



Home Office

Country Policy and Information Note

Iran: Background information, including actors of protection and internal relocation

Version 4.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

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 make recommendations to him about the content of the Home Office’s COI material. 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. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research>

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Policy guidance

Updated: 11 December 2017

1. Introduction

1.1 Summary of issues

- 1.1.1 Whether in general those at risk of persecution or serious harm from non-state actors are able to seek effective state protection and/or internally relocate within Iran.

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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](#).
- 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](#)).

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2.2 Protection

- 2.2.1 Where the person's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.2.2 There are several functioning security agencies in Iran, but they are reportedly not fully effective in combating crime. Corruption and impunity also continue to be problems (see [Law enforcement agencies](#)).
- 2.2.3 There are numerous reports that the court system is subject to political interference, bribery and corruption. Defendants are often denied access to representation or evidence and the right to appeal and reports indicate that Judges commonly accept coerced confessions, disregard torture or abuse during detention and ignore evidence offered by the defence. Trials, including those which award the death penalty, disregard international standards of fairness. Regime officials, security and intelligence forces enjoy a high level of impunity (see [Judiciary](#)).
- 2.2.4 There are systems in place for lodging complaints against allegations of torture and ill treatment but reports suggest that the authorities fail to investigate these and sometimes complainants are threatened with additional ill treatment and harsh sentences (see [Avenues of redress](#)).
- 2.2.5 Those who fear 'rogue' state agents are unlikely to be able to access effective protection given the reported levels of impunity.

- 2.2.6 Some people, including women, political opponents, journalists, human rights defenders and members of religious minorities may also not be able to obtain effective protection due to their specific profile. For more information, see the relevant [country policy and information note](#).
- 2.2.7 Where a person does not fall into one of these categories effective protection may be available. There is a functioning criminal justice system and the person's ability to access effective protection depends on the circumstances of their case. Each case must be determined on its own facts.
- 2.2.8 The onus is on the person to demonstrate that the state is not willing and/or able to provide effective protection, bearing in mind that the standard to be applied is not one that eliminates all risk to its citizens. It is sufficient that a country has a system of criminal law which makes attacks by non-State actors (or 'rogue' state actors) punishable and that there is a reasonable willingness and ability to enforce the law.
- 2.2.9 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Internal relocation

- 2.3.1 Iran's covers 1,648,195 sq km with an estimated population of 81,824,270. The constitution provides for freedom of internal movement although in practise the government placed some restrictions on this including preventing some persons travelling to certain provinces (see [Geography](#)).
- 2.3.2 In general, relocation for men fearing non-state agents will be reasonable.
- 2.3.3 Certain groups within Iran such as Kurds, religious minorities, Baha'is and those evading military service may face difficulty in relocating to other areas of Iran and in those instances internal relocation is unlikely to be reasonable. For more information, see the relevant [country policy and information note](#).
- 2.3.4 Relocation for a woman may be reasonable in some cases depending on their family, social and educational situation. Women, especially in rural areas, sometimes face official and societal harassment for travelling alone. Conservative social norms often restricts the movement of women from rural areas outside the home or village, and they often require the supervision of a male guardian or chaperone to travel (see [Freedom of movement](#)).
- 2.3.5 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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3. Policy summary

- 3.1.1 There are several functioning security agencies in Iran, but effective protection varies depending on the profile of the person seeking protection. Each case should therefore be carefully considered on its facts.
- 3.1.2 Internal relocation to another area of Iran is generally reasonable if the risk will not be present in the place of relocation but will depend on the nature of the threat and the individual circumstances of the person.

Country information

4. History

- 4.1.1 A full timeline of Iran's history can be found on the BBC's Iran profile¹.

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5. Geography

- 5.1.1 According to the CIA World Factbook, updated in June 2017, Iran is located in the Middle East, 'bordering the Gulf of Oman, the Persian Gulf, and the Caspian Sea, between Iraq and Pakistan'. Iran also has land boundaries with Afghanistan, Armenia, Iraq, Pakistan, Azerbaijan, Turkey and Turkmenistan. It has an area of 1,648,195 sq km².
- 5.1.2 A map of Iran can be found on the UN's Geospatial Information Section website³.

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6. Demography

6.1 Population

- 6.1.1 The CIA World Factbook noted an estimated population of 82,021,564 (July 2017 est.) with 73.4% of the population living in urban areas⁴.
- 6.1.2 The capital of Iran is Tehran with a population estimated to be 8.432 million. Other major cities are Esfahan (1.88 million), Tabriz (1.572 million), Mashhad (3.014 million) and Karaj (1.807 million) and Shiraz (1.661 million as at 2015)⁵.
- 6.1.3 Iran's age structure is as follows- 0-14 years: 23.65%, 15-24 years: 16.57%, 25-54 years: 47.59%, 55-64 years: 6.79%, 65 years and over: 5.4% (2016 estimate). The median age of the population in Iran is 29.4 years⁶.

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6.2 Ethnic/tribal/religious make-up

- 6.2.1 According to the Central Intelligence Agency (CIA) World Factbook updated in June 2017, the main ethnic groups in Iran are:
- Persian

¹ BBC News, 'Iran profile- timeline', last updated 8 June 2017 <http://www.bbc.co.uk/news/world-middle-east-14542438>. Accessed: 20 June 2017.

² Central Intelligence Agency (CIA) World Factbook, 'Iran- Geography', updated 15 June 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 31 October 2017.

³ United Nations Geospatial Information Section, Iran Map, undated <http://www.un.org/Depts/Cartographic/map/profile/iran.pdf>. Accessed: 20 June 2017.

⁴ Central Intelligence Agency (CIA) World Factbook, 'Iran- people and society', updated 15 June 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 20 June 2017.

⁵ Central Intelligence Agency (CIA) World Factbook, 'Iran- people and society', updated 15 June 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 20 June 2017.

⁶ Central Intelligence Agency (CIA) World Factbook, 'Iran- people and society', updated 15 June 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 20 June 2017.

- Azeri
- Kurd
- Lur
- Baloch
- Arab
- Turkmen and Turkic tribes⁷.

6.2.2 The main religions are: Muslim (official) 99.4% (Shia 90-95%, Sunni 5-10%), other (includes Zoroastrian, Jewish, and Christian) 0.3%, unspecified 0.4% (2011 estimate)⁸.

6.2.3 For further information see the country policy and information notes on [Iran: Christians and Christian converts](#), [Iran: Zoroastrians](#), [Iran: Kurds and Kurdish political groups](#).

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6.3 Languages

6.3.1 The languages spoken are:

- Persian (official)
- Azeri Turkic and Turkic dialects
- Kurdish
- Gilaki and Mazandarani
- Luri
- Balochi
- Arabic
- Other⁹.

6.3.2 An updated entry in the Encyclopaedia Britannica on 'Iran-languages' noted:

'Although Persian (Farsi) is the predominant and official language of Iran, a number of languages and dialects from three language families—Indo-European, Altaic, and Afro-Asiatic—are spoken.

'Roughly three-fourths of Iranians speak one of the Indo-European languages. Slightly more than half the population speak a dialect of Persian, an Iranian language of the Indo-Iranian group. Literary Persian, the language's more refined variant, is understood to some degree by most Iranians. Persian is also the predominant language of literature, journalism, and the sciences. Less than one-tenth of the population speaks Kurdish. The Lurs and Bakhtyārī both speak Lurī, a language distinct from, but closely related to, Persian. Armenian, a single language of the Indo-European family, is spoken only by the Armenian minority.

'The Altaic family is represented overwhelmingly by the Turkic languages, which are spoken by roughly one-fourth of the population; most speak

⁷ Central Intelligence Agency (CIA) World Factbook, 'Iran- people and society', updated 15 June 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 20 June 2017.

⁸ Central Intelligence Agency (CIA) World Factbook, 'Iran- people and society', updated 15 June 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 20 June 2017.

⁹ Central Intelligence Agency (CIA) World Factbook, 'Iran- people and society', updated 15 June 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 20 June 2017.

Azerbaijani, a language similar to modern Turkish. The Turkmen language, another Turkic language, is spoken in Iran by only a small number of Turkmen.

‘Of the Semitic languages—from the Afro-Asiatic family—Arabic is the most widely spoken, but only a small percentage of the population speaks it as a native tongue. The main importance of the Arabic language in Iran is historical and religious. Following the Islamic conquest of Persia, Arabic virtually subsumed Persian as a literary tongue. Since that time Persian has adopted a large number of Arabic words—perhaps one-third or more of its lexicon—and borrowed grammatical constructions from Classical and, in some instances, colloquial Arabic. Under the monarchy, efforts were made to purge Arabic elements from the Persian language, but these met with little success and ceased outright following the revolution. Since that time, the study of Classical Arabic, the language of the Qur’ān, has been emphasized in schools, and Arabic remains the predominant language of learned religious discourse.

‘Before 1979, English and French, and to a lesser degree German and Russian, were widely used by the educated class. European languages are used less commonly but are still taught at schools and universities.’¹⁰

- 6.3.3 The US State Department’s country report on human rights practices, covering events in 2016 (‘the USSD report for 2016’) stated that: ‘Authorities did not prohibit the use of Kurdish language, but authorities prohibited most schools from teaching it with the exception of the Kurdish language program at the University of Kurdistan.[...] Ethnolinguistic minorities are not free to name their children; the country’s civil registry maintains a list of acceptable names, and individuals who wish to choose a name not on this list (in their own language) cannot register the birth of their child.’¹¹

- 6.3.4 The [Farsinet website](#) maps the linguistic composition of Iran¹².

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7. Constitution

- 7.1.1 A full official translation of the 1979 Constitution of the Islamic Republic of Iran (last amended in 1989) is available at:
<http://www.refworld.org/docid/3ae6b56710.html>.

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8. Iranian calendar

- 8.1.1 The Iran Chamber Society, stated that: ‘The Iranian calendar (also known as the Persian calendar or the Jalaali Calendar) is a solar calendar currently

¹⁰ Encyclopaedia Britannica, ‘Iran-languages’, undated, <https://www.britannica.com/place/Iran/Languages>. Accessed: 11 September.

¹¹ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 11 September 2017.

¹² Farsinet, ‘linguistic composition of Iran’, undated, http://www.farsinet.com/farsi/linguistic_composition_of_iran.html. Accessed: 11 September 2017.

used in Iran and Afghanistan. It is observation-based, rather than rule-based, beginning each year on the vernal equinox as precisely determined by astronomical observations from Tehran.¹³

- 8.1.2 The [Iran Chamber website](#) can convert dates between the Iranian and the Gregorian calendar.

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9. Freedom of movement

9.1 Internal movement

- 9.1.1 The USSD report for 2016 noted that:

‘The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) with regard to refugees from Afghanistan and Iraq.

‘Judicial sentences sometimes included internal exile after release from prison, which prevented individuals from travelling to certain provinces. Women often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for travelling alone. Refugees faced restrictions on in-country movement and faced restrictions or bars from entering 28 provinces according to UNHCR.’¹⁴

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9.2 Freedom of movement for women

- 9.2.1 Iran Human Rights Documentation Centre note in their March 2013 report ‘Gender Inequality and Discrimination: The Case of Iranian Women’ that:

‘Under Iranian laws, a woman, if married, needs her husband’s consent to obtain a passport and travel outside the country. Husbands can forbid their wives from leaving the country by refusing to sign the papers that will allow them to apply for a passport and travel. According to Article 18 of Passport Law 1973: “A passport shall be issued for the following persons according to this article: ... 3-Married women, even if under 18 years old, with the written agreement of their husbands...”’

‘According to Article 19 of the same law, husbands even have the ability to notify the government and forbid their wives from leaving the country. In such cases their wives’ passports will be seized. In fact, even if they give their consent at first, husbands are not bound to their previous consent and are free to change their minds at any time. This exclusive right of the husband may cause many difficulties for their wives and can be abused by husbands. It is possible, especially in cases of dispute, for a husband to use this right as a punishment or as revenge. As natural guardians, fathers can

¹³ Iran Chamber Society, ‘Iranian Calendar Converter’, undated http://www.iranchamber.com/calendar/converter/iranian_calendar_converter.php. Accessed: 21 June 2017.

¹⁴ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 2d), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 21 June 2017.

also forbid their underage children from leaving the country. Wives and mothers do not have the same right.’¹⁵

- 9.2.2 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint fact finding mission report referred to information provided by Mr. Hossein Abdy, Head of Passport and Visa Department who explained with regards to the regulations requiring a husband’s consent to travel that:

‘The purpose of the law is to protect the family as an entity...the consent given by the husband is valid for five years, i.e. the length of time that the passport is valid. When asked if such a consent given by the husband can be annulled, it was further explained that a husband that has an outstanding issue with his wife has the option of going to the courts in order to get the consent annulled. However, if the husband is living outside of Iran, he cannot get his consent annulled.

‘Regarding the permission a woman has to have from her husband in order to travel, a well-educated Iranian woman with links to international communities explained that her husband would sign a form before a notary public. The husband would consent to either a single exit or unlimited exits by ticking either the ‘one time only’ box or the box ‘permanently’. But even if consent was given ‘permanently’, it would only take a phone call to the Airport Security or a letter to prevent the wife from exiting Iran. The husband could call any level of Airport Security, be directed to the right person, revoke the consent and prevent his wife from leaving. He would be asked to send in a handwritten statement as well as a copy of his identification card (Kart e- Melli). This could be arranged from the time the wife left the house to before she had arrived to the airport. She would be denied exit at the passport control and told to get the issues sorted out before she could leave.’¹⁶

- 9.2.3 The same report stated that

‘With regards to children, a mother who wishes to take her children outside of Iran must have the consent from the father of the children in order to do so’ and cited a well-educated Iranian woman with links to international communities who ‘stated that if a woman leaves Iran with her children without the consent of their father, this is considered a criminal and a civil offence. Even if the mother has custody of the children, the consent from the father is necessary in order to take the children out of Iran. If the woman returns to Iran, she would most likely be given a fine for the illegal exit. Illegal exit would not lead to jail. She could also face a civil case in a family court as a result of taking the children out of the country without the

¹⁵ Iran Human Rights Documentation Centre, ‘Gender Inequality and Discrimination: The Case of Iranian Women’ (2.1.4.4. Right to leave the country), 8 March 2013, <http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html>. Accessed: 12 September 2017.

¹⁶ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.71 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf>. Accessed: 12 September 2017.

father's consent, but the result here would also not be a prison sentence. The source mentioned that courts differ depending on geography and the financial situation of the parties involved, but even outside Teheran she did not think that a prison sentence would be the result. She had not heard of prison sentence given to a mother after she had returned with her children, however, the source added that she would not rule out that this could happen if the father was rich or powerful enough and angry enough even after his children were returned to him.'¹⁷

- 9.2.4 With regards to single women, divorced women and widows the same report considered that 'After 18, a woman can apply in her own right and she is not required to present consent from any male relative. Once a woman is married, she needs the consent of her husband in order to be issued a passport. However if a woman later divorces, she no longer needs any consent. Thereby, as for divorced women as well as widows, no consent is needed in order to obtain a passport and travel outside of Iran.'¹⁸
- 9.2.5 The Finnish Immigration Service report citing various sources noted in July 2015 that: 'Men have the right to restrict their wives' movements outside the home. In the most extreme cases, men can prevent their wives from studying, working and seeing their family and friends.'¹⁹
- 9.2.6 The USSD report for 2016 stated that: 'Married women were not allowed to travel outside the country without prior permission from their husbands.'²⁰

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9.3 Entry and Exit procedures

- 9.3.1 The USSD report for 2016 noted that:

'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.

¹⁷ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.72-3 <http://www.nyidanmark.dk/NR/ronlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf>. Accessed: 12 September 2017.

¹⁸ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.73 <http://www.nyidanmark.dk/NR/ronlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf>. Accessed: 12 September 2017.

¹⁹ Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran' (3.1 Marriage, p.10), 26 June 2015, http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltainIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288. Accessed: 12 September 2017.

²⁰ US Department of State, 'Country Reports on Human Rights Practices for 2016' (section 2d), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 21 June 2017.

‘The law does not provide for forced exile abroad. Many citizens practiced self-imposed exile to express their beliefs freely or escape government harassment.’²¹

- 9.3.2 For further information on entry and exit procedures, see the country policy and information note on [Iran: Illegal exit](#)

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9.4 Watchlists/security checks

- 9.4.1 A June 2005 DFAT report stated that:

‘the passport office in Iran compiles a blacklist of names submitted to them by a number of agencies’. DFAT noted that the judiciary, and the intelligence and interior ministries contributed information to the blacklists and that other security forces such as the Revolutionary Guard and Iran’s irregular forces were also rumoured to have input on the lists. DFAT report listed reasons which could lead to a person being on a blacklist. They included, among others, serious crimes, anti-regime political activities, debts (through an application by the lender to a court), application by husband, application by wife where alimony has not been paid. The advice further noted:

‘It is unlikely that a person could bribe an official in the passports office to be removed from a black list. Passport Office officials do not have the authorisation to alter the lists and would be concerned that the bribery would be uncovered. Bribery, however, is widespread in Iran and it is possible that an individual could bribe an official from one of the other organisations listed [...] above to have their name removed from a blacklist. Our interlocutors have expressed doubt that any person who had committed a serious crime or who was considered politically dangerous to the regime would be able to pay such a bribe.

‘[I]t is possible bribes may be paid to avoid arrest at the airport. However, it is unlikely that a bribe could convince an airport official to allow a person on a blacklist or without a valid passport to board an international flight.’²²

- 9.4.2 The Danish Immigration Service report on the Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc. dated April 2009 citing various sources noted:

‘Sajdrabi [person in charge of passport border control at Imam Khomeini Airport Immigration Police] stated that if a person has a case pending before the court, the person cannot leave Iran.

‘The person will be registered on a list of people who are not allowed to leave the country. The list appears in the computer system used by the airport personnel. Hence, an immigration officer sitting at one of the counters, examining the passport of the travelling person will see the list and will then prevent the person from travelling.

²¹ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 2d), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 21 June 2017.

²² Australian Department of Immigration and Citizenship, ‘Iran: Iranian Passports and Airport Exit/Entry Procedures’ 4 June 2012, available on demand, Accessed: 29 August 2017.

