgery, I got liberated from all those things. For me, anything was better, anything. At least after the surgery I got to enjoy some basic rights that I didn’t enjoy before the surgery.”

Afterwards, she was surprised to find that “almost everyone was very welcoming and very supportive.” Sarah had worried government officials would harass her during the legal process after the surgery, but “everyone treated me like a saint,” she says. “They adore me so much and they admire me so much for doing such a courageous thing—they respect me on a whole different level. I didn’t even expect that—to be respected by people for being a transgender. But it all happened after the surgery.” And, all of a sudden, she could wear the clothes she wanted, change her name, and live the lifestyle of her choice.
“I felt I was a monkey at the zoo”

Not everyone has such a positive experience with Iranian officials. Assal, a trans woman who travelled back from Iran after undergoing the surgery in Thailand told OutRight she was harassed by Iranian border police agents who passed around her medical documents to each other and laughed at her. “I felt I was a monkey at the zoo,” she told OutRight.

And despite the support, Sarah never came out officially. Instead, she began to live as a woman in Iran. “The people who know me from the past, they know that I am a transgender, but the people who know me after the surgery, they have no idea of who I was,” she says. “They just think that I am a straight woman.”

Sarah stayed in Iran for six years after surgery. Now 36, she lives in Canada and works as a freelance journalist and translator. But she returns to the country of her birth frequently, and helped found an organization for trans rights there with Maryam Khatoon Molkara. “The culture needs to change,” says Sarah. “The society needs to change its mindset towards people who not like the mainstream. It doesn’t matter if they are gay, bisexual, or trans.”
TAB 27
US travel ban leaves LGBT refugees in limbo

By Nina dos Santos, CNN

Updated 10:40 AM ET, Tue March 7, 2017

Istanbul, Turkey (CNN) — Beaten by his brother because of his sexual orientation while growing up in Iran, Ramtin Zigorat’s greatest wish is to wake up one day and to not have to look over his shoulder.

The 27-year-old gay rights activist, currently living in Turkey, was on the road to a new life in the United States, but his dream was derailed in January after US President Donald Trump introduced an immigration executive order that included a suspension of refugee arrivals from Iran and six other countries.

A revised version of the order issued on Monday will not rectify his predicament. It exempts Iraq and lawful permanent residents from the ban, but still bars citizens from Iran and five other majority-Muslim countries from entering the US for 90 days. Refugees from those countries are barred for 120 days while officials review already stringent vetting measures.
In Iran, Zigorat's doctor pushed him towards medication for what was described as his "condition" and recommended sex reassignment surgery, a legal option in a country where being gay is illegal, and often considered the same as being transgender. When he refused to renounce his sexual orientation and LGBT activism, he was arrested and sentenced to death in 2013.

Since escaping to Turkey nearly two years ago, Zigorat, who does not use his given name out of fears for his safety, registered with the UN's refugee agency, UNHCR, which offered him resettlement in the US.

"I was happy because I would be going to a country that has laws and rules," he told CNN.

"No one would discriminate against me because of my sexuality."

After the introduction of Trump's travel ban, Zigorat's second interview for a US visa was abruptly canceled. No reason was given. He says his case is on hold, apparently frozen indefinitely, according to the resettlement agency.

Searching for safe haven
In Turkey, Zigorat has found a temporary reprieve from a death sentence in Iran, but it is by no means a safe haven.

"In Turkey, the state is not against you legally but culturally it is the same as Iran," says Zigorat.

He says he lives in fear for his life, has been beaten up five times and was fired from his job when his bosses discovered his sexual orientation.

According to the UNHCR, there are 1,900 LGBT refugees like Zigorat in Turkey, but LGBT rights groups estimate the number to be much higher as many refugees are afraid to open up about their sexual orientation or gender identity.

In 2015, Istanbul's pride marchers were met with rubber pellets and pepper spray. A year later, the rally was banned by authorities who cited security fears. Those who did assemble faced the same treatment as the previous year.
Hayriye Kara, a lawyer and refugee program coordinator at one of Turkey’s oldest LGBT associations, Kaos GL, says non-Turkish LGBT nationals face multiple layers of discrimination.

"Being LGBT is coupled with xenophobia and racism," she told CNN. "We cannot expect LGBT refugees to be safe here."

Kara says LGBT refugees are vulnerable throughout the country; she has interviewed refugees who have reported facing physical violence and harassment.

"LGBT refugees come to this country having lived through so much trauma and they are traumatized again here," she says. "They cannot access effective psychological help, even when LGBT associations provide it, because they lack the time or the space for it."