'Mirfakhar [Director General, Consular Affairs] confirmed that there is a list in the airport with names of people who cannot leave Iran. The people on the list have committed crimes and for this or other relevant reasons they are not allowed to leave the country. The other relevant reasons vary depending on the specific case. If a person on the list has already left Iran, the person may face problems on return. The seriousness of the problems depends on the crime that caused the person to appear on the list.'²³

9.4.3 A July 2009 DFAT Reported that "[i]f a plaintiff (whether the government or an individual) brings a case against a person in a court, they could request that that person be placed on a blacklist and prevented from leaving Iran".²⁴

9.4.4 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint fact finding mission report stated:

'When asked whether the authorities at the point of exit have a means of checking if there is a travel ban on a certain person, Mr. Hossein Abdy, Head of Passport and Visa Department, stated that in some cases, it could take the court up to three months to issue a ban. It depends very much on the circumstances of the individual case, how long it would take to place such a ban on exit. There can be cases of urgency, for example in a case involving homicide, where border points would be alerted as quickly as possible. Persons who have been politically active are not subject to any exit ban, according to Mr. Hossein Abdy.'²⁵

9.4.5 The Christian Science Monitor report, 'How Iranian dissidents slip through Tehran's airport dragnet' dated 8 February 2010 noted that:

'Passengers entering and leaving the country are checked against two watchlists issued by the Ministry of Intelligence and Security (MOIS) and the Revolutionary Guard. Those flagged are either arrested on the spot, allowed to pass through and surveilled while in the country, or have their passports confiscated and enter Iran on the condition they attend interrogation sessions at MOIS offices.'²⁶

9.4.6 In the 2016 DFAT Report, they assessed

'[...] that it is possible to leave Iran to flee arrest warrants or charges. This is usually accomplished overland rather than through the main airports. Passport control checks are sophisticated in Iran. An outstanding warrant for

²³ Danish Immigration Service, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc., April 2009, (section 7.3), https://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf. Accessed: 29 August 2017.

²⁴ 'Australian Department for Foreign Affairs and Trade, 'Treatment of Ahwazi Arabs and ship jumpers', Country Information Report No. 09/52, CIS Request No. IRN 9751, 6 July 2009, available on demand, Accessed: 29 August 2017.

²⁵ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.70 <http://www.nyidanmark.dk/NR/ronlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf>. Accessed: 12 September 2017.

²⁶ The Christian Science Monitor, 'How Iranian dissidents slip through Tehran's airport dragnet', 8 February 2010, <https://www.csmonitor.com/World/Middle-East/2010/0208/How-Iranian-dissidents-slip-through-Tehran-s-airport-dragnet>. Accessed: 29 August 2017.

arrest would not go undetected at the main airports but it is theoretically possible that an individual could convince an airport officer to allow them to proceed. Some charges, for example national security or media-related charges, result in confiscation or black-listing of passports. However, even in these cases, there are credible reports from a range of sources that many have been able to successfully cross borders overland.²⁷

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10. Economy

10.1 Overview

10.1.1 The Australian Government's Department for Foreign Affairs and Trade's (DFAT) 'Country Report for 2016' ('the 2016 DFAT Report') stated that:

'Iran faces a difficult economic situation, due to a combination of past economic mismanagement and international sanctions. The economy has been hit in recent years by high inflation, the high cost of Government subsidies, significant currency depreciation and an increase in the cost of food and imported goods. Business costs also rose due to devaluation and sanctions. The Rouhani Government reduced inflation from around 40 to 15 per cent at the end of 2014 through tighter monetary and fiscal policies. Following weak growth in 2015 because of the drop in oil prices and the on-going effects of sanctions, Iran's economy is projected to resume growth of approximately 4-5 per cent per annum over 2016-17. GDP per capita was US\$17,800 (PPP) in 2015.'²⁸

10.1.2 The World Bank's 2017 country profile noted that:

'Iran is the second largest economy in the Middle East and North Africa (MENA) region after Saudi Arabia, with an estimated Gross Domestic Product (GDP) in 2016 of US\$412.2 billion. [...] Iran's economy is characterized by the hydrocarbon sector, agriculture and services sectors, and a noticeable state presence in manufacturing and financial services. Iran ranks second in the world in natural gas reserves and fourth in proven crude oil reserves. Economic activity and government revenues still depend to a large extent on oil revenues and therefore remain volatile.

'Following a contraction of close to 2 percent in 2015, the Iranian economy bounced back sharply in 2016 at an estimated 6.4 percent.'²⁹

10.1.3 The CIA world factbook noted that:

'Iran's economy is marked by statist policies, inefficiencies, and reliance on oil and gas exports, but Iran also possesses significant agricultural, industrial, and service sectors. The Iranian government directly owns and operates hundreds of state-owned enterprises and indirectly controls many

²⁷ Australian Department for Foreign Affairs and Trade, 'Country Report for 2016' (pg 28), 21 April 2016, available on demand, Accessed: 29 August 2017.

²⁸ Australian Department for Foreign Affairs and Trade, 'Country Report for 2016' (section 2.11), 21 April 2016, available on demand. Accessed: 26 June 2017.

²⁹ World Bank, 'Iran Overview' last updated 1 April 2017
<http://www.worldbank.org/en/country/iran/overview>. Accessed: 21 June 2017.

companies affiliated with the country's security forces. Distortions - including inflation, price controls, subsidies, and a banking system holding billions of dollars of non-performing loans - weigh down the economy, undermining the potential for private-sector-led growth.

'Private sector activity includes small-scale workshops, farming, some manufacturing, and services, in addition to medium-scale construction, cement production, mining, and metalworking. Significant informal market activity flourishes and corruption is widespread.'³⁰

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10.2 Employment

10.2.1 The 2016 DFAT Report stated that:

'Officially, unemployment stands at 10 per cent, though it is considerably higher in reality (by some estimates up to 20 per cent with informal estimates suggested to be even higher at 40%). Substantial underemployment exists, with young people and women particularly badly hit, despite women's generally high standard of education. In March 2015, the Supreme Council of Labour, comprised of workers, employers, and government representatives, approved a 17 per cent rise in workers' minimum wage, bringing it to Toman 712,425 (\$268.8) per month. Civil servants' salaries are expected to increase by 14 per cent in 2015 to 2016.'³¹

10.2.2 The World Bank's 2017 country profile noted that:

'The unemployment rate returned to a three-year high of 12.7 percent (or 3.3 million unemployed) in the second quarter of 2016 despite the high growth rate in this period. This increase is largely a reflection of an increase in the labor participation rate to 40.4 percent compared to 35.4 percent in Jan-Mar 2014. Male and female unemployment rates of 21.8 and 10.4 percent respectively, also highlight a widening employment gender gap in the job market compared to 2015.'³²

10.2.3 The USSD report for 2016 noted that:

'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 the rights of others."

'According to the Iranian High Labor Council, the minimum wage is more than 8 million rials (around \$259) per month; this figure does not include supplemental allowances for housing, groceries, and child benefits. The minimum wage represented a 14 percent increase in 2015; it did not keep

³⁰ Central Intelligence Agency (CIA) World Factbook, 'Iran- economy', updated 15 June 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 20 June 2017.

³¹ Australian Department for Foreign Affairs and Trade, 'Country Report for 2016' (section 2.12), 21 April 2016, available on demand. Accessed: 26 June 2017.

³² World Bank, 'Iran Overview' last updated 1 April 2017 <http://www.worldbank.org/en/country/iran/overview>. Accessed: 21 June 2017.

pace with inflation, which was estimated at 35 percent for the same year, according to the Central Bank of Iran. Domestic labor organizations published reports stating workers' purchasing power eroded during the past few years as yearly increases in the minimum wage did not kept 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 amount entitles a worker to overtime. The law mandates a payment above the hourly wage to employees for any accrued overtime. The law 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, non-payment of wages, compulsory overtime, and summary deportation without access to food, water, or sanitation facilities during the deportation process.

'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, non-payment of wages, and lack of job security due to contracting practices continued to be major drivers for strikes and protests.'³³

10.2.4 See also [Women- Employment](#).

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10.3 Social support

10.3.1 For a full list of available social support please refer to the United States Social Security Administration website.³⁴

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10.4 Housing

10.4.1 Al Monitor's report 'Why Rouhani's social housing scheme faces more than bumpy start', dated 2 January 2017 stated that:

'After a two-year delay, Iranian President Hassan Rouhani's administration is preparing to implement its social housing program. The scheme aims to provide 570,000 residential units to households on low incomes or with special needs by the end of Iranian year 1400 (March 20, 2022). The proposal was approved Dec. 11 by the Infrastructure Commission, and it is now waiting for final approval from the Cabinet.

³³ US Department of State, 'Country Reports on Human Rights Practices for 2016' (section 7d-e), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dlid=265496>. Accessed: 21 June 2017.

³⁴ United States Social Security Administration, 'Social Security Programs Throughout the World: Asia and the Pacific, 2016', Iran, undated, <https://www.ssa.gov/policy/docs/progdesc/ssptw/2016-2017/asia/iran.html>. Accessed: 26 June 2017.

‘Government officials say the program will be a substitute for the controversial Mehr housing scheme, which has been mired in controversy. Initiated by former populist President Mahmoud Ahmadinejad, the Mehr scheme has failed to hit its targets due to what housing experts have called bad financing, poor building quality and inappropriate construction locations.

‘At present, 2.4 million households are in desperate need of housing support, none of whom receive any assistance from government bodies or nongovernmental charity organizations.’³⁵

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10.5 Land ownership

10.5.1 The USSD report for 2016 stated that: ‘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.’³⁶

10.5.2 See also [Inheritance](#)

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11. Political system

11.1 The Supreme leader

11.1.1 Freedom House, in its ‘Freedom in the World 2017’ report, (‘the 2017 Freedom House report’) noted that:

‘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; the other six are jurists nominated by the head of the judiciary and confirmed by the parliament, all for six-year terms. The supreme leader is appointed by the Assembly of Experts, which 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, Ali Khamenei, succeeded Islamic Republic founder Ruhollah Khomeini in 1989.’³⁷

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11.2 The President

11.2.1 BBC News guide on ‘How Iran is ruled’ dated 9 June 2009 stated that:

³⁵ Al Monitor, Iran Pulse- ‘Why Rouhani’s social housing scheme faces more than bumpy start’, 2 January 2017, <http://www.al-monitor.com/pulse/originals/2016/12/iran-rouhani-social-housing-scheme-mehr-project-ahmadinejad.html>. Accessed: 27 June 2017.

³⁶ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 1), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 26 June 2017.

³⁷ Freedom House, ‘Freedom in the World 2017 (Political Rights) 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/iran>. Accessed: 26 June 2017.

‘The constitution describes him [The President] as the second-highest ranking official in the country. He is head of the executive branch of power and is responsible for ensuring the constitution is implemented.

‘In practice, however, presidential powers are circumscribed by the clerics and conservatives in Iran’s power structure, and by the authority of the Supreme Leader. It is the Supreme Leader, not the president, who controls the armed forces and makes decisions on security, defence and major foreign policy issues.

‘All presidential candidates are vetted by the Guardian Council, which banned hundreds of hopefuls from standing in the 2005 elections.’³⁸

11.2.2 BBC News noted in May 2017 that ‘President Hassan Rouhani was elected for a second term. Out of more than 40 million votes cast, he received 57%, defeating his main rival, a conservative cleric.’³⁹

11.2.3 The 2017 Freedom House report noted that: ‘The president, the second-highest-ranking official in the Islamic Republic, is elected by popular vote for four years and can serve two consecutive terms.’⁴⁰

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11.3 Electoral system

11.3.1 The 2017 Freedom House report noted that:

‘The Guardian Council, controlled by hard-line conservatives, vets all candidates for the parliament, presidency, and the Assembly of Experts—a body of 86 clerics who are elected to eight-year terms by popular vote. The council has in the past rejected 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.’⁴¹

11.3.2 The CIA World Factbook explains that the Council of Ministers (cabinet) is selected by the president with legislative approval and the supreme leader has some control over appointments to several ministries.⁴²

11.3.3 The Guardian report ‘Iran presidential elections: everything you need to know’ dated 16 May 2017 noted that:

‘Almost any adult of Iranian origin and with Iranian nationality can take his or her identity card, a few passport-sized photos and the necessary documents to the interior ministry in Tehran’s Fatemi Street to register as a candidate. But not everyone is allowed to take part. The guardian council, a powerful

³⁸ BBC News, ‘How Iran is ruled’, 9 June 2009, http://news.bbc.co.uk/1/hi/world/middle_east/8051750.stm. Accessed: 27 June 2017

³⁹ BBC News, ‘Iran election: Hassan Rouhani wins second term as president’, 20 May 2017, <http://www.bbc.co.uk/news/world-middle-east-39984066>. Accessed: 27 June 2017.

⁴⁰ Freedom House, ‘Freedom in the World 2017 (Political Rights) 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/iran>. Accessed: 27 June 2017.

⁴¹ Freedom House, ‘Freedom in the World 2017 (Political Rights) 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/iran>. Accessed: 27 June 2017.

⁴² Central Intelligence Agency (CIA) World Factbook, ‘Iran- government’, updated 7 October 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 18 October 2017.

body of six clergymen and six jurists, vets each candidacy. Political competence and loyalty to the fundamental principles of the Islamic republic and its religion are among the main issues considered by the council.

'This year [2017], out of more than 1,600 who applied to run, only six candidates were accepted. More than 100 women also registered, but none made it past the vetting process.

'If an overall majority is not achieved in the first round, the two candidates with the most votes will compete in a runoff. Elections are held and results announced under the supervision of an administrative council in the interior ministry. The voting age is 18, and an estimated 55 million Iranians are eligible to vote.'⁴³

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11.4 Elections

11.4.1 The CIA World Factbook reported that the last election was held on 19 May 2017 and the next is to be held in 2021. Hasan Fereidun RUHANI was reelected president (Moderation and Development Party) 50.7%, Mohammad Bagher GHALIBAF (PJP) 16.6%, Mohsen REZAI (Resistance Front of Islamic Iran) 10.6%, Saeed JALILI (Front of Islamic Revolutionary Stability 11.4% other 10.7%.⁴⁴

11.4.2 The 2017 Freedom House report noted that 'Elections in Iran are not free and fair, according to international standards.'⁴⁵

11.4.3 With regards to the May 2017 elections, the Report of the UN Special Rapporteur noted they had:

'... received information about numerous cases of the arrest and detention of members of opposition parties in the lead-up to the elections.

'At least one of Mr. Rouhani's campaign offices, in North Tehran, and one reformist headquarters, in Mashhad, were subjected to sabotage attempts or forced closures, or staffers were impeded from campaigning in the streets.

'A significant deterioration in the situation of persons exercising their right to freedom of opinion and expression or carrying out their activities as human rights defenders was observed in the lead-up to the May elections, with a high number of arrests and detentions of journalists, political activists, human rights defenders, including trade unionists, and representatives of ethnic and religious minorities. The intelligence and security apparatus played a critical role in this crackdown and in reprisals against family members of those expressing peaceful dissent. Rights-related activities in all

⁴³ The Guardian, 'Iran presidential elections: everything you need to know', 16 May 2017, <https://www.theguardian.com/world/2017/may/16/iran-presidential-elections-everything-you-need-to-know>. Accessed: 27 June 2017.

⁴⁴ Central Intelligence Agency (CIA) World Factbook, 'Iran- government', updated 7 October 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 18 October 2017.

⁴⁵ Freedom House, 'Freedom in the World 2017 (Political Rights) 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/iran>. Accessed: 27 June 2017.

fields continue to incur vague national security charges. This has resulted in large-scale arbitrary arrests and detentions.⁴⁶

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12. Political parties

12.1.1 Article 26 of the Iranian constitution states that:

‘The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them.’⁴⁷

12.1.2 The Reuters news agency notes that according to Iran’s Interior Ministry, there are ‘over 250 registered political parties [...]. But it has no tradition of disciplined party membership or detailed party platforms.’⁴⁸ The CIA World Factbook provides a list of political parties and political pressure groups, together with their leaders.⁴⁹

12.1.3 The USSD report for 2016 stated that:

‘The constitution provides for the formation of political parties, but the Interior Ministry granted licenses only to parties in adherence with 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. Kourosh Zaim, a leading party activist of the banned National Front Party, was arrested on July 16 and sentenced to four years in prison based on a 2015 suspended sentence for “propaganda against the State.” This was his fourth arrest based on his political activity, according to ICHRI.

‘Women faced significant legal, religious, and cultural barriers to political participation. According to the Guardian Council’s interpretation, the

⁴⁶ UN Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Situation of human rights in the Islamic Republic of Iran, 14 August 2017 (paragraphs 14, 17 and 110) http://ap.ohchr.org/documents/dpage_e.aspx?m=183 Accessed 18 October 2017

⁴⁷ Iranian Constitution, 24 October 1979 (last amended 1989) <http://www.refworld.org/docid/3ae6b56710.html> Accessed 18 October 2017

⁴⁸ Reuters, ‘Factbox: Parties and politics in Iran’s parliamentary election’, 18 February 2016, <http://www.reuters.com/article/us-iran-election-parliament-factbox-idUSKCN0VR0QI>. Accessed: 27 June 2017.

⁴⁹ Central Intelligence Agency (CIA) World Factbook, ‘Iran- government’, updated 7 October 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed: 18 October 2017.

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, as well as certain types of judges. In 2013 the Guardian Council disqualified all 30 women who registered as presidential candidates. Eighteen women won seats in the 290-member parliament in February's election, and 17 were sworn in in May. Women served in senior government positions, including the Vice President for Legal Affairs, the Minister of Environmental Protection, and the Vice President of Women and Family Affairs.

'Practitioners of religions other than Shia Islam are barred from serving as supreme leader or president and from membership in the Assembly of Experts, the Guardian Council, or the Expediency Council. The law reserves five seats in parliament for members of recognized minority religious groups, although minorities can also be elected to non reserved seats. The five reserved seats were filled by one Zoroastrians, one Jew, and three Christians. There were no non-Muslims in the cabinet or on the Supreme Court.'⁵⁰

- 12.1.4 The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), 'Query Response: Iran: Organization and Functioning of Political Parties', dated 12 June 2017 citing various sources noted that: '[...] Iran does not have "political parties" of the kind one can find in the West, even though many groups are registered as "parties". In parliamentary and presidential elections, people do not elect parties but personalities.'⁵¹

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13. Law enforcement agencies

13.1 Overview

- 13.1.1 The USSD report for 2016 stated that:

'Several agencies shared responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security (MOIS) and law enforcement forces under the Interior Ministry, which report to the president, and the Iran 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. 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.'⁵²

⁵⁰ US Department of State, 'Country Reports on Human Rights Practices for 2016' (section 3), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 3 July 2017.

⁵¹ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), 'Query Response: Iran: Organization and Functioning of Political Parties', 12 June 2017, <http://www.refworld.org/docid/5943a4a14.html>. Accessed: 27 June 2017.

⁵² US Department of State, 'Country Reports on Human Rights Practices for 2016' (section 1d), 7 March

13.2 Police Law Enforcement Forces (Niruha-ye Jomhuri-ye Islami: LEF)

- 13.2.1 Dr. Wilfried Buchta, who has worked as a research fellow at the German Orient Institut in Hamburg/Germany since 2004, noted in his 2004 paper on Iran's security sector, that: 'The LEF, a kind of revolutionary police, came into being in 1990 as the result of a merger of three formerly separately organized forces with internal administrative autonomy, e.g. the city police, the gendarmerie (country-side police) and the revolutionary committees.'⁵³
- 13.2.2 According to an undated overview on the Interpol website, the responsibilities of Iranian national police force (LEF) include:
- '... border control, crime fighting; emergency services; identity checks, cooperation with Interpol in regards to the arrest and extradition of criminals, preventing and fighting terrorism, preventing the production, distribution and trafficking of illicit drugs, preventing trafficking in human beings and arms, public security and peace and traffic control.'
- 'The police force comprises the following operational units: the Air Police, the Anti-Narcotic Police, the Border Guard Police, the Cyber Police, the Criminal Intelligence Detective Police, the Emergency Police Centre, the Intelligence and Public Security Police, the International Relations and INTERPOL department, a prevention unit and the Traffic Police.'⁵⁴
- 13.2.3 The United States Congressional Research Service report 'Iran's Foreign and Defense Policies' dated 15 June 2017 noted that 'Security forces number about 40,000-60,000 law enforcement forces.'⁵⁵

13.3 Iran Revolutionary Guard Corps (IRGC also known as Pasdaran)

- 13.3.1 The role of the IRGC (known in Persian as the Sepah-e-Pasdaran Enghelab Islami) is outlined in Article 150 of the Iranian Constitution, which stated 'The Islamic Revolution Guards Corps, organized in the early days of the triumph of the Revolution, is to be maintained so that it may continue in its role of guarding the Revolution and its achievements. The scope of the duties of this Corps, and its areas of responsibility, in relation to the duties and areas of responsibility of the other armed forces, are to be determined by law, with emphasis on brotherly cooperation and harmony among them.'⁵⁶

2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dldid=265496>. Accessed: 3 July 2017.

⁵³ Wilfried Buchta 'Iran's security sector: An overview' (p.11) July 2004 http://www.ibrarian.net/navon/paper/GENEVA_CENTRE_FOR_THE_DEMOCRATIC_CONTROL_OF_ARMED.pdf?paperid=19262232. Accessed: 3 July 2017.

⁵⁴ Interpol, 'Member countries- Iran', undated <http://www.interpol.int/Member-countries/Asia-South-Pacific/Iran>. Accessed: 3 July 2017.

⁵⁵ United States Congressional Research Service, 'Iran's Foreign and Defense Policies', 15 June 2017, <https://fas.org/sqp/crs/mideast/R44017.pdf>. Accessed: 3 July 2017.

⁵⁶ Constitution of the Islamic Republic of Iran, 24 October 1979 (last amended 1989) <http://www.refworld.org/docid/3ae6b56710.html> Accessed 18 October 2017.

- 13.3.2 A October 2014 article of the Economist newspaper refers to the Army of the Guardians of the Islamic Revolution (IRGC) as a 'paramilitary force rolled into an intelligence agency wrapped in a giant business conglomerate with security-related interests' that is 'directly controlled by the country's supreme leader'. In terms of its aims, the IRGC is 'dedicated to a strong Iran, both at home and abroad' and seeks to 'ensure stability at home and win greater influence vis-a-vis America and its allies abroad'.⁵⁷
- 13.3.3 The Iran Primer (hosted by the United States Institute of Peace) website's section on the IRGC noted that:
- 'The Islamic Revolutionary Guard Corps (IRGC) was created after the 1979 revolution to enforce Ayatollah Ruhollah Khomeini's concept of an Islamic state ruled by a velayat-e faqih (guardianship of the jurist). The Guards played a crucial role not only in crushing early opposition to Khomeini's vision, but also in repelling Saddam Hussein's invasion of Iran in 1980. Since then, the Guards have functioned as both the primary internal and external security force. The IRGC has now eclipsed the Artesh, or conventional forces. It operates substantial and independent land, sea and air forces. It commands burgeoning missile forces. It runs asymmetric warfare through the elite Qods Force and proxy groups, such as Hezbollah. And it would most likely command a nuclear arsenal, if the regime chooses to develop a nuclear weapons capability.
- 'Over time, the Guards have also been transformed into a leading economic and political actor. The IRGC and its associated companies are involved in many sectors of Iran's economy, allowing it to amass unprecedented power. [...] The Guards forces now number up to 150,000 men divided into land, sea and air forces. The IRGC land forces are estimated to number between 100,000 and 125,000. The IRGC's navy may total as many as 20,000, though some estimates are significantly lower. Another 20,000 are in the IRGC naval forces.
- 'The Guards are also Iran's most powerful internal security force, at times cooperating and competing with the ministry of intelligence and other security organizations. The Guards' intelligence organization appears to have eclipsed the ministry of intelligence in scope and authority, especially after the disputed 2009 presidential election. Other security organizations such as the Basij and the Law Enforcement Forces have become subordinate to the Guards.'⁵⁸
- 13.3.4 Teshgom Kamal, an Istanbul-based independent researcher writing on Iranian foreign policy and domestic politics, in a February 2017 article published by the Turkish Anadolu Agency (AA), noted that Iran has five intelligence institutions:

⁵⁷ The Economist, 'Goon Squad- Will the conservative camp sink a nuclear deal?', 30 October 2014, <https://www.economist.com/news/special-report/21628602-will-conservative-camp-sink-nuclear-deal-goon-squad>. Accessed: 23 August 2017.

⁵⁸ United States Institute of Peace, The Iran Primer, 'The Revolutionary Guards', updated August 2015, <http://iranprimer.usip.org/resource/revolutionary-guards>. Accessed: 23 August 2017.

'The Ministry of Intelligence (Wazarat e Ittela'at) functions under the executive and the Army Intelligence Protection Organization (Sazman e Hifazat e ittela'at e Artish) under the National Army. The remaining three are the GIR [Guardians of the Islamic Revolution- Kamal refers to the IRGC as the GIR] GIR Intelligence Organization (Sazman ittela'at e Sepah), the GIR Intelligence Protection Organization (Sazman e Hifazat e ittela'at e Sepah), and GIR Protection Organization (Sazman e Hifazat e Sepah), all of them associated with the GIR.

'The GIR is the favourite force of Ayatollah Khamenei, the supreme leader. Despite acting as a united force firmly standing behind the supreme leader, the GIR suffers from various structural and organizational problems, some of which have been created in order to minimize the possibility of any military misadventure.

'No single commander is allowed to emerge as an all-powerful man in the GIR. The commanders gain their legitimacy and influence through their level of devotion to the supreme leader. Also, there is no chain of command or hierarchy in the GIR as such, that would allow for any commander to rise through the ranks.

'The GIR is subdivided into largely independent divisions under different commanders of equal ranks, who directly report to the supreme leader. Each division is given a certain part of the country to control.

'The apparent logic is that every division should be able to independently operate and resist if the country should be attacked or occupied. However, as noted earlier, the hidden objective is to avoid any military misadventure by an ambitious commander.'⁵⁹

13.3.5 The United States Congressional Research Service report 'Iran's Foreign and Defense Policies' dated 15 June 2017 noted that:

'The Islamic Revolutionary Guard Corps (IRGC, known in Persian as the Sepah-e-Pasdarān 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.

'Revolutionary Guard Corps (IRGC) ground force is about 100,000. IRGC navy is about 20,000.'⁶⁰

13.3.6 In September 2017, Jane's Sentinel Security Assessment noted:

'The IRGC (also known as Pasdaran or Sepah) plays a major role in internal security, irregular warfare, and also has responsibility for Iran's ballistic missile forces. The IRGC's primary duty is to protect the religious regime as well as the whole country against external threats.

⁵⁹ Anadolu Agency (AA), 'Will the Revolutionary Guards take over Iran?', 6 February 2017, <http://aa.com.tr/en/analysis-news/opinion-will-the-revolutionary-guards-take-over-iran/742390>. Accessed: 23 August 2017.

⁶⁰ United States Congressional Research Service, 'Iran's Foreign and Defense Policies', 15 June 2017, <https://fas.org/sqp/crs/mideast/R44017.pdf>. Accessed: 3 July 2017.

'The IRGC is primarily ground-based force, which parallels the regular army. Although it also possesses air and naval elements separate from the established services as well. The IRGC is structured and equipped to act in conjunction with the regular forces or independently from them if the situation dictates. Manpower of the IRGC is believed to be in excess of 125,000 personnel, of which probably more than 100,000 are members of the Islamic Revolution Guards Corps Ground Forces (IRGCGF). The IRGC has been placed under an integrated command with Iran's regular armed forces at the general staff level. However, it retains an independent command chain below this level, and generally continues to exercise as an independent force. The IRGCGF participates in major, set-piece exercises with the regular army although it is believed that lower-level exercises with the army are less common.'

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13.4 Basij

13.4.1 The United States Institute of Peace's Iran Primer page on 'The Basij Resistance Force', updated 2015 noted:

'The Basij Resistance Force is a volunteer paramilitary organization operating under the Islamic Revolutionary Guards Corps (IRGC). It is an auxiliary force with many duties, especially internal security, law enforcement, special religious or political events and morals policing. The Basij have branches in virtually every city and town in Iran.

'The Basij have become more important since the disputed 2009 election. Facing domestic demands for reform and anticipating economic hardships from international sanctions, Supreme Leader Ayatollah Ali Khamenei has mobilized the Basij to counter perceived threats to the regime.

'The Basij's growing powers have in turn increased the force's political and economic influence and contributed to the militarization of the Iranian regime.

'Yet the Basij also face problems, reflected in their poor handling of the 2009 protests, limited budget and integration into the IRGC Ground Forces in July 2008. Targeted U.S. and international sanctions against the IRGC could further weaken the Basij.

'The Basij organizational structure divides each city in Iran—depending on its size and population—into "resistance areas." Each resistance area is then divided into resistance zones, each zone into resistance bases, and each base into several groups. The smaller towns and villages have Basij "resistance cells." Sensitive social housing areas, such as housing for members of the regular army, also appear to have a special Basij presence. The Revolutionary Guards and the regular military are effectively rivals for resources, equipment and power.

⁶¹ Jane's Sentinel Security Assessment, 'Iran- Army', 13 September 2017, subscription source, Accessed: 3 October 2017.

‘Estimates of the total number of Basij vary widely. In 2002, the Iranian press reported that the Basij had between 5 million to 7 million members, although IRGC commander Gen. Yahya Rahim Safavi claimed the unit had 10 million members. By 2009, IRGC Human Resource chief Masoud Mousavi claimed to have 11.2 million Basij members—just over one-half the number originally called for by Khomeini. But a 2005 study by the Center for Strategic and International Studies, a Washington think-tank, put the number of full-time, uniformed and active members at 90,000, with another 300,000 reservists and some 1 million that could be mobilized when necessary. Persian language open-source material does not provide any information about what percentage of the force is full time, reservists or paid members of the organization.

‘The Iran Primer noted that Basij members ‘include women as well as men, old as well as young’ and that most members ‘are believed to be between high school age and the mid-30s.’⁶²

- 13.4.2 The United States Congressional Research Service report ‘Iran’s Foreign and Defense Policies’ dated 15 June 2017 noted that there are 600,000 Basij (volunteer militia under IRGC control) available for combat or internal security missions.⁶³
- 13.4.3 According to the CIA World Factbook, the minimum age for joining the Basij is 15.⁶⁴
- 13.4.4 Jane’s Sentinel Security Assessment, Iran- Army, dated 13 September 2017 noted:

‘A contingent of the IRGC, the Basij (Mobilisation of the Oppressed) is a militia-based reserve force of about 90,000 personnel with an active and reserve strength of up to 300,000 and a mobilisation capacity of nearly 1,000,000 personnel. This volunteer force would provide the bulk of the land forces personnel in the event of a mass mobilisation. It maintains up to 740 regional battalions with about 300-350 personnel each, which are ideally composed of three companies or four platoons plus support elements. These include the former tribal levies and are largely based upon localities.’⁶⁵

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13.5 Morality police (Gasht-e Ershad (Persian for Guidance Patrols))

- 13.5.1 A BBC News article ‘Who are Islamic “morality police”?’ dated 22 April 2016 noted that:

‘Iran has had various forms of "morality police" since the 1979 Islamic Revolution, but the Gasht-e Ershad are currently the main agency tasked

⁶² United States Institute of Peace The Iran Primer, ‘The Basij Resistance Force’, updated 2015, <http://iranprimer.usip.org/resource/basij-resistance-force>. Accessed 23 August 2017.

⁶³ United States Congressional Research Service, ‘Iran’s Foreign and Defense Policies’, 15 June 2017, <https://fas.org/sqp/crs/mideast/R44017.pdf>. Accessed: 3 July 2017.

⁶⁴ Central Intelligence Agency, The World Factbook: Iran <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>. Accessed 23 August 2017.

⁶⁵ Jane’s Sentinel Security Assessment, ‘Iran- Army’, 13 September 2017, subscription source, Accessed: 3 October 2017.

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.'⁶⁶

13.5.2 NPR's 'Parallels' article 'Springtime In Iran Means The "Morality Police" Are Out In Force' dated 3 May 2016 noted that:

'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 behaviour. 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.'

'Men are occasionally stopped — perhaps if their beards are too long, making them resemble jihadists — but usually, it's women who attract the attention of the Gashte Ershad. Too much hair peeking out from under a headscarf, removing the scarf altogether in the car, taking a walk with a boyfriend — all kinds of actions can risk a run-in with the morality police.'⁶⁷

13.5.3 In February 2016 BBC Trending reported on a phone app designed to allow Iranian youth to dodge the morality police. The article noted:

'The new phone app which is called "Gershad" (probably meaning get around Ershad instead of facing them) however, will alert users to checkpoints and help them to avoid them by choosing a different route. The data for the app is crowd-sourced. It relies on users to point out the location of the Ershad vans on maps and when a sufficient number of users point out the same point, an alert will show up on the map for other users. When the number decreases, the alert will fade gradually from the map'.

'According to the designers of Gershad, in 2014 alone, around three million people were issued with official warnings, 18,000 were prosecuted and more than 200,000 were made to write formal pledges of repentance.'⁶⁸

13.5.4 The Indian Express reported that 'The app was blocked by the authorities soon after it was released for Android devices on Monday [8th February

⁶⁶ BBC News, 'Who are Islamic 'morality police'?', 22 April 2016, <http://www.bbc.co.uk/news/world-middle-east-36101150>. Accessed 23 August 2017.

⁶⁷ NPR, Parallels, 'Springtime In Iran Means The 'Morality Police' Are Out In Force', 3 May 2016 <http://www.npr.org/sections/parallels/2016/05/03/476511439/springtime-in-iran-means-the-morality-police-are-out-in-force>. Accessed 23 August 2017.

⁶⁸ BBC Trending, 'Iranian youth get app to dodge morality police', 9 February 2016 <http://www.bbc.co.uk/news/blogs-trending-35533287>. Accessed 23 August 2017.

2016] but many Iranians bypass Internet restrictions by using a Virtual Private Network.⁶⁹

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13.6 Ministry of Intelligence and Security (MOIS) and Vezarat-e Ettela'at va Amniat-e Keshvar (VEVAK) aka Ettela'at

13.6.1 The Library on Congress' profile on 'Iran's Ministry of Intelligence and Security' dated December 2012 noted:

'The Iranian intelligence service is called the Ministry of Intelligence and Security (MOIS), or Vezarat-e Ettela'at va Amniat-e Keshvar (VEVAK) in Farsi. MOIS agents are known as "Unknown Soldiers of Imam Zaman," the name that Ayatollah Khomeini gave them.'

'MOIS is the most powerful and well-supported ministry among all Iranian ministries in terms of logistics, finances, and political support. It is a non-military governmental organization that operates both inside and outside of Iran. Intelligence experts rank MOIS as one of the largest and most dynamic intelligence agencies in the Middle East.'⁷⁰

13.6.2 The same source also noted that Iran's constitution defines MOIS's functions as:

- collecting, analyzing, producing, and categorizing internal and external intelligence;
- uncovering conspiracy, subversion, espionage, sabotage, and sedition against the independence, security, and territorial integrity of the Islamic Republic of Iran;
- protecting intelligence, news, documents, records, facilities, and personnel of the ministry; and
- training and assisting organizations and institutions to protect their significant records, documents, and objects.

With more than 30,000 officers and support personnel, MOIS is ranked by experts as one of the largest and most active intelligence agencies in the Middle East.'⁷¹

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13.7 Human rights violations and impunity

13.7.1 Amnesty International's annual report for 2016/17 ('Amnesty's 2016/17 report') stated that 'Torture and other ill-treatment of detainees remained common, especially during interrogation, and was used primarily to force

⁶⁹ The Indian Express, 'Gershad app developed to avoid 'morality police' in Iran blocked by authorities', 14 February 2016, <http://indianexpress.com/article/technology/tech-news-technology/gershad-app-developed-to-avoid-morality-police-in-iran-blocked-by-authorities/>. Accessed 23 August 2017.