Turkey’s Interior Ministry didn’t return CNN’s request for comment.

'We cannot afford to lose hope'
The UNHCR has only been able to resettle non-Syrian LGBT refugees in a handful of countries. Two, Australia and Canada, recently restricted their intake sharply, so in practice, the US was one of the few remaining safe havens.

The UNHCR says it is continuing to work with the US government and expects the impasse to be overcome.

"We very much hope the US will continue its strong leadership role and long tradition in protecting those who are fleeing persecution," UNHCR spokeswoman Selin Unal told CNN by text message.

"We cannot afford to lose hope. These people are very vulnerable and need our help to find solutions for them."

A US State Department official told CNN that the US considers refugees for resettlement based upon vulnerability on a case-by-case basis.

Individuals are considered on a wide array of factors including, but not limited to, female-headed households, individuals in need of medical care that cannot be obtained elsewhere, survivors of torture, individuals with special needs, and LGBT individuals. However, the US does not classify all LGBT refugees as any more vulnerable than other refugees, the official said.

American dream
Zigorat checks his resettlement status daily online and says he will not give up on his dream. He believes Trump’s administration would change its rhetoric if it were aware of the struggles people like him face.

"What would I say to President Trump? To appeal to him?" he asks.

"Please see our problems and please don’t see us as problems because of our country. Our families rejected us, the second country didn’t help us. Please help."

As Zigorat waits for news, life in Turkey remains dangerous for him and other LGBT refugees. In 2016, a Syrian friend, Wisam Sankari, was beheaded in Istanbul a year after arriving in the city. Wisam’s friends told LGBT association Kaos GL that his body was so badly mutilated they could only recognize him by his pants.

Also in 2016, a Syrian transgender woman was stabbed to death in her Istanbul home. Others have killed themselves.

"Maybe they will kill me tomorrow," Zigorat says. "You always live with this fear."

CNN’s Zeynep Bilginsoy and Salma Abdelaziz contributed to this article.
US travel ban leaves LGBT refugees in limbo - CNN

TAB 28
Magazine

Living with my lesbian partner where it's illegal to be gay

14 June 2016

After Sunday's attack on a gay nightclub in Orlando, Florida, where 49 people were killed by a gunman, vigils in the US, UK and elsewhere have shown solidarity and support for LGBT (lesbian, gay, bisexual and transgender) people worldwide.

But in Iran, committing homosexual acts can incur the death penalty, and being gay can put severe strain on family relationships. Sara, who is 23, has lived in her mother's house with her 20-year-old girlfriend for four years. Here, both mother and daughter explain how difficult their life has become.
Sara

I was about 11 or 12 when I first fell for a woman. I told my cousin and her reaction was shocking - she called me a *hamjensbaaz* or faggot. I didn't realise it was an insult back then but I knew that if I told anyone else they would make fun of me.

I once told my personal trainer that I had feelings for her and she told me to read the Koran.

I knew for sure that I was gay when I met my partner, Maryam, four years ago. We chatted online and when we went on our first date I saw a schoolgirl who was so delicate, so tiny! I was mesmerised by her beauty thinking, "Is she really going to be my girlfriend?"

My mother listens to our intimate phone conversations. Sometimes in the morning she checks our bedroom, looks at the pillows and says, "Why do you two sleep too close to each other at night?" Or she suggests that the bed is too small and one of us should sleep somewhere else. She comes into the room without warning and makes sure the door is always open.

I want to tell her to stop, and that it's none of her business!

My mother is scared of me. I can be very violent - I won't hurt anyone but if there is too much pressure on me I will collapse. It has happened before and I left home twice. I didn't have anywhere else to go so I came back after a couple of days.

In the middle of the night I hear her weeping and praying to God to cure me. It's very difficult.

I was naive to think that, because my cousins bring their partners to family gatherings, I could too.

My family has become increasingly hostile and at my cousin's birthday party, they collectively ignored Maryam. It was very awkward and we had to leave. They love me but they hate her - I can't bear it.

It's ridiculous - I had to hide her in the cupboard once when we had my uncles over for hours. When my aunts visited unannounced, she asked me to hide her again so she didn't have to face them.

Sometimes I feel for my mother - she is nearly 70 and is a religious person. I can't argue with her and I fear she might not be able to bear all this.

I also believe in God and pray every day. I tried to find something in the Koran to show that homosexuality can be compatible with Islam but couldn't, and you can't ask an imam.

Once I saw a counsellor and she started swearing at me. "Why don't you understand that even cows know how to have normal sex?" she asked. She told me that I was breaking nature's law.