⁷⁰ The Library on Congress, 'Iran's Ministry of Intelligence and Security: A Profile' (p.3), December 2012 <https://fas.org/irp/world/iran/mois-loc.pdf>. Accessed: 23 August 2017.

⁷¹ The Library on Congress, 'Iran's Ministry of Intelligence and Security: A Profile' (p.3 and 24), December 2012 <https://fas.org/irp/world/iran/mois-loc.pdf>. Accessed: 23 August 2017.

“confessions”. Detainees held by the Ministry of Intelligence and the Revolutionary Guards were routinely subjected to prolonged solitary confinement amounting to torture.⁷²

13.7.2 The USSD report for 2016 stated that:

‘Corruption and impunity remained problems within police 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 July remarks from the 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.’

‘The government and its agents reportedly committed arbitrary or unlawful killings, including, most commonly, by execution after arrest and trial without due process, or for crimes that did not meet the threshold of most serious crimes. The government made few and limited attempts to investigate allegations of deaths that occurred after or during reported torture or other physical abuse or after denying detainees medical treatment.

‘There were reports of politically motivated abductions during the year attributed to government officials. The government made no effort to prevent or investigate such acts and punish those responsible.

‘The constitution prohibits all forms of torture “for the purpose of extracting confession or acquiring information,” but there were credible reports that security forces and prison personnel tortured and abused detainees and prisoners.

‘Although the constitution prohibits arbitrary arrest and detention, they occurred frequently during the year.’⁷³

13.7.3 The UN Human Rights Council, ‘Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran’ dated 17 March 2017 noted that:

‘From the cases brought to her attention, the Special Rapporteur observes that, in many instances, the right of anyone who is arrested to be promptly informed about the charges against him or her is not respected. The Special Rapporteur notes that individuals may be arrested without being shown a warrant. Several cases in which individuals and/or their families were not provided with information regarding the reasons and circumstances for their arrest or their whereabouts were reported to her during the reporting period.

⁷² Amnesty International, ‘Amnesty International Report 2016/17’, 22 February 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>. Accessed: 23 August 2017.

⁷³ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 1), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 23 August 2017.

Often, those who are called in for interrogation have no idea of the identity of the persons who initiated the investigation against them.’⁷⁴

13.7.4 The 2017 Freedom House report stated that:

‘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. Activists say they have been beaten during interrogation, forced into false confessions, and subjected to psychological pressure, including threats that their relatives will be arrested. In the past few years, the IRGC’s intelligence unit appears to have increased its involvement in political repression. The unit reportedly controls a section of Tehran’s Evin prison.’

‘Security forces are seldom held responsible for human rights violations.’⁷⁵

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13.8 Avenues of redress

13.8.1 Amnesty International’s annual report for 2016/17 (‘Amnesty’s 2016/17 report’) stated that:

‘The authorities systematically failed to investigate allegations of torture and other ill-treatment, sometimes threatening to subject complainants to further torture and harsh sentences. Judges continued to admit “confessions” obtained under torture as evidence against the defendant, although such confessions were inadmissible under the 2015 Code of Criminal Procedure. The Code failed to set out the procedure that judges and prosecutors must follow to investigate allegations of torture and ensure that confessions were made voluntarily. Other provisions of the Code, such as the provision guaranteeing the detainee’s right to access a lawyer from the time of arrest and during the investigation stage, were frequently ignored in practice, facilitating torture.’⁷⁶

13.8.2 The USSD report for 2016 stated that ‘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.’⁷⁷

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⁷⁴ UN Human Rights Council, ‘Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran’, 17 March 2017, (paragraph 43) http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Documents/A_HRC_34_65_AE_V.docx. Accessed: 5 September 2017.

⁷⁵ Freedom House, ‘Freedom in the World 2017 (Section F) 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/iran>. Accessed: 30 August 2017.

⁷⁶ Amnesty International, ‘Amnesty International Report 2016/17’, 22 February 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>. Accessed: 23 August 2017.

⁷⁷ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 1e), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 23 August 2017.

14. Judiciary

14.1 Organisation

14.1.1 A report on Globalex (an electronic legal publication dedicated to international and foreign law research published by the Hauser Global Law School Program at New York University School of Law), titled 'A Guide to the Legal System of the Islamic Republic of Iran', updated in February 2011, provided the following information on the Iranian court system:

'The Courts are functionally classified according to their area of jurisdiction, civil or criminal, and according to the seriousness of the crime or the litigation, e.g., value of property under dispute or the level of punitive action involved.

'The judiciary in Iran follows the Islamic Law. There are basically three types of courts in Iran- (a) Public Courts, (b) Clerical Courts and (c) Revolutionary Courts.

'The regular courts in Iran, known as public courts, are classified into:

- '1. Civil Courts,
- '2. Special Civil Courts,
- '3. First Class Criminal Courts; and
- '4. Second Class Criminal Courts.'⁷⁸

14.1.2 The 2016 DFAT Report noted that:

'The Head of the Judiciary is appointed by the Supreme Leader for five-year renewable terms and is responsible for hiring, assigning, promoting and firing judges. (While judges should legislatively face trial if they are to be dismissed, the Head of the Judiciary can dismiss them without trial if it is in the 'interest of the society'.) The Head of the Judiciary is a cleric who must be an authoritative interpreter of sharia (a 'mujtahid'). The Chief of the Supreme Court and the Prosecutor-General are also required to be mujtahids.'⁷⁹

'The Revolutionary Courts deal with cases concerning internal and external security (including political cases) and drug smuggling. They do not use juries, and trials are frequently closed to the public (though show trials have occurred). Defendants have the right to legal representation in Revolutionary Courts, and can appeal sentences to the Supreme Court. The Government has stated that all trials should be held in open courts and all political and press offences should be tried in the presence of a jury, but Revolutionary Courts are exempt from this rule. Revolutionary Courts are not required to release their documents to the public. Human rights defenders and those arrested in protests, including following the 2009 election, are usually tried in the Revolutionary Courts. Credible sources have told DFAT that those suspected of political crimes – threatening the constitutional foundations or

⁷⁸ Globalex. 'Update: A Guide to the Legal System of the Islamic Republic of Iran', February 2011, published by the Hauser Global Law School Program at New York University http://www.nyulawglobal.org/globalex/iran1.htm#_The_Court_System. Accessed 5 September 2017.

⁷⁹ Australian Department for Foreign Affairs and Trade, 'Country Report for 2016' (section 5.14), 21 April 2016, available on request. Accessed: 5 September 2017.

territorial integrity of the Islamic Republic are most likely to be tried in Revolutionary Courts. Other cases are generally tried in civil or criminal courts.⁸⁰

14.1.3 An Iran based Legal expert noted in March 2017 that:

‘Coming to your question regarding the Ministry of Justice, please note that it has purely administrative functions (such as allocation of budget) and has nothing to do with administration of justice which is left to the care of judiciary whose head, as head of one of the three separate powers (Cf. Art.57 of the Iranian Constitution) is appointed by the supreme leader of Iran while minister of justice is named by the head of state (president). Accordingly apart from two or three websites catering to the whole nation for the service or process and filing online petitions and complaints as well as for information and updating lawyers and public at large who are in possession of the indispensable user name and password to log in (cf. <http://sakha3.adliran.ir/> or <http://sana.adliran.ir/>), there are no websites covering nationwide the whole justice apparatus in Iran. In other words, each judicial complex or, in some cases, district. Thus, there is (so far at least) no central nationwide database for civil cases while penal records database (on the basis of which police clearance certificates are released) is only accessible to prosecutors, police and other authorities within the security and intelligence apparatuses.’⁸¹

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14.2 Independence

14.2.1 The 2016 DFAT Report noted that:

‘The Constitution states that Iran’s judiciary is an ‘independent power’. The judiciary includes Revolutionary Courts and the Special Court for the Clergy (both established by decree of Supreme Leader Khomeini shortly after the Revolution), in addition to civil and criminal courts. Prosecutions originate in lower courts and can be appealed to higher courts. The Supreme Court reviews cases of capital offenses and rules on death sentences. It is also tasked with ensuring proper implementation of the laws and uniformity of judicial proceedings.

‘It is difficult to ascertain the real independence of Iran’s judiciary, but DFAT considers it to be a key arm of Iran’s overall system of government under the ultimate authority of the Supreme Leader. Importantly, the judiciary operates separately from the President who is not able to exercise any control over it. There are credible NGO reports that trials are sometimes held in closed session, present a lack of evidence, and do not conform to fundamental standards of due process. It is unlikely that judges are free from external pressure at all times, and may self-censor. There are credible NGO and media reports, as well as reports from trusted sources, that bribery of judges occurs and that there is endemic corruption in the judicial system, which is not strongly policed. The legal quality of the judiciary is also subject to

⁸⁰ Australian Department for Foreign Affairs and Trade, ‘Country Report for 2016’ (section 5.15), 21 April 2016, available on request. Accessed: 5 September 2017.

⁸¹ Legal Expert Report, 31 March 2017, available at annex A.

criticism. Women are not allowed to be judges, although some serve in judicial positions, such as deputy prosecutors, court counsellors or as deputy head of the court.⁸²

14.2.2 The USSD report for 2016 stated that:

‘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 subject 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.’⁸³

14.2.3 The UN Human Rights Council, ‘Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran’ dated 17 March 2017 noted that:

‘On 13 July 2016, the Government introduced the Bill on Formal Attorneyship that had been under consideration by Parliament for several years and which could severely compromise the independence of the Iranian Bar Association. In 2012, the International Bar Association and the previous mandate holder expressed concern over the content of this bill.

‘The legal profession in the Islamic Republic of Iran is not independent. The Law on the Qualifications of Attorneys, enacted in 1997, gives the judiciary the authority to vet and exclude candidates from holding positions in the bar association. Reportedly, dozens of prominent lawyers have been rejected from contesting elections to the Board of Directors of the bar association by the Supreme Disciplinary Court of Judges.

‘At least 50 lawyers have reportedly been prosecuted since June 2009 for representing prisoners of conscience, political detainees or “national security” prisoners. On 20 May 2016, the previous mandate holder and other United Nations experts issued a joint statement expressing concern about the situation of lawyers and human rights defenders serving heavy sentences for their peaceful activities or for simply carrying out their professional duties. The experts noted that in addition to detaining human rights lawyers, the continued targeting and harassment by the authorities had apparently “forced some lawyers to limit their professional activities or leave the profession altogether.

‘The issue of the separation of powers remains an obstacle for the independence of the judicial system. The judiciary plays a vital role in interpreting often vaguely defined national security laws. However this role can only be undertaken effectively if the rules for the appointment of members of the judiciary are transparent and based on the criteria of

⁸² Australian Department for Foreign Affairs and Trade, ‘Country Report for 2016’ (section 5.17), 21 April 2016, available on request. Accessed: 5 September 2017.

⁸³ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 1e), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 30 August 2017.

competence and integrity. It has been widely reported that strong interference is exerted regarding the appointment of judges. The Iranian judiciary has parallel systems: the public courts have general jurisdiction over all disputes, while the specialized courts, such as revolutionary courts, military courts, special clerical courts, the high tribunal for judicial discipline and the court of administrative justice, have functional areas of specialization.⁸⁴

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14.3 Sharia law

14.3.1 The 2016 DFAT Report noted that:

‘The Constitution holds that if Iranian law is not clear about an issue, judges may turn to sharia for guidance. Iranian laws reflect a specific interpretation of Shiite jurisprudence. According to analysis published by the United States Institute of Peace, sharia has influenced family laws and led to the introduction of broad discriminatory laws against women, laws of retribution and a tougher penal code with punishments such as stoning, floggings and amputations. Reform of the civil and penal codes is a major flashpoint between reformist and conservative factions within Iran’s political system.’⁸⁵

14.3.2 The USSD report for 2016 stated that:

‘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.’⁸⁶

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14.4 Human rights abuses within the judicial system

14.4.1 The USSD report for 2016 stated that:

‘Judicially sanctioned corporal punishment included flogging, blinding, and amputation, which the government defended as “punishment,” not torture.

‘During the year [2016] human rights groups noted the absence of procedural safeguards in criminal trials. Courts admitted as evidence confessions made under duress or torture. In his March 10 report, the UN special rapporteur cited continuing “blindfolding, harassment, ill-treatment,

⁸⁴ UN Human Rights Council, ‘Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran’, 17 March 2017, (paragraphs 35-39) http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Documents/A_HRC_34_65_AE_V.docx. Accessed: 5 September 2017.

⁸⁵ Australian Department for Foreign Affairs and Trade, ‘Country Report for 2016’ (section 5.16), 21 April 2016, available on request. Accessed: 5 September 2017.

⁸⁶ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 1c and 1e), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 30 August 2017.

torture, and coerced confessions during pretrial detention and interrogations.” HRANA reported on March 7 that Tehran Chief of Police, Hossein Sajedinia, announced the arrest of more than a hundred “hooligans,” who were jailed for a month without phone calls, visits, or access to a lawyer. Authorities allegedly beat the detainees until they recorded confessions admitting to crimes “disrupting social order.”⁸⁷

14.4.2 Amnesty International’s annual report for 2016/17 (‘Amnesty’s 2016/17 report’) stated that:

‘Judicial authorities continued to impose and carry out cruel, inhuman or degrading punishments that amounted to torture, including floggings, blindings and amputations. These were sometimes carried out in public.’⁸⁸

14.4.3 With regards to the May 2017 elections, the Report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran noted that:

‘The use of torture and ill-treatment, such as amputation, blinding and flogging, remains legal and a regular practice in the Islamic Republic of Iran. Reliance on physical and mental torture to coerce a confession (mostly during pretrial detention), the use of prolonged solitary confinement and the denial of access to proper and necessary medical treatment for detainees continue to be widely reported.’⁸⁹

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14.5 Executive influence

14.5.1 The 2017 Freedom House report stated that:

‘Lawyers taking up sensitive political cases have been jailed and banned from practicing, including prominent human rights lawyer Abdolfatah Soltani. A number of lawyers have been forced to leave the country to escape prosecution.

‘The judicial system is used as a tool to silence critics and opposition members. The head of the judiciary is appointed by the supreme leader for a five-year term. Under the current head, Ayatollah Sadegh Larijani, human rights advocates and political activists have been subjected to unfair trials, and the security apparatus’s influence over judges has reportedly grown.’⁹⁰

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⁸⁷ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 1e), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dld=265496>. Accessed: 30 August 2017.

⁸⁸ Amnesty International, ‘Amnesty International Report 2016/17’, 22 February 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>. Accessed: 23 August 2017.

⁸⁹ UN Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Situation of human rights in the Islamic Republic of Iran, 14 August 2017 (paragraph 75) http://ap.ohchr.org/documents/dpage_e.aspx?m=183 Accessed 18 October 2017

⁹⁰ Freedom House, ‘Freedom in the World 2017 – Iran’ (Section F), 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/iran>. Accessed: 30 August 2017.

14.6 Fair trial

14.6.1 The 2016 DFAT Report noted that:

'When dealing with political cases or during times of social unrest, the judiciary has shown a high tolerance for security authorities bypassing the legal system. There have been a significant number of credible NGO and media reports concerning show trials, arbitrary arrest and forced confessions. In addition, detainees, including but not limited to political detainees, may be denied adequate access to a lawyer. Foreign-based advocacy groups regularly make credible allegations of trials being held without the presence of a defence lawyer, or without sufficient pre-trial access to a lawyer.'⁹¹

14.6.2 Amnesty International's annual report for 2016/17 ('Amnesty's 2016/17 report') stated that:

Trials, including those resulting in death sentences, were generally unfair. The judiciary was not independent. The Special Court for the Clergy and the Revolutionary Courts remained particularly susceptible to pressure from security and intelligence forces to convict defendants and impose harsh sentences.

'Officials exercising judicial powers, including from the Ministry of Intelligence and Revolutionary Guards, consistently flouted due process provisions of the 2015 Code of Criminal Procedure. These included provisions protecting the right to access a lawyer from the time of arrest and during investigations and the right to remain silent. Defence lawyers were frequently denied full access to case files and prevented from meeting defendants until shortly before trial. Pre-trial detainees were frequently held in prolonged solitary confinement, with little or no access to their families and lawyers. "Confessions" extracted under torture were used as evidence at trial. Judges often failed to deliver reasoned judgments and the judiciary did not make court judgments publicly available.

The Office of the Prosecutor used Article 48 of the Code of Criminal Procedure to prevent detainees accessing lawyers of their own choosing, telling them that they were not on the list of lawyers approved by the Head of the Judiciary, even though no official list had been issued.'⁹²

14.6.3 Human Rights Watch's world report 2017, covering events in 2016 ('HRW's 2017 report'):

'Iranian courts, and particularly the revolutionary courts, regularly fell short of providing fair trials and allegedly used confessions obtained under torture as evidence in court. Iranian law restricts the right for a defendant to access a lawyer, particularly during the investigation period.'

⁹¹ Australian Department for Foreign Affairs and Trade, 'Country Report for 2016' (section 5.18), 21 April 2016, available on request. Accessed: 5 September 2017.

⁹² Amnesty International, 'Amnesty International Report 2016/17', 22 February 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>. Accessed: 23 August 2017.

‘According to Iran’s criminal procedure code, individuals charged with national or international security crimes, political and media crimes, and those charged with crimes that incur capital punishment, life imprisonment, or retributive punishment (qisas), can be denied legal counsel under detention for up to a week. Moreover, they have to select their counsel from a pool of preapproved lawyers determined by the head of the judiciary.’

‘Several political prisoners and individuals charged with national security crimes suffered from a lack of adequate access to medical care under detention. In April, Omid Kokabee, a young physicist who was sentenced to 10 years in prison in 2012, underwent surgery to remove his right kidney due to complications from cancer after authorities unduly delayed his access to appropriate medical treatment.’⁹³

14.6.4 The USSD report for 2016 stated that:

‘According to the constitution and criminal procedure code, 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, meet with lawyers, or have access to government-held evidence. The code of criminal procedure adopted in 2015 restricted the choice of attorneys to a government-approved list for defendants charged with crimes against national security and for journalists.

‘The government often charged political dissidents with vague crimes, such as “antirevolutionary behaviour,” “corruption on earth,” “siding with global arrogance,” “moharebeh,” and “crimes against Islam.” Prosecutors imposed strict penalties on government critics for minor violations. When post-revolutionary statutes did 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 for persons who kill others considered “deserving of death.” Authorities designed other trials, especially those of political prisoners, to publicize coerced confessions. On August 3, Tasnim News Agency aired video confessions of prisoners from Rajai Shahr Prison, some of whom were subsequently executed.

‘During the year human rights groups noted the absence of procedural safeguards in criminal trials. Courts admitted as evidence confessions made under duress or torture.

‘Local media reported on the November 27 sentencing of prominent cleric, Hojjatoleslam Ahmad Montazeri, to 21 years in prison by the Qom branch of the Special Clerical Court for “endangering national security” and “leaking secrets of the Islamic system” after he posted audio recordings of his father,

⁹³ Human Rights Watch, ‘World Report 2017’, 12 January 2017, <https://www.hrw.org/world-report/2017/country-chapters/iran>. Accessed: 30 August 2017.

the late dissident cleric, Hossein Ali Montazeri, condemning the 1988 mass execution of political prisoners.⁹⁴

- 14.6.5 The August 2017 Report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran noted that:

‘Revolutionary courts continue to issue the vast majority of death sentences. Violations of the rights to fair trial and due process are systematic before these courts. Legal representation is denied during the investigation phase, lawyers are often refused access to information, many trials reportedly last only a few minutes, and no evidence other than confessions extracted through torture is considered for the imposition of a death sentence.’⁹⁵

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15. Death Penalty

- 15.1.1 For information on the death penalty see the relevant section in the country policy and information note on [Iran: prison conditions](#).

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16. Corruption

- 16.1.1 Transparency International’s 2016 corruption perception index ranked Iran in joint 131st position out of a total of 176 countries.⁹⁶

- 16.1.2 The USSD report for 2016 stated that:

‘Corruption and impunity remained problems within police forces.

‘The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and corruption was a serious and ubiquitous problem. Officials in all branches of government frequently engaged in corrupt practices with impunity. Many officials expected bribes for providing routine services or received bonuses outside their regular work. Individuals routinely bribed officials to obtain permits for illegal construction.

‘Numerous companies and subsidiaries affiliated with the IRGC engaged in trade and business activities, sometimes illicitly, 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 similarly 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.

⁹⁴ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 1e), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dld=265496>. Accessed: 30 August 2017.

⁹⁵ UN Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Situation of human rights in the Islamic Republic of Iran, 14 August 2017 (paragraph 60) http://ap.ohchr.org/documents/dpage_e.aspx?m=183 Accessed 18 October 2017

⁹⁶ Transparency International, ‘Corruption Perceptions Index 2016’, 25 January 2017, https://www.transparency.org/news/feature/corruption_perceptions_index_2016. Accessed: 30 August 2017.

‘Numerous government agencies existed to fight corruption, including the Anticorruption Headquarters, the Anticorruption Task Force, the Committee to Fight Economic Corruption, and the General Inspection Organization. Parliament’s Article 90 Commission also had authority to investigate complaints of corruption within the government. Information was unavailable regarding these organizations’ specific mandates, their collaboration with civil society, and whether they operated effectively, independently, and with sufficient resources.’⁹⁷

- 16.1.3 The 2017 Freedom House report stated that: ‘Corruption remains endemic at all levels of the bureaucracy, despite regular calls by authorities to tackle the problem. Powerful actors involved in the economy, including the IRGC and bonyads (endowed foundations), are above scrutiny, and restrictions on the media and civil society activists prevent them from serving as independent watchdogs to ensure transparency and accountability.’⁹⁸

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17. Civil society groups and NGOs

- 17.1.1 For information on human rights defenders and NGOs see the country policy and information note on [Iran: Human rights defenders](#).

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18. Freedom of speech and the media

- 18.1.1 For information on journalists and internet based media see the country policy and information note on [Iran: journalists and internet based media](#)

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19. Societal position of Women

There are currently specific country policy and information notes on [Iran: Adulterers](#), [Iran: Forced marriage](#), [Iran: Women fearing domestic violence](#) and [Iran: Honour crimes](#).

19.1 Legal position on marriage

- 19.1.1 The Iran Human Rights Documentation Centre (IHRDC) report ‘Gender Inequality and Discrimination: The Case of Iranian Women’, dated 8 March 2013 stated that:

‘Under Islamic Shari’a marriage is not considered as a sacrament but defined as a civil contract between a man and his wife, patterned by the logic of a contract of sale. The three elements of an Islamic marriage contract constitute (1) the offer of marriage made by the woman or her guardian, (2) the acceptance by the man, and (3) mahr (or mahriyeh i.e. the marriage gift) which is money or a valuable item that the husband pays or pledges to pay

⁹⁷ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 1d and 4), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 30 August 2017.

⁹⁸ Freedom House, ‘Freedom in the World 2017 (Section C) 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/iran>. Accessed: 30 August 2017.

the wife. The contract 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.⁹⁹

- 19.1.2 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015, based on a range of sources, stated that:

'Islam views marriage as a contract regulated by rights and responsibilities of both parties. 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. Divorced or widowed women are more independent in the eyes of the law, although this depends on their socio-economic situation and the traditions of the area where they live. 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.'¹⁰⁰

- 19.1.3 The USSD 2016 report stated that:

'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 can enter into a limited time civil and religious contract, which outlines the union's conditions. The law does not grant temporary wives and any resulting children rights associated with traditional marriage, but the contract is enforceable, and recognized children can obtain documentation and have limited 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.'¹⁰¹

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19.2 Divorce and child custody

- 19.2.1 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015, based on a range of sources, stated that:

⁹⁹ Iran Human Rights Documentation Centre, 'Gender Inequality and Discrimination: The Case of Iranian Women' (2.1 Marriage), 8 March 2013, <http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#9>. Accessed: 21 June 2017

¹⁰⁰ Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran'(3. Marriage and divorce p.8-8), 26 June 2015, http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltaiIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288. Accessed: 21 June 2017

¹⁰¹ US Department of State, 'Country Reports on Human Rights Practices for 2016' (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 21 June 2017.

'A man can get a divorce (talaq) whenever he wants, as long as he pays the agreed dower (mahriye) if his wife requests this. There is a compulsory three-month reconsideration period ('edde) during which the husband must still support his wife. If a man refuses to give his wife a divorce, the wife can ask a court to order a so-called khul' divorce. Although the law does not provide an automatic right of divorce for women, women can nevertheless ask for a divorce clause to be added to the marriage contract at the time of the marriage, which gives them as much of a right to a divorce as their husbands.'

'A new provision was added to the Iranian Civil Code in 1982 that gives women the right to ask for a divorce on the grounds of unbearable circumstances ('osr va haraj). In these cases, the wife must convince the court that continuing the marriage would cause unreasonable harm ('osr) and difficulty (haraj). In practice, divorce can only be granted in these circumstances for a very weighty reason, such as danger of death or serious financial problems. Courts often send women who are seeking divorce back to their violent and abusive husbands. Men, on the other hand, do not need a reason for divorce. All the husband has to do is to go to his local Register Office and register the divorce in the presence of two witnesses.[...] In the event of a divorce, women who do not work become dependent on their own family, as women have no rights to their husbands' property apart from the mahriye (dower). Divorce cases in Iranian courts are often lengthy and acrimonious. Divorce is also seen as shameful, and traditional communities avoid it at all costs.'¹⁰²

19.2.2 The USSD report for 2016 stated that:

'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 original marriage contract, or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. Traditional interpretations of Islamic law recognize a divorced woman's right to part of shared property and to alimony. These laws were not always enforced, and the ability of a woman to seek divorce was limited. According to ISNA [Iranian Students News Agency] if a personal maintenance allowance is not paid, the wife may "reject all legal and religious obligations" to her husband. By law such an allowance may be requested during the marriage as well as after a divorce, and if it is not paid, the woman may sue her former husband in court.'

'The civil code 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 the filing of 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. Courts determine custody in disputed

¹⁰² Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran' (3.3 Divorce and child custody p.13-14) , 26 June 2015, http://www.migri.fi/download/61597_Suuntaus-raportti_Vakivaltalan_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288. Accessed: 21 June 2017

cases. Once children reach the legal age of maturity, the court must also consider the preference of the child in determining the custody arrangement.¹⁰³

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19.3 Reproductive rights

19.3.1 The International Campaign for Women's Rights to Safe Abortion website's report 'Increasing number of illegal abortions in Iran' dated 28 January 2017 noted that:

'Of the 1.7 million pregnancies annually in Iran, 1.5 million lead to live births while an estimated 200,000 end in termination of pregnancy, said Muhammad Esmael Motlaq, Director-General of the Office for Population, Families, and Schools at the Health Ministry. However, the number of recorded (legal) abortions is around 6,000, while the great majority (illegal abortions) are not registered. He reported that the rate of illegal abortions has tripled over the past 15 years at a conference on population policies and maternal and child health at Dezful University of Medical Sciences.

'Statistics from Iran's Legal Medicine Office showed that out of 6,656 petitions seeking permission to have an abortion last year, 4,000 were approved. The number of requests made and permits granted increased by 17.9% and 14.3%, respectively, compared to the same period last year.

'According to Mohammad Mahdi Akhundi, head of the Iranian Society of Embryology and Reproductive Biology, importation of abortion pills is banned. However the pills (misoprostol) and vials (prostaglandin) that can cause miscarriage are available on the black market and pharmaceutical peddlers sell them on Nasser Khosrow Street near Tehran's main Grand Bazaar.¹⁰⁴

19.3.2 Amnesty's 2016/17 report stated that:

'Several draft laws that would further erode women's right to sexual and reproductive health remained pending. Women continued to have reduced access to affordable modern contraception as the authorities failed to restore the budget of the state family planning programme cut in 2012.

'In September, Supreme Leader Ali Khamenei issued national family policies promoting early marriage, repeated childbearing, fewer divorces and greater compliance to "traditional" roles of women as housewives and men as breadwinners. The policies raised concern that women victims of domestic violence may face further marginalization and increased pressure to "reconcile" with abusers and remain in abusive marital relationships.¹⁰⁵

¹⁰³ US Department of State, 'Country Report on Human Rights Practices for 2016, (section 6) Iran', 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dld=265496>. Accessed: 20 August 2017.

¹⁰⁴ International Campaign for Women's Rights to Safe Abortion, 'Increasing number of illegal abortions in Iran', 28 January 2017, <http://www.safeabortionwomensright.org/increasing-number-of-illegal-abortion-in-iran/>. Accessed: 6 September 2017.

¹⁰⁵ Amnesty International, 'Amnesty International Report 2016/17', 22 February 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>. Accessed: 6

19.3.3 The USSD 2017 report stated that:

‘The law recognizes the basic right of married couples to decide freely and responsibly the number, spacing, and timing of their children. Couples are entitled to reproductive healthcare, free from discrimination, coercion, and violence. While government healthcare previously included full free access to contraception and family planning for married couples, state family planning cuts in 2012 reducing the budget to almost zero remained in place.’¹⁰⁶

19.3.4 The March 2017 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran noted that:

‘After having implemented an effective family planning education programme for many years, the Government proposed the Bill to Increase Fertility Rates and Prevent Population Decline (Bill 446). The bill outlaws surgical contraception, restricts access to contraceptives, bans the provision of information on contraceptive methods and reduces State funding for family planning programmes.’¹⁰⁷

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19.4 Inheritance

19.4.1 Iran Human Rights Documentation Centre, ‘Gender Inequality and Discrimination: The Case of Iranian Women’ dated 8 March 2013 details the various articles of the Iranian civil code that relate to Inheritance and ownership:

‘Article 907 – “If the deceased leaves no parents, but has one or more children, ... If there are several children, some being boy(s) and some girl(s), each son takes twice as much as each daughter.”

‘[...] Article 913 – “In all the cases mentioned in this subsection, whichever of the spouses that survives takes his or her share which shall be half of the assets for the surviving husband and one-quarter for the surviving wife, provided that the deceased left no children or grandchildren; and it shall be one-quarter of the estate for the husband and one-eighth for the wife if the deceased left children or grand children. And the remainder of the estate is to be divided among the other inheritors in accordance with the preceding articles.”

‘[...] According to Article 942: “If there is more than one wife, one-fourth or one-eighth part of the assets, which belongs to the wife, will be divided equally among them.”

‘[...] Article 949 – “If a husband or wife is the sole inheritor, the husband takes the whole of the assets of his deceased wife; but the wife takes only

September 2017.

¹⁰⁶ US Department of State, ‘Country Report on Human Rights Practices for 2016, (section 6) Iran’, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 5 September 2017.

¹⁰⁷ UN, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 17 March 2017 {paragraph 68} http://ap.ohchr.org/documents/dpage_e.aspx?m=183 Accessed 18 October 2017

her share [half], and the rest of the assets of the husband shall be considered as the estate of a heirless, and will be dealt with in accordance with Article 866.”¹⁰⁸

- 19.4.2 The USSD 2017 report stated that: ‘Women faced 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.’¹⁰⁹
- 19.4.3 The Suuntaus project report compiled by the Finnish Immigration Service on ‘Violence against women and honour- related violence in Iran’ dated 26 June 2015, based on a range of sources, stated that:
- ‘The financial position of widowed women is also poor, as Iranian inheritance laws only entitle widows to a small portion of their late husbands’ property: one quarter for a widow with no children and one eighth for a widow with children. This is why widows often have to depend on their sons for support.’¹¹⁰

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19.5 Education

- 19.5.1 The Tehran Times noted in September 2016 that:
- ‘According to Sanjesh Organization, an Iranian organization in charge of coordinating and administering Konkur, 57 percent of those admitted into the universities are females. Out of 398,832 who got admitted to the universities nationwide 227,324 are females and 171,508 are males. Although in general 59 percent of the participants in the Konkur placement tests were females as well. [...] The Iranian university entrance exam is held every year in June or July as one of the means for the participants to gain admission to higher education in Iran for obtaining a place in one of the public universities.’¹¹¹
- 19.5.2 World Education Services noted in February 2017 that:
- ‘Over the past decade, almost half of Iran’s student population has been women, many of whom enroll in STEM [science, technology, engineering and mathematics] disciplines. However, women in Iran still face gender discrimination, and those who wish to break out of traditional gender roles may benefit from education abroad. Conservative circles view the high

¹⁰⁸ Iran Human Rights Documentation Centre, ‘Gender Inequality and Discrimination: The Case of Iranian Women’, 8 March 2013 (3. Inheritance and ownership), <http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#ftn91>. Accessed: 6 September 2017.

¹⁰⁹ US Department of State, ‘Country Report on Human Rights Practices for 2016, (section 6) Iran’, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 5 September 2017.

¹¹⁰ Finnish Immigration Service- Country Information Service, ‘Violence against women and honour-related violence in Iran’ (3.3 Divorce and child custody p.13) , 26 June 2015, http://www.migri.fi/download/61597_Suuntaus-raportti_Vakivaltailran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288. Accessed: 21 June 2017

¹¹¹ Tehran Times, ‘Females outnumber males in 2016 university entrance exam in Iran’, 20 September 2016, <http://www.tehrantimes.com/news/406536/Females-outnumber-males-in-2016-university-entrance-exam-in-Iran>. Accessed: 6 September 2017.

number of female students as a threat to Iran's male-dominated social order, and some universities have attempted to "de-feminize" education with measures like quotas for female students. In 2012, 33 public universities banned women from programs in 77 academic fields, including engineering, accounting, education and chemistry, further limiting women's options for education in a number of disciplines inside Iran.'¹¹²

19.5.3 The USSD 2016 report stated that:

'According to 2012 UN statistics, the female youth literacy rate was 98.5 percent, and the adult female literacy rate was 90.3 percent. Women had access to primary and advanced education, although the percentage of female students entering universities decreased from 62 percent in 2007-2008 to 42 percent in the current year as a result gender-rationing policies implemented in 2012. Quotas and other restrictions, which varied across universities, limited women's undergraduate admissions to certain fields, as well as to certain master's and doctoral programs.'¹¹³

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19.6 Employment

19.6.1 The USSD 2016 report stated that:

'Social and legal constraints limited women's professional opportunities, and the unemployment rate for women was nearly twice that for men. Women were represented in many fields, including in government and police forces but the law requires a married woman to obtain her husband's permission to work. The law does not provide that women and men must be paid equally for equal work. According to a 2015 survey for the World Economic Forum's Global Gender Gap Report, women earned on average 58 percent as much money as their male counterparts for similar work. Women may not serve in many high-level political positions or as judges, except as consultants or research judges without the power to impose sentences.

'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 combat and address this issue.'¹¹⁴

'[...] the government made systematic efforts to limit women's access to the workplace. In 2015 the Interior Ministry issued an order requiring 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

¹¹² World Education Services, 'Educating Iran: Demographics, Massification, and Missed Opportunities', 7 February 2017, <https://wenr.wes.org/2017/02/educating-iran-demographics-massification>. Accessed: 6 September 2017.

¹¹³ US Department of State, 'Country Report on Human Rights Practices for 2016, (section 6) Iran', 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 5 September 2017.

¹¹⁴ US Department of State, 'Country Reports on Human Rights Practices for 2016' (section 7d), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 6 September 2017.

were restricted from working after 9 p.m. Hiring practices often discriminated against women, and the Ministry of Labor, Cooperatives, and Social Welfare guidelines state that men should be given preferential hiring status.¹¹⁵

19.6.2 Human Rights Watch report “It’s a Men’s Club” Discrimination Against Women in Iran’s Job Market’ published on 25 May 2017 noted that:

‘Although women comprise over 50 percent of university graduates, their participation in the labor force is only 17 percent. The 2015 Global Gender Gap report, produced by the World Economic Forum, ranks Iran among the last five countries (141 out of 145) for gender equality, including equality in economic participation. Moreover, these disparities exist at every rung of the economic hierarchy; women are severely underrepresented in senior public positions and as private sector managers. [...] Unemployment for women is twice as high as for men, with one out of every three women with a bachelor’s degree currently unemployed.