At one point I thought the only way to deal with it was to have a sex change. In Iran, being transsexual is considered a medical condition that can be treated, but it is illegal to be gay here. People are sometimes encouraged to have surgery so they don't "fall into sin" and live as homosexuals.

The doctors won't tell you honestly if they think you are a transsexual who really needs an operation so people are often left feeling confused.
I had 10 sessions with a counsellor who assessed me and I have been put on the list for surgery, but I don't think I can go through with it. I might regret it. Besides, my partner would hate it. She might leave me.

And there is no way back if you change your mind. I know transgender people who have suffered after the operation with depression and mental health problems.

I saw a woman in a clinic who had had surgery to become a man - he was sobbing and begging them to reverse the operation. He was saying he couldn't live in a man's body. I was horrified.

I have quite a masculine appearance anyway - I have short hair, wear baggy jeans, a man's watch and trainers.

I love the power that men have and I love behaving like a man in my relationship. Sometimes when I see heterosexual couples I feel weak that I can't protect my partner as much as I would like.

When we've been out together, Maryam and I have been stopped and questioned by the moral police. Once we were in the park and I removed my headscarf. A man came and asked if I was a woman and I said "Yes". He told me to go with him but when I showed him the card I was given at the transsexual counselling centre, he let me go.

That card means I am allowed to go out in public places without a hijab - the idea is to let you try living as a man before the operation.

You see many young women like me in the streets now and it's a bit more relaxed than it used to be, but years ago when I walked around Tehran, I was constantly insecure.

I worried that if they stopped me and searched my mobile, and found pictures or saw my text messages to my partner, they might put me in prison or confiscate my passport, even execute me.

I would like to marry my partner - maybe one day when we leave Iran it will be possible.

Find out more

My Iranian Daughter is broadcast on the BBC World Service from Tuesday 14 June.

You can listen again via the BBC iPlayer or download the Documentary podcast.

Sara's mother

I don't know if this is a kind of illness or what. It's sinful in Islam - she won't accept it from me but it's not right.

I knew very soon that their relationship was not just a friendship. Her other female friends were fine - I knew them and their family backgrounds but this woman is a total stranger. I don't know who hooked them up.
They used to go out together and my daughter would come home very late, and tell me that her friend was young and didn't know how to get back home so she had to drop her at the train station.

I thought it would be better if they stayed at home together. It's dangerous outside. It's better to be at home than wandering about in parks or even in hotels. That's how that woman worked her way into my house.

I don't interfere. This woman lives here comfortably. She doesn't come out of their room when my daughter is not home. They even eat in their bedroom.

I know what's going on, but I keep silent. I try to avoid them. I try to go out as much as possible so that I don't see them.

I have had a horrible time in this house for years. My daughter is stuck between her and me. I hate this woman, but for the good of my daughter I put up with her in my house.

If she was a normal friend, I wouldn't have any objection. I don't want my daughter to be lonely and it's good for her to have a close friend. If only they were normal friends, I'd have asked her to stay with her for life.

But I know this woman is rude and unashamed. She is coquettish and brazen all the time. She is corrupting my daughter. She takes advantage of Sara and wastes her money. They're like lovers and buy things for each other.

I was kind to this woman. I gave her motherly advice and asked her to find a husband but she told my daughter and upset her.

My daughter is very lonely, and I think if I tell this woman off, I will break my daughter's heart. I am really scared that if I say anything, if I push this woman out, my daughter will do something bad to herself, and I will regret it for the rest of my life.

She might set the house on fire - she threatened to do that once. I am worried that she would hurt herself so I keep quiet.

I hate to talk about it. If only Sara had a brother or her father was alive, this woman wouldn't dare to come and glue herself to my daughter like this.

I ask this woman, "What is this ring on your finger? Remove it so some boy will propose to you!" Her reply is, "I won't marry until your daughter marries!"

I need someone to talk to my daughter, to make her think about her future - she'll grow old without any children.

This woman won't stay with my daughter. She will leave her and marry a man!

My daughter is exceptional. She is kind and smart - I always tell her that she is flawless except for this one thing.

It is abnormal. This woman is a torture to me.

I don't know what to do. I am not happy to leave them on their own for a single night at home, let alone move out together.
I can't think of a solution. I don't know how to save my daughter's life.

The names of people in this article have been changed. Sara and her mother spoke to Leyla Khodabakhshi.

More from the Magazine

For seven years Donya had hormone treatment. Her voice became deeper, and she grew facial hair. But when doctors proposed surgery, she spoke to friends who had been through it and experienced "lots of problems". She began to question whether it was right for her.

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