‘Domestic laws directly discriminate against women’s equal access to employment, including restricting the professions women can enter and denying equal benefits to women in the workforce. Furthermore, Iranian law considers the husband the head of the household, a status that grants him control over his wife’s economic choices. For instance, a husband has the right to prevent his wife from working in particular occupations under certain circumstances, and, in practice, some employers require husbands and fiancés to provide written consent for women to be allowed to work with them. Lawyers told Human Rights Watch that, during divorce court proceedings, husbands regularly accuse their wives of working without their consent or in jobs they deem unsuitable.

‘The government also fails to enforce laws designed to stop widespread discrimination by employers against women, and Iranian law has inadequate legal protections against sexual harassment in the workplace. Moreover, while Iranian law prohibits discrimination against women in the workplace, its application is not extended to the hiring process, where it is critically needed. Publicly available data shows that government and private sector employers routinely prefer to hire men over women, in particular for technical and managerial positions. Employers in both the public and the private sectors regularly specify gender preferences when advertising position vacancies and do so based on arbitrary and discriminatory criteria.’¹¹⁶

19.6.3 The March 2017 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran noted that:

‘In August 2016, the newly elected Parliament re-introduced the controversial Population and Family Excellence Plan, which aims to increase the pregnancy rate to 2.5 per cent of the quantitative population growth up to 2025 and requires public and private sector employers to give hiring

¹¹⁵ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 7d), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 21 June 2017.

¹¹⁶ Human Rights Watch, ‘It’s a Men’s Club’ Discrimination Against Women in Iran’s Job Market’, 25 May 2017 (Summary p.1-3), https://www.hrw.org/sites/default/files/report_pdf/iran0517_web_11.pdf. Accessed: 6 September 2017.

preference to men and prohibits hiring “single individuals” to faculty positions in all public and private education and research institutions. The Special Rapporteur is also concerned about the Bill to Protect Hijab and Modesty, which, if adopted, would restrict women’s right to work by limiting women’s working hours to between 7 a.m. and 10 p.m. and mandate gender segregation in the workplace.’¹¹⁷

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19.7 Dress code and gender segregation

19.7.1 Iran Human Rights Documentation Centre noted in their report Gender Inequality and Discrimination: The Case of Iranian Women dated 8 March 2013 that:

‘Hijab is a generic term for the proper Islamic dress for women. According to Islamic sources, women are required to cover their whole bodies with the exception of their face and their hands from the wrist and their feet from the ankle. They are allowed to uncover their head to a certain group of male family members called mahram including their father, grandfather, brother, and of course their husband. Men are only required to cover their private areas, although social norms require more.

‘Article 683- “Those women that appear in the streets and public places without the Islamic hijab, shall be sentenced from ten days to two months’ imprisonment or fined from fifty thousand to five hundred thousand Rials.’

‘There is no similar rule for men in the Penal Code and the rule clearly denies women the freedom to dress as they see fit. Moreover, there are no certain rules and measures for these restrictions; instead, its implementation has been left to the discretion of law enforcement forces, which are not limited to official police officers but also include numerous fanatical Basij forces. These forces seize every opportunity to remind women of the implications of violating the hijab. For example, during holy periods, such as Moharram and Ramadan, checks on violations of the hijab increase and special units stop at busy places or patrol the streets in search of violations. The interference with a woman’s appearance, including her hair, makeup and clothing, can sometimes border on the ridiculous. For instance in 2007, the Chief Commander of Police for greater Tehran announced that women were not allowed to wear long boots over their trousers, and if seen doing so they would be arrested.’¹¹⁸

19.7.2 The 2016 DFAT Report noted:

‘A gender segregation policy introduced in September 2014 prevents women from working in cafés and coffee shops beyond duties in the kitchen. Women who have a permit for running their own business are not excluded from this

¹¹⁷ UN, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 17 March 2017 {paragraph 67)

http://ap.ohchr.org/documents/dpage_e.aspx?m=183 Accessed 18 October 2017

¹¹⁸ Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women (1.6 Compulsory hijab), 8 March 2013, <http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html>. Accessed: 8 August 2017.

policy. Enforcement of the policy has been inconsistent. In Tehran, Mayor Qalibaf has sought to prevent women civil servants from working alongside men because such behaviour 'harms the foundation of the family'. Many high-level clerics believe that men and women working next to one other 'leads to immorality'. Iran's Ministry of Interior has published new guidance on how government employees should dress at work. Under Article 1117 of the Civil Code, a husband may prevent his wife from occupations or technical work deemed incompatible with family interests or his own dignity or that of his wife.¹¹⁹

19.7.3 The UN General Assembly report on the Situation of human rights in the Islamic Republic of Iran dated 30 September 2016 noted that:

'On 18 April 2016, the chief of the Tehran police force, Hossein Sajedi Nia, announced a new plan for the deployment of 7,000 undercover "morality police" to enforce wearing of the hijab and "proper Islamic behaviour". President Rouhani and several members of his Government, including Shahinkokht Mowlaverdi, Vice-President for Women and Family Affairs, reportedly criticized the plan, stating that it would lead to unlawful interference in people's affairs and maintaining that police officials had not properly consulted the Government prior to announcing the plan. The announcement follows the adoption of legislation by the parliament on 22 April 2015 which encourages ordinary Iranian citizens to enforce laws that prohibit acts considered to be vices under sharia, including the strict enforcement of the hijab for all Iranian women. The law, titled "Plan to protect promoters of virtue and preventers of vice", calls for the establishment of an "office to promote virtue and prevent vice", supported by agencies operating under the command of the Supreme Leader. In its response, the Government defends the aforementioned actions, noting that "the veil is a moral issue [used] to maintain public security" and that promoting virtue and preventing vice is the responsibility of all Muslims, regardless of the sex of the offenders.'¹²⁰

19.7.4 Iran Wire stated that: 'Under Iran's Islamic Penal Code, police can arrest men and women who are not mahram (family) if they appear in public together, including travelling in cars together, dining together in restaurants and attending public events together. Punishment for gender intermingling between non-family members can include flogging.'¹²¹

19.7.5 The USSD report for 2016 stated that:

'The law provides that a woman who appears in public without appropriate attire, such as a cloth scarf veil ("hejab") 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

¹¹⁹ Australian Department for Foreign Affairs and Trade, 'Country Report for 2016' (section 3.92), 21 April 2016, available on request. Accessed: 21 August 2017.

¹²⁰ UN General Assembly, Situation of human rights in the Islamic Republic of Iran, 30 September 2016, A/71/418, (paragraph 62) http://ap.ohchr.org/documents/dpage_e.aspx?m=183. Accessed: 21 August 2017.

¹²¹ Iran Wire, Iranian Women Against the Odds, 18 November 2016, <https://iranwire.com/en/blogs/917/4207>. Accessed: 21 August 2017.

“appropriate covering” or of the punishment, women were subjected to the opinions of disciplinary forces, police, security forces, or judges. In September [2016] local media reported that police barred 800 shops from selling women’s clothing with controversial slogans like “I am queen” and “no rules.” Iranian media reported on the announcement of the expansion of Tehran’s morality police force to include 7,000 additional undercover agents to police “bad hejab.”

‘The government enforced gender segregation in many public spaces, including for patients during medical care, and prohibited women from mixing openly with unmarried men or men not related to them. In 2015 the deputy minister for sports announced women would be permitted to enter sports stadiums and attend some sporting events, but authorities did not implement the new policy. Women must ride in a reserved section on public buses and enter some public buildings, universities, and airports through separate entrances. While riding a bicycle is not legally a crime for women in Iran, religious and local authorities in Marivan, Kurdistan banned women from riding bicycles in public. International media reported that several women were arrested and forced to sign pledges that they would cease riding bicycles after being stopped by authorities on July 26.’¹²²

- 19.7.6 For information on freedom of movement for women see [Freedom of movement for women](#)

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20. Children

20.1 Education

- 20.1.1 The British Council report ‘Voices- What does school education look like in Iran?’, dated 21 April 2015 stated that:

‘The education system in Iran is divided into two main levels: primary education and high-school education. All children spend six years of their lives at primary level from ages six to 12 and attend high school from ages 12 to 18. Primary education is compulsory in Iran. There are many free public schools as well as private schools with high tuition fees. There are also schools called ‘Nemuneh Mardomi’, which are believed to be better than public schools and more affordable than private schools.’¹²³

- 20.1.2 World Education Services report ‘Education in Iran’ dated 7 February 2017 noted that:

‘The central government is responsible for the financing and administration of elementary and secondary education through the Ministry of Education, which supervises national examinations, monitors standards, organizes teacher training, develops curricula and educational materials, and builds

¹²² US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 7d), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 8 August 2017.

¹²³ The British Council, ‘Voices- What does school education look like in Iran?’, 21 April 2015, <https://www.britishcouncil.org/voices-magazine/what-does-school-education-look-iran>. Accessed: 26 June 2017.

and maintains schools. Education policies are approved and overseen by a number of bodies including Iran's parliament and the cabinet of ministers. The Supreme Council of the Cultural Revolution, a body appointed by and reporting to Iran's Supreme Leader, is the highest authority in educational affairs and wields far-reaching control over policies and regulations.

'At the local level, education is supervised through the provincial authorities and the district offices.

'Basic education lasts until grade 9 and is compulsory, and in the public school system, free.

'Prior to 2012, the basic education cycle lasted 8 years and was divided into a five-year elementary education cycle (dabestan) and a three-year lower secondary, or guidance, cycle (doreh-e rahnama-ii). Reforms adopted in 2012 have since then extended the elementary cycle to 6 years, lengthening basic education to a total of 9 years, although most students presently still study under the old structure.

'During elementary school, students attend 24 hours of class per week. The curriculum covers Islamic studies, Persian studies – reading, writing, and comprehension – social studies, mathematics, and science.

'At the lower secondary or guidance level, subjects like history, vocational studies, Arabic, and foreign languages are introduced, and students attend more hours of class each week. The curriculum at this level is national and consistent across all schools.'¹²⁴

20.1.3 The USSD report for 2016 stated that:

'Although primary schooling until age 11 is free and compulsory for all, the media and other sources reported lower enrolment in rural areas, especially for girls. According to 2012 UN statistics, the ratio of girls to boys in primary and secondary school is 98 percent. UNHCR stated that school enrolment among refugees was generally higher outside camps and settlements, where greater resources were available. According to NGO reports presented to the UN Committee on the Rights of the Child, a girl can be denied education if she is pregnant or if her husband so wishes.'¹²⁵

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21. Citizenship and nationality

21.1 Citizenship by birth

21.1.1 The US Office of Personnel Management document 'Citizenship Laws of the World' dated March 2001 noted that:

¹²⁴ World Education Services, 'Education in Iran', 7 February 2017, <http://wenr.wes.org/2017/02/education-in-iran>. Accessed: 22 August 2017.

¹²⁵ US Department of State, 'Country Reports on Human Rights Practices for 2016' (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 22 August 2017.

'In general, birth within the territory of Iran does not automatically confer citizenship. The following are instances where birth within the territory of Iran does confer citizenship:

- Child born to unknown parents.
- Child born to non-citizens, one of whom was born within Iran.
- Child born to non-citizens, who, after reaching the age of 18, continues to reside within Iran for at least one year.¹²⁶

21.1.2 The USSD report for 2016 noted that: 'Women may not transmit citizenship to their children or to a noncitizen spouse.'¹²⁷

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21.2 Citizenship by descent

21.2.1 The US Office of Personnel Management document noted that citizenship by descent occurs when a child is born to an Iranian father regardless of the child's country of birth.¹²⁸

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21.3 Citizenship by acquisition

21.3.1 The US Office of Personnel Management document noted that a foreign woman who marries an Iranian man is entitled to Iranian citizenship.¹²⁹

21.3.2 The same source also noted that:

'Iranian citizenship may be acquired upon fulfillment of the following conditions: Person must be at least 18 years of age, have resided in Iran for five years, not be a military service escapee, and not have been convicted of a major crime in any country.

The wives and minor children (under 18) of naturalized Iranian citizens are also considered Iranian citizens.¹³⁰

21.3.3 Dual citizenship is not recognised in Iran. Exceptions however include;

- a child of an Iranian father, who acquires citizenship due to birth in a foreign country.
- A foreign woman who marries an Iranian is automatically granted Iranian citizenship, whether it is requested or not.¹³¹

¹²⁶ US Office of Personnel Management, Citizenship Laws of the World, March 2001. <http://www.multiplecitizenship.com/worldsummary.html>. Accessed: 8 August 2017.

¹²⁷ US Department of State, 'Country Reports on Human Rights Practices for 2016' (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 21 June 2017.

¹²⁸ US Office of Personnel Management, Citizenship Laws of the World, March 2001. <http://www.multiplecitizenship.com/worldsummary.html>. Accessed: 8 August 2017.

¹²⁹ US Office of Personnel Management, Citizenship Laws of the World, March 2001. <http://www.multiplecitizenship.com/worldsummary.html>. Accessed: 8 August 2017.

¹³⁰ US Office of Personnel Management, Citizenship Laws of the World, March 2001. <http://www.multiplecitizenship.com/worldsummary.html>. Accessed: 8 August 2017.

¹³¹ US Office of Personnel Management, Citizenship Laws of the World, March 2001. <http://www.multiplecitizenship.com/worldsummary.html>. Accessed: 8 August 2017.

21.4 Statelessness

21.4.1 With regards statelessness the US Office of Personnel Management noted that a:

‘Person seeking to voluntarily renounce Iranian citizenship must have reached the age of 25, have performed military service, have settled all affairs in the country, and acquired the permission of the Council of Ministers. Though the rules for renunciation of citizenship are stated in Iranian Law, practical experiences have shown that Council permission is difficult to obtain, thus hindering legal renunciation of Iranian citizenship.’

‘Voluntary acquisition of a foreign citizenship does not lead to automatic loss of Iranian citizenship. According to Iranian law, any Iranian national who acquires foreign citizenship without due observance of legal procedures will not have a renunciation of citizenship recognized by the government of Iran. In the eyes of the government, a male (and, in some cases, his wife and children) is still considered a citizen of Iran, regardless of the individual's status in the new country of citizenship.’¹³²

21.4.2 The USSD report for 2016 stated that:

‘Due to documentation restraints, there are no accurate numbers on how many stateless persons reside in the country. Stateless persons include those without birth documents or refugee identification cards. They are subjected to inconsistent government policies and rely on charities, principally domestic, to provide medical care and schooling. Authorities prohibited stateless persons from receiving formal government support or travel documents.’¹³³

22. Official documents

22.1 Identity cards

22.1.1 The 2016 DFAT reported noted that:

‘The Iranian National Identity Card was introduced in 2000. In June 2008 it became compulsory for obtaining a passport and driver's license and opening bank accounts. Features of the NID include, on the front of the card in descending order, the bearer's unique identity number, given name, family name, date of birth and number of shenasnameh. On the reverse of the card is the residential (numerical) code of the bearer, validity date and the numerical identifier for the issuing office.

‘ All nationals of Iran over the age of 15 must hold a valid National Identify Card. Initially a card is obtained from the local branch of the Ministry of

¹³² US Office of Personnel Management, *Citizenship Laws of the World*, March 2001. <http://www.multiplecitizenship.com/worldsummary.html>. Accessed: 8 August 2017.

¹³³ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 2d), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 22 August 2017.

Interior's Office for National Organisation of Civil Registration (ONOCR), also known as Vital Records. Before issuance of a permanent card, applicants must present their temporary card and shenasnameh (which has been updated with their photograph attached which is done by the ONOCR).'

'Iran introduced a new biometric identity card in 2013. The National Identity Smart Card (NISC) contains biometric data including the photo and fingerprint of the bearer. The NISC also includes the individual's name, family name, date of birth and place of birth as well as the individual's national ID code, shenasnameh number and digital signature. The NISC is valid for ten years and is also used for receiving government benefits, health cover, voting in elections and accessing other public services.

'To obtain a NISC, the individual must be over 15; register at an Office for National Organisation of Civil Registration and obtain a tracking code; be photographed and have fingerprints taken; and provide an original shenasnameh along with a National ID card (where previously issued).

'Old National Identify cards remain in circulation and are being replaced by National Identity Smart Cards as they expire.'¹³⁴

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22.2 Birth certificates

22.2.1 The 2016 DFAT Report:

'The shenasnameh is a small book (passport style) issued to all Iranians. Hospitals issue birth certificates for newborn children. Parents submit these certificates along with their own National Identity Card or shenasnameh to the local Office for the National Organisation for Civil Registration (ONOCR). A child's shenasnameh is then issued by the ONOCR. Where a child is born at home, a doctor's note stating all of the particulars of the child's birth is required for a certificate of birth and subsequent issuance by the ONOCR of a shenasnameh. Birth registration of all children is compulsory and must occur within 15 days of birth. A minor's shenasnameh does not contain a photo but an adult's does. A minor's shenasnameh is re-issued with a photo when they reach the age of 15, at the same time they are issued with their national identify card.

'The first page is the inside of the cover page and includes the bearer's fingerprint. The second page contains a photo, the names of the bearer's parents, the date and place of birth, the location where the shenasnameh was issued, and the name of the issuing officer and serial number. The third page contains information on the bearer's marriage(s), divorce(s) and details of the bearer's children.

'The latest shenasnameh, which contains a digitalised photograph, was introduced in 2013 at around the same time as the National Identity Smart Card. If a person loses their shenasnameh, the replacement features a diagonal printing across the centre of all pages of 'duplicate' and a new date of issuance is printed. To obtain a replacement shenasnameh, a person

¹³⁴ Australian Department for Foreign Affairs and Trade, 'Country Report for 2016' (section 5.37-5.42), 21 April 2016, available on request. Accessed: 4 October 2017.

must attend the national Organisation for Civil Registration and produce an identity or official document such as a passport or national identity card that bears their photograph. An affidavit of identity must also be adduced.¹³⁵

- 22.2.2 US Department of State Bureau of Consular Affairs noted in their section on visas that 'Birth or baptismal certificates emanating from ecclesiastic authorities of the church to which non-Moslem applicants belong are frequently of doubtful value.'¹³⁶

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22.3 Marriage/divorce certificates

- 22.3.1 US Department of State Bureau of Consular Affairs noted in their section on visas that:

'The Bureau of Affairs Concerning Documents (Eiarech Ommor Asnad) in the Ministry of Justice assigns notary publics (daftare asnade rasmy) to register divorces and marriages for Muslims and those who practice recognized minority religions (Christianity, Judaism, Zoroastrianism). Marriage and divorce certificates can only be obtained by the current/former parties to the marriage. In addition to marriages and divorces having their own documentation, they should be recorded in both parties' identity certificates (shenasnameh). Amended identity certificates that indicate an individual's correct marital status can be obtained.

'Iranian temporary marriages (ezdevaje sigheh or ezdevaje movaghat) are religious marriages that are entered into for a specific period of time. These marriages are performed by ecclesiastical authorities and are not registered with the Bureau of Affairs Concerning Documents.

'Divorces are handled by the Family Protection Court (Dadgah Hemayate Khanevadeh) of the Ministry of Justice. If the court determines that the couple cannot reside together successfully, it issues a certificate of incompatibility (madrake adame sazeshe). This document is then presented to the Marriage and Divorce Bureau (Eiarech Ommor Asnad), which issues a divorce decree.'¹³⁷

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23. Forged documents

23.1 Availability of forged documents

- 23.1.1 The 2016 DFAT Report noted 'Key Iranian identification documents (a birth booklet known as the shenasnameh and National Identity card) are safeguarded by sophisticated security features and would be difficult to manufacture for fraudulent use. It might be possible to obtain a genuine

¹³⁵ Australian Department for Foreign Affairs and Trade, 'Country Report for 2016' (section 5.43, 5.44 & 5.45), 21 April 2016, available on request. Accessed: 4 October 2017.

¹³⁶ US Department of State- Bureau of Consular Affairs, Visas section, (Identity card) <https://travel.state.gov/content/visas/en/fees/reciprocity-by-country/IR.html>. Accessed: 4 October 2017.

¹³⁷ US Department of State- Bureau of Consular Affairs, Visas section, (Marriage, Divorce Certificates) <https://travel.state.gov/content/visas/en/fees/reciprocity-by-country/IR.html>. Accessed: 4 October 2017.

identification document with the intention of impersonating another person, but sophisticated border control procedures would make it difficult to use in order to leave Iran.¹³⁸

- 23.1.2 An Iranian legal expert identified and contacted on behalf of the Home Office by the FCO in Iran, stated in a March 2017 report (the 2017 legal expert report) that:

‘The frequency of forgery and producing (i.e. use or abuse of fraudulent papers) fraudulent documents in general (although two different counts under the Iranian penal law) is high in Iran either because the penalty is not adequately intimidating or the gains are rewarding enough to justify the enterprise and the risks associated with it. In reality many people easily get off the hook in total or quasi-impunity so much so that the general temptation could be that forgery pays off.

‘The crime of forgery encapsulates a wide spectrum of documents in wide use as well as different motivations. [...] such as the case of high profile football players who had engaged, like many other draft dodgers, in fraud to evade compulsory public conscription [...] poorly remunerated civil servants or other employees who seek at all costs to produce a higher education certificate to get a pay rise and win better chances of promotion [...] others are eager to take the risk to be able to show off or ‘improve’ their social standing by just showing off through relying on a higher education diploma. That is the case with many politicians and industrialist[s,] the most notorious of which was the case of the ex-minister of the interior and IRGC high-ranking officer Ali Kordan [...] that led to introduction of the word “Kordanize” [...] and its coined derivatives [...] after he released a counterfeit honorary doctorate from no less than University of Oxford which was found replete with misspellings, typing errors and had a garbled English believed to be unimaginable to have been drafted by any even unsophisticated native English speaker, let alone be undersigned by three renowned chairs of law at such a prestigious establishment.

Cases like the above are over-abundant and the foregoing was just the tip of the iceberg specially when the counterfeit document is intended to be released to an audience outside Iran (such as immigration authorities) as the forger or party standing to benefit from its release (rightly) believes that there is a greater chance of success and a reduced risk of any legal hassle. Thus, in the Iranian press, you can find everyday stories of organized gangs or one-man forgery enterprises having been dismantled and brought to trial or people found to have been practicing as a family doctor or even a specialist or as a barrister or solicitor in small towns and villages but also large cities for years with subsequent discovery that they just had a secondary education diploma or even less than that or still forgers (using state- of the art technology such as sophisticated scanners and laser color printers or latest versions of such software as Photoshop or Corel Draw) having succeeded in selling off other people’s properties by releasing a counterfeit

¹³⁸ Australian Department for Foreign Affairs and Trade, ‘Country Report for 2016’ (section 5.37), 21 April 2016, available on request. Accessed: 4 October 2017.

title deed or a tampered power of attorney from the owner of record profiting from his residence outside Iran or his staying away from the locality ...'¹³⁹

- 23.1.3 More information on the increasing demand for forged documents can be found in the report at located at [Annex A](#).

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23.2 Penal code and penalties for forgery

- 23.2.1 The 2017 legal expert report noted that:

'While the law deals with forgery under Art. 754 et seq. of the Islamic Penal Code of 2013, penalising forgery and use of a forged documents as two separate counts and applying aggravated circumstances when the forger is working for a state institution, the penalty is believed to be far from dissuasive while the statute of limitations (time bar that is not applicable for hodood or qisas crimes), commuting of penalty, conditional release, pardons and amnesties (on a number of grounds such as national or religious occasions) not to speak of even suspended jail terms (in the new law in departure from the previous penal code) or replacing the sentence with alternative punishments if the perpetrator is a first offender and not a habitual criminal or still postponement of entry of a judgement not to speak of overpopulation of prisons with the resulting clear instructions to judges to minimize jail sentences... concur all to neutralize and corrode any deterrent effect that the penalties laid down under those law articles might have or exercise.'¹⁴⁰

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23.3 Procedures for checking documents in Iran

- 23.3.1 The 2017 legal expert report stated that:

'Of course the state has come up with some palliative measures to fight off and remedy effects of such widespread forgery through, inter alia, introduction of security holograms and labels, use of more efficient watermark papers or showing a growing tendency to generalize use of smart ID cards or security token, cryptographic keys, digital signatures (at notaries public or registries such as company registry), embossed or studded seals biometric data such as fingerprint details, tamper resistant material in title deeds and some educational certificates.

'Alongside these security devices and running parallel to them, there is a whole panoply of double checking and verification measures taken by the public or private institution which serve as recipients or envisioned recipients of documents. Thus, universities recheck directly with Education Boards to see whether high school diplomas and other credentials produced by newly enrolled students are authentic; notaries public check online (through an intranet directly linking them to Land Registry Organisations) title deeds released by vendors before proceeding to recording of closing of title; employers in both public and private sectors correspond directly with Public

¹³⁹ Legal Expert Report, 31 March 2017, available at Annex A.

¹⁴⁰ Legal Expert Report, 31 March 2017, available at Annex A.

Conscription Organisation for confirmation of authenticity of military service discharge or exemption or call up deferment documents produced to them (as employing people with military service liability is penalized)... Even court clerks recheck personal details of barristers at the web site of the bar association to ensure that they are dealing with truly licensed attorneys.¹⁴¹

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23.4 Key features of genuine documents

23.4.1 The 2017 legal expert report stated that:

‘Regarding uniformity of security features contained within court documents in Iran, please note that Iran is a unitary state and not a federal one. This implies absolutely no departure from centrally approved procedures (also forms and templates) and substance (corpus juris to discuss merits of the case) at the initiative of the individual judges or districts and, perhaps, to the detriment and prejudice of individual innovation as the practise predicates a monotonousness which best characterizes it in a marked and sharp difference from common law states, uniformity: same Persian word processing software used by courts all over Iran, same font, same page, setup, same margins and borders, same brightness of the paper used to print out court rulings, layout and the whole material presentation inclusive of the various parts (introduction and preamble, main body, closing paragraphs), file processing and identification (allocation of a 16-digit unique code whose first two digits correspond to the Iranian law in which the case is filed by a private party or is opened by public prosecutor’s office such as 96 followed by 14 other digits in reference to cases opened or filed in the current Iranian year of 1396 which corresponds to the period running from 21.03.2017 to 20.03.2018; it is noteworthy that before computerization, case numbers featured or were composed of a combination of 3 elements separated by a slash {/} or a hyphen {-} and representing, respectively relevant year, court bench or chamber number and the case number proper) as well as other minute details (original ruling only to be signed by the judge with true copies, certified by the court clerk, sent out in duplicate for service of process on each litigant in a given adjudication. Again, the process server collects [the] signature of the served party only on one counterpart (which is then sent back to the court and kept on file as proof or record of service) while the process-server himself signs and dates the other counterpart (date as of which statutory deadlines for appeal, payment of costs... run) which he hands over to the served party or close relatives as detailed out under the Iranian Civil Procedure Code on service of process. Thus, no counterpart produced by an asylum applicant can bear his own signature (that counterpart should have gone to court) while no counterpart released by an applicant can omit signature of the process server or his mention of the date of service. It is noteworthy that the same identification system (16-digit numbers) also applies to all other process including arrest warrants, summons (citations). Interim/interlocutory writs...

¹⁴¹ Legal Expert Report, 31 March 2017, available at annex A.

‘...there are no bespoke or customized rules for any municipality or jurisdiction and uniformity is the golden rule that prevails.’¹⁴²

23.4.2 The full legal expert report can be found at [Annex A](#)

23.4.3 See also [Corruption](#)

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24. Healthcare and people with disabilities

24.1 Healthcare

24.1.1 An undated article on UNICEF’s website titled ‘Iran’s Excellent Primary Health Care System’ noted that:

‘Since the revolution of 1979, a Primary Health Care network has been established throughout the country. In rural areas, each village or group of villages contains a Health House, staffed by trained “Behvarz” or community health workers – in total, more than 17,000, or one for every 1,200 inhabitants. These Health Houses, which constitute the basic building blocks for Iran’s health network, are the health system’s first point of contact with the community in rural areas.

‘In addition, Rural Health Centers were put in place. They include a physician, a health technician and an administrator, and deal with more complex health problems. On average, there is one Rural Health Center per 7,000 inhabitants. In urban areas, similarly distributed urban health posts and Health Centers have been established. The whole network is managed and administered through District Health Centers, answerable to the Ministry of Health and Medical Education. The universities of medical sciences, of which one exists in each province, play an important role in medical education and in the provision of health services. The Chancellor of the university as executive director of the provincial health services is also in charge of all district health centers and hospitals.

‘Iran has fairly good health indicators. More than 85 per cent of the population in rural and deprived regions, for instance, has access to primary health care services. The infant mortality rate is 28.6 per 1,000 live births; under-five mortality rate is 34 per 1,000 and maternal mortality rate is 25 per 100,000 live births.

‘Despite having a proper and elaborate system in place, Iran, however, has not been able to keep pace with the rapidly changing demographic developments. Rural areas in some parts of the country are not fully covered and health centers are inadequately equipped to meet community needs.’¹⁴³

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24.2 People with disabilities

24.2.1 In August 2015 BBC News reported:

¹⁴² Legal Expert Report, 31 March 2017, available at Annex A.

¹⁴³ UNICEF, ‘Iran’s Excellent Primary Health Care System’, undated, https://www.unicef.org/iran/media_4427.html. Accessed: 22 August 2017.

‘There are around three million people in Iran living with "acute" physical and mental disabilities, according to figures quoted by the country's Minister of Labour and Social Welfare Ali Rabiei in a speech in 2014.

‘Of these as many as 700,000 are under 25 and another 400,000 are veterans of the Iran-Iraq war in the 1980s.

‘But campaigners for disabled rights say the number of Iranians living with less severe disabilities could be as high as 10 million.

‘Even in the capital, Tehran, it is clear there is still a long way to go. Few public buildings are fully accessible and it is rare to see ramps, lifts, wheelchair-accessible public transport or disabled parking spots and toilets.

‘In March 2015, the government allocated \$5m (£3.25m) to make Tehran's roads and pavements easier and safer for disabled people to use.

Mohammad, who runs a disability support group in the city, contacted BBC Persian to say he was unimpressed with the results so far.

The Tehran Metro was recently lambasted by the head of the capital's Society for the Protection of People with Disabilities, Ali Hemmat Mahmoudnejad, for its lack of disabled access. He also criticized local train services for failing to provide lifts, designated areas on trains, and discounted tickets for passengers with disabilities.’¹⁴⁴

24.2.2 The USSD report for 2016 noted that:

‘The law generally prohibits discrimination by government actors against persons with disabilities but the law does not apply to private actors. No information was available regarding authorities' effectiveness in enforcing the law. Electoral 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 located in urban areas and unable to meet the needs of the entire population.

‘The State Welfare Organization of Iran, under the Ministry of Cooperation, Labor, and Social Welfare, is the principal governmental agency charged with protecting the rights of persons with disabilities. It was founded in 1980 to assist persons with disabilities and disadvantaged persons financially and through support to 16 government entities. In addition to supporting low-income groups, it is charged with trying to prevent physical disabilities and support rehabilitation.

‘The law provides for public accessibility to government-funded buildings, and new structures appeared to comply with the standards in these provisions. 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

¹⁴⁴ BBC News, ‘Disabled push for a better life in Iran’, 29 August 2015, <http://www.bbc.co.uk/news/world-middle-east-34071843>. Accessed: 22 August 2017.

disabilities had limited access to informational, educational, and community activities.’¹⁴⁵

24.2.3 In April 2017 the Committee on the Rights of Persons with Disabilities issued its Concluding observations on the initial report of the Islamic Republic of Iran which noted its concern, inter alia, about:

‘The absence of a definition of disability-based discrimination, including denial of reasonable accommodation as a form of it;

‘Multiple and intersectional discrimination against persons with disabilities in particular persons with psychosocial and/or intellectual disabilities, and discrimination against persons perceived to have a disability, including on the grounds of gender identity and sexual orientation, being forced to undergo medical treatment;

‘The Committee is concerned about multiple and intersectional discrimination faced by women and girls with disabilities, including several forms of gender-based violence against them, as well as the absence of public policies aimed at ensuring their development, advancement and empowerment.

‘The lack of information about plans to ensure accessibility in rural areas;

‘The lack of information about plans to ensure accessibility to services and buildings including schools, medical facilities and workplaces and on how representative organizations of persons with disabilities are consulted in the development of measures to accomplish accessibility.

‘The denial of access to justice to persons deprived of their legal capacity;

‘The Committee is concerned that persons with disabilities can be detained in institutions, such as hospices, rehabilitation, and care centers on the basis of impairment. The Committee is concerned that having a psychosocial and/or intellectual impairment is a reason for not standing trial and being subjected to detention in psychiatric hospitals, in the context of criminal procedures.

‘The Committee notes with concern that persons with psychosocial and/or intellectual disabilities could be subjected to forced sterilization at the request of third parties, including guardians.

‘The absence of strategies to provide all persons with disabilities access to health services;

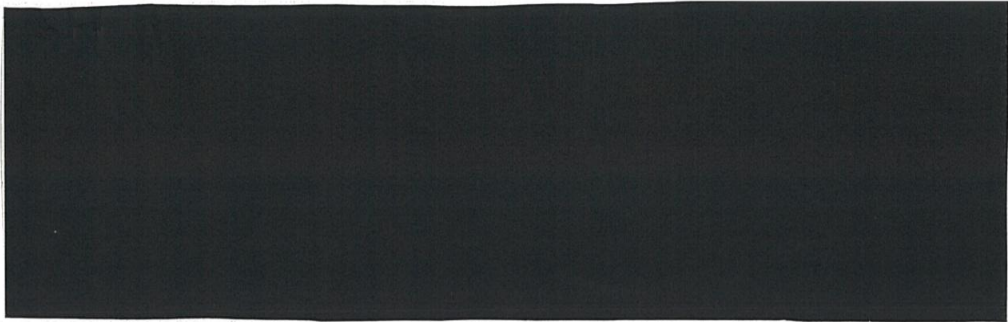
‘The absence of information about accessible information and equipment including gynecological services for women with disabilities;

‘The lack of health insurance beyond basic one for persons with disabilities who do not qualify as ‘war disabled veterans’ and/or martyrs.’¹⁴⁶

¹⁴⁵ US Department of State, ‘Country Reports on Human Rights Practices for 2016’ (section 6), 7 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Accessed: 22 August 2017.

¹⁴⁶ UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of the Islamic Republic of Iran, 12 April 2017 (paragraphs 12, 14, 20, 28, 30, 36, 48) http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fIRN%2fCO%2f1&Lang=en Accessed: 18 October 2017

Annex A: Legal expert report



UK Visas & Immigration
C/O British Embassy, Tehran
Ferdowsi Street, Tehran 11

Tehran 31 March 2017

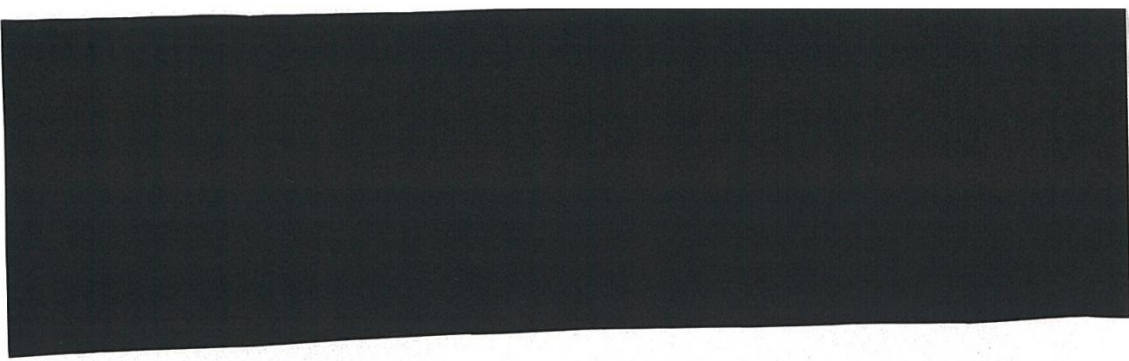
Dear Sirs ,

Pursuant to your instructions contained in your mail of 19.002.2017 followed by hand-delivered hard copy received at my office and the ensuing exchanges of mail with [REDACTED] regarding widespread availability of fraudulent documentation in Iran (including outside court rooms), please be apprised as follows:

Indeed, the frequency of forgery and producing (i.e. use or abuse of fraudulent papers) fraudulent documents in general (although two different counts under the Iranian penal law) is high in Iran either because the penalty is not adequately intimidating or the gains are rewarding enough to justify the enterprise and the risks associated with it. In reality, many people easily get off the hook in total or quasi-impunity so much so that the general temptation could be that forgery pays off. Hence the willingness and temptation are extremely high in Iran especially after the 1979 Islamic Revolution and the eight-year war with Iraq that followed it and the socio-economic dislocation that the two events entailed.

The crime of forgery encapsulates a wide spectrum of documents in wide use as well as different motivations. While for some forgers (or ordering parties of counterfeit documents), presentation of their "customized" document is a matter of life and death and they are desperate to get through one way or the other with the forged document (such as the case of high profile football players who had engaged, like many other draft dodgers, in fraud to evade compulsory public conscription and whose case was highlighted in the press and social media some two or three years ago or poorly-remunerated civil servants or other employees who seek at all cost to produce a higher educational certificate to get a pay rise and win better chances of promotion and advancement in the organization), many others are eager to take the risk to be able to show off or "improve" their social standing by just showing off through relying on a higher educational diploma. That is the case with many politicians and industrialists the most notorious of which was the case of the ex-minister of the interior and IRGC high-ranking officer Ali KORDAN (https://en.wikipedia.org/wiki/Ali_Kordan) that led to introduction of the word "Kordanize" (cf. <http://www.urbandictionary.com/define.php?term=Kordanize>) and its coined derivatives such as kordan kordanification kordanophobia kordanism kordanic kordanicly.... after he released a counterfeit honorary doctorate from no less than University of Oxford which was found replete with misspellings, typing errors and had a garbled English believed to be unimaginable to have been drafted by any even unsophisticated native English speaker, let alone be undersigned by three renowned chairs of law at such a prestigious establishment.

Cases like the above are over-abundant and the foregoing was just tip of the iceberg specially when the counterfeit document is intended to be released to an audience outside Iran (such as immigration authorities) as the forger or the party standing to benefit from its release (rightly) believes that there is a greater chance of success and a reduced risk of any legal hassle. Thus, in the Iranian press, you can find everyday stories of organized gangs or one-man forgery enterprises having been dismantled and brought to trial or people found to have been practicing as a family doctor or even a specialist or as a barrister or solicitor specially in small towns and villages but also large cities for years with subsequent discovery that they just had a secondary education diploma or even less than that or still forgers (using state-of-the-art technology such as sophisticated scanners and laser color printers or latest versions



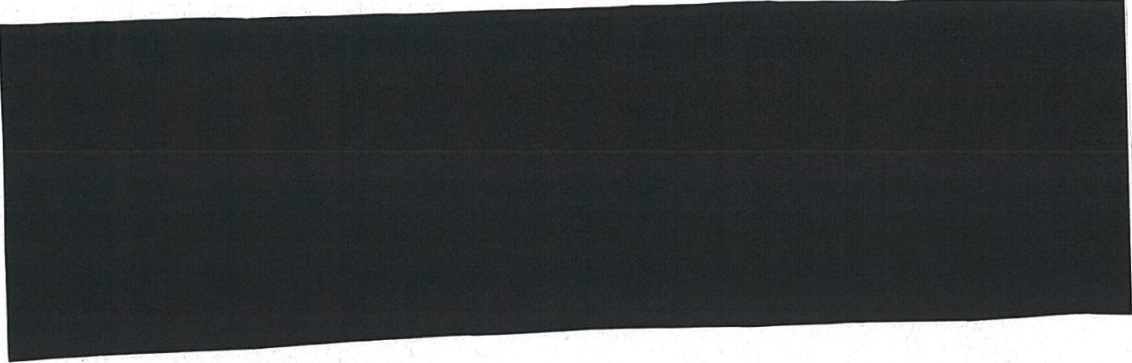
of such software s as Photoshop or Corel Draw) having succeeded in selling off other people's properties by releasing a counterfeit title deed or a tampered power of attorney from the owner of record by profiting from his residence outside Iran or his staying away from the locality (Cf. inter alia articles appearing on page 3 of Etellaat morning daily ,issue dated 01.10.1394 or 22.12.2015 quoting deputy minister of education acknowledging that his organization had to face organized forgery of educational certificates or still article published ibid i.e. in Etellaat newspaper, issue dated 10.09.1394 corresponding to 01.12.2015 on page 13 quoting General Mohammadi , Head of Tehran Criminal Investigation Police ,disclosing widespread release of counterfeit medical prescriptions by phony doctors)

While the law deals with forgery under Art. 745 et seq. of the Islamic Penal Code of 2013, penalizing forgery and use of a forged documents as two separate counts and applying aggravated circumstances when the forger is working for a state institution, the penalty is believed to be far from dissuasive while the statute of limitations (time bar that is not applicable for *hodoood* or *qisas* crimes), commuting of penalty, conditional release , pardons and amnesties (on a number of grounds such as national or religious occasions) not to speak of even suspended jail terms (in the new law in departure from the previous penal code) or replacing the sentence with alternative punishments if the perpetrator is a first offender and not a habitual criminal or still postponement of entry of a judgement not to speak of overpopulation of prisons with the resulting clear instructions to judges to minimize jail sentences ... concur all to neutralize and corrode any deterrent effect that the penalties laid down under those law articles might otherwise have or exercise.

Of course the state has come up with some palliative measures to fight off and remedy effects of such widespread forgery through, inter alia, introduction of security holograms and labels, use of more efficient watermark papers or showing a growing tendency to generalize use of smart ID cards or security token, cryptographic keys, digital signatures (at notaries public or registries such as company registry), embossed or studded seals, biometric data such as fingerprint details, tamper resistant material in title deeds and some educational certificates etc..

Alongside these security devices and running parallel to them, there is a whole panoply of double checking and verification measures taken by the public or private institution which serve as recipients or envisioned recipients of documents. Thus, universities recheck directly with Education Boards to see whether high school diplomas and other credentials produced by newly enrolled students are authentic; notaries public check online (through an intranet directly linking them to Land Registry Organization) title deeds released by vendors before proceeding to recording of closing of title; employers in both public and private sectors correspond directly with Public Conscription Organization for confirmation of authenticity of military service discharge or exemption or call up deferment documents produced to them (as employing people with military service liability is penalized)Even court clerks recheck personal details of barristers at the web site of the bar association to ensure that they are dealing with truly licensed attorneys.

Back to the main theme of our report i.e. purported court documents released specially outside Iran and as pointed out above as historical background to the emergence or unprecedented expansion of forgery industry , the 1979 revolution and the protracted armed conflict that erupted with Iraq almost immediately (in an interval of less than two years right after) brought above drastic social upheavals top among which was a redistribution of wealth (at the



expense of the middle classes and further pauperization of the lower social classes and, in short, wage earners including civil servants and to the benefit of bazar merchants or even more modest shopkeepers and other self-employed). This phenomenon coupled with the cultural cleavage and rift that drove away and alienated the elite but also wide segments of Iranian population unhappy with "islamization" (or perceived and presented as such) of the whole life, brought many of them to explore and espouse the idea of emigration and definite settlement outside Iran. And not all of such prospective or would be emigrants were skilled or rich enough to be greeted and welcomed in such host nations as USA, Canada, Australia, New Zealand or could otherwise qualify for facilities offered by such states to minorities through such organizations dedicated to refugees as HIAS, UNHCR or friendly association of certain religious or ethnic minorities.

This gave rise to or seriously whipped up demands for counterfeit documents likely to be invoked or relied upon to justify application for protection and shelter outside Iran by those groups of either genuinely disgruntled or economically hard pressed segments seeking better life for themselves and desperate to ensure less gloomy prospects to their children overseas which demands were initially met by those "nouveaux pauvres" among the civil servants driven to despair and unable to make both ends meet at the end of the month. Thus, it was from inside the courtrooms or the office of court clerks that the first blank court ruling stationery, arrest warrants, interrogation forms... were smuggled out to be then filled in and tailored to specific needs of ultimate beneficiaries and this outside the court room by professional forgers or by the emigration applicants themselves. However, by and by, professional forgers felt that they had a sufficient number of copied blanc material in their arsenal to dispense with court room insider collaborators or accomplices and to rely on their own "expertise". At the same time, internal surveillance and checking apparatus within the judiciary was showing growing awareness in reaction to such complicity and was determined to crack down on such leaks and practices.

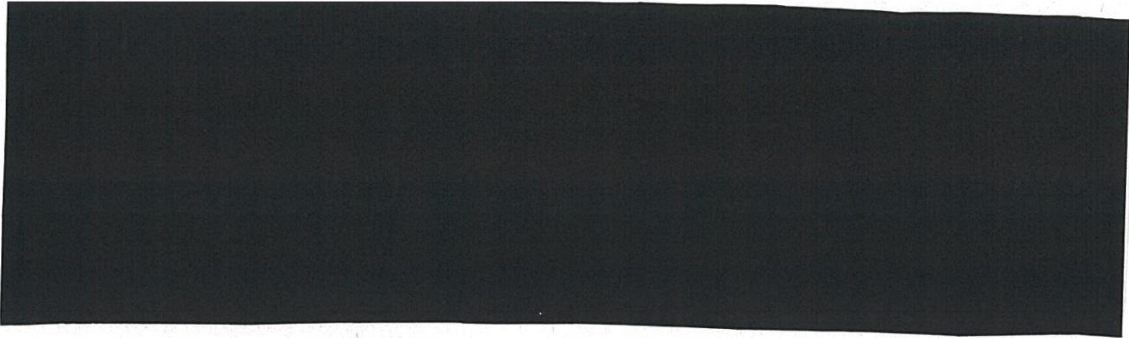
This growing tendency to "self-sufficiency" of forgers was helped by the introduction of computers in the 1990s or thereabouts (with the precise date depending on the location of the courts involved with larger cities preceding small towns in the move towards computerization) and the old typewriter written judgments and writs were gradually scrapped and shelved. Generalization of personal computers and, specifically, introduction of certain software such as Photoshop allowed greater degree of flexibility to cope with increasing demands and also room to display their fraud expertise and modus operandi. Regarding Iranian successive waves (in reaction to the socio-economic conjuncture back at home in Iran) of protection emigration, one should say that the first countries falling victim of such fraudulent documents were those of Scandinavia (basically Sweden but also Denmark and, to a smaller scale, Norway) where the social welfare program and proliferation of refugee associations or holding themselves out as such were found attractive and also of great help by many Iranian candidates for emigration. However with these Scandinavian states reception and accommodation capacities running by and by over-stretched beyond their reasonable capacity and as a result of emergence of xenophobic or openly racist organization in these Scandinavian states, some also left for countries farther to the south in West and Central Europe (France, the Netherlands basically but also Germany and Austria in Central Europe). Thus, people speaking not a word of Kurdish or Arabic or perfectly heterosexual or entertaining no extramarital affairs in Iran were able to accede to the status of refugees (and for some even nationality of the host country through marriage or otherwise) by claiming affiliation with ethnic minorities or seeking protection as LGBT or claiming death threats purportedly received from a cheated husband or an over-zealous father or brother of their mistress due to an extramarital affair. The same holds true regarding affiliation with Baha'i religion (not enjoying recognition in the Constitution and indeed deprived of many civic rights) without the asylum authority bothering to seek authenticity of their affiliation or claims of being militants or activists of certain banned and outlawed organizations while, in reality, they could be at best qualified as mere sympathizers with no exposure to any risk whatsoever arising from such sympathies. However, they were able to apply successfully for refugee status by posting their photos or names on dubious bespoke weblogs or in other social media and thus put the immigration and

asylum authority before the fait accompli by claiming irreversibility of such public announcements and tweets while many of them did not (or still do not) have the required political awareness or consciousness and could be at best characterized , to use a defunct Marxism terminology, as *lumpenproletariat*..

At the same time, while existence of genuine asylum seekers applying bona fides for refugees status and genuinely seeking protection from persecution cannot be denied (such as religious minorities not recognized in the constitutions and of course genuine LGBTs) ,there are persistent allegations (not independently checked or verified) and all sorts of wild rumors and reports in the Iranian pro-governmental press claiming to be based on confessions made by the asylum seekers that there are paid "clinics" or bespoke surgeries (reportedly in South-East Turkey) where applicants for asylum status in Europe are put under localized or general anesthesia before wounds are inflicted on them to develop ecchymosis , hematoma and cicatrices in support of claims of undergoing torture in Iran or other Near Eastern countries.

Coming to your question regarding Ministry of Justice, please note that it has purely administrative functions (such as allocation of budget) and has nothing to do with administration of justice which is left to the care of the judiciary whose head, as head of one of the three separate powers (Cf. Art. 57 of the Iranian Constitution) , is appointed by the supreme leader of Iran while minister of justice is named by the head of state (president). Accordingly, apart from two or three websites catering to the whole nation for service of process and filing online petitions and complaints as well as for information and updating of lawyers and public at large who are in possession of the indispensable user name and password to log in (cf. <http://sakha3.adliran.ir/> or <http://sana.adliran.ir/>), there are no websites covering nationwide the whole justice apparatus in Iran.. In other words, each judicial complex or district has its own databank or database accessible only to judges and court clerks within that particular judicial complex or ,in some cases, district. Thus, there is (so far at least) no central nationwide database for civil cases while penal records database (on the basis of which police clearance certificates are released) is only accessible to prosecutors, police and other authorities within the security and intelligence apparatuses.

Regarding uniformity of security features contained within court documents in Iran, please note that Iran is a unitary state and not a federal one. This implies absolutely no departure from centrally approved procedures (also forms and templates) and substance (corpus juris to discuss merits of the case) at the initiative of individual judges or districts and, perhaps, to the detriment and prejudice of individual innovation as the practice predicates a monotonousness which best characterizes it in a marked and sharp difference from common law states, uniformity: same Persian word-processing software used by courts all over Iran, same font, same page setup, same margins and borders, same brightness of the paper used to print out court rulings, layout and the whole material presentation inclusive of the various parts (introduction and preamble, main body, closing paragraphs), file processing and identification (allocation of a 16-digit unique code whose first two digits correspond to the Iranian law in which the case is filed by a private party or is opened by public prosecutor's office such as 96 followed by 14 other digits in reference to cases opened or filed in the current Iranian year of 1396 which corresponds to the period running from 21.03.2017 to 20.03.2018; it is noteworthy that before computerization, case numbers featured or were composed of a combination of 3 elements separated by a slash (/) or a hyphen (-) and representing ,respectively, relevant Iranian year, court bench or chamber number and the case number proper) as well as other minute details (original ruling only to be signed by the judge with the true copies , certified by the court clerk, sent out in duplicate for service of process on each litigant in a given adjudication . Again ,the process server collects signature of the served party only on one counterpart (which is then sent back to court and kept on file as proof or record of service) while the process-server himself signs and dates the other counterpart (date as of which statutory deadlines for appeal, payment of costs... run) which he hands over to the served party or close relatives as detailed out under the Iranian Civil Procedure Code on service of process. Thus, no



counterpart produced by an asylum applicant can bear his own signature (that counterpart should have gone to court) while no counterpart released by an applicant can omit signature of the process server or his mention of the date of service .It is noteworthy that the same identification code system (16-digit numbers) also applies to all other process including arrest warrants, summons (citations), interim /interlocutory writs...

Thus, in a nutshell, there are no bespoke or customized rules for any municipality or jurisdiction and uniformity is the golden rule that prevails. As to clues and other distinctive details which allow you to tell an authentic document from a counterfeit, I should say that you somehow acquire such experience and experience over and through years of practice. Nonetheless, in addition to the aforesaid material presentation, minute details and procedural rules associated with summoning and service of process, it is basically the garbled and stilted language , poor legal reasoning, wrong article numbers ,over harsh punishments (exceeding even what has been provided for in the law book), lack of coherence and consistency, wrong jurisdiction (specially undue reference to revolutionary courts to dramatize the case whereas they are competent only for matters dealing with state security and drugs and not apostasy ,gambling, marital infidelity, sodomy or, in general, solicitation or actual penetrative sex by gays and lesbians, taking liquor or attending "promiscuous" social events and entertainments which are the main reasons cited in support of asylum applications and all of which fall within the scope of competence of ordinary penal courts or even detection of such silly mistakes as wrong shape of seals (ink stamps) or wrong emplacement for signature or still wrong names of judges or article number or producing a court document date of which coincides with a bank holiday in Iran and impossible for a court to hold its session. There is also usually misspelling specially in regards to legal terminology and boilerplate legalese expression all the more so as they are basically loan words from Arabic (which is the language of the Koran and the Sharia) and which a non-legally literate or poorly literate Iranian is prone to misspell to the same degree and extent that an ordinary British subject or American citizen may misspell legal jargon borrowed from Latin or Greek.

The foregoing was what the undersigned , freshly back from an overseas visit ,could immediately recollect within time constraints (on a remaining last day Iranian new year second batch of protracted public holiday and in the run up to resumption of business on Mon.) as pertinent to elaborate or expound on or in relation with the scope defined in the instructions. Please do feel free (and you will be more than welcome) to get back to me for any additional information or eventual clarification so as to dispel any ambiguity that you may find in my drafting. Thank you.



Version control and contacts

Contacts

If you have any questions about this note and your line manager, senior caseworker or technical specialist cannot help you, or you think that this note has factual errors then [email the Country Policy and Information Team](#).

If you notice any formatting errors in this note (broken links, spelling mistakes and so on) or have any comments about the layout or navigability, you can [email the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **12 December 2017**

Changes from last version of this note

Updated country information and inclusion of expert report on forged documents.

